

II. Request for Formal Hearing

Pursuant to NGA regulations, 18 C.F.R. § 157.10(a)(1), Movants respectfully request a formal hearing on the application of Constitution Pipeline Company, LLC (“Constitution” or the “Company”) for a certificate of public convenience and necessity authorizing the construction and operation of the Constitution Pipeline and associated facilities (the “Project”), including the environmental impacts of and public need for the Project.

III. Identity of Movants

CATSKILL MOUNTAINKEEPER is a non-profit 501(c)(3) membership based grassroots advocacy organization headquartered in Youngsville, New York and dedicated to protecting and preserving the unique and irreplaceable Catskill Region of New York State. Catskill Mountainkeeper strives to be the strongest and most effective possible advocate for the Catskill region—working through a network of concerned citizens to protect the ecological integrity of the Catskill Mountain range and the quality of life of all those who live there by promoting sustainable growth and protecting the natural resources essential to healthy communities.

CLEAN AIR COUNCIL is a non-profit environmental organization headquartered at 135 South 19th Street, Suite 300, Philadelphia, Pennsylvania 19103. For more than 40 years, the Council has fought to improve air quality across Pennsylvania. The Council has members throughout the Commonwealth who support its mission to protect everyone’s right to breathe clean air. Clean Air Council has been at the forefront of air quality issues associated with Marcellus Shale development. The Council works on the state and federal level to strengthen environmental regulations associated with natural gas infrastructure, engages with local

residents, participates during public commenting, and litigates when necessary to protect public health and ensure that the industry complies with the law.

DELAWARE-OTSEGO AUDUBON SOCIETY is a chapter of the National Audubon Society, a non-profit environmental organization dedicated to the conservation and restoration of natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. Founded in 1968, the Delaware-Otsego Audubon Society covers the northern Catskill Mountain and upper Susquehanna River region of New York State and strives to educate the public, to improve environmental quality, to protect and maintain ecological systems, and to promote the wise utilization and conservation of natural resources.

DELAWARE RIVERKEEPER NETWORK is a non-profit membership organization established in 1988 to protect and restore the Delaware River, its associated watershed, tributaries, and habitats. Headquartered in Bristol, Pennsylvania, Delaware Riverkeeper Network currently has more than 8,000 members with interests in the health and welfare of the Delaware River and watershed. In its efforts to protect and restore the watershed, Delaware Riverkeeper Network organizes and implements stream-bank restorations, a volunteer monitoring program, educational programs, environmental advocacy initiatives, recreational activities, and environmental law enforcement efforts throughout the Delaware River Basin.

SIERRA CLUB is a national non-profit organization incorporated in the State of California as a Nonprofit Public Benefit Corporation, with approximately 1.4 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human

environment; and to using all lawful means to carry out these objectives. As of June 2013, Sierra Club had approximately 23,000 members in Pennsylvania and 37,000 members in New York. Many of those 60,000 Sierra Club members live and work throughout the area that would be affected by the Project, including in regions adjacent to the proposed Project route and regions overlying the shale plays that will supply the gas.

IV. Background

In Docket No. CP13-499-000, Constitution has applied for authorization under Section 7(c) of the NGA to construct and operate a variety of Project facilities in Susquehanna County, Pennsylvania, and in Broome, Chenango, Delaware, and Schoharie Counties, New York. Project facilities would include 122 miles of 30-inch diameter pipeline, two meter stations with interconnecting piping, and additional ancillary facilities and would transport 650,000 dekatherms per day of natural gas from two receipt points in Susquehanna County to a proposed interconnection with existing Iroquois Gas Transmission System, L.P. facilities in Schoharie County, New York. The Commission's Notice of Application for Docket No. CP13-499-000 states that motions to intervene are due on or before July 17, 2013.

V. Intervention

For the factual and legal reasons set forth in their accompanying comments, which are incorporated by reference in full herein, *see* 18 C.F.R. § 385.214(b)(1), Movants contend that approval of Constitution's application is inconsistent with the public interest and will not serve the public convenience and necessity. Movants seek to intervene in this proceeding because, if the application is granted, Movants and their members will be immediately and permanently harmed by the economic, environmental, and other impacts of the Project and of the gas development and infrastructure it may induce. Specifically, in addition to Movants'

informational interests in public disclosure and comprehensive analysis, pursuant to the National Environmental Protection Act (“NEPA”) and other law, of all direct, indirect, and cumulative environmental, cultural, social, and economic consequences of the Project and of reasonable alternatives to the Project, Movants and their members have substantive interests that will be adversely affected by the following Project impacts, if Constitution’s application is granted:

- The direct, indirect, and cumulative environmental impacts of Project construction and operation on Movants’ members who live, work, or engage in recreational activities in the Project area and surrounding communities.
- The upstream environmental impacts of expanded natural gas production and infrastructure construction induced by the availability of the new transmission capacity provided by the Project.
- The downstream environmental impacts of gas transmission and combustion.
- Impacts on aesthetics and recreational opportunities, including fishing and wildlife viewing, that Movants and their members enjoy within the vicinity of the Project area and surrounding communities.
- The economic impacts of the Project and the environmental damage it causes, including but not limited to the costs of impaired ecosystem services; lost property value; harm to tourism, recreation, agriculture, and other non-extractive industries; and increased demands on local social services.

