

Suggested points for additional comment:

- Congress determined under the Natural Gas Act that no entity may transport natural gas interstate without the Federal Energy Commission (FERC) first determining the activity is in the public interest. This project is not in the public interest. There is no need for this project. Simply determining that National Fuel has a market to sell the gas does NOT make it in the public interest but rather shows that it is for National Fuel's profit. The environmental harm to streams and waterways, the seizing of private land for right of way and the harm from the projects contribution to climate change far outweigh the nonexistent public benefits of this project.
- Despite requirements and calls to do so, FERC has not prepared an Environmental Impact Statement (EIS). Especially in light of NYSDEC's findings of significant environmental impacts an EIS is necessary.
- NYSDEC denied the required 401 Water Quality Certification for this project. Under Army Corps procedures, a 404 permit must not be issued without a 401 Water Quality Certification in place. Despite FERC and National Fuel's contention, NYS did not waive its right to deny the 401. An agreement was in place and signed by National Fuel to extend the decision deadline by a mere 36 days as NYSDEC awaited a requested report from National Fuel regarding their proposed method of crossing Dodge Creek. This matter is currently making its way through the courts and if justice prevails, it will be decided in NYSDEC's favor making FERC's claims that NYSDEC waived their right to rule on the 40 invalid.
- NYSDEC determined that this project would have a significant detrimental impact on streams and wetlands throughout Western NY. National Fuel's proposed stream crossings were determined to be unacceptable with a high potential to degrade high quality streams that support trout and other threatened and endangered species including hellbender salamanders.
- Trout spawning areas require clear cold waters. Clear cutting, bank disturbance, resulting erosion and runoff, turbidity caused by proposed trenched crossings will all result in degradation and loss of valuable trout habitat.
- The Cattaraugus Creek Basin Aquifer that would be crossed by this pipeline is the sole source of drinking water for about 20,000 residents and must be protected. Proposed shallow placement of pipeline at stream crossings would be exposed rupture and leakage overtime. Natural gas contains not only methane but chemicals like benzene, traces of the toxic mix used in the fracking process as well as radon from the Marcellus shale threatening water quality and downstream drinking water supplies.
- FERC's Environmental Assessment (EA) did not assess or take into account the rising frequency and impact of extreme weather events and flooding due to climate change. NYS has experience several 100-year floods in the past 15 years. These events are

expected to increase in the coming years. Cleared areas along stream shorelines will be subject to further erosion. Shallow pipeline crossing stream beds could be exposed and vulnerable to leaking and rupture if struck by rocks and other objects in fast moving water. High pressure pipeline could be weakened, cracked leading to possibility of explosion.

- In light of the climate emergency we now face, FERC's determination that there is a need and necessity for this project is false and needs to be reassessed. As FERC Commissioner, Richard Glick states in his dissenting opinion, "I do not believe that the Project is in the public interest without determining the significance of the Project's contribution to climate change."
- NY State has passed the Climate Leadership and Community Protection Act which mandates a 40% reduction of GHG emissions by 2030 and 85% reduction by 2050. NY State does not want or need National Fuel's increased fracked gas capacity. This project runs directly contrary to the GHG reductions that are now NY State law.