

**NextEra Energy Transmission New York, Inc.**

**(NEETNY)**

**Empire State Line**

**Case 18-T-0499**

**ENVIRONMENTAL MANAGEMENT AND  
CONSTRUCTION PLAN**

**September 2020**



EMPIRE STATE LINE  
ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN  
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## ACRONYMS & ABBREVIATIONS

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AC	alternating current
ANSI	American National Standards Institute
APE	Area of Potential Effect
Blue Book	New York State Standards and Specifications for Erosion and Sediment and Control 2016 Blue Book
BMP	Best Management Practice
Certificate	Certificate of Environmental Compatibility and Public Need
CESL	Challengers of the Empire State Line
dB	decibel
dba	A-weighted decibel
DPS	Department of Public Service
Dysinger Switchyard	New 345 kV switchyard in Niagara County
East Stolle Switchyard	New switchyard in Erie County connected to the existing NYSEG Stolle Road Substation
ECL	New York State Environmental Conservation Law
E & E	Ecology and Environment, Inc., member of WSP
EM&CP	Environmental Management and Construction Plan
EMF	Electric and Magnetic Fields
ESL	Empire State Line Project
FAA	Federal Aviation Administration
GPS	Global Positioning System
HDD	horizontal directional drill
IPaC	(USFWS) Information for Planning and Consultation
kV	kilovolt
LiDAR	light detection and ranging
M&R	Metering and Regulation
MPT	Maintenance and Protection of Traffic
MS4	Municipal Separate Storm Sewer System
MUTCD	(NYSDOT) Manual Uniform Traffic Control Devices

MVA	mega volt ampere
MVAR	mega volt ampere reactive
NACE	National Association of Corrosion Engineers
National Grid	Niagara Mohawk Power Corporation d/b/a National Grid
NEETNY	NextEra Energy Transmission New York, Inc.
NESC	National Electrical Safety Code
NFG	National Fuel Gas Company
NHPA	National Historic Preservation Act
NOI	Notice of Intent
NOT	Notice of Termination
NRE	National Register Eligible
NRHP	National Register of Historic Places
NYCRR	New York Codes, Rules and Regulations
NYISO	New York Independent System Operator
NYNHP	New York Natural Heritage Program
NYPA	New York Power Authority
NYS	New York State
NYSAGM	New York State Department of Agriculture and Markets
NYSDAM	New York State Department of Agriculture and Markets <sup>1</sup>
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
NYSEG	New York State Electric & Gas Corporation
NYSPSC	New York State Public Service Commission
NYSSESC	NYSDEC Standards and Specifications for Erosion and Sediment Control
NYSTA	New York State Thruway Authority
OHWM	ordinary high water mark
OPRHP	Office of Parks, Recreation & Historic Preservation
PAR	phase angle regulator
PCI/ETESS	PCI/Empire Transmission East Stolle Switchyard

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<sup>1</sup> The acronym NYSDAM is used in the Joint Proposal and Certificate Conditions and Compliance Matrix (Section II) only.

Project	Empire State Line Project
PSL	New York State Public Service Law
ROW	right-of-way
SHPO	New York State Historic Preservation Office
SPCC	Spill Prevention, Containment, and Counter Measures
SPDES	State Pollutant Discharge Elimination System
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
T&E	threatened and endangered
Transmission Line	20-mile-long 345 kV transmission line
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VRA	Visual Resource Assessment
WCF	western chorus frog
WPRP	Wetland Planting Remedial Plan

## I. INTRODUCTION

On August 10, 2018, NextEra Energy Transmission New York, Inc. (NEETNY) filed with the New York State Public Service Commission (NYSPSC) an application (Application) for a Certificate of Environmental Compatibility and Public Need (Certificate), pursuant to Article VII of the New York State Public Service Law (PSL) (Case 18-T-0499), to construct, operate, and maintain the Empire State Line Project (ESL or Project). On April 19, 2019, a supplement to the Application was filed adding elements to the Project, which are included in the complete Project description contained herein. Additional supplements to the Application were filed on March 13 and 27, 2020, providing updated Project information, which has also been incorporated herein. On April 23, 2020, NEETNY submitted a Joint Proposal reflecting the terms, conditions, practices, and guidelines that the signatory parties recommend be included in a Certificate of Environmental Compatibility and Public Need (Certificate) allowing NEETNY to construct the Project.<sup>2</sup>

The Project includes an approximately 20-mile 345-kilovolt (kV) transmission line and associated switchyards in the town of Royalton in Niagara County, New York, and the towns of Alden, Newstead, Lancaster, and Elma in Erie County, New York, respectively. The Project includes a new 345 kV switchyard (Dysinger Switchyard) in Niagara County, which will become the new 345 kV hub in Western New York where seven 345 kV lines will connect. It also includes a second new switchyard (East Stolle Switchyard) in Erie County to be connected to the existing New York State Electric & Gas Corporation (NYSEG) Stolle Road Substation. The approximately 20-mile 345 kV transmission line (Transmission Line) will connect the Dysinger and East Stolle Switchyards. In turn, the Dysinger Switchyard will be connected to the Power Authority of the State of New York (NYPA) 345 kV Niagara lines via two double circuit structures approximately 0.30 miles in length and the NYSEG 345 kV Kintigh lines via two single circuit transmission lines approximately 0.15 miles in length (Dysinger Tie-Ins). The East Stolle Switchyard will be connected to the NYSEG Stolle Road Substation via single circuit structures approximately 0.2 miles in length and NYSEG 345 kV Stolle Road to Homer City transmission line via single circuit structures approximately 0.2 miles in length (East Stolle Tie-Ins). Transmission line structures will consist primarily of steel monopoles. The Transmission Line will primarily be built within the existing NYSEG Utility Corridor.

The NYSEG Utility Corridor is generally 500 feet wide, with some areas widening to approximately 800 feet. NYSEG's 230 kV Line 65 extends the length of the corridor. The 115 kV Line 926, 115 kV Line 928, and 34.5 kV Line 525 parallel Line 65 for varying distances. NYSEG maintains fee ownership of the majority of land within the corridor; exceptions include

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<sup>2</sup> Minor corrections to the Joint Proposal were filed on May 6, 2020. The minor modifications to the Joint Proposal were admitted into evidence on June 10, 2020.

railroad, trail, and road crossings, as well as two private landowner holdings. In these areas, NYSEG owns right-of-way (ROW) easements to operate their transmission system.

NEETNY is submitting this Environmental Management and Construction Plan (EM&CP) to comply with post-certification requirements and activities. This EM&CP describes the environmental protection measures to be implemented during construction of the Project, including both typical and site-specific techniques, procedures, and requirements to be followed in the development of the Project by NEETNY (Certificate Holder). This EM&CP identifies the precise facility location and precautions that will be taken during construction to ensure environmental compatibility.

Following settlement negotiations and filing of a Joint Proposal on April 23, 2020, the Commission issued an Order Granting the Certificate on June 16, 2020. The standards for this EM&CP are described in Appendix E to the Joint Proposal agreed upon by NEETNY; Staff of the New York State Department of Public Service designated to represent the public interest in this proceeding (DPS Staff); the New York State Department of Environmental Conservation (NYSDEC); the New York State Department of Agriculture and Markets (NYSAGM); NYPA; New York State Thruway Authority (NYSTA); and Challengers of the Empire State Line (CESL). Appendix E “Specifications for the Development of Environmental Management and Construction Plan” of the Joint Proposal establishes the minimum content and specifications of this EM&CP.

## **II. CERTIFICATE CONDITIONS COMPLIANCE MATRIX**

NEETNY has been granted a Certificate of Environmental Compatibility and Public Need, pursuant to Article VII of the PSL, authorizing construction, operation, and maintenance of the Project in the town of Royalton, Niagara County, and the towns of Alden, Newstead, Lancaster, and Elma in Erie County. This EM&CP has been prepared in accordance with the terms of the Certificate. The following table sets forth the requirements/conditions of the Certificate and the Joint Proposal, NEETNY's responses, and the applicable sections of this EM&CP where the conditions are addressed for the Project.

