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Constitution Pipeline and Wright Interconnect Projects Environmental Assessment Public Comment Guide FERC Dockets CP13-499-006 and CP13-502-003

Overview

Comment deadline: September 21, 2026, at 5:00 PM ET

Submit comments to both dockets: CP13-499-006 and CP13-502-003

FERC's current environmental review is contained in the 2026 Environmental Assessment (EA). The EA also relies on and refers readers to analysis from the 2014 Final Environmental Impact Statement (FEIS), which FERC prepared during its original review of the projects. This guide refers to both documents.

FERC's current environmental review: [2026 Environmental Assessment](#)

FERC's original environmental review: [2014 Final Environmental Impact Statement](#)

What are the Constitution Pipeline and Wright Interconnect Projects?

The Constitution Pipeline is a proposed interstate natural gas pipeline extending approximately 125 miles from Susquehanna County, Pennsylvania, through New York to Wright, New York. The proposed 30-inch-diameter pipeline would transport up to 650,000 dekatherms of natural gas per day.¹

The related Wright Interconnect Project (WIP), proposed by Iroquois Gas Transmission System, would expand facilities at the existing Wright Compressor Station in Schoharie County, New York. The project would allow natural gas transported by the Constitution Pipeline to enter the Iroquois and Tennessee Gas Pipeline systems for delivery to markets in New York and New England. The proposed expansion includes 22,000 horsepower of additional compression and modifications to existing metering facilities.²

Why is FERC reviewing these projects again?

Constitution Pipeline Company and Iroquois Gas Transmission System filed their original certificate applications with FERC on June 13, 2013, in Docket Nos. CP13-499-000 and

Short on Time?

You do not need to comment on every issue in this guide or submit a lengthy response for your comment to be useful. **Choose one or two issues that matter most to you, explain your concern in your own words, and tell FERC what you would like it to do.**

The **Conclusion** at the end of this guide provides a condensed list of the main comment points. You can use that list to quickly identify an issue, then refer to the corresponding **Key Point** below if you would like more information or supporting sources.

Personal experience, local knowledge, and site-specific information can also help make your comment specific to you.

¹ Federal Energy Regulatory Commission, *Environmental Assessment for the Constitution Pipeline and Wright Interconnect Projects*, Docket Nos. CP13-499-006 & CP13-502-003, at 1 (Aug. 21, 2026) (PDF p. 11).

² 2026 EA, p. 1 (PDF p. 11).



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CP13-502-000.³ FERC approved both projects on December 2, 2014, issuing certificates of public convenience and necessity under Section 7(c) of the Natural Gas Act.⁴ On April 22, 2016, the New York State Department of Environmental Conservation (NYSDEC) denied Constitution's application for a Clean Water Act Section 401 Water Quality Certification, finding that the application did not provide sufficient information to demonstrate compliance with New York water-quality standards.⁵ After initially rejecting Constitution's claim that New York had waived its Section 401 authority, FERC reconsidered the issue and, on August 28, 2019, determined that NYSDEC had waived its certification authority.⁶

On November 18, 2021, the U.S. Court of Appeals for the Second Circuit vacated the underlying FERC certificate and Section 401 waiver orders and remanded the proceedings to FERC with instructions to dismiss them.⁷

On December 19, 2025, Constitution filed a petition asking FERC to reissue its certificate authority and reaffirm its earlier Section 401 waiver determination.⁸ Iroquois filed a related petition on February 13, 2026, seeking reissuance of its certificate for the Wright Interconnect Project.⁹ FERC staff issued the current Environmental Assessment (EA) for the two projects on August 21, 2026.¹⁰

Why this matters for the current comment period:

FERC's 2026 EA relies in part on and refers readers to environmental analysis contained in the 2014 Final Environmental Impact Statement (FEIS). More than a decade has passed since that review. A central issue in the current proceeding is therefore whether the 2026 EA contains sufficient current information and analysis to evaluate the projects' environmental impacts before FERC decides whether to reissue the requested certificate authority.

How to file a comment

³ Constitution Pipeline Co., LLC, 149 FERC ¶ 61,199, ¶ 1 (2014) (Order Issuing Certificates and Approving Abandonment).

⁴ Constitution Pipeline Co., LLC, 149 FERC ¶ 61,199 (2014) (Order Issuing Certificates and Approving Abandonment).

⁵ NYSDEC, Decision Denying Constitution Pipeline Company's Application for Clean Water Act § 401 Water Quality Certification (Apr. 22, 2016); Constitution Pipeline Co. v. N.Y. State Dep't of Env't Conservation, 868 F.3d 87, 101–02 (2d Cir. 2017).

⁶ Constitution Pipeline Co., LLC, 168 FERC ¶ 61,129 (2019) (Order on Voluntary Remand), reh'g denied, 169 FERC ¶ 61,199 (2019).

⁷ N.Y. State Dep't of Env't Conservation v. FERC, Nos. 19-4338(L), 20-158, 20-208; Catskill Mountainkeeper, Inc. v. FERC, Nos. 16-345(L), 16-361, Order at 2 (2d Cir. Nov. 18, 2021).

