

# Congress of the United States

Washington, DC 20515

August 12, 2025

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

The Honorable Amanda Lefton  
Commissioner  
New York State Department of Environmental Conservation  
625 Broadway Albany, NY 12224

Dear Governor Hochul and Commissioner Lefton:

As members of the New York congressional delegation, we respectfully request that the New York State Department of Environmental Conservation (NYSDEC) consider extending the public comment period for the Northeast Supply Enhancement (NESE) Project to at least 120 days and convene public hearings in the impacted communities. We appreciate NYSDEC's decision to extend the initial 30-day comment period to 45 days. However, we remain concerned that this timeline, ending August 16, 2025, may not provide sufficient opportunity for comprehensive review and input from concerned residents, subject-matter experts, and community-based organizations across New York.

The NESE Project would involve constructing a 23.5-mile, 26-inch fracked gas pipeline under Raritan Bay and Lower New York Bay, coming within two miles of Staten Island and three miles of the Rockaways.<sup>1</sup> Construction would require trenching and dredging through sea floor sediments known to contain toxic contaminants such as arsenic, lead, PCBs, mercury, and dioxins.<sup>2</sup> As evidence of this, In October 2019, the U.S. Army Corps of Engineers published a public notice confirming that Williams had applied for authorization to dispose of approximately 735,000 cubic yards of dredged material from the NESE pipeline route at an offshore site located just 7.7 miles south of Rockaway Beach, indicating that the sediments in question were considered contaminated and necessitated ocean disposal rather than upland reuse.<sup>3</sup> The proposed

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<sup>1</sup> Federal Energy Regulatory Commission. *Final Environmental Impact Statement for the Northeast Supply Enhancement Project* (CP17-101), May 2019.

<https://www.ferc.gov/media/cp17-101-000-final-environmental-impact-statement>

<sup>2</sup> New York State Department of Environmental Conservation. *Notice of Denial of Water Quality Certification for NESE Project*, May 15, 2019.

[https://www.dec.ny.gov/docs/administration\\_pdf/neseproject519.pdf](https://www.dec.ny.gov/docs/administration_pdf/neseproject519.pdf)

construction method, which involves trenching and dredging, would also create prolonged noise and vibrations that could impact local marine ecosystems.

Although the project remains under federal review by the Federal Energy Regulatory Commission (FERC), New York retains independent authority under Section 401 of the Clean Water Act to determine whether the pipeline complies with state water quality standards. Without a valid Water Quality Certification from the state, FERC cannot authorize construction. This makes robust state-level review and public engagement essential.

As you are aware, the NYSDEC has previously denied a Water Quality Certification for this pipeline twice, first on May 15, 2019, and again on May 15, 2020, due to its likely violation of New York State's water quality standards.<sup>45</sup> That determination was based in part on the significant disruption to contaminated sediments and associated harm to marine and coastal resources.

Given the technical complexity of the application, the substantial health and environmental risks at stake, and the strong public interest, a public comment period of at least 120 days would help ensure a thorough and inclusive review. The proposal includes thousands of pages of documentation that require careful analysis. Providing additional time would allow residents, experts, and community-based organizations to fully understand the scope of the project and offer meaningful feedback. Public hearings in affected communities would further strengthen the review process by ensuring that the voices of those directly impacted are heard and taken into consideration.

The NYSDEC has previously granted public comment periods that are longer than 45 days for complex and high-impact proposals.<sup>6</sup> This precedent reflects the Department's recognition that meaningful public participation requires sufficient time and opportunity to engage.

We share your belief that the public has a fundamental right to evaluate how this project aligns with New York's water quality standards, environmental protection statutes, climate commitments, and public health safeguards. Providing additional time for public input would reinforce the transparency and public trust that are hallmarks of the state's permitting process.

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<sup>3</sup> U.S. Army Corps of Engineers, "Public Notice: NAN-2016-00908-ELA," October 4, 2019, New York District Regulatory Branch, <https://www.nan.usace.army.mil/Missions/Regulatory/Public-Notices/Article/1972317/nan-2016-00908-ela/>

<sup>4</sup> New York State Department of Environmental Conservation. *Notice of Denial of Water Quality Certification for NESE Project*, May 15, 2019. [https://www.dec.ny.gov/docs/administration\\_pdf/neseproject519.pdf](https://www.dec.ny.gov/docs/administration_pdf/neseproject519.pdf)

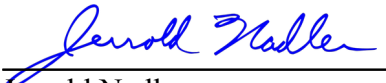
<sup>5</sup> New York State Department of Environmental Conservation, *Denial of Water Quality Certification for the Northeast Supply Enhancement Project*, May 15, 2020, [https://extapps.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/nesewqcd denial05152020.pdf](https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/nesewqcd denial05152020.pdf).

<sup>6</sup> New York State Department of Environmental Conservation. *Proposed Revisions to Part 375 - Environmental Remediation Programs*, NY State Register, February 14, 2024. Comment period extended through January 31, 2025. <https://dos.ny.gov/state-register>

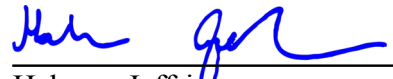
Extending the public comment period to at least 120 days and holding in-person public hearings would help ensure a thorough and inclusive review.

Thank you for your attention to this request.

Sincerely,



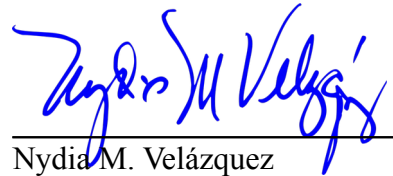
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