**Certificate Conditions**

Condition Number	Requirement/Condition	Response	EM&CP Section
<b>A. Conditions of the Order</b>			
1.	Subject to the conditions set forth in this Opinion and Order, NextEra Energy Transmission New York, Inc. (“NEETNY” or the “Certificate Holder”) is granted a Certificate of Environmental Compatibility and Public Need (“Certificate”) authorizing the construction and operation of the Empire State Line Project (the “Project”). The Project consists of an approximately 20-mile new overhead 345-kilovolt (kV) transmission line in the existing New York State Electric & Gas Corporation (“NYSEG”) right-of-way (“ROW”) and new associated switchyards at Dysinger and East Stolle Road, in the Town of Royalton, Niagara County, and the Towns of Alden, Newstead, Lancaster, and Elma in Erie County.	Certificate approved June 16, 2020.	N/A
2.	The Certificate Holder shall, within 30 days after the issuance of the Certificate, or within 30 days after the issuance of a final non-appealable Order by the Public Service Commission (“Commission”) in Case No. 18-E-0765 granting a Certificate of Public Convenience and Necessity to the Certificate Holder under Section 68 of the Public Service Law (“PSL”), whichever is later, file with the Secretary of the Commission (“Secretary”) either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate. Failure to comply with this condition shall invalidate the Certificate.	NEETNY will comply.	N/A
3.	The Certificate Holder shall notify the Secretary in writing should it decide not to complete construction of all or any portion of the Project within 30 days of reaching such a decision and shall serve a copy of such notice upon all parties.	NEETNY will comply.	N/A
4.	The Certificate Holder shall construct the Project in accordance with this Certificate, with the approved Environmental Management and Construction Plan (“EM&CP”), and any subsequent Commission orders.	NEETNY will comply.	N/A
5.	If construction of the Project hereby certified is not commenced within 18 months after the acceptance of the Certificate by the Certificate Holder, the Certificate may be vacated by the Commission with notice to the Certificate Holder and active parties.	No response required.	N/A
6.	The Certificate Holder may request for an extension of the 18-month commencement deadline. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least one day prior to the affected deadline.	No response required.	N/A
<b>B. Description and Location of Project</b>			
7.	The proposed location of the Project is approved as set forth in the “Location of Facilities” in Exhibit B of the Joint Proposal.	No response required.	N/A

Condition Number	Requirement/Condition	Response	EM&CP Section
<b>C. Laws and Regulations</b>			
8.	Each substantive Federal, State, and local law, regulation, code, and ordinance applicable to the Project shall apply, except to the extent that the Commission has expressly refused to apply any substantive local law or regulation as being unreasonably restrictive.	NEETNY will comply.	N/A
9.	No State or local legal provision purporting to require any approval, consent, permit, certificate, or other condition for the construction or operation of the Project authorized by the Certificate shall apply, except: (i) those of the PSL and regulations and orders adopted thereunder; (ii) those provided by otherwise applicable State law for the protection of employees engaged in the construction and operation of the facilities; and (iii) those permits issued under a federally delegated or pursuant to federally approved environmental permitting program.	NEETNY will comply.	N/A
10.	The Certificate Holder shall construct the Project in a manner that conforms to all standards of the American National Standards Institute (“ANSI”) including, without limitation, the National Electrical Safety Code (“NESC”) (including the most current version Institute of Electrical and Electronics Engineers (“IEEE”) Standard IEEE C2) and any stricter standards adopted by the Certificate Holder. Upon completion of the Project, the Certificate Holder shall send a letter to the Secretary certifying that the Project was constructed in full conformance with the NESC.	NEETNY will comply.	N/A
11.	The Certificate Holder shall file a vegetation management plan for the Project with the Secretary, for the Department of Public Service (“DPS”) Staff’s review and acceptance, prior to EM&CP submittal. The vegetation management plan shall substantially comply with 16 NYCRR Part 84, the final orders issued in Cases 04-E-0822 and 10-E-0155, and the applicable conditions of this Order.	NEETNY will comply.	Appendix E
12.	Nothing herein shall preclude the Certificate Holder from voluntarily subjecting itself to applicable State or local approval, consent, permit, certificate, or other condition for the construction or operation of the Project, subject to the Commission’s ongoing jurisdiction.	No response required.	N/A
13.	The Certificate Holder shall coordinate all work on the Project that it performs during construction at State and municipal road and highway crossings with the appropriate State and municipal officials and shall obtain the required authorization for such work, subject to the Commission’s continuing jurisdiction as appropriate.	NEETNY will comply.	Appendix Q Appendix R
14.	The Certificate Holder, with respect to all work it performs on the Project, shall coordinate with the appropriate municipal agencies and police departments for traffic management of roads under municipal jurisdiction.	NEETNY will comply.	Appendix R
15.	A copy of each permit or approval required for construction or operation of the Project shall be provided to the Secretary by the Certificate Holder promptly after receipt by the Certificate Holder of such permit or approval and before commencement of construction across the affected area.	NEETNY will comply.	N/A
16.	To the extent required in connection with the delivery of oversized components, supplies, or equipment for the Project, the Certificate Holder or its suppliers shall obtain any required permits from applicable state or local agencies.	NEETNY will comply.	Appendix Q
17.	To the extent a disagreement arises regarding the implementation of the Joint Proposal and any of its provisions which cannot be informally resolved by the Signatory Parties: (a) the Signatory Parties shall promptly convene a telephone conference and in good faith attempt to resolve any such disagreement; and, (b) if any such disagreement cannot be resolved by the Signatory Parties, any Signatory Party may petition the Commission for resolution of the disputed matter.	NEETNY will comply.	N/A



Condition Number	Requirement/Condition	Response	EM&CP Section
18.	The Certificate Holder shall secure and provide to the Secretary, prior to commencement of construction, evidence of a Federal Aviation Administration (“FAA”) determination that the final design of the structures proposed for the Project will have no impact (or will have impacts mitigated by FAA-directed modifications to such final design) on the public-use airports identified in Exhibit E-6 of the Application.	NEETNY will comply.	Appendix H
<b>D. Public Health and Safety</b>			
19.	The Certificate Holder shall design, engineer, and construct the Project such that its operation shall comply with the electric and magnetic field standards established by the Commission in Opinion No. 78-13, issued June 19, 1978, and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990.	NEETNY will comply. Transmission Line Electric and Magnetic Fields (EMF) Studies were conducted for the ESL. The results of the studies show that the maximum levels at the edge of the Project ROW are well below the levels recommended in the Commission’s Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities.	Appendix X Section 21.0
20.	The Certificate Holder shall engineer and construct the Project to be fully compatible with the operation and maintenance of any nearby electric, gas, telecommunication, water, sewer, and related facilities; details of such other facilities and measures to protect the integrity, operation, and maintenance of those facilities shall be presented in the EM&CP. The Project shall be designed and constructed to avoid adverse effects on the cathodic protection system and physical conditions of existing structures and any fuel gas pipelines within the Project ROW and within 25 feet of the edge of the Project ROW. The Project ROW is the approximately 130-foot wide strip of land within the NYSEG ROW where the Certificate Holder proposes to construct and operate the Project.	NEETNY has complied.	Appendix A Appendix V
21.	The Certificate Holder shall evaluate the effects of the Project on NYSEG’s existing cathodic protection system for the gas facilities’ and Metering and Regulation (“M&R”) station to ensure compatibility with the electric facility design and that AC interference imposed upon the existing gas facilities are mitigated to safe levels according to the National Association of Corrosion Engineers (“NACE”) guidelines. If further AC interference from the Project is detected after the Project is placed into service, the Certificate Holder shall implement AC interference testing procedures. As soon as is practical to do so, corrective action with respect to the gas facilities’ existing cathodic protection system, safety hazards and fault threats shall be taken by the Certificate Holder to ensure measured voltages on the natural gas pipeline and at the M&R station are not higher than safe levels stated in NACE guidelines.	NEETNY will comply.	Appendix V Appendix W Section 22.0
22.	The Certificate Holder shall develop a construction gas line safety plan and present the plan as part of the EM&CP. The gas line safety plan shall include, but not be limited to:	NEETNY has complied.	Appendix V Section 19.0
22.a	Crossing method;	NEETNY has complied.	Appendix V
22.b	Crossing location;	NEETNY has complied.	Appendix V
22.c	Emergency access procedures;	NEETNY has complied.	Appendix V
22.d	Survey marking;	NEETNY has complied.	Appendix V
22.e	What, how, and when construction activities will be limited;	NEETNY has complied.	Appendix V
22.f	Safety training requirements; and,	NEETNY has complied.	Appendix V
22.g	Notification procedures for local officials, emergency personnel and landowners/residents.	NEETNY has complied.	Appendix V

