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Protecting the environment for wildlife in support of the natural world that sustains us all.

September 21, 2026

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Comments of Berkshire Environmental Action Team on the Environmental Assessment for Constitution Pipeline CP13-499-006 and Wright Interconnect Project CP13-502-003

Dear Secretary Reese,

Berkshire Environmental Action Team (BEAT) is a 501(c)3 organization with a mission to protect the environment for wildlife in support of the natural world that sustains us all. BEAT advocates for safe, clean, accessible energy for all and opposes toxic, dangerous fossil fuel infrastructure, including fracked gas pipelines, compressor stations, meter stations, LNG facilities, and expansions of local gas systems.

Thank you for the opportunity to comment on the Environmental Assessment for Constitution Pipeline Project (CP13-499-006) and the Wright Interconnect Project (CP13-502-003).

FERC Should Prepare a New or Supplemental Environmental Impact Statement
Changed conditions since the 2014 FEIS and environmental information that remains pending or incomplete raise questions about whether the existing environmental record remains sufficient under FERC's current NEPA procedures. BEAT asks FERC to determine whether the changed conditions, new information, and unresolved environmental issues identified below constitute substantial project changes or significant new circumstances or information warranting preparation of a new or supplemental EIS.

Pending and Incomplete Environmental Information
The EA identifies several categories of environmental information that remain pending or incomplete. Because FERC staff nevertheless recommends a finding of no significant impact (FONSI),[1] BEAT asks FERC to explain how the existing record provides a sufficient basis to evaluate these effects and reach that conclusion before the outstanding information identified below is completed.

[1] *"Based on the analysis in this EA, we have determined that … approval of the Projects would not constitute a major federal action significantly affecting the quality of the human environment. We recommend that the Commission's Order contain a finding of no significant impact."* EA, p. 70

Whether FERC proceeds with the current EA or prepares a new or supplemental EIS, BEAT asks FERC to clearly identify:

- Which findings from the 2014 FEIS remain applicable and the basis for continuing to rely on them
- Which environmental conditions and analyses have been updated and the results of those updates
- Which new conditions, changed circumstances, or incomplete information still require additional analysis or supplementation, such as those listed below.

Biological Surveys

The EA identifies biological surveys, agency consultation, and species-related information that remain outstanding or require additional review.[2] BEAT asks FERC to address the following issues in the current environmental record and require Constitution to:

- Complete the updated timber rattlesnake habitat assessment requested by the Pennsylvania Fish and Boat Commission (PFBC) and identify any avoidance or mitigation measures resulting from that assessment.[3]
- Obtain a current determination from the U.S Fish and Wildlife Service as to whether the 2015 Biological Opinion remains applicable or whether consultation must be reinitiated under current conditions[4]
- Consult with Pennsylvania Department of Environmental Protection (PADEP) and the PFBC on CPP's intended waterbody crossing methods for Starucca Creek and its associated tributaries and wetlands which were upgraded from Cold Water Fishery/Exceptional Value Waters / Migratory Fishes to Special Protection.[5]
- Consult with PADEP and PFBC regarding the proposed waterbody crossing methods for Roaring Run and associated wetlands, which is now classified as a Wild Trout Waters (Natural Reproduction) and Exceptional Value.[6]
- Obtain updated surveys where existing biological information is no longer sufficient to evaluate current species or habitat conditions.

FERC must satisfy its applicable ESA §7 obligations before authorizing activities subject to those requirements. BEAT also asks FERC to explain how its current analysis of biological impacts supports the proposed FONSI while the biological surveys and consultations identified above remain unresolved.

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[2] "The 2014 Order included condition no. 32 (see section D) requiring Constitution to not begin construction until the results of all outstanding biological surveys are filed, FERC staff completes ESA consultation with the USFWS, and Constitution receives written notification from the Director of the Office of Energy Projects (OEP) or designee that construction and/or use of mitigation may begin." EA, p. 33

[3] Pennsylvania Fish and Boat Commission, Timber Rattlesnake Conservation; Pennsylvania Fish and Boat Commission, Pennsylvania Native Reptile and Amphibian Species.

[4] U.S. Fish and Wildlife Service, Biological Opinion, Constitution Pipeline Project, Broome to Schoharie Counties, Consultation No. 05E1NY00-2012-F-0298 (Dec. 31, 2015).