⁸ Constitution Pipeline Company, LLC, *Petition for Reissuance of Certificate Authority and Reaffirmance of Waiver Determination*, Docket Nos. CP13-499-006 & CP18-5-004 (filed Dec. 19, 2025).

⁹ Iroquois Gas Transmission System, L.P., *Petition for Reissuance of Certificate Authority*, Docket No. CP13-502-003 (filed Feb. 13, 2026).

¹⁰ 2026 EA



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Use this guide as a resource rather than a template. Focus on the issues that matter most to you, write your comment in your own words, and include personal experience, local knowledge, or site-specific information where relevant.

You may submit more than one comment. If you file a comment and later have additional information or concerns to share, you may submit supplemental comments to the docket.

Option to Request for an Extension of the Comment Period: This week, Earthjustice and the NY State Department of Environmental Conservation (NYSDEC) filed requests asking FERC to extend the Environmental Assessment comment period by 40 days. Earthjustice's request cites the length and complexity of the environmental record and the overlap of the current comment period with Rosh Hashanah and Yom Kippur. Comments from both parties point out that the 2026 EA also relies extensively on FERC's 2014 environmental review, requiring commenters to consult both the current EA and the much longer 2014 FEIS and its appendices when evaluating many of the project's potential impacts. Commenters who support additional review time may wish to ask FERC to grant the requested 40-day extension.

[Earthjustice's August 27 filing in FERC eLibrary](#)

[NYSDEC's August 28 filing in FERC Library](#)

Option 1: [eComment](#)

- This option is text only - it cannot include attachments or images.
- The comment must be under 10,000 characters.
- Creating an account with FERC is *not* necessary to file an eComment.

Option 2: [eFiling](#)

- If the comment is over 10,000 characters
- If the comment has attachments
- This option does require a [FERC account](#)
- Best for Longer Comments or Attachments

1. Go to www.ferc.gov to use the FERC Online system for eComment or eFiling.
2. Include both Dockets No. CP13-499-006, CP13-502-003 in your filing.
3. Use this [Step by Step guide](#) on how to file comments with FERC

Option 3: Mail

Include Dockets No. CP13-499-006, CP13-502-003 and mail your comment to:

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426



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If you need assistance with filing, FERC has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov.

Key Points in Response to the Environmental Assessment

1. FERC Should Consider Preparing a New Environmental Impact Statement

What FERC has done:

FERC staff prepared a new Environmental Assessment (EA) for the Constitution Pipeline and Wright Interconnect Projects in 2026 rather than preparing a new or supplemental Environmental Impact Statement (EIS).¹¹ The 2026 EA relies in part on and refers readers to environmental analysis contained in FERC's 2014 Final Environmental Impact Statement (FEIS) for the same projects.

Why this is a concern:

More than a decade has passed since FERC completed the original FEIS. During that time, conditions relevant to the environmental review may have changed, including land use, nearby development, habitat and species information, climate conditions, and applicable environmental requirements. Under NEPA's implementing regulations, an agency must supplement an existing EIS when the federal action remains incomplete or ongoing and there are substantial changes to the proposed action relevant to environmental concerns or substantial new circumstances or information concerning significant adverse effects that bear on the analysis.¹²

The New York State Department of Environmental Conservation (NYSDEC) has also asked FERC to prepare a new EIS for the Constitution Pipeline and Wright Interconnect Projects rather than rely on the earlier environmental review.¹³

Commenters may wish to ask FERC to:

Determine whether changes in environmental conditions, scientific information, species status, regulatory requirements, land use, and other relevant circumstances since the 2014 FEIS constitute substantial new circumstances or information requiring supplementation under NEPA. If so, commenters may ask FERC to prepare and circulate a Supplemental Draft EIS and Supplemental Final EIS evaluating current conditions and the environmental impacts of both projects before deciding whether to reissue the requested certificate authority.

2. Reliance on the 2014 Environmental Review

What FERC has done:

The 2026 EA relies in part on information and analysis from the 2014 FEIS and other earlier filings. FERC updated some resource areas where staff identified changed conditions or new information.¹⁴

¹¹ 2026 EA, p. 3 (PDF p. 13)

¹² FERC, Staff Guidance Manual on Implementation of NEPA, § D.3, p. 14 (June 2025)

¹³ NYSDEC, Comments on Constitution Pipeline and Wright Interconnect Projects, FERC Docket Nos. CP13-499-006 & CP13-502-003, Accession No. 20260813-5052 (Aug. 13, 2026).

¹⁴ 2026 EA, Table A.3-1, pp. 4–7 (PDF pp. 14–17)



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Why this is a concern:

This makes it difficult to determine which 2014 findings FERC considers current, what has been updated, and what has been independently verified. Reliance on an earlier analysis is not itself improper; the question is whether that analysis remains adequate under current conditions.¹⁵

Commenters may wish to ask FERC to:

Clearly identify which findings and underlying information from the 2014 FEIS remain applicable, what information has been updated or independently verified for the 2026 review, and whether substantial changes or new circumstances or information require additional analysis or supplementation before FERC decides whether to reissue the certificates.