Condition Number	Requirement/Condition	Response	EM&CP Section
23.	At no time shall construction activities of any kind be conducted within fifteen (15) feet of any NYSEG gas pipeline or related facility or in violation of another gas pipeline owners' standards/rules without prior notification to the owner(s) and without providing the owner or owner's appointed representative the opportunity to be present.	NEETNY will comply.	Appendix V Section 19.0
24.	The Certificate Holder shall ensure all proposed electric transmission grounding structures do not interfere with the pipeline's cathodic protection system or are capable of conducting a fault current that would arc to the pipeline or gas facility. The Certificate Holder shall relocate any such grounding structures.	NEETNY will comply.	Appendix V
25.	The Certificate Holder shall keep local fire department and emergency management teams apprised of the status of on-site hazardous chemicals and waste. All such regulated chemicals and waste shall be secured in a locked and controlled area.	NEETNY will comply.	Appendix N Section 14.0
26.	The Certificate Holder shall comply with the requirements for the protection of underground facilities set forth in 16 NYCRR Part 753 "Protection of Underground Facilities".	NEETNY will comply. Contractors will be required to verify, locate and mark or have marked all overhead and underground facilities within the bounds of the designated working areas.	Appendix A Section 8.0 Section 19.0
27.	The Certificate Holder shall have the right to require that any person seeking to access the Project first be appropriately trained in environmental protection and safety. The Certificate Holder may require site inspectors or visitors to supply their own personal protective equipment for any tours of construction sites. This shall include a properly fitted, currently valid, hardhat, safety glasses with side shields, high visibility vest and steel or ceramic-toed boots at any time while on site, unless the visitor is in a vehicle or in a construction trailer. The Certificate Holder may require site inspectors or visitors to comply with all safety and security requirements applicable to the construction site.	NEETNY will comply.	Section 15.0
<b>E. Environmental Management and Construction Plan</b>			
28.	The Certificate Holder shall not commence construction, as defined by the New York State ("NYS") Department of Environmental Conservation ("NYSDEC") General Construction Permit, until the Commission has approved the EM&CP, nor shall the Certificate Holder commence any proceedings under the Eminent Domain Procedure Law to acquire Permanent ROW, temporary ROW, or off-ROW access until the Commission has approved the EM&CP. Activities such as surveying, soils testing, and such other related activities as are necessary to prepare the final design plans are not considered construction.	NEETNY will comply. If and to the extent NEETNY needs to acquire permanent ROW, temporary ROW, or off-ROW access for the Project and cannot secure such property rights through voluntary negotiations with property owners, NEETNY may seek such rights in a procedure under Eminent Domain Procedure Law. NEETNY will not commence such proceeding until the Commission has approved this EM&CP for the relevant portion of the Project.	N/A
29.	To calculate the three-year period for acquisition of property pursuant to the Eminent Domain Procedure Law, the date of Commission approval of an EM&CP covering the affected parcel shall be regarded as the date on which this Article VII proceeding was completed.	No response required.	N/A
30.	The EM&CP shall be prepared in accordance with the terms of the Certificate for the construction, operation and maintenance of the Project. Provisions of the Certificate, EM&CP, and orders approving the proposed EM&CP, shall be incorporated in any design, construction, and maintenance associated with the Project.	NEETNY will comply.	Introduction Appendix A Appendix E

Condition Number	Requirement/Condition	Response	EM&CP Section
31.	The EM&CP shall be organized and developed in accordance with the Specifications for Development of EM&CP attached as Appendix E to the Joint Proposal (“EM&CP Specifications”).	NEETNY has complied.	Introduction Appendix A
32.	During the preparation of the EM&CP, the Certificate Holder shall contact the NYSDEC Natural Resources Regional Supervisor, NYS Natural Heritage Program, and United States Fish and Wildlife Service to check for any updates or changes of known threatened or endangered (“T&E”) species or habitat, or Significant Natural Communities in the Project Area.	NEETNY has complied.	Appendix H
33.	Deviations from the certified centerline, design height, location, number of structures, and structure types as described in Appendix B shall be allowed for appropriate environmental or engineering reasons, except where a conflict with a different provision of the Certificate would be created. The Certificate Holder shall include in the EM&CP an explanation for the proposed deviation and supporting documentation.	NEETNY will comply. No such deviations are proposed in this EM&CP.	N/A
34.	The Certificate Holder shall include the Stormwater Pollution Prevention Plan (“SWPPP”), the municipal separate storm sewer systems approvals, and NYSDEC’s letter of acknowledgement authorized under NYSDEC’s State Pollutant Discharge Elimination System (“SPDES”) General Permit in the EM&CP.	NEETNY has complied.	Appendix D
<b>F. EM&amp;CP Process</b>			
35.	The Certificate Holder shall file one electronic copy of the proposed EM&CP with the Secretary, an electronic copy to each of the Signatory Parties, and one electronic copy to the parties on the service list. Contemporaneously with the Certificate Holder filing the proposed EM&CP with the Secretary, the Certificate Holder shall provide four hard copies to DPS Staff, one hard copy to the NYSDEC Central Office Division of Environmental Permits, in Albany, New York and one hard copy to the Region 9 Supervisor of Natural Resources, NYSDEC Region 9 Headquarters. The Certificate Holder shall also place copies for inspection by the public on the Project website and at the same public repositories listed on the Statutory Service List or other convenient location in each municipality in which construction will take place.	NEETNY has complied.	N/A
36.	Contemporaneously with the filing and service of the proposed EM&CP, the Certificate Holder shall provide written notice, in the manner specified below, that the proposed EM&CP has been filed (“EM&CP Filing Notice”).	NEETNY will comply.	Appendix S
37.	The Certificate Holder shall serve a copy of the EM&CP Filing Notice on all parties to this proceeding, the Project Service List, and on the landowners and/or residents along the Proposed Line. Further, the Certificate Holder shall contemporaneously publish the EM&CP Filing Notice in a newspaper of general circulation, including a free publication (if available), in the vicinity of the Project.	NEETNY will comply.	Appendix S
38.	The written EM&CP Filing Notice and the newspaper notice(s) shall contain, at a minimum, the following:	NEETNY will comply.	Appendix S
38.a	a statement that the EM&CP has been filed;	NEETNY will comply.	Appendix S
38.b	a general description of the Project, the need for the Project, and of the proposed EM&CP;	NEETNY will comply.	Appendix S
38.c	a listing of the locations and website where the proposed EM&CP is available for public inspection;	NEETNY will comply.	Appendix S
38.d	a statement that any person desiring additional information about a specific geographical location or specific subject may request such information from the Certificate Holder;	NEETNY will comply.	Appendix S
38.e	the name, address, and telephone numbers of the Certificate Holder’s representative;	NEETNY will comply.	Appendix S
38.f	the email and postal address of the Secretary; and	NEETNY will comply.	Appendix S

