



Thruway Authority | Canal Corporation

ANDREW M. CUOMO
Governor

JOANNE M. MAHONEY
Chair

ROBERT L. MEGNA
Executive Director

December 21, 2015

Basil Seggos
Acting Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dear Acting Commissioner Seggos:

By letter dated November 16, 2015, the New York State Thruway Authority (Thruway Authority) reached out to potential involved agencies stating that it was considering lead agency status pursuant to the New York State Environmental Quality Review Act (SEQR) in connection with the review of an application submitted to the Thruway Authority from Pilgrim Transportation of New York, Inc. (Pilgrim) to construct, operate and maintain two pipelines from Linden, New Jersey to Albany, New York (Project).

After careful consideration of the responses received from potential involved agencies, a review of Pilgrim's application to use and occupy New York State Thruway (Thruway) right-of-way, and a request from the New York State Department of Environmental Conservation (DEC) to serve as co-lead agency, the Thruway Authority, pursuant to this letter, is declaring itself as co-lead agency with the DEC for the Project.

Of the 116 miles of the Project's mainline pipeline in New York State, approximately 79 percent is along Thruway right of way. This extensive, regional Project, which spans from Albany County to Rockland County, necessarily implicates numerous significant impacts relating to Thruway maintenance and operations, including future use of the Thruway, which the Authority possesses exclusive knowledge of. In connection with Pilgrim's application, the Thruway Authority will also need to determine whether the Project is consistent with, and permissible under, applicable State and federal laws, rules, regulations and policies regulating highway use. The Thruway Authority has considerable expertise and experience in this area and is the appropriate agency to liaise with all State and federal highway agencies. The Authority is acutely aware of all anticipated environmental impacts related to the Project that affect the Thruway.

The preliminary draft environmental impact statement (DEIS) that Pilgrim submitted to the Thruway Authority with its application indicates there is the potential for significant adverse environmental impacts associated with the construction and operation of the pipeline, including, but not limited to, impacts to hundreds of acres of forest, regulated water bodies and wetlands.

The Project as proposed would implicate the DEC's permitting authority pursuant to the Environmental Conservation Law and the federal Clean Water Act. The DEC would utilize the SEQR process to undertake a careful evaluation of the application to ensure that sensitive resources are not adversely impacted. The Thruway Authority recognizes that the DEC has significant experience and expertise in managing complex SEQR proceedings, directing the preparation of comprehensive, regional environmental impact statements (EISs) and managing input from a multitude of stakeholders and involved agencies.

Based on the common regional jurisdictions of both the Thruway Authority and the DEC, and the categories of technical expertise needed to review the impacts of the Project, the Thruway Authority and the DEC should be co-lead agencies for purposes of SEQR. The Thruway Authority and the DEC will work closely with and coordinate with all involved agencies, both State and local, to ensure that all environmental impacts associated with the Project are assessed in a transparent and comprehensive manner.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. Megna". The signature is written in a cursive style.

Robert L. Megna

cc: Federal Highway Administration (FHWA)
U.S. Army Corps of Engineers (USACE)
U.S. Fish and Wildlife Service (USFWS)
U.S. Department of Treasury – Bureau of Alcohol, Tobacco and Firearms
U.S. Department of Transportation (USDOT), Pipeline & Haz. Materials Safety Admin. (PHSMA),
Office of Pipeline Safety (OPS)
New Jersey Department of Environmental Protection (NJDEP)
New Jersey Department of Transportation (NJDOT)
Pilgrim Transportation of New York, Inc.