3. Purpose and Need for the Projects

What FERC says

FERC's 2026 EA describes the Constitution Pipeline as intended to provide additional natural gas transportation capacity from northern Pennsylvania to markets in New York and New England. The related Wright Interconnect Project would provide the facilities necessary to receive up to 650,000 dekatherms per day of natural gas from Constitution and deliver that gas into the Iroquois system and interconnected pipelines.¹⁶

In seeking reissuance of its certificate, Constitution argues that the project continues to be needed because New York and New England experience natural gas constraints during periods of peak winter demand, contributing to reliability concerns and higher natural gas and electricity prices. Constitution submitted a 2025 market study prepared by S&P Global Commodity Insights in support of its petition. According to Constitution, the study projects continued peak-period natural gas demand and concludes that the project could relieve pipeline constraints and reduce natural gas and electricity costs in the region.¹⁷

Why this is a concern

FERC's original determination that the project was needed was made in 2014, when Constitution had precedent agreements for 100 percent of the pipeline's proposed capacity.¹⁸ Those agreements were later terminated after development of the project stopped in 2020. When Constitution sought reissuance in December 2025, it had not yet executed replacement firm transportation agreements and stated that it intended to obtain contractual commitments before FERC acted on its petition.¹⁹

¹⁵ FERC, Staff Guidance Manual on Implementation of NEPA, § D.3, p. 14 (June 2025). See also *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 372–74 (1989).

¹⁶ 2026 EA, p. 1 (PDF p. 11).

¹⁷ Constitution Pipeline Company, LLC, *Petition for Reissuance of Certificate Authority and Reaffirmance of Waiver Determination*, Docket Nos. CP13-499-006 & CP18-5-004 (filed Dec. 19, 2025),

¹⁸ *Constitution Pipeline Co., LLC*, 149 FERC ¶ 61,199 (2014) (Order Issuing Certificates and Approving Abandonment). The original certificate record identified precedent agreements accounting for the project's proposed capacity.

¹⁹ Constitution Pipeline Company, LLC, *Petition for Reissuance of Certificate Authority and Reaffirmance of Waiver Determination*, Docket Nos. CP13-499-006 & CP18-5-004 (filed Dec. 19, 2025).



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Under FERC's Certificate Policy Statement, precedent agreements are important evidence of demand, but FERC may also consider other evidence, including demand projections, potential consumer cost savings, and comparisons between projected demand and existing pipeline capacity.²⁰

The D.C. Circuit has held that precedent agreements can be important evidence of demand but are not necessarily conclusive. FERC must evaluate the evidence of need in the record and balance a project's claimed benefits against its adverse effects.²¹ *Environmental Defense Fund v. FERC* involved different facts and does not determine whether Constitution is needed, but it illustrates FERC's obligation to evaluate current evidence rather than treat one indicator of demand as dispositive.

Because the original need determination was made more than a decade ago and the agreements supporting that determination were later terminated, FERC should independently evaluate Constitution's current evidence of project need, including the assumptions and conclusions of the S&P Global study.

Commenters may wish to ask FERC to:

- Reevaluate whether the Constitution Pipeline and Wright Interconnect Project are currently required by the "present or future public convenience and necessity" under Section 7(e) of the Natural Gas Act²²
- Consider current evidence of regional demand, reliability needs, existing and planned pipeline capacity, and firm transportation commitments
- Independently evaluate the assumptions and conclusions of Constitution's S&P Global market study
- Make any new transportation agreements or other material evidence of market demand available in the public record before reaching a certificate decision

4. Water Resources and Drinking Water

What FERC says

The proposed route crosses significant groundwater resources. The project would cross 20 principal aquifers in New York and a sole source aquifer.²³ The 2014 FEIS describes a sole source aquifer as one that supplies at least 50 percent of the drinking water consumed in the overlying area where no reasonably available alternative source can supply the population that depends on it.²⁴ The 2014 FEIS also identified approximately 45.5 miles of the proposed route where shallow bedrock may require blasting.²⁵

FERC's current review relies in part on mitigation measures developed during the original environmental review. Constitution proposed pre- and post-construction water-quality testing for certain private wells and

²⁰ *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227, at 61,747–48 (1999), clarified, 90 FERC ¶ 61,128 (2000).

²¹ *Environmental Defense Fund v. Federal Energy Regulatory Commission*, 2 F.4th 953, 972–76 (D.C. Cir. 2021).

²² Natural Gas Act § 7(e), 15 U.S.C. § 717f(e)

²³ 2026 EA, p. 23 (PDF p. 33) ; 2014 FEIS, § 4.3.1., p. ES-4 (PDF p. 25), p. 4-38 (PDF p. 204)

²⁴ 2014 FEIS, Vol. 1, p. 4-37 (PDF p. 203)

²⁵ 2014 FEIS, Vol. 1, p. 4-15 (PDF p. 181)



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identified municipal water as a source for construction activities including dust control and hydrostatic testing.²⁶ However, some site-specific crossing information remains unresolved. The 2026 EA states that Constitution would further investigate waterbody crossing methods and submit necessary information following any reinstatement of the Certificate Order.²⁷