Condition Number	Requirement/Condition	Response	EM&CP Section
38.g	a statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within 45 days of the EM&CP filing date or within 45 days of the date of the newspaper notice, whichever is later. Comments on subsequent revisions to the EM&CP, in response to the aforementioned written comments, shall be permitted within 15 days of service by electronic means of said revisions.	NEETNY will comply.	Appendix S
39.	The Certificate Holder shall submit to the Secretary a certificate of service with supporting affidavit indicating upon whom all EM&CP documents and Filing Notices were served along with a copy of the EM&CP Filing Notice within three (3) business days after the proposed EM&CP is filed, and shall be a condition precedent to approval of the EM&CP. When available, the Certificate Holder shall file with the Secretary proof of newspaper publication of a copy of the EM&CP Filing Notice.	NEETNY will comply.	Appendix S
40.	After the EM&CP has been approved by the Commission:		
40.a	The Certificate Holder shall report any proposed changes to the approved EM&CP to DPS Staff. DPS Staff will refer any proposed changes that will not result in any increase in adverse environmental impacts or are not directly related to contested issues decided by the Administrative Law Judge or the Commission during the proceeding to the Director of Facility Certification and Compliance of the Office of Electric, Gas and Water, or their designee, for approval. DPS Staff will refer all other proposed changes to the Commission for approval.	NEETNY will comply.	Appendix T
40.b	Upon being advised that DPS Staff will refer a proposed change to the Commission, the Certificate Holder shall provide notice of the proposed change to all parties to the proceeding, as well as property owners and lessees whose property is affected by the proposed change. The notice shall: (1) describe the original conditions and the requested change; (2) state that documents supporting the request are available for inspection at specified locations; and (3) state that persons may comment by writing or calling (followed by written confirmation) to the Commission within twenty-one (21) days of the notification date. Any delay in receipt of written confirmation will not delay Commission action on the proposed change.	NEETNY will comply.	Appendix T
40.c	The Certificate Holder shall not execute any proposed change until the Certificate Holder has received oral or written approval, except in emergency situations threatening personal injury, property, or severe adverse environmental impact. Any oral approval from DPS Staff will be followed by written approval from the Director of Facility Certification and Compliance of the Office of Electric, Gas and Water, or their designee, or the Commission.	NEETNY will comply.	Appendix T
<b>G. Notices and Public Complaints</b>			
41.	The Certificate Holder shall notify all contractors that the Commission may seek to recover penalties for violation of the Certificate, not only from the Certificate Holder, but also from its contractors, and that contractors may also be liable for other fines, penalties, and environmental damage caused by their actions.	NEETNY will comply.	N/A

Condition Number	Requirement/Condition	Response	EM&CP Section
42.	The Certificate Holder will facilitate the submission of complaints through the use of a dedicated contact person. The Certificate Holder shall make available to the public a toll-free or local phone number of an agent or employee who will, for the duration of construction of the Project, be available to receive complaints from the public about the construction of the Project, and such agent or employee must respond with acknowledgement of receipt to the complainant within one (1) business day. The toll-free or local phone number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with: (i) the number to be called at any time in case of emergency, (ii) the phone number and email address of the Secretary, and (iii) the phone number of the Commission’s Environmental Compliance Section.	NEETNY will comply.	Appendix O
43.	The Certificate Holder’s Project website shall provide a means for the public to communicate to the Certificate Holder about the Project (e.g., to register complaints or ask questions) through either a direct link to a complaint form or email or by providing the contact information (phone and/or email address) of a representative of the Certificate Holder who can respond to communications that include questions and concerns about the Project from members of the public. Certificate Holder shall post construction notices and other publicly relevant information to the Project website. The Project website shall allow users to subscribe (or unsubscribe) to an electronic mailing list for Project update notifications.	NEETNY will comply.	N/A
44.	The Certificate Holder shall retain a record of complaints received for one-year after the completion of construction which shall be made available to DPS Staff, the NYSDEC and the Towns upon request. The Certificate Holder shall report to DPS Staff every complaint that cannot be resolved, and describe the actions taken to address the complaint, within ten (10) business days after receipt of the complaint.	NEETNY will comply.	N/A
45.	The following notice requirements shall apply to the Certificate Holder:		
45.a	<p>No less than 14 days before commencing construction, the Certificate Holder shall:</p> <ul style="list-style-type: none"> <li>i. Submit a Notice of Intent to Commence Work to the Region 9 Supervisor of Natural Resources, NYSDEC Region 9 Headquarters, 270 Michigan Ave., Buffalo, NY 14414-9519 and the, NYSDEC Bureau of Energy Project Management, Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750.</li> <li>ii. Provide notice to the New York State Thruway Authority (“NYSTA”), 200 Southern Boulevard, Albany, New York 12209 Attn: Chief Engineer</li> <li>iii. provide notice to town and county officials, school districts, and emergency personnel;</li> <li>iv. provide notice to NYSEG, New York Power Authority (“NYPA”), National Fuel Gas Company (“NFG”), Tennessee Gas Pipeline Company (“Tennessee Gas”), National Grid, and other affected utilities;</li> <li>v. Provide such notice for dissemination to local media;</li> <li>vi. Provide notice for display in the town halls and public places (including, but not limited to, general stores, post offices, community centers, libraries, and conspicuous community bulletin boards); and</li> <li>vii. Provide notice to persons who own properties that are crossed by or abut the ROW, and persons who reside on such properties (if different from the owner).</li> </ul>	NEETNY will comply.	N/A

Condition Number	Requirement/Condition	Response	EM&CP Section
45.b	The notice shall be written in language reasonably understandable to the average person and shall contain: <ul style="list-style-type: none"> <li>i. a map and a description of the Project;</li> <li>ii. the anticipated date for start of construction;</li> <li>iii. the name, address, local or toll-free telephone number of an employee or agent of the Certificate Holder, and email address;</li> <li>iv. a description of where to get more information about the Project including the Project website address and locations of document repositories; and</li> <li>v. a statement that construction of the Project is under the jurisdiction of the Commission, which is responsible for enforcing compliance with environmental and construction conditions, and which may be contacted at an address and telephone number to be provided in the notice.</li> </ul>	NEETNY will comply.	N/A
45.c	Upon distribution, a copy of the form of the notice and the distribution list shall be filed with the Secretary.	NEETNY will comply.	N/A
46.	The following pre-construction meeting requirements shall apply to the Certificate Holder:		
46.a	At least 14 days prior to the start of construction, the Certificate Holder shall hold a preconstruction meeting. An agenda, location, and invitation list shall be agreed upon between DPS Staff and the Certificate Holder. The Certificate Holder shall provide notice of the meeting to all invitees at least 10 days prior to the meeting date.	NEETNY will comply. All additional parties associated with the Project not identified in the Certificate Conditions will be included in the preconstruction meeting.	N/A
46.b	The list shall include at a minimum the contractors, DPS Staff, NYSDEC (Division of Environmental Permits, Albany, NY and NYSDEC Bureau of Ecosystem Health Manager, Buffalo, NY), NYS Department of Transportation (“NYSDOT”), Thruway Authority (“NYSTA”), Town supervisors and Town Highway superintendents, NYSEG, NYPA, National Grid, Tennessee Gas, NFG, and the New York Department of Agriculture & Markets (“NYSDAM”).	NEETNY will comply.	N/A
46.c	The Certificate Holder shall supply draft minutes from this meeting to all attendees, the attendees may offer corrections or comments, which the Certificate Holder will consider in good faith, and the Certificate Holder shall issue the finalized meeting minutes to all attendees and invitees.	NEETNY will comply.	N/A
46.d	The Certificate Holder shall provide contractors providing services for construction of the Project with complete copies of the Certificate, the EM&CP, the order(s) approving the EM&CP, any permit issued pursuant to Section 404 of the Federal Clean Water Act, and the Section 401 Water Quality Certification. If, for any reason, the construction contractor cannot finish the construction of this Project, and a new construction contractor is needed, Certificate Holder shall hold another preconstruction meeting using the same format as outlined above.	NEETNY will comply.	N/A
47.	At least 14 days (or as authorized by DPS Staff) before Project construction begins in any area, the Certificate Holder shall, in such area: (a) delineate both edges of the Project ROW, as certified; (b) stake and/or flag all on- and off-ROW access roads and all work pads and pulling pads; (c) mark all environmentally sensitive areas including wetlands and the 100-foot adjacent areas associated with state-regulated wetlands; (d) flag any known danger trees to be removed in such area for review and acceptance by DPS Staff; and (e) notify DPS Staff when the above-described field stake-out is complete in such area.	NEETNY will comply.	Section 3.0 Section 6.0
48.	The Certificate Holder shall inform the Secretary, in writing, at least five days prior to commencing construction for the Project.	NEETNY will comply.	N/A

