

City of Kingston

City Hall - 420 Broadway
Kingston, New York 12401
(845) 334-3915

Common Council

James L. Noble
President

Carly Winnie
City Clerk



Bill Carey
Majority Leader

Deborah Brown
Minority Leader

January 7, 2016

Hon. Basil Seggos, Acting Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Re: Pilgrim Pipeline SEQR Agency Coordination

Dear Commissioner Seggos;

Enclosed please find City of Kingston Resolution #22 of 2016, as well as a letter from Mayor Steven Noble regarding the Pilgrim Pipeline Project.

As you may recall, the City of Kingston previously declined the Thruway Authority's request to be named Lead Agency in the SEQR Review of the Pilgrim Pipeline Project. As stated in the attached resolution, the City of Kingston, wishes to further decline the New York State Thruway Authority's request to be named co-lead agency on this project as well.

The City of Kingston instead recommends that the New York State Department of Environmental Conservation be named as the sole, Lead Agency. Our belief is that the DEC, as the state environmental agency, is best suited to guide the environmental review of this large, multi-jurisdictional project that has the potential to impact environmental resources in 6 New York counties and 29 towns.

Thank you for your time and attention to this matter.

Sincerely,

Carly Winnie
City Clerk

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, RECOMMENDING A MEMORIALIZING RESOLUTION IN OPPOSITION TO THE NYS DEC AND THE THRUWAY AUTHORITY'S PROPOSED AGREEMENT TO SERVE AS CO-LEAD AGENCIES OF THE PILGRIM PIPELINE PROJECT

WHEREAS, the NYS DEC and the Thruway Authority are proposing to serve as co-lead agencies of the Pilgrim Pipeline Project; and

WHEREAS, the City of Kingston previously declined to consent to the Thruway Authority's intent to serve as Lead Agency in the SEQR review for the Pilgrim Pipeline Project; and

WHEREAS, the City of Kingston is committed to its declination and further declines to consent to the NYS DEC and Thruway Authority's proposed agreement to serve as co-lead agencies.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION-1. That the Common Council of the City of Kingston opposes the Thruway Authority to serve as co-lead agency for the proposed Pilgrim Pipe Line.

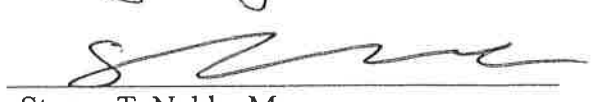
SECTION-2. That a copy of this resolution be forwarded to the NYS Thruway Authority Chair Howard P. Milstein, NYS DOT Commissioner Joan McDonald, U.S. Senators Charles Schumer and Kirsten Gillibrand and U.S. Representative Chris Gibson, Governor Andrew Cuomo, NY Public Service Commission Chairwoman Audrey Zibelman, NY Assembly Member Kevin Cahill, NY Senator John Bonacic and NYS DEC Commissioner.

SECTION-3. That this resolution shall take effect immediately.

Submitted to the Mayor this 6th day of January, 2016


Carly Winnie, City Clerk

Approved by the Mayor this 6th day of January, 2016


Steven T. Noble, Mayor

Adopted by Council on January 5, 2016



CITY OF KINGSTON

OFFICE OF THE MAYOR
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STEVEN T. NOBLE
MAYOR

Phone (845) 334-3902
Fax (845) 334-3904

January 5, 2016

Mr. James L. Noble, Jr.
Alderman-At-Large
420 Broadway
Kingston, NY 12401

Re: SEQR Agency Coordination for the Pilgrim Pipeline Project

Dear President Noble,

As you know, in the end of 2015, the City of Kingston in both the Mayor's office and Common Council, declined to consent to the Thruway Authority's intent to serve as Lead Agency in the SEQR review of the Pilgrim Pipeline Project.

We are committed to our declination and further decline to consent to the NYS DEC and Thruway Authority's proposed agreement to serve as co-lead agencies.

Please find my letter, attached, to NYS DEC Acting Commissioner Seggos and NYS Thruway Authority Executive Director Megna, which summarizes my position on the matter.

