

Congress of the United States

Washington, DC 20515

December 5, 2024

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

Dear Governor Hochul:

We write to you as members of the New York and Pennsylvania congressional delegations to express our deep concern with the recent announcement that National Fuel Gas Co. will be cancelling its plans to build a natural gas pipeline, the Northern Access Pipeline, across Upstate New York. This project could have led to the creation of thousands of new jobs, and spurred further economic development in Western New York and the Southern Tier. The New York State Department of Environmental Conservation's (DEC) decision to stand in the way of this key natural gas pipeline infrastructure project—despite Federal approval—caused extensive delays and increased project costs, with the ongoing challenge of trying to develop in the current regulatory environment in New York. This action has once again robbed our state of a key opportunity for greater energy security and prevented increased access across the Northeast, the Midwest, and Canada to affordable, reliable natural gas.

As you are aware, the Northern Access Pipeline was delayed for nearly a decade. The proposed pipeline consisted of a 97-mile-long pipe that would carry Marcellus Shale gas from Sergeant Township, Pennsylvania, to the Porterville Compressor Station in the Town of Elma, New York. The goal of this proposed pipeline was to supply markets in Western New York and the Midwest with natural gas, as well as provide gas for export to Canada through the Empire system, and to New York and New England through the Tennessee Gas Pipeline 200 line.

The construction of the Northern Access Pipeline would have represented an investment of an estimated \$500 million, with much of that investment directly into New York. Some of our state's most rural counties in the Southern Tier could have benefited from increased local tax revenue and new jobs to complete this integral pipeline. Initial project estimates expected a peak construction workforce at 1,680 jobs with much of the work expected to have been completed by companies in New York. This represented new and expanded union and professional employment opportunities for New Yorkers. The DEC's decision to repeatedly stand in the way of this critical project, has denied our state the realization of this new investment, and the subsequent good-paying jobs and economic development.

Among the causes that led to the ultimate cancellation was the weaponization of Section 401 of the Clean Water Act (CWA) under your leadership, and the leadership of your predecessor. New York has developed a track record of utilizing an overly broad interpretation of Section 401 of the Clean Water Act (CWA) to deny certification to projects such as the Northern Access Pipeline, often including reasons outside Section 401's scope. Under Section 401 of the CWA, project applicants for a federal license or permit for a project which may result in discharges into navigable waters are required to obtain certification from the state where the discharge may occur. Time and again, approvals for interstate natural gas pipeline projects and other infrastructure related to natural gas infrastructure, which have been determined to be in the public interest by the Federal Energy Regulatory Commission (FERC), and have been approved by regulators in neighboring states, denied in our own state due in part to this weaponization of the CWA. As a result of your government's continued opposition to new natural gas pipeline infrastructure in this manner, along with the extensive, frivolous litigation brought by radical environmental groups, the proposed Northern Access Pipeline project was ultimately abandoned.

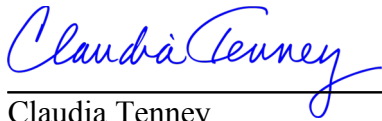
As House Republicans, we passed H.R. 1, the *Lower Energy Costs Act*, on March 30, 2023, which included important guardrails on how states like New York interpret Section 401 of the CWA. Our legislation would help ensure that your Administration cannot weaponize the CWA to block future projects. The denial of the Northern Access Pipeline project will only hold our state and our nation back from greater energy independence and greater affordability for millions of

Americans. We urge your Administration to reconsider its decision to interpret Section 401 of the Clean Water Act in such an overly broad manner and to stand in the way of these important pipeline infrastructure projects in the future.

Respectfully,



Nicholas A. Langworthy
Member of Congress



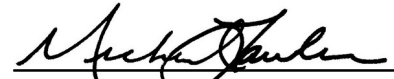
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