Why this is a concern

The method used to cross a waterbody can affect the type and extent of environmental impacts. Open-cut construction can disturb streambeds and banks and increase sedimentation or turbidity, while HDD can reduce direct disturbance to the stream channel but presents different risks, including inadvertent releases of drilling fluid. FERC has treated crossing methods, erosion and sediment controls, spill-prevention measures, HDD contingency plans, well monitoring, and restoration plans as important components of environmental review in other interstate pipeline proceedings. For example, FERC's PennEast Pipeline review considered project-specific plans addressing HDD, inadvertent drilling-fluid returns, spill prevention, well monitoring, blasting, erosion and sediment control, and wetland restoration.²⁸

FERC's environmental review process specifically asks commenters to identify environmental effects, reasonable alternatives, and measures that could avoid or reduce environmental impacts.²⁹

Constitution previously sought a Clean Water Act Section 401 Water Quality Certification from the New York State Department of Environmental Conservation (NYSDEC). Section 401 applies to certain federally licensed or permitted activities that may result in a discharge to waters and requires state or authorized tribal certification concerning compliance with applicable water-quality requirements.³⁰

In 2016, NYSDEC denied Constitution's application, finding that the company had not provided sufficient information to demonstrate compliance with New York water-quality standards. The agency identified deficiencies involving stream crossings, blasting, wetlands crossings, and other water-resource impacts.³¹ The Second Circuit upheld NYSDEC's denial in *Constitution Pipeline Co. v. New York State Department of Environmental Conservation*, 868 F.3d 87 (2d Cir. 2017). The court's decision describes NYSDEC's repeated requests for site-specific information concerning stream crossings and its determination that Constitution had not provided sufficient information for the agency's decision-making.³²

²⁶ 2014 FEIS, Vol. 1, p. 4-54 (PDF p. 220)

²⁷ 2026 EA, p. 24 (PDF p. 34).

²⁸ FERC, *Final Environmental Impact Statement for the PennEast Pipeline Project*, Docket No. CP15-558-000 (Apr. 7, 2017)

²⁹ FERC, Docket Nos. CP13-499-006 & CP13-502-003 (Apr. 2026).

³⁰ Clean Water Act § 401, 33 U.S.C. § 1341

³¹ New York State Department of Environmental Conservation, *Decision Denying Constitution Pipeline Company's Application for Clean Water Act § 401 Water Quality Certification* (Apr. 22, 2016).

³² *Constitution Pipeline*, 868 F.3d 87, 100–02 (2d Cir. 2017).



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It needs to be proven that FERC has sufficient current and site-specific information to evaluate potential effects on streams, aquifers, private wells, and other water resources before deciding whether to reissue the requested certificate authority.

Commenters may wish to ask FERC to:

- Identify the proposed construction method for each major or environmentally sensitive waterbody crossing and explain why that method was selected
- Update the 2014 analysis of aquifers, private wells, groundwater conditions, and drinking-water resources to reflect current conditions
- Evaluate potential effects of blasting, excavation, erosion, spills, soil disturbance, and other construction activities on groundwater and surface-water quality
- Identify private and public drinking-water supplies that could be affected and establish appropriate baseline testing and post-construction monitoring
- Evaluate reasonable crossing methods or route alternatives that would avoid or reduce impacts to sensitive water resources
- Make relevant studies, crossing plans, mitigation measures, and monitoring requirements available for public review before reaching final environmental and certificate determinations

5. Horizontal Directional Drilling and Waterbody Crossings

What FERC says

The Constitution Pipeline would cross approximately 330 waterbodies along its route through Pennsylvania and New York. FERC's 2026 Environmental Assessment states that these crossings could use several construction methods, including dry open-cut, flume, dam-and-pump, cofferdam, conventional bore, horizontal directional drilling (HDD), and Direct Pipe.³³

Horizontal directional drilling is a trenchless construction method used to install a pipeline beneath a waterbody or other feature without directly trenching through the streambed. In its prior Constitution Pipeline review, FERC described HDD, Direct Pipe, and conventional bore as trenchless crossing methods and noted that such methods can reduce direct disturbance to streambeds and banks, although they require additional workspace and can present risks such as drilling-fluid releases.³⁴ HDD uses pressurized drilling fluid, commonly bentonite-based, to facilitate drilling. An inadvertent return, sometimes called a "frac-out," occurs when drilling fluid escapes from the bore path and reaches surrounding soils, wetlands, groundwater, or surface water. FERC has specific guidance addressing HDD monitoring, inadvertent-return response, and contingency planning for interstate natural gas projects.³⁵

For the Constitution Pipeline, FERC's 2014 environmental review relied in part on Constitution's HDD Contingency Plan, Wetland and Waterbody Construction and Mitigation Procedures, Spill Plan, Blasting Plan,

³³ 2026 EA p. 24 (PDF p. 34).

³⁴ *Constitution Pipeline*, 868 F.3d 87 (2d Cir. 2017)

³⁵ Federal Energy Regulatory Commission, *Guidance for Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plans* (Oct. 2019).



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and other project-specific mitigation measures. FERC also stated that Constitution would use specialized crossing methods for several waterbodies and wetlands and dry crossing methods for other waterbodies.³⁶

The current EA, however, indicates that some crossing methods have not yet been finalized. According to the EA, Constitution states that waterbody crossing methods will be further investigated and that necessary information will be submitted following any reinstatement of the Certificate Order.³⁷

Why this is a concern

The environmental effects of a waterbody crossing depend on site-specific factors such as geology, hydrology, stream characteristics, and the construction method selected. Open-cut or dry-ditch crossings can temporarily disturb streambeds and banks and increase sedimentation or turbidity. HDD can avoid direct excavation of the stream channel but presents different risks, including inadvertent drilling-fluid returns and construction challenges associated with subsurface conditions.