I urge the Kingston Common Council to take action on this matter, to formalize a Resolution to similarly decline the proposed agreement for co-Lead Agency.

Thank you for your attention to this important matter.

Sincerely,

Steven. T. Noble
Mayor



CITY OF KINGSTON

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STEVEN T. NOBLE
MAYOR

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January 04, 2016

The Hon. Basil Seggos
Acting Commissioner, NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

Robert L. Megna
Executive Director
NYS Thruway Authority Canal Corporation
200 Southern Boulevard
P.O. Box 189
Albany, New York 12201-0189

By First Class and Email

Re: SEQR Agency Coordination for the Pilgrim Pipeline Project

Delivered by Certified Mail

Dear Acting Commissioner Seggos and Mr. Megna,

The City of Kingston, in the review of the Pilgrim Pipeline Project, hereby responds to your exchange of letters, both dated December 21, 2015, of NYS DEC's and Thruway Authority's agreement to act as co-lead agencies in the SEQR review of the Project. Per this decision, we remain committed to our earlier decision dated December 2nd (Kingston Common Council resolution) and November 20th (Kingston City Mayor's office) and therefore, decline to consent to the Thruway Authority's and DEC's proposed agreement to serve as co-lead agencies for the following reasons:

- 1) The Thruway Authority's very narrow expertise in highway use policy and regulation does not provide an adequate basis to justify the Authority's serving as a co-lead agency in an environmental review; and
- 2) The DEC itself discourages co-lead agency because of the potential for disagreement, and this case does not merit an exception. DEC has advised in the past that language in the regulations that provide for the DEC Commissioner to choose between agencies and the plain reading of the regulations themselves preclude the use of co-lead agencies. DEC's SEQR guidance instead recommends that "a single lead agency be established with the other agency actively involved in the process but not as co-lead agency."
- 3) The Thruway Authority continues to have an apparent conflict of interest in overseeing the environmental review of a project that if approved, would result in its receipt of revenues from the Pilgrim Pipeline project from fees charged by NYSTA for use of the right of way.
- 4) 27 of the 29 New York Municipalities, including the City of Kingston, have passed resolutions opposing Thruway's involvement in overseeing the environmental review of a project that presents significant potential risks and costs to our communities that far outweigh any potential benefits, and that contradicts local and State energy goals.

Based on DEC's own criteria which guide the Commissioner's designation of lead agency in the event of a dispute, such as here, it is apparent that the NYS DEC is the only suitable agency to be Lead Agency in the Pilgrim Pipeline Project for the following reasons:

1. The proposed pipeline threatens important resources of statewide concern, including the Hudson River and major tributaries, such as the Rondout, Esopus, and Catskill Creeks and Wallkill River, State-regulated wetlands and other resources that the NYS DEC is responsible for protecting and is better equipped to ensure a full and adequate evaluation of environmental impacts.
2. NYS DEC has statewide responsibility for mitigating climate change and helping to ensure that New York will meet the targets set in the 2015 New York State Energy Plan to reduce greenhouse gas emissions by 40% by 2030 and 80% by 2050 below 1990 emissions levels. The Commissioner's Policy mandates that DEC must consider climate change in all its actions, including permitting. This proposed project to construct the first crude oil pipeline in New York must be evaluated within the context of the Energy Plan and state energy objectives, and the DEC is best positioned to ensure the comprehensive evaluation that is needed.
3. NYS DEC, as the state environmental agency, is best suited to guide the environmental review of this large, multi-jurisdictional project that has the potential to impact environmental resources

in six New York counties and 29 towns, and is the agency with the power and the expertise to ensure a comprehensive and coordinated review.

4. The pipeline will traverse and impact private lands and resources outside of the Thruway right-of-way, and it is therefore more appropriate for the NYS DEC than the Thruway Authority to play the lead role in evaluating the impacts to those lands and resources.

Thank you very much for the opportunity to express our position with respect to the appropriate lead agency to guide this very important environmental review.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven T. Noble", with a long, sweeping horizontal stroke extending to the right.

Steven T. Noble
Mayor