Condition Number	Requirement/Condition	Response	EM&CP Section
49.	The Certificate Holder shall notify persons who own properties that abut the ROW, and persons who reside at such properties (if different from the owner), of the planned construction activities and schedule affecting their residences at fourteen days, but no more than thirty days, prior to the commencement of construction in those areas. The Certificate Holder may give such notices by affixing them to the doors of residences or by mailing the notices via United States Postal Service Mail. The Certificate Holder shall provide a copy of the generic form of such notice to the Secretary prior to the commencement of construction.	NEETNY will comply.	N/A
50.	During construction, the Certificate Holder shall provide DPS Staff, NYSDAM, NYSDEC, and NYSEG with weekly status reports transmitted by electronic mail summarizing construction and indicating construction activities and locations scheduled for the following 14 days.	NEETNY will comply.	Appendix U
51.	The Certificate Holder shall notify the Secretary no later than ten days after the Project is placed in service.	NEETNY will comply.	N/A
52.	Within ten days of the completion of final restoration of the Project, the Certificate Holder shall notify the Secretary that all restoration has been completed in compliance with this Certificate and the EM&CP.	NEETNY will comply.	N/A
53.	During construction, the Certificate Holder shall periodically consult with State and local highway transportation agencies regarding traffic conditions near the Project site and shall notify each such transportation agency of the approximate date work will begin using access points that take direct access from the highways under their respective jurisdictions.	NEETNY will comply.	Appendix R
<b>H. Cultural Resources</b>			
54.	The Certificate Holder shall not undertake construction in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including NYS Office of Parks, Recreation and Historic Preservation (“OPRHP”) and DPS Staff, have reviewed the results of any historic properties and archeological surveys that are required.	NEETNY will comply.	Section 7.0
55.	Should archeological materials be encountered during construction, the Certificate Holder shall stabilize the area and cease all ground-disturbing activities in the immediate vicinity (50 feet) of the find and protect the find from further damage. Within twenty-four (24) hours of such discovery, the Certificate Holder shall notify and consult with DPS Staff and OPRHP Field Services Bureau to determine the best course of action. No construction activities shall be permitted in the vicinity of the find until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.	NEETNY will comply.	Section 7.0
56.	Should human remains or evidence of human burials be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity of the find shall be halted immediately for the remains to be protected from further disturbance. Within twenty-four (24) hours of any such discovery, the Certificate Holder shall notify and consult with DPS Staff and OPRHP Field Services Bureau. The Certificate Holder shall ensure that treatment of human remains is done in accordance with the OPRHP’s Human Remains Discovery Protocol, and that all archaeological or remains-related encounters and their handling is reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections.	NEETNY will comply.	Section 7.0
57.	The Certificate Holder shall have a continuing obligation during construction to respond promptly to complaints of negative archeological impacts and, if necessary, to mitigate any actual impacts through on-site design modifications and off-site mitigation techniques developed in consultation with the OPRHP Field Services Bureau.	NEETNY will comply.	Section 7.0

Condition Number	Requirement/Condition	Response	EM&CP Section
<b>I. Terrestrial and Wildlife Resources</b>			
58.	The Certificate Holder shall refer to 6 NYCRR Part 182 for lists of threatened and endangered (“T&E”) animal species and with 6 NYCRR Part 193 for T&E plant species. Prior to the commencement of construction, the Certificate Holder will provide all workers with pertinent information on T&E species in the Project area.	NEETNY will comply.	Appendix H Section 10.0
59.	Tree and vegetation clearing shall be limited to the minimum necessary for Project construction. During construction in any area of the Project ROW, access roads, marshalling yards, and any other areas where Project activities are occurring between 0.25 miles and 5 miles of a hibernation site or within 1.5 miles of a summer occurrence for the Northern Long-Eared Bat, it is recommended that snag and cavity trees be left standing. If it is not possible to leave snag and cavity trees standing, those snag and cavity trees shall only be cut during the inactive period, from November 1 through March 31, unless their removal is necessary for protection of human life or property.	NEETNY will comply.	Appendix H Section 10.0
60.	Except as otherwise specified in paragraph 61, if any T&E species, as defined in 6 NYCRR Part 182 or plant species identified under 6 NYCRR Part 193 are encountered on the Project ROW, access roads, marshalling yards, and any other areas where Project activities authorized in this Certificate are conducted:		
60.a	The Certificate Holder shall notify NYSDEC and DPS Staff within 24 hours of the encounter.	NEETNY will comply.	Section 10.0
60.b	To protect such T&E species or its habitat from immediate harm, the Certificate Holder shall secure the immediate area where rights exist and safely cease construction in that area until DPS Staff, in concurrence with NYSDEC, authorizes recommencement of activities. Prior to the recommencement of construction in the secured area, the Certificate Holder shall provide all workers with pertinent information on the species encountered and indicate measures to minimize risks to the T&E species during construction.	NEETNY will comply.	Section 10.0
61.	The following protocols regarding protection of T&E (bald eagle and grassland) bird species are to be implemented by the Certificate Holder until the protocols are superseded or supplanted by NYSDEC through promulgation of a regulation, or the publication of a guidance document, under the authority of the Environmental Conservation Law:	NEETNY will comply.	N/A
61.a	At least 14 days prior to construction activities, the Certificate Holder shall conduct a visual inspection of the Project ROW, surrounding areas visible from the Project ROW, access roads, marshalling yards, or any other area where Project activities are to be conducted to determine if any bald eagle nests are present.	NEETNY will comply.	Section 10.0
61.b	If at any time during construction, operation, and maintenance of the Project and associated facilities, any bald eagle nest is discovered within 0.25 mile of the Project ROW, the Certificate Holder shall notify NYSDEC and DPS Staff within twenty-four (24) hours of discovery and the nest shall not be approached unless authorized by DPS, in consultation with NYSDEC. An area encompassing a 0.25-mile radius from the nest tree (“buffer area”) shall be marked, where the Certificate Holder has property rights to allow such marking, and this area shall be avoided until DPS Staff, in consultation with NYSDEC, authorizes activities in the buffer area. If there is a visual barrier present (e.g., topography, tree line) that buffers the nest from work activities, the setback requirement may be reduced to 660 feet.	NEETNY will comply.	Section 10.0
61.c	For T&E grassland birds, if at any time during construction, operation, and maintenance of the Project, an active nest of any federally or State-listed threatened or endangered bird species is discovered within the Project, NYSDEC and DPS Staff will be notified within twenty-four (24) hours of the discovery, and the nest site will be marked where the Certificate Holder has rights to allow such markings, and an area at least five hundred (500) feet in radius around the nest will be avoided until notice to continue activities at that site is granted by DPS Staff, in consultation with NYSDEC.	NEETNY will comply.	Section 10.0