The timing of Constitution's remaining analysis is therefore important. If site-specific crossing information is not submitted until after certificate reissuance, the public may have less opportunity during the current environmental review to evaluate the selected crossing method or compare it with less damaging alternatives.

These concerns are not new for the Constitution Pipeline. During the original environmental review, NYSDEC repeatedly asked for more detailed analysis of waterbody crossings. It requested geotechnical feasibility studies for trenchless crossing locations and site-specific blasting plans addressing in-water blasting and protection of aquatic resources. NYSDEC also requested further analysis of an alternative route that it believed could reduce impacts to higher-quality waterbodies.³⁸ The Second Circuit later discussed this history in *Constitution Pipeline Co. v. New York State Department of Environmental Conservation*, 868 F.3d 87 (2d Cir. 2017). The court recounted NYSDEC's requests for more complete, site-specific crossing information and concerns about Constitution's trenchless feasibility analysis.³⁹

The issue is not whether HDD is inherently better or worse than open-cut construction. It is whether FERC has enough current, site-specific information to compare crossing methods and determine what mitigation is necessary before reauthorizing the project. FERC has required similar project-specific crossing and contingency information in other pipeline reviews. For example, the PennEast Pipeline review considered plans addressing HDD, inadvertent drilling-fluid returns, well monitoring, blasting, spill prevention, erosion and sediment control, and wetland restoration.⁴⁰

Commenters may wish to ask FERC to:

³⁶ 2026 EA. p. 24 (PDF p. 34).

³⁷ 2026 EA. p. 24 (PDF p. 34).

³⁸ *Constitution Pipeline*, 868 F.3d 87 (2d Cir. 2017).

³⁹ *Constitution Pipeline*, 868 F.3d 87 (2d Cir. 2017).

⁴⁰ Federal Energy Regulatory Commission, *Final Environmental Impact Statement for the PennEast Pipeline Project*, Docket No. CP15-558-000 (Apr. 7, 2017).



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- Request that FERC require Constitution to identify and evaluate the proposed crossing method for major and environmentally sensitive waterbodies before making a final decision on certificate reissuance, rather than deferring material crossing information until after authorization
- Require current, site-specific geotechnical and hydrological information where HDD, Direct Pipe, conventional boring, or blasting is proposed
- Explain why the selected method is appropriate for each major or sensitive waterbody and evaluate reasonable alternatives
- Require updated HDD and inadvertent-return plans that address monitoring, containment, cleanup, reporting, and response
- Evaluate potential drilling-fluid impacts to surface water, groundwater, wetlands, aquatic habitat, and nearby drinking-water supplies
- Make relevant crossing plans and technical information available for agency and public review before FERC makes a final decision

6. Wetlands

What FERC says

Construction of the Constitution Pipeline would affect approximately 95.3 acres of wetlands, including 33.8 acres of forested wetlands, 35.4 acres of herbaceous wetlands, and 26.1 acres of scrub-shrub wetlands. FERC's 2014 certificate order states that approximately 76.1 acres would be affected by temporary workspaces. It also states that 14.5 acres of previously forested wetlands would be permanently maintained as scrub-shrub or herbaceous wetlands during pipeline operation.⁴¹

FERC's original review concluded that wetland impacts could be minimized through project-specific construction and mitigation plans, trenchless construction at certain locations, Clean Water Act permitting requirements, and environmental conditions imposed through the certificate order.^{42 43}

FERC also acknowledged that temporarily disturbed wetlands could take many years to return toward pre-construction conditions.⁴⁴ The current EA relies in part on this earlier environmental record rather than conducting an entirely new wetland analysis.⁴⁵

Why this is a concern

Wetlands provide important ecological and public functions, including floodwater storage, groundwater recharge, water-quality protection, nutrient and sediment retention, and fish and wildlife habitat. These functions depend on wetland hydrology, soils, vegetation, and their connection to surrounding ecosystems.⁴⁶

⁴¹ *Constitution Pipeline Co., LLC*, 149 FERC ¶ 61,199, PP 78–79 (2014)

⁴² 2014 FEIS, p. ES-4 (PDF p. 25)

⁴³ *Constitution Pipeline Co., LLC*, 149 FERC ¶ 61,199, ¶¶ 78–79 (2014).

⁴⁴ *Constitution Pipeline Co., LLC*, 149 FERC ¶ 61,199, ¶¶ 78–79 (2014).

⁴⁵ 2026 EA, Table A.3-1, pp. 4–7 (PDF pp. 14–17).

⁴⁶ U.S. Environmental Protection Agency, *Why Are Wetlands Important?*; U.S. EPA, *National Guidance: Wetlands and Non-Point Source Control*.



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More than a decade has passed since the original wetland analysis. Wetland boundaries, vegetation, hydrology, surrounding land uses, and other conditions may have changed. FERC should therefore clearly identify which wetland delineations and impact calculations have been updated and which continue to rely on information from the original proceeding.

