

**Requesting The New York State Department Of Environmental Conservation And The New York Thruway Authority Assure Opportunities For Meaningful Public And Municipal Participation In The Scoping Process For The State Environmental Quality Review Of The Pilgrim Pipelines Project**

Referred to: The Energy and Environment Committee (Chairman Richard Parete and Legislators Bartels, Heppner, Lapp and Wawro)

Legislator Jennifer Schwartz Berky offers the following:

WHEREAS, Pilgrim Pipeline Holdings, LLC, has proposed to construct two pipelines carrying crude oil and refined petroleum products between Albany, New York, and Linden, New Jersey, cutting through various residential areas in Ulster County running through the Towns of Esopus, Lloyd, New Paltz, Plattekill, Rosendale, Saugerties, and Ulster, as well as the City of Kingston; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 38 on February 17, 2015, opposing the Pilgrim Pipeline for the potential threat to the health, safety, and welfare of the community; possible decrease to the values of homes located along its route and in surrounding neighborhoods; and potential to negatively impact future development in Ulster County; and

WHEREAS, pursuant to Resolution No. 485, dated December 15, 2015, the Ulster County Legislature urged the Acting Commissioner of the NYS Department of Environmental Conservation (DEC) to reject the request by the New York State Thruway Authority to serve as lead agency for the environmental review process and instead direct the NYS DEC to assume the role of lead agency; and

WHEREAS, the State Environmental Quality Review (SEQR) process for this project is underway, and a decision may be made any day with regard to a Declaration of Significance and the Scoping Process; and

WHEREAS, NYS DEC Acting Deputy Commissioner and General Counsel Thomas Berkman stated in a letter regarding lead agency, dated December 21, 2015, that “there is the potential for significant adverse environmental impacts associated with the construction and operation” of the pipelines, “including, but not limited to, impacts to hundreds of acres of forest, regulated water bodies and wetlands;” and

WHEREAS, Deputy Commissioner Berkman further stated that the SEQR process for this proposed project “will be extensive and complex due to the myriad of issues likely to be raised, the number of involved State and local agencies, and the demonstrated public interest in the project;” and

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WHEREAS, the construction and operation of pipelines poses significant risks not only to communities in the pipelines' pathway but also to the many communities along the rail line delivering oil to these pipelines, which could see a two- or three-fold increase in crude-by-rail traffic if pipelines operate at full capacity; and

WHEREAS, the very large number of affected communities demands a scoping process that can accommodate their effective participation to identify issues of local and regional concern; and

WHEREAS, this participation will require time-consuming research by municipalities and the public to analyze the proposal and identify potential impacts on local land, water and air resources, cultural, historic, and community resources and economic development; and

WHEREAS, broad public input in the SEQR process is vital, given the millions of people potentially impacted by this project; and

WHEREAS, any local issue or concern related to the proposed Pilgrim pipelines will only be examined in the Draft Environmental Impact Statement if identified in the scoping process, making community participation in this step vital to a comprehensive review; now, therefore be it

RESOLVED, that the Ulster County Legislature requests the DEC and the Thruway Authority, as Co-Lead Agencies, provide a minimum 90-day public comment period following the release of a Draft Scoping Document; and, be it further

RESOLVED, that the Ulster County Legislature requests that public information sessions and hearings be held in every county in the pipeline pathway, with at least one meeting along the crude-by-rail route that would serve the pipelines; and, be it further

RESOLVED, that the Co-Lead Agencies make an extraordinary effort to maximize public engagement regarding the scoping process, to make all the meetings and comment deadlines widely known, and to help the public understand the significance of their opportunity to participate in the scoping process; and, be it further

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RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to the NYS Thruway Authority Acting Executive Director Bill Finch, NYS DOT Commissioner Matthew J. Driscoll, U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. Congressman Chris Gibson, Governor Andrew Cuomo, NY Public Service Commission Chairwoman Audrey Zibelman, Assembly Member Kevin Cahill, Senator John Bonacic, and NYS DEC Commissioner Basil Seggos,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Energy and Environment on \_\_\_\_\_.

FINANCIAL IMPACT:

NONE