Condition Number	Requirement/Condition	Response	EM&CP Section
62.	All reports of T&E species submitted pursuant to paragraphs 60 and 61 shall include the following information: species, observation date(s) and time(s); GPS coordinates of each individual observed (points shall be taken from where that individual was encountered, without approaching, and outside of the disturbance buffer if specified in Certificate Condition 61(b) and (c); if operations and maintenance staff do not have GPS technology available the report should include the nearest pole number and cross roads location); behavior(s) observed; identification and contact information of the observer(s); and the nature of and distance to any Project construction or maintenance activity.	NEETNY will comply.	Appendix U Section 10.0
<b>J. Water Resources</b>			
63.	The Certificate Holder shall perform all construction, operation, and maintenance in a manner that avoids or minimizes adverse impacts to streams, waterbodies, wetlands, and the one hundred (100) foot adjacent area associated with the State-regulated wetlands as specified in the EM&CP.	NEETNY will comply.	Section 5.0 Section 6.0
63.a	The Certificate Holder shall notify DPS Staff within 2 hours of observing or being made aware of a discharge to a wetland or waterbody by the Certificate Holder or a contractor of the Certificate Holder which may result in a potential violation of NYS Water Quality Standards.	NEETNY will comply.	Section 5.0 Section 6.0
63.b	Unless otherwise specified in the EM&CP, the Certificate Holder shall not conduct in-stream work from October 1st through May 31st in cold water fisheries, and from March 1st through July 31st in warm water fisheries, if applicable. The Certificate Holder shall consult with the NYSDEC Region 9 Bureau of Fisheries Office during development of the EM&CP to verify cold water and warm water fisheries that may be affected by the Project.	NEETNY has complied.	N/A
64.	The Certificate Holder shall work with NYSDEC and NYSDAM to prepare a Wetland Mitigation Plan in accordance with the EM&CP specifications and the NYSDEC Supplemental Specifications for Wetlands and Waterbodies contained in Appendix F to the Joint Proposal. The Certificate Holder will submit the Plan for NYSDEC acceptance.	NEETNY has complied.	Appendix G
65.	The Certificate Holder shall take all necessary precautions to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the Project.	NEETNY will comply.	Appendix A Appendix N Section 5.0 Section 6.0 Section 14.0
66.	To the maximum extent practicable, the Certificate Holder shall secure and safely contain all equipment and machinery more than 100 feet landward of any wetland or water body at the end of each work day.	NEETNY will comply.	Appendix A Section 5.0 Section 6.0
67.	Unless otherwise specified in the EM&CP, the Certificate Holder shall conduct trench construction through streams and wetlands to include excavating for installation purposes and backfilling in one continuous operation.	NEETNY will comply. NEETNY does not propose any trench construction through streams and wetlands	N/A
68.	Dewatering operations shall discharge into an approved dewatering device (i.e., temporary straw bale/silt fence barrier or filter bag). The dewatering device shall not be placed on or near the top of the bank of streams and, unless demonstrated not practicable, shall not be placed within or adjacent to wetlands. When dewatering within or next to a wetland or stream, the return water shall not cause a substantial visual contrast to natural conditions.	NEETNY will comply.	Appendix A Appendix D Section 5.0

Condition Number	Requirement/Condition	Response	EM&CP Section
69.	There shall be no increase in turbidity downstream of the construction activity that will cause a visible contrast to natural conditions upstream of the construction activity.	NEETNY will comply.	Section 5.0
70.	Markers used to delineate/define the boundary of regulated freshwater wetlands and streams, and also the demarcated limits of disturbance for the Project, shall be left in place, or restored if disturbed, until completion of construction activities and restoration of the impacted area.	NEETNY will comply.	Appendix A
71.	The Certificate Holder shall not propose a wetland mitigation site on the ROW without the express consent of the property owner, NYSEG.	NEETNY will comply.	N/A
72.	In-stream work shall only occur in dry conditions or by trenchless methods or diversion measures (e.g., dam and pump or flume) must be used. If approved measures fail to divert all flow around the work area, in-stream work must immediately stop until diversion and dewatering measures are fully in place and properly functioning again.	NEETNY will comply.	Appendix A Section 5.0 Section 6.0
73.	Trees shall not be felled into any stream or onto the immediate stream bank. All stumps from trees and shrubs cut within the 50 feet of the stream shall not be grubbed unless they interfere with construction activities.	NEETNY will comply.	Section 3.0
74.	Clearing of natural vegetation shall be limited to noncompatible species according to the DPS Staff-accepted vegetation management plan and that vegetation that poses a hazard or hindrance to the construction activity and/or operation.	NEETNY will comply.	Appendix E Section 3.0
75.	During periods of work activity, flow immediately downstream of the work site shall equal flow immediately upstream of the work site.	NEETNY will comply.	Section 5.0
76.	The Certificate Holder shall inform the United States Army Corps of Engineers (“USACE”) of any changes in the design of the Project that have the potential to impact any USACE-issued permit or authorization and shall file a copy of such correspondence with the Secretary.	NEETNY will comply.	N/A
77.	To the extent available, all erosion control fabric or netting used for slope or soil stabilization will be 100% biodegradable natural product (not photodegradable fabric), excluding geotextiles used for road construction and temporary erosion control devices such as silt fence and silt sock.	NEETNY will comply.	Appendix D
<b>K. Oversight and Supervision</b>			
78.	The Certificate Holder shall use at least five (5) individuals for Project oversight (or at least four (4) if the Certificate Holder elects to use the same qualified individual as both environmental monitor and agricultural inspector):		
78.a	One environmental monitor employed full-time on the Project;	NEETNY will comply.	Section 15.0
78.b	One construction supervisor employed full-time on the Project;	NEETNY will comply.	Section 15.0
78.c	One agricultural inspector employed part-time on the Project;	NEETNY will comply.	Section 15.0
78.d	One safety inspector who will inspect the work site from time to time; and	NEETNY will comply.	Section 15.0
78.e	One quality assurance inspector who will inspect the work site from time to time.	NEETNY will comply.	Section 15.0
79.	During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, the Certificate Holder may temporarily decrease the number of hours worked by Project oversight personnel and the extent of their presence at the Project site commensurate with the decline in Project activity. The Certificate Holder shall ensure that the frequency of inspections by the environmental monitor comply with the requirements of the SPDES General Permit.	NEETNY will comply.	Section 15.0
80.	The Environmental Monitor shall have stop work authority over all aspects of the Project that could create an adverse impact to the environment.	NEETNY will comply. The Construction Supervisor will also have stop work authority over the Project.	Section 15.0

Condition Number	Requirement/Condition	Response	EM&CP Section
81.	The Certificate Holder shall provide to DPS Staff the cell phone numbers of the Certificate Holder's environmental monitor, agricultural inspector, and construction supervisor.	NEETNY will comply.	Section 15.0 Appendix O
82.	The environmental monitor(s), agricultural inspector, and construction supervisor(s) shall be equipped with sufficient documentation, transportation, and communication equipment to effectively monitor contractor compliance with the provisions of this Certificate, applicable sections of the PSL, Environmental Conservation Law, the EM&CP, every order issued in this proceeding, and the §401 Water Quality Certificate.	NEETNY will comply.	Section 15.0
83.	The Certificate Holder shall submit the name and qualifications of the construction supervisor(s), inspector(s), and environmental monitor(s) to DPS Staff at least 14 days prior to the start of construction. The Certificate Holder shall ensure that the environmental monitor's qualifications satisfy those of a "Qualified Inspector" pursuant to the SPDES General Permit.	NEETNY will comply.	Section 15.0
84.	The Certificate Holder's employees, contractors, and subcontractors assigned to the construction of the Project and inspection of such construction work shall be properly trained in their respective responsibilities.	NEETNY will comply.	Section 15.0
85.	Subject to the requirements of Certificate Condition 27, NYSDEC staff field representatives shall be permitted on the Project site. NYSDEC staff field representatives will notify the DPS Staff representative and the Certificate Holder's appropriate representative of any activities that violate or may violate either the terms of the Certificate and/or the Environmental Conservation Law.	NEETNY will comply.	N/A
86.	The authority granted in the Certificate and any subsequent order(s) in this proceeding is subject to the following conditions necessary to ensure compliance with such order(s):		
86.a	The Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL § 8) as the Commission's designated representatives in the field. In the event of any emergency resulting from the specific construction or maintenance activities that violate or may violate the terms of the Certificate or any other order in this proceeding, such DPS Staff representatives may issue a stop-work order for that location or activity.	NEETNY will comply.	Section 15.0
86.b	A stop-work order shall expire in 24 hours unless confirmed by a single Commissioner. If a stop-work order is confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or all Commissioners. If the emergency prompting the issuance of a stop-work order is resolved to the satisfaction of the Commissioner or the Commission, the stop-work order will be lifted. If the emergency has not been satisfactorily resolved, the stop-work order will remain in effect.	NEETNY will comply.	Section 15.0