Avoiding wetland disturbance is particularly important because restoration may take years and may not fully recreate the previous wetland type. FERC noted that Constitution avoided wetland impacts at 13 locations through trenchless construction.⁴⁷ During the original review, NYSDEC also requested greater use of trenchless methods and more site-specific crossing information for protected streams and wetlands.⁴⁸

Restoration is especially important for forested wetlands. FERC acknowledged that disturbed wetlands could take many years to recover and that 14.5 acres of forested wetlands would be permanently changed to a different vegetative condition. Successful revegetation therefore does not necessarily mean that a forested wetland has regained its previous structure and functions.

The central question is whether FERC has enough current, site-specific information to determine the extent and duration of wetland impacts, whether those impacts can be avoided or reduced, and whether restoration and monitoring requirements are adequate before reauthorizing the project.

Commenters may wish to ask FERC to:

- Request that FERC update its wetland analysis using current wetland delineations, current site conditions, and current regulatory information rather than relying primarily on the 2014 FEIS
- Identify the current acreage and types of wetlands that would be temporarily and permanently affected and explain which 2014 findings have been updated or verified
- Evaluate construction methods and route alternatives that could avoid or reduce wetland disturbance, including trenchless crossings where feasible
- Require restoration plans with measurable standards for vegetation, hydrology, soils, and invasive-species control
- Require sufficient monitoring and corrective measures to determine whether wetland functions are being restored, particularly in forested wetlands
- Make updated wetland delineations, crossing plans, restoration measures, and monitoring requirements available for public review before a final certificate decision

7. Protected Species and Incomplete Biological Review

What FERC says

FERC's current environmental review relies in part on Endangered Species Act (ESA) consultation completed during the original Constitution Pipeline proceeding. USFWS issued a project-specific Biological Opinion for the

⁴⁷ *Constitution Pipeline Co., LLC*, 149 FERC ¶ 61,199, PP 78–79 (2014)

⁴⁸ *Constitution Pipeline*, 868 F.3d 87 (2d Cir. 2017).



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Constitution Pipeline on December 31, 2015.⁴⁹ The 2026 Environmental Assessment states that Constitution contacted USFWS again in January 2026 and asked the agency to determine whether the conclusions and conservation measures in the earlier Biological Opinion remain applicable. According to the EA, USFWS had not responded as of the EA's publication.⁵⁰

The northern long-eared bat is particularly relevant. Surveys for the original project identified the species and suitable habitat along portions of the proposed route.⁵¹ The bat was federally listed as threatened in 2015 and reclassified as endangered effective January 30, 2023, primarily because of severe declines associated with white-nose syndrome.⁵²

The EA also identifies an unfinished biological review involving the timber rattlesnake in Pennsylvania. In July 2025, the Pennsylvania Fish and Boat Commission recommended an updated habitat assessment because the proposed route is near known timber rattlesnake habitat. Constitution committed to completing the assessment and providing any necessary mitigation measures.⁵³ Timber rattlesnakes are legally protected in Pennsylvania and classified as a Species of Special Concern.⁵⁴

FERC's environmental review required ESA consultation to be completed before construction.⁵⁵ The 2014 certificate order similarly prohibited Constitution from beginning construction until all Section 7 consultation between FERC and USFWS was complete.⁵⁶

Why this is a concern

Section 7 of the ESA requires federal agencies, in consultation with USFWS or NOAA Fisheries as appropriate, to ensure that actions they authorize are not likely to jeopardize listed species or destroy or adversely modify designated critical habitat.⁵⁷ Federal regulations require agencies to review potential effects on listed species and critical habitat using the best scientific and commercial data available.⁵⁸ ESA regulations also require consultation to be reinitiated in specified circumstances, including when new information reveals effects not previously considered or when a newly listed species or newly designated critical habitat may be affected.⁵⁹

⁴⁹ U.S. Fish and Wildlife Service, *Biological Opinion, Constitution Pipeline Project, Broome to Schoharie Counties*, Consultation No. 05E1NY00-2012-F-0298 (Dec. 31, 2015).

⁵⁰ 2026 EA, p. 32 (PDF p. 42).

⁵¹ *Constitution Pipeline Co., LLC*, 149 FERC ¶ 61,199, PP 87–90 & Environmental Condition 32 (2014).

⁵² U.S. Fish and Wildlife Service, *Northern Long-Eared Bat Reclassified as Endangered Under the Endangered Species Act* (Nov. 29, 2022).

⁵³ 2026 EA, p. 34 (PDF p. 44).

⁵⁴ Pennsylvania Fish and Boat Commission, *Timber Rattlesnake Conservation*; Pennsylvania Fish and Boat Commission, *Pennsylvania Native Reptile and Amphibian Species*.

⁵⁵ 2026 EA, p. 76 (PDF p. 94).

⁵⁶ *Constitution Pipeline Co., LLC*, 149 FERC ¶ 61,199, PP 87–90 & Environmental Condition 32 (2014).

⁵⁷ Endangered Species Act § 7(a)(2), 16 U.S.C. § 1536(a)(2).

⁵⁸ 50 C.F.R. § 402.14(a), (d), (g).

