



July 2, 2025

Via electronic mail

Constitution Pipeline Company, LLC
Attn: Glen Jasek, Vice President
2800 Post Oak Boulevard, Level 17
Houston, TX 77056
Glen.Jesak@williams.com

RE: Notice of Incomplete Application (NOIA)
Constitution Pipeline
DEC #0-9999-00181/00029
FERC Dockets CP18-5 & CP13-499
Multiple Towns in Broome, Chenango, Delaware, and Schoharie Counties

Dear Glen Jasek,

On May 30, 2025, the New York State Department of Environmental Conservation (NYSDEC) received a Joint Application Form (Application) package from the Constitution Pipeline Company, LLC, being a wholly owned indirect subsidiary of The Williams Companies, Inc. (Applicant), for the Constitution Pipeline Project (Project). The Project, as proposed, consists of the construction of approximately 99 miles of new natural gas pipeline within several counties in New York State. On June 12, 2025, NYSDEC received a request from the Applicant to extend the date for the NYSDEC's notice of its determination of completeness or incompleteness for the Application until July 2, 2025. In support of this extension, the Applicant stated it anticipated submitting supplemental information and clarifications to NYSDEC to facilitate its review of the Application. The NYSDEC has not received any additional information from the Application and, as such, this Notice is based solely on NYSDEC's review of the Application as submitted on May 30, 2025.

NYSDEC has determined the following required information is missing and must be submitted in order to determine that the Application is complete. This information must be submitted to the Department by August 15, 2025.

General Requirements (Uniform Procedures - 6 NYCRR Part 621)

1. Pursuant to 6 NYCRR § 621.3(a)(1)(iii)(a), (b), and (g), the Application must include plans or drawings with sufficient detail to show the following:
 - (a) existing and proposed conditions, the locations of all existing and proposed structures, any new or modified utilities
 - (b) the limits of all site disturbance and grading; and

(g) all information that may be required on plans or drawings in specific program implementing regulations.

2. Pursuant to 6 NYCRR § 621.3(a)(1)(vi), landowner permission for NYSDEC staff to access the Project must be provided. Provide a list of all the landowners that are crossed by the Project, including their name, addresses, and what permissions have been secured.
3. Pursuant to 6 NYCRR § 621.3(a)(4) when a project requires multiple NYSDEC permits, all applications must be submitted simultaneously, or the applicant must demonstrate to NYSDEC's satisfaction that there is good cause not to do so. Other NYSDEC permits may be required for the Project as described herein.
4. Pursuant to 6 NYCRR § 621.3(a)(7), an application must satisfy the requirements of 6 NYCRR 617 and a complete application must contain a negative declaration or a draft environmental impact statement (DEIS). Since the Federal Energy Regulatory Commission (FERC) is the lead agency for the environmental review of interstate natural gas pipelines under the federal Natural Gas Act, the federal environmental review process conducted by FERC pursuant to NEPA takes the place of an environmental review conducted under the State Environmental Quality Review Act. A draft EIS prepared pursuant to NEPA is required to satisfy the requirements of 6 NYCRR 621.3(a)(7).
5. Pursuant to 6 NYCRR § 621.3(a)(11), an applicant must provide an analysis to explain whether the project will be inconsistent with, or will interfere with, the attainment of statewide GHG emission limits as established in Article 75 of the Environmental Conservation Law (ECL) and reflected in 6 NYCRR Part 496. An application is incomplete until such analysis is provided to NYSDEC. Please refer to the procedures described in DAR-21, entitled "The Climate Leadership and Community Protection Act and Air Permit Applications (DAR-21)" (https://extapps.dec.ny.gov/docs/air_pdf/dar21.pdf) when providing this analysis.
6. Pursuant to 6 NYCRR § 621.3(a)(12) applicants are required to demonstrate that climate hazards, such as, but not limited to, sea-level rise, storm surge, and flooding, have been considered in project design. Please refer to NYSDEC's website for further information: when demonstrating how the Project complies with the Community Risk and Resiliency Act (CRRA), and Section 9 of the Climate Leadership and Community Protection Act (CLCPA).
7. 6 NYCRR § 621.3(a)(13) requires NYSDEC to consider environmental justice concerns in permitting decisions and provide enhanced public participation opportunities. As such, an applicant is required to provide the following information:
 - (a) an enhanced public participation plan and written certification of its completion; and

(b) additional information deemed necessary by the department to evaluate greenhouse gas and co-pollutant impacts on the identified disadvantaged communities pursuant to Section 7(3) of CLCPA.

Article 15 Protection of Waters (6 NYCRR Part 608)

8. Pursuant to 6 NYCRR § 621.4(a)(1)(i), a complete application for a *Use and Protection of Waters Permit, ECL Article 15, Title 5* (6 NYCRR Part 608) must include a plan, profile, and cross section drawings of the Project. Considering the proposed number and variety of crossings of state protected waterbodies, typical drawings do not provide sufficient detail for review. The Application must provide site-specific plan(s), profile(s), and cross-section drawing for each proposed crossing of state protected waterbodies and streams.