Condition Number	Requirement/Condition	Response	EM&CP Section
86.c	Stop-work authority will be exercised sparingly and with due regard to environmental impacts, economic costs involved and possible impact on construction activities, and whether an applicable statute or regulation is violated. Before exercising such authority, DPS Staff representatives will, wherever practicable, consult with the Certificate Holder representatives possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved, the matter will be immediately brought to the attention of the Certificate Holder, the Project Manager, and the Director of Facility Certification and Compliance of the Office of Electric, Gas and Water, or their designee. In the event that a DPS Staff representative issues a stop-work order, neither the Certificate Holder nor the contractor will be prevented from undertaking any such safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop-work order or implementation of measures, as described below, may be directed at the sole discretion of the DPS Staff representative during these discussions.	NEETNY will comply.	Section 15.0
86.d	If a DPS Staff representative discovers that a specific activity is a significant environmental threat that is, or may immediately become, a violation of the Certificate or any other order in this proceeding, the DPS Staff representative may—in the absence of responsible Certificate Holder supervisory personnel or the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action—direct the field crews to stop the specific environmentally harmful activity immediately. If responsible Certificate Holder personnel are not on site, the DPS Staff representative will immediately thereafter inform the supervisor and/or environmental monitor of the action taken. The DPS Staff representative may lift the stop-work directive if the situation prompting its issuance is resolved.	NEETNY will comply.	Section 15.0
86.e	If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific measures, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the Staff representative, refuse to take appropriate action, direct the Certificate Holder or its contractors to implement the corrective measures identified in the EM&CP. The field crews shall comply with the DPS Staff representative directive immediately. The DPS Staff representative will immediately thereafter inform the Certificate Holder’s supervisor or environmental monitor of the action taken.	NEETNY will comply.	Section 15.0
87.	Certificate Holder shall organize and conduct site compliance audit inspections for DPS Staff as needed, but not less frequently than once per month during the construction and restoration phases of the Project. Inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP inspector.	NEETNY will comply.	Section 15.0
87.a	The monthly inspection shall include a review of the status of compliance with all certification conditions, requirements, and commitments, as well as a field review of the Project site, if necessary. The inspection shall also include: <ul style="list-style-type: none"> <li>i. review of all complaints received, and their proposed or actual resolutions;</li> <li>ii. review of any significant comments, concerns, or suggestions made by the public, local governments, or other agencies;</li> <li>iii. review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and</li> <li>iv. other items the Certificate Holder or DPS Staff consider appropriate.</li> </ul>	NEETNY will comply.	Section 15.0

Condition Number	Requirement/Condition	Response	EM&CP Section
87.b	The Certificate Holder shall provide draft minutes of the inspection audit and/or meeting, including resolution of issues and additional measures to be taken, to all attendees for corrections or comments, and thereafter the Certificate Holder shall issue the finalized meeting minutes to all attendees and invitees, NYSEG, and NYPA.	NEETNY will comply.	Section 15.0
<b>L. Agricultural Resources</b>			
88.	The Certificate Holder shall retain a qualified Agricultural and Soil Conservation Specialist/inspector ("Agricultural Inspector") for each phase of Project development, including design, construction, initial restoration, post-construction monitoring, and follow-up restoration. The Agricultural Inspector shall be available to provide site specific agricultural information as necessary for the Certificate Holder's EM&CP development through field review as well as to have direct contact with affected farm operators, County Soil Water and Conservation Districts ("SWCDs"), NYSDAM, and others. The Agricultural Inspector shall maintain regular contact with the environmental monitor(s) and/or the construction inspectors throughout the construction and restoration phases. The Agricultural Inspector shall also maintain regular contact with farmers, farm operators and local county SWCD's concerning farm resources and management matters pertinent to the agricultural operations and the site specific implementation of the EM&CP. Whenever the Certificate Holder submits a request for an EM&CP change concerning agriculture, the Certificate Holder shall consult with NYSDAM.	NEETNY has complied.	Section 7.0
89.	The Certificate Holder shall identify Black Cherry trees located in the Project area near active livestock use areas during preparation of the EM&CP. During the clearing phase, such vegetation shall be disposed of in a manner which prevents access by livestock.	NEETNY has complied. No black cherry trees are located within the Proposed ROW near active livestock use areas.	Section 7.0
90.	In agricultural areas, logs, stumps, brush, or chips shall not be piled or buried in agricultural fields or improved pasture.	NEETNY will comply.	Appendix A Section 7.0
91.	The Certificate Holder shall design the Project to the extent possible to avoid or limit the placement of structures on crop fields or on other agricultural land where the structures may significantly interfere with normal agricultural operations or activities. Where the location of a structure on such agricultural land is unavoidable, the Certificate Holder shall attempt to site the structure in a location that minimizes impact to normal farming operation.	NEETNY has complied. The Project has been designed to minimize impacts to normal farming activities.	Appendix A Section 7.0
92.	During preparation of the EM&CP, a detailed drainage line repair procedure shall be developed, in consultation with the local SWCD, for the repair of crushed/severed clay tile and plastic drain lines. Drawings showing the generic technique to be implemented for drain line repairs shall be provided by the Certificate Holder. All new plastic drain tubing shall meet or exceed the American Association of State Highway and Transportation M252 specifications. The plan for the replacement of functional stone drainage systems severed during construction shall be prepared during the restoration phase, in consultation with NYSDAM and the local SWCD.	NEETNY has complied.	Section 7.0 Appendix K