⁵⁹ 50 C.F.R. § 402.14(a).



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ESA regulations also specifically address circumstances in which an earlier consultation may need to be reinitiated. Reinitiation is required, where the federal agency retains discretionary involvement or control, if new information reveals effects not previously considered, the action is modified in a relevant way, incidental take is exceeded, or a new species is listed or critical habitat is designated that may be affected by the action.⁶⁰

The question is therefore whether the 2015 Biological Opinion remains adequate under current conditions. Since the original review, the northern long-eared bat has been reclassified from threatened to endangered, while some of the project's underlying bat surveys date to 2012 and 2013. These changes do not automatically invalidate the 2015 Biological Opinion, but they make a current determination from USFWS important. Under 50 C.F.R. § 402.16, reinitiation may be required if the regulatory criteria are met.^{61 62}

FERC should therefore determine with USFWS whether the 2015 Biological Opinion remains adequate or consultation must be reinitiated, and ensure that any necessary updated surveys and conservation measures are completed before allowing construction that could affect protected species or habitat. FERC's original FEIS similarly identified completion of ESA consultation before construction as part of its environmental review.⁶³

Commenters may wish to ask FERC to:

- Obtain a current determination from USFWS on whether the 2015 Biological Opinion remains adequate or consultation must be reinitiated under current conditions
- Require updated surveys where existing biological information is no longer sufficient to evaluate current species or habitat conditions
- Complete the updated timber rattlesnake habitat assessment requested by the Pennsylvania Fish and Boat Commission and incorporate appropriate avoidance or mitigation measures
- Update species-specific avoidance, minimization, and conservation measures where warranted by current information
- Make updated surveys, consultation correspondence, Biological Opinions or concurrence letters, and agency determinations available in the public record
- Prohibit construction in affected areas until all required ESA consultation and associated biological review are complete

8. Air Quality and Greenhouse Gas Emissions

What FERC says

FERC's 2026 Environmental Assessment evaluates greenhouse gas emissions from construction and operation of the Constitution Pipeline and Wright Interconnect Projects. The EA estimates approximately 53,170 tons of carbon dioxide equivalent (CO₂e) from construction and 92,631 tons of CO₂e per year from operation.⁶⁴

⁶⁰ 50 C.F.R. § 402.16(a).

⁶¹ U.S. Fish and Wildlife Service, *Northern Long-Eared Bat Reclassified as Endangered Under the Endangered Species Act* (Nov. 29, 2022).

⁶² 50 C.F.R. § 402.16(a).

⁶³ 2014 FEIS, Vol 1, p. 4-105 (PDF p. 271) .

⁶⁴ 2026 EA, pp. 53-54 (PDF pp. 63-64)



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The Wright Interconnect Project would add approximately 22,000 horsepower of compression at the existing Wright Compressor Station.⁶⁵ FERC's current project listing identifies approximately 21,800 horsepower for the proposed reissued authorization.⁶⁶

The EA does not quantify greenhouse gas emissions from upstream natural gas production or downstream combustion of the transported gas. It also relies in part on information from the earlier environmental review. According to the EA, Constitution did not recalculate every category of construction emissions.⁶⁷

FERC also discusses project emissions in relation to New York's Climate Leadership and Community Protection Act, which calls for statewide greenhouse gas emissions to fall 40 percent below 1990 levels by 2030 and at least 85 percent below 1990 levels by 2050.⁶⁸

Why this is a concern

One question is whether FERC's analysis provides a sufficiently current accounting of the projects' direct construction and operational emissions. Because some of the analysis relies on information from the 2014 review, FERC should clearly identify which estimates have been recalculated using current equipment, construction schedules, emission factors, and project conditions.

The legal framework for upstream and downstream emissions has also changed. In *Seven County Infrastructure Coalition v. Eagle County*, the Supreme Court held that NEPA generally does not require an agency to analyze environmental effects of separate projects over which it lacks regulatory authority and emphasized deference to reasonable agency decisions about the scope of NEPA review.⁶⁹ The D.C. Circuit subsequently applied that decision in *Sierra Club v. FERC*, explaining that *Seven County* had abrogated earlier precedent requiring FERC to analyze emissions from downstream power-generation facilities outside its regulatory jurisdiction.⁷⁰

The relevant question is therefore whether FERC has reasonably defined and explained the scope of its greenhouse gas analysis under current law. FERC should identify what it knows about the destination and anticipated use of the gas, what emissions it considers effects of the proposed federal action, and why upstream or downstream emissions are included or excluded.⁷¹

⁶⁵ 2026 Ea, p. 2 (PDF p. 3) .

⁶⁶ Federal Energy Regulatory Commission, *Major Pipeline Projects Pending* (updated Apr. 13, 2026), Docket No. CP13-502-003,

⁶⁷ 2026 EA, p. 48 (PDF p. 58) .

⁶⁸ N.Y. Env'tl. Conserv. Law § 75-0107.

⁶⁹ *Seven County Infrastructure Coalition v. Eagle County*, 145 S. Ct. 1497, 1512–16 (2025).

⁷⁰ *Sierra Club v. FERC*, No. 24-1099, slip op. at 12–13, 18 (D.C. Cir. Sept. 30, 2025).