[5] EA, p. 24

[6] EA, p. 24

Waterbodies

- BEAT asks FERC to require Constitution to identify the proposed construction method for each major and environmentally sensitive waterbody crossing and explain the basis for the selected method. As of the time of the drafting of the EA, this detailed investigation was still incomplete, pending reinstatement of the Certificate Order. The EA indicates that this information was not complete when the EA was prepared. Constitution stated that waterbody crossing methods would be further investigated and the necessary information submitted following reinstatement of the Certificate Order. 41 additional waterbodies have been identified since the 2014 FEIS.[7]

  > *"According to Constitution, waterbody crossing methods 'will be further investigated, and the necessary information will be submitted following [any such] reinstatement of the Certificate Order.'"* [8]
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  > *"Constitution stated that the previously proposed water withdrawal locations, volumes, and discharge locations are still suitable. However, Constitution would re-evaluate sources, volumes, and discharge locations in consultation with the applicable agencies and obtain all necessary updated permit authorizations."* [9]

- The EA does not indicate that this reevaluation had been completed at the time the EA was issued. BEAT asks FERC to explain how the existing record supports its assessment of water-resource impacts before current withdrawal sources, volumes, and discharge locations have been determined.

- BEAT asks FERC to place completed studies, crossing plans, mitigation measures, and monitoring requirements relevant to its environmental determination in the public record and provide opportunity for meaningful public review before relying on that information in a final environmental determination.

Wetlands

> *"We received several comments requesting updated wetland delineations for the Projects. In accordance with section VI.A.1 of our Procedures (which is included in Constitution's ECP), Constitution would be required to conduct wetland delineations using the current federal methodology and file a wetland delineation report with the Secretary before construction. Field verified data and information on each wetland that would be affected by the Project is required to be submitted to the Commission prior to the start of construction."*[10]

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[7] The 2014 FEIS states that the pipeline project would cross a total of 289 surface waterbodies in the Exective Summary, page 4, while the 2026 EA states that it would cross 330 on page 24. These additional 41 waterbodies are not yet accounted for.

[8] Constitution May 22, 2026 EIR No. 9. FERC Accession Number 20260522-5210, as cited in footnote 72 of the EA.

[9] EA, p. 25

[10] EA, p. 26-27

- Because the updated wetland delineations and field-verified data will not be submitted until before construction, BEAT asks FERC to explain how the existing information is sufficient to evaluate current wetland impacts and support its proposed FONSI.

Geology

"Constitution's contractor identified nine new potential landslide areas since issuance of the FEIS. Constitution has committed to evaluate these areas and file the results of the evaluations and any proposed mitigation measures prior to the start of construction." [11]

- BEAT asks FERC to require completion of the recommended evaluations for the nine potential landslide, erosion, and unstable slope hazard areas identified in the July 2026 geological evaluation commissioned by Constitution.[12]

Table A-2. Recommended Sites for Further Studies

Constitution Pipeline System

Pennsylvania to New York

Mile Post (MP)	Mapped Surficial/ Bedrock Geology	Previous On-The-Ground Reconnaissance	Hazard Type
10.0	Qwt/Dck	Yes	Landslide, Erosion
20.8-20.9	Bedrock/Dck	No	Erosion
21.9	Qwt,Qwic/Dck	Yes	Unstable Slope, Erosion
21.9-22.1	Qwt,Qwic/Dck	Yes	Landslide
30.2-30.5	Qwt/Dck	Yes	Landslide, Erosion
30.7-31.1	Qwt/Dck	No	Landslide
36.7	Qwt/Dck	Yes	Landslide, Erosion
42.5	t/r/Dww	No	Landslide
48.3	t/Ds	No	Landslide

Source: GeoEngineers USA, Geology and Geologic Hazards Evaluation, July 16, 2026

- Because these areas were identified after the 2014 FEIS and have been recommended for further study, BEAT asks FERC to explain how the existing record is sufficient to evaluate geological hazards at these locations and support its proposed FONSI before those evaluations are completed.

[11] EA, p. 4, Table A.3-1, Resource Area "Geology"

[12] "Geology and Geologic Hazards Evaluation" prepared by GeoEngineers USA for Constitution on July 16, 2026. Filed by Constitution July 17, 2026 Attachment EIR 15f. FERC Accession Number 20260717-5214.

Determination of Need / Market and Legal Conditions

The policy and regulatory landscape governing natural gas in the project's intended market has changed substantially since FERC's original review. New York[13] and several New England states[14] have adopted binding greenhouse gas reduction requirements and policies intended to reduce fossil-fuel use through electrification, energy efficiency, and alternatives to new gas infrastructure. In Massachusetts, for example, the Department of Public Utilities has adopted a regulatory framework intended to discourage gas customer expansion and require consideration of non-gas alternatives to current gas-based business models[15]. Massachusetts climate planning also anticipates declining consumption of pipeline gas as buildings are increasingly electrified.