Condition Number	Requirement/Condition	Response	EM&CP Section
93.	Where construction entrances are required from public roadways to the Project in agricultural fields, an underlayment of durable, geotextile fabric shall be placed over the exposed subsoil surface prior to the use of temporary gravel access fill material. In locations where underground utilities are located within 10 feet of the shoulder of the roadway, the Certificate Holder may elect, in order to minimize disturbance and protect the underground utilities, to place the geotextile fabric directly over the surface without stripping topsoil. In locations where underground utilities are located 10 feet or more from the shoulder of the roadway but still within the limits of the construction entrance, the Certificate Holder may elect to mat over the underground utilities instead of placing geotextile fabric and gravel access fill material. Complete removal of the construction entrance upon completion of the Project and restoration of the affected site is required prior to topsoil replacement, except where retention of the construction entrance would be more conducive to the existing land use than removal.	NEETNY will comply.	Appendix A Section 7.0 Section 8.0 Section 19.0
94.	Segments of farm roads utilized for access shall be improved and/or maintained as required following consultation with the farm operator and/or property owner and NYSDAM prior to use. Such improvements may include the installation of geotextile fabric and crushed stone.	NEETNY will comply.	Appendix A Section 7.0 Section 8.0 Section 19.0
95.	The Certificate Holder shall rebuild to as-good or better condition, at or prior to completion of construction, any of the following that is damaged by construction: (i) fences and gates on the Certificate Holder's ROW that are not incompatible with the Project; (ii) fences and gates off of the Certificate Holder's ROW; and (iii) any drainage features including drain tiles. The base of all new posts shall be secured to a reasonable depth below the surface to prevent frost heave.	NEETNY will comply.	Appendix A Section 7.0
96.	Mats are the preferred method for topsoil resource protection in agricultural areas. Where temporary access is necessary across agricultural portions of the Project, and the installation of mats is not practicable, topsoil shall be removed, including the "A" entire horizon down to the beginning of the subsoil "B" horizon, generally not to exceed a maximum of 12 inches. Topsoil removal up to a depth of 16 inches may be required in specially-designated soils encountered along the route. All topsoil shall be stockpiled directly adjacent to the travel way on the Project and separated from other excavated materials. The Agricultural Inspector shall determine depth of topsoil stripping on each affected farm by means of the County Soil Survey and on-site soil augering, if necessary. All topsoil material shall be stripped, stockpiled, and uniformly returned to restore the original soil profile. During the clearing/construction phase, site-specific depths of topsoil stripping shall be monitored by the Agricultural Inspector.	NEETNY will comply. Equipment matting will be used for all accesses across agricultural areas, with the exception of existing farm access roads.	Appendix A Section 7.0 Section 8.0
97.	When mats are utilized, the mats shall be layered where necessary to provide a level access surface. Once access is no longer required across agricultural areas, the mats shall be removed and the Agricultural Inspector shall use a soil penetrometer to determine if soil compaction has occurred as a result of construction activities. All compacted areas shall be decompacted as specified below.	NEETNY will comply.	Appendix A Section 7.0 Section 8.0
98.	In agricultural areas of till over bedrock where blasting is required, the Certificate Holder shall use matting or controlled blasting to limit the dispersion of blast rock fragments. All blasted rock not used as backfill shall be removed from croplands, hay lands and improved pastures. The till and topsoil shall be returned in natural sequence to restore the soil profile. Farm owners/operators shall be given timely notice prior to blasting on farm property.	NEETNY will comply.	Section 7.0
99.	Temporary work space in agricultural areas shall be of sufficient size to allow for positioning of conductor reels, tensioners, pullers, wire spools and other mechanized equipment required during pulling activities.	NEETNY will comply.	Appendix A Section 7.0

Condition Number	Requirement/Condition	Response	EM&CP Section
100.	In all agricultural sections of the Project disturbed during construction, the Certificate Holder shall break up the subsoil compaction to a depth of 18 inches (unless bedrock is encountered at a depth less than 18 inches) with deep tillage by such devices as a deep-ripper (subsoiler). Final soil compaction results shall not be more than 250 pounds per square inch as measured with a soil penetrometer. Following the deep ripping, all stone and rock material 4 inches and larger in size which has been lifted to the surface shall be collected and taken off site for disposal. The topsoil that has been temporarily removed for the period of construction shall then be replaced. Finally, deep subsoil shattering shall be performed with a subsoiler tool having angled legs. Stone removal shall be completed, as necessary, to eliminate any additional rocks and stones brought to the surface as a result of the final subsoil shattering process. Should subsequent construction and/or restoration activities result in compaction, then restoration activities shall include additional deep tillage.	NEETNY will comply.	Section 7.0
101.	All structures and guy anchors removed from agricultural areas as part of the construction activities shall be removed to a minimum depth of 48 inches below the soil surface. All holes or cavities created by the removal of the old facilities shall be filled to the same level as the adjacent area, plus 6 to 12 inches of additional soil to allow for settling. All material used for fill shall be similar to native soil. All fill material shall be compacted.	NEETNY will comply.	Appendix A Section 7.0
102.	Wherever existing structures are removed from agricultural fields, the area shall be restored to allow agricultural activities. Such restoration shall include the removal of all vegetation from the structure area and grading of the ground surface to match the adjacent field. All rocks four (4) inches and greater in size shall be removed from the surface.	NEETNY will comply.	Appendix A Section 7.0
103.	Excavated subsoil material and stockpiled topsoil shall be used to restore the original soil profile at new structure locations. All holes or cavities created by structure installation shall be filled to the same level as the adjacent area, plus six (6) to twelve (12) inches of additional soil to allow for settling. Excess substratum material not used for backfill shall be removed from agricultural areas.	NEETNY will comply.	Appendix A Section 7.0
104.	The Certificate Holder shall be solely responsible for providing monitoring and remediation for a period of no less than two growing seasons following completion of the Project restoration in agricultural areas. The Certificate Holder shall be solely responsible for retaining the services of an Agricultural Inspector on at least a part- time basis through this period. The monitoring and remediation phase shall be used to identify any remaining agricultural impacts associated with Project construction that are in need of mitigation and to implement the follow-up restoration.	NEETNY will comply.	Section 7.0 Section 15.0

Condition Number	Requirement/Condition	Response	EM&CP Section
105.	During the monitoring and remediation period, on-site monitoring shall be conducted at least three times during each growing season and shall include a comparison of growth and yield for crops on and off the Project. When the subsequent crop productivity within the affected area is less than that of the adjacent unaffected agricultural land, the Agricultural Inspector, in conjunction with the Certificate Holder and NYSDAM, shall help to determine the appropriate rehabilitation measures for the Certificate Holder to implement (soil de-compaction, topsoil replacement, etc.). The Certificate Holder shall be solely responsible for implementing such measures. During the various stages of the Project, all affected farm operators shall be periodically apprised of the duration of remediation by the Agricultural Inspector. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the signing of a release form prior to the end of the remediation period shall not obviate the Certificate Holder's responsibility to fully redress all Project impacts. After completion of the specific remediation period, the Certificate Holder shall continue to respond to the reasonable requests of the farmland owner/operators to correct Project-related effects on the impacted agricultural resources. A specific Agricultural Mitigation and Restoration Plan will be included in the EM&CP	NEETNY will comply. An Agricultural Restoration and Remediation Plan is included as Appendix Y.	Section 7.0 Section 15.0 Appendix Y
106.	The Certificate Holder shall provide all farm owners/operators with a toll-free or local telephone number to facilitate direct contact with the Certificate Holder and the Agricultural Inspector through all of the stages of the Project. The farm owner/operators shall also be provided with a toll-free or local telephone number to facilitate direct contact with the Certificate Holder's Project Manager for the Project during operation and maintenance of the transmission line.	NEETNY will comply.	Appendix O Section 7.0
107.	The Agricultural Inspector shall work with farm operators during the planning phase to develop a plan to delay grazing within the Project area following construction until pasture areas are adequately re-vegetated. The Certificate Holder shall be responsible for maintaining the temporary fencing on the Project until the Agricultural Inspector determines that the vegetation in that area is established and able to accommodate grazing. At such time, the Certificate Holder shall be responsible for removal of the fences.	NEETNY will comply.	Appendix A Appendix Y
108.	The Certificate Holder shall ensure that: on affected farmland, restoration practices are postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist; restoration is not conducted while soils are in a wet or plastic state; stockpiled topsoil is not regraded until plasticity, as determined by the Atterberg field test, or a similar soil moisture test, is significantly reduced; and no Project restoration activities occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. The Certificate Holder shall monitor and advise NYSDAM and DPS Staff regarding tentative restoration planning for the Project. Potential schedules will be determined by conducting the Atterberg field test, or a similar soil moisture test, at appropriate depths into topsoil stockpiles and below the traffic zone for a mutual determination of adequate field conditions for the restoration phase of the Project.	NEETNY will comply.	Section 7.0 Section 16.0
109.	Following restoration of all disturbed areas, excess topsoil shall be distributed in agricultural areas of the Project site, provided this is practicable and can be accomplished