⁷¹ *Sierra Club*, 24-1099, slip op. at 12–13, 18.



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The age of the environmental review is also relevant. The original FEIS was issued in 2014, before New York enacted its current statutory climate requirements. Current emissions information may also be relevant to FERC's public-interest analysis under the Natural Gas Act.⁷²

Commenters may wish to ask FERC to:

- Provide a current, project-specific accounting of construction and operational air and greenhouse gas emissions
- Identify which emissions calculations have been updated since 2014 and recalculate material categories using current project information and emission factors
- Quantify emissions from the additional compression proposed at the Wright Compressor Station, including greenhouse gases and applicable criteria pollutants
- Identify the information FERC has regarding the destination and anticipated use of the 650,000 dekatherms per day of gas the projects would transport
- Explain, under *Seven County Infrastructure Coalition v. Eagle County* and subsequent D.C. Circuit precedent, which upstream or downstream emissions FERC considers within or outside the scope of the proposed federal action and why
- Explain the factual and legal basis for excluding any categories of greenhouse gas emissions from the environmental analysis
- Evaluate direct project emissions in the context of current state climate laws and emissions-reduction targets
- Consider reasonable project alternatives within FERC's authority that could reduce direct greenhouse gas and air-quality impacts
- Make updated emissions calculations, methodologies, and supporting assumptions available in the public record before reaching a final environmental determination

Conclusion

The issues in this guide are examples of topics you may wish to address in your comment. You do not need to cover every issue. Focus on the concerns that are most important to you, and include personal experience, local knowledge, or site-specific information where relevant. Specific comments that explain what concerns you, why it matters, and what you are asking FERC to do are generally more useful to the Commission than general statements of support or opposition.

Your comment does not need to be long to be useful. Choose one or more issues that matter to you, explain your concern as specifically as possible, cite information from the Environmental Assessment or other sources where helpful, and clearly state what you would like FERC to consider or require before making its decision.

Do not copy and paste these points directly. Use the information in this guide to develop your own comment in your own words.

⁷² Natural Gas Act § 7(e), 15 U.S.C. § 717f(e); see also *Sierra Club v. FERC*, No. 24-1099, slip op. at 4, 15–16 (D.C. Cir. Sept. 30, 2025)



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You may wish to ask FERC to:

1. Prepare a new Environmental Impact Statement. Request that FERC prepare a new EIS based on current environmental conditions and information before deciding whether to reissue the certificates. The existing FEIS was completed in 2014, more than a decade before the current proceeding.
2. Clearly identify what information from the 2014 environmental review remains current. Ask FERC to explain which findings from the 2014 FEIS it has independently verified, what information has been updated, and where changed conditions require additional analysis.
3. Reevaluate the current purpose and need for the projects. Ask FERC to determine whether current evidence demonstrates that the Constitution Pipeline and Wright Interconnect Project are required by the present or future public convenience and necessity under Section 7(e) of the Natural Gas Act. This review should consider current demand, reliability needs, existing and planned pipeline capacity, current contractual commitments, and reasonable alternatives.
4. Require current information about water resources and drinking water. Ask FERC to update its analysis of groundwater, aquifers, private wells, and drinking-water resources and require site-specific information about sensitive waterbody crossings before making a final certificate decision.
5. Complete the analysis of waterbody crossing methods before authorization. Ask FERC to identify how major and sensitive waterbodies would be crossed and require current geotechnical information, HDD and inadvertent-return contingency plans, blasting information, and appropriate monitoring before deciding whether the project's water-resource impacts are adequately addressed.
6. Update the analysis of wetland impacts. Request current wetland delineations and site-specific impact information. Where impacts cannot be avoided, ask FERC to require measurable restoration standards, sufficient post-construction monitoring, and corrective measures if wetland functions are not successfully restored.
7. Complete outstanding protected-species review. Ask FERC to complete or update required Endangered Species Act consultation and outstanding biological surveys before making a final decision. This should include determining whether the 2015 Biological Opinion and its mitigation measures remain valid under current species listings, habitat conditions, and scientific information.
8. Evaluate impacts to nearby residents and landowners using current conditions. Ask FERC to update information about residences, structures, land uses, and communities near the proposed pipeline and associated facilities and consider how construction and long-term operation could affect those areas.
9. Update the air-quality and greenhouse gas analysis. Ask FERC to use current, project-specific information to calculate construction and operational emissions. FERC should explain which upstream and downstream emissions fall within the scope of its analysis under current law and why.
10. Consider reasonable alternatives before reaching a final decision. Ask FERC to compare the proposed projects with reasonable alternatives that could meet demonstrated energy and reliability needs while avoiding or reducing impacts to water resources, wetlands, wildlife habitat, nearby communities, air quality, and the climate.

Other Ways to Get Involved

If you live in a community along the proposed pipeline route, consider contacting your local officials, including select boards, town or city councils, planning boards, and emergency services officials. Ask



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whether they are aware of the proposal and whether your municipality plans to participate in the FERC proceeding.

You may also contact your state legislators and members of Congress to share your concerns and ask whether they are following the project. You can share this guide and FERC's Environmental Assessment with officials who would like additional information.

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