Movants have demonstrated the vitality of their interests in many ways. For example, Sierra Club runs national advocacy and organizing campaigns dedicated to reducing American dependence on fossil fuels, including natural gas, and to protecting public health. These campaigns, including its Beyond Coal campaign and its Natural Gas Reform campaign, promote a swift transition away from fossil fuels and seek to reduce the impacts of any remaining natural gas extraction. Sierra Club, Catskill Mountainkeeper, Delaware-Otsego Audubon Society, and Delaware Riverkeeper Network have all been actively engaged in New York State’s environmental review of the regulation of gas development in the Marcellus Shale and other low permeability shale formations. As a result of the impacts of gas development on water resources

that were revealed during New York State's review, the Atlantic Chapter of the Sierra Club has engaged in challenges to pipeline construction, to water withdrawal permits for hydraulic fracturing activities, and to the transport and disposal of fracking waste. In addition, Delaware-Otsego Audubon Society and Delaware Riverkeeper Network have submitted comments to the Delaware River Basin Commission on draft regulations of water use and disposal for gas drilling and development of wells where hydraulic fracturing is employed.

Delaware Riverkeeper Network has been active in monitoring and commenting on permit applications and project proposals for the numerous pipelines that have been proposed to cross through the Delaware River watershed in recent years as well as in monitoring the two projects that have been installed since 2010. In addition, Delaware Riverkeeper Network has trained volunteers to collect water chemistry and macroinvertebrate data at more than 125 stream stations in the Upper and Middle Delaware River Basin and is working with regulatory agencies to coordinate and carryout data collection in order to gauge the impacts of present or future pipelines and other projects. Delaware Riverkeeper Network also has trained volunteers to monitor the ongoing construction of a pipeline being installed through Pike and Wayne Counties, PA and Sussex County, NJ and to report violations of permits and approvals to regulatory agencies for enforcement. Delaware Riverkeeper Network has brought legal actions in state and federal courts challenging the adequacy of pipeline project reviews and approvals.

Delaware-Otsego Audubon Society has conducted two annual bird censuses since its inception, and has operated the Franklin Mountain Hawkwatch for 24 years. Other research activity includes monitoring of wintering raptors, participation in waterfowl counts, and surveys of grassland birds. The chapter coordinates a series of birding field trips in the region, and provides programs to schools and other groups on birds. Delaware-Otsego Audubon Society has

been involved in review of numerous projects in the region that have the potential to adversely affect bird populations, ranging from resort proposals to wind projects to land use regulations.

Movants' members in and around the proposed Project area and surrounding communities are particularly active in the efforts of their respective organizations to protect the natural resources of the region. Members of Sierra Club's Pennsylvania and Atlantic Chapters are focusing many of their advocacy efforts on gas issues and are deeply engaged in permitting and regulatory processes in Pennsylvania and New York. Delaware Riverkeeper Network is focusing many of its advocacy efforts in Pennsylvania and New York on gas issues, is deeply engaged in permitting and regulatory processes in those states, and is working with other citizen groups to monitor active and potentially active drilling sites.

Movants' are particularly concerned about adverse effects that the construction and operation of the proposed Project would have on the waterbodies, wetlands, watersheds, habitat, and ecosystems that would be traversed by the pipeline. As proposed, the Project could adversely affect numerous sensitive freshwater wetlands, riparian vegetation, and freshwater fisheries and could negatively impact the recreational, aesthetic, and commercial interests of Movants' members.

In addition, Movants' members living in the region that is underlain by the Marcellus Shale formation likely will see gas development intensify as a result of the Project. Based on prior experience in that region, the expansion of drilling and related infrastructure can be expected to industrialize previously rural communities, fragment formerly intact forests and fields, degrade major water bodies and their watersheds, and cause serious air pollution, loud noises, foul odors, and crushing traffic—to name just a few of the documented problems. Members living near the proposed Project route and in surrounding communities will have to

contend with the pollution and nuisance caused by operation of a major transmission pipeline, its supporting facilities, and any gas development that is induced by the availability of the new transmission capacity provided by the Project. In addition, Movants' members throughout the country will be burdened by increased climate change harms caused by Project.

In short, in addition to their informational interests in disclosure pursuant to NEPA, Movants and their members have vital environmental, economic, aesthetic, and recreational interests that will be directly and adversely affected by the Project. Those interests will not be represented by any other party and therefore will not be adequately protected unless Movants are permitted to intervene and to participate as formal parties in this proceeding. Finally, Movants' participation in this proceeding will lead to better informed decision-making and more reliable protection of affected public resources. Movants therefore satisfy the conditions for intervention both as representatives of interested consumers and because their participation is in the public interest. *See* 15 U.S.C. § 717n(e); 18 C.F.R. § 385.214(b)(2).

WHEREFORE, Movants respectfully request that the Commission grant this motion to intervene and authorize Movants to participate fully as parties in this proceeding.

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Respectfully submitted,



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