These developments do not by themselves establish the future demand for gas transported by Constitution, but they do raise questions about whether the market assumptions underlying FERC's 2014 determination of project need remain valid. Constitution's original project was supported by precedent agreements for 100 percent of its proposed capacity, but now those agreements are no longer in place. In its current Petition for Reissuance, Constitution states that it "has not yet executed contracts with shippers committing to Project capacity."[16]

FERC should evaluate the projects' current and future need based on current evidence, including regional gas-demand forecasts, existing and planned pipeline capacity, winter reliability needs, state decarbonization requirements, firm transportation commitments, and the assumptions underlying Constitution's S&P Global Market Study.

"As stated in section 1.1 of the FEIS, the purpose of the WIP is to provide 650,000 dekatherms per day of leased firm transportation capacity for natural gas from the terminus of the CPP in Wright, New York, to downstream customers in Iroquois's existing system through the addition of system compression, interconnections (including with the Tennessee Gas Pipeline system), and other necessary infrastructure." [17]

Because the EA evaluates both CPP and WIP, BEAT asks FERC to identify the current evidence of downstream demand supporting the proposed WIP capacity, including any firm transportation commitments or other evidence on which FERC relies in evaluating project need. As mentioned in the EA, the original proposed customer for the gas from Constitution identified in the 2014

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[13] "Climate Leadership and Community Protection Act", 2019, New York.

[14] "Massachusetts Clean Energy and Climate Plan for 2050", 2022, Massachusetts. "An Act Concerrning the Protection of the Environment and the Development of Renewable Energy Sources and Associated Job Sectors", 2025, Connecticut. "Global Warming Solutions Act", 2020, Vermont. Maine Statute §576, "Title 38, Chapter 3-A: Climate Change", 2019. "2021 Act on Climate", 2021, Rhode Island.

[15] "An Investigation, pursuant to the Department of Public Utilities' authority under G.L c. 164, §§ 76, 105A into the impact on the continuing business operations of local gas distribution companies as the Commonwealth achieves its target 2050 climate goals." Massachusetts DPU20-80.

[16] "Constitution has not yet executed contracts with shippers committing to Project capacity", Petition of Constitution Pipeline Company, LLC for Reissuance of Certificate and Reaffirmance of Waiver Determination, page 21. Accession Number: 20251219-5626

[17] EA, p. 3

FEIS, the Iroquois "SoNo" (South to North) project, was never pursued. The EA identifies Iroquois as the recipient of the proposed Constitution capacity but does not, in the cited discussion, identify current downstream customers or firm transportation commitments supporting that capacity. BEAT asks FERC to identify the current evidence of demand on which it relies in evaluating the need for WIP.[18]

Conclusion

As described above, the EA identifies environmental information and analyses that remain incomplete, including information concerning biological resources, waterbody crossings, wetlands, and geological hazards. BEAT asks FERC to explain how the existing record provides a sufficient basis for its proposed FONSI before relying on information that remains outstanding.

Constitution's statement that it has not yet executed contracts with shippers also represents a significant change from the precedent agreements supporting 100 percent of the project's proposed capacity in 2014. BEAT asks FERC to identify and evaluate the current evidence of market demand supporting both CPP and WIP before making its determination of present or future public convenience and necessity.

Given the changed conditions and outstanding environmental information identified above, BEAT asks FERC to determine whether the current environmental record satisfies its requirements for proceeding with an EA and FONSI or whether the new circumstances, information, and unresolved environmental issues warrant preparation of a supplemental EIS. FERC should resolve or adequately address information material to its environmental conclusions before making a final determination on the petitions.

Comment Deadline Extension

BEAT concurs with the requests of Catskill Mountainkeeper, et. al. filed by Earthjustice and the New York State Department of Environmental Conservation (NYSDEC), among other commenters, in calling for a 40 day extension of the comment period for the Environmental Assessment (EA) for Constitution Pipeline and Wright Interconnect Projects, Dockets CP13-499-006 and CP13-502-003.

The current EA relies extensively on the 2014 FEIS and other filings from the earlier proceeding rather than presenting all relevant underlying information within a single, current document. As a result, stakeholders evaluating the current environmental analysis must repeatedly cross-reference the EA with documents from more than a decade ago, many of which must be located individually through FERC's eLibrary by Accession Number. This process requires substantially more time to evaluate the current EA in the context of the environmental record on which it relies.

[18] EA, p. 3

If FERC proceeds with the current EA rather than preparing a new or supplemental EIS, BEAT requests that FERC extend the comment period by 40 days to provide stakeholders adequate time to evaluate the current EA together with the extensive 2014 environmental record on which it relies.

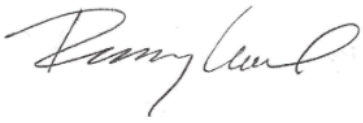
Sincerely,



Brittany Ebeling
Executive Director, Berkshire Environmental Action Team



Melanie Risko
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