Article 24 Freshwater Wetlands (6 NYCRR Part 663 & 664)

9. Pursuant to Article 24 of the ECL (§ 24-0703), for any person proposing to conduct or cause to be conducted a regulated activity involving the use of a pipeline upon any freshwater wetland, such application shall include the name of the insurance company covering such proposed activity, the amount of coverage, and what is covered under the plan using the NYSDEC Supplement FW-1 form, available on our website at <https://dec.ny.gov/sites/default/files/2023-12/fw1supplement.pdf>. A completed Supplement FW-1 form must be submitted.
10. The New York State Legislature passed legislation amending Section 70-0117 of the ECL (Uniform Procedures Act) to require application fees for certain regulated activities requiring a permit from NYSDEC. Effective January 1, 2023, a \$1,000 application fee is required for all Article 24 Freshwater Wetlands permit applications involving new commercial or industrial structures or improvements. Payment must be received before NYSDEC can issue a permit decision, and additional guidance can be found on our website at <https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/freshwater-wetlands>.
11. The Application includes a Wetland Delineation Report that was last updated in August 2015 and is no longer valid. Effective January 1, 2025, 6 NYCRR Part 664, *Freshwater Wetlands Mapping and Classification to Freshwater Wetlands Jurisdiction and Classification*, was amended to define key terms, describe the revised freshwater wetland classification system, present criteria for the identification of Wetlands of Unusual Importance, and describe procedures NYSDEC uses in making jurisdictional determinations to enhance consistency and conservation. The following information is required for a complete Freshwater Wetlands permit application (below):
 - (a) A Jurisdictional Determination Request, submitted in accordance with the guidance available on our website at

<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>; and

(b) A new wetland boundary delineation validated by NYSDEC.

State Pollutant Discharge Elimination System (6 NYCRR Part 750)

12. Part I.A.8.a of NYSDEC's State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) addresses construction activities that are not eligible for coverage under GP-0-25-001 and for linear utility projects, the criteria include the following:

- i. are within the watershed of surface waters of the State classified as AA or AA-S, identified utilizing the Stormwater Interactive Map on NYSDEC's website; and
- ii. are undertaken on land with no existing impervious cover; and
- iii. disturb two (2) or more acres of steep slope.

The Application must be revised to explain whether the Project will meet or exceed the criteria referenced in Part I.A.8.a. If the Project is determined to be an ineligible construction activity, an application for an individual SPDES Permit for Stormwater Discharges to surface waters of the State must be submitted and all required documentation, including a draft Stormwater Pollution Prevention Plan (SWPPP), must be submitted. All necessary application forms can be found on our website at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits/forms-requirements>.

13. Pursuant to Part VII.G of GP-0-25-001, NYSDEC may require authorization under an individual SPDES permit. Cases where an individual SPDES permit may be required include, but is not limited to, the following:

- (a) the owner or operator is not in compliance with the conditions of GP-0-25-001 or does not meet the requirements for coverage; and
- (b) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source; and
- (c) new effluent limitation guidelines or new source performance standards are promulgated that are applicable to point sources authorized to discharge in accordance with GP-0-25-001; and
- (d) existing effluent limitation guidelines or new source performance standards that are applicable to point sources authorized to discharge in accordance with GP-0-25-001 are modified; and
- (e) a water quality management plan containing requirements applicable to such point sources is approved by NYSDEC; and
- (f) circumstances have changed since the time of the request to be covered so that the owner or operator is no longer appropriately controlled under GP-0-25-001, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary; and
- (g) the discharge is in violation of section 17-0501 of the ECL; and

(h) the discharge(s) is a significant contributor of pollutants. In making this determination, NYSDEC may consider the following factors:

- i. the location of the discharge(s) with respect to surface waters of the State; and
- ii. the size of the discharge(s); and
- iii. the quantity and nature of the pollutants discharged to surface waters of the State; and
- iv. other relevant factors including compliance with other provisions of ECL Article 17, or the CWA.

Threatened or Endangered Species (6 NYCRR Part 182)

14. The following State and federal threatened or endangered species were determined to be near or within the Project right-of-way (ROW):

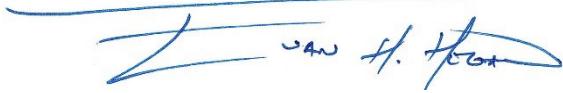
- Northern long-eared bat (NYS and federally Endangered)
- Bald eagle (state threatened)
- Wood turtle (NYS Special Concern)
- Hellbender (NYS Special Concern)
- Freshwater mussels, including the green floater, a NYS threatened and proposed federally threatened species, and potentially others
- Timber rattlesnake (NYS threatened; occurrence within 1-mile, suitable habitat may be present in ROW)
- Grassland birds (no mapped occurrences in ROW, but fields greater than 25 acres may host listed species)

Since the occupied habitat of threatened or endangered species is subject to change over time and the last consultation request was submitted to NYSDEC in 2015, a new consultation request must be submitted to determine if the Project may potentially result in the take of any listed species. Consultation with the New York Natural Heritage Program is recommended to obtain updated mapped occurrences of tracked species and natural communities in the vicinity of the project. Additional surveys of certain threatened or endangered species, or on-site monitoring during construction, may be requested as NYSDEC continues our review. Prior survey reports must be provided with the Application instead of just being incorporated by reference.

Please provide an itemized response letter and revised Application to address the items outlined in this NOIA by August 15, 2025. Please note that, depending on the substance of the response to this NOIA, NYSDEC may request additional information that is necessary for Application completeness.

If you have any questions, please contact me at Evan.Hogan@dec.ny.gov or Karen Gaidasz, Director of the Bureau of Energy Project Management, at karen.gaidasz@dec.ny.gov.

Sincerely,



Evan H. Hogan
Environmental Analyst III
Division of Environmental Permits
Bureau of Energy Project Management

ecc: NYSDEC Review Team
Adam Labatore, USACE (NAN-2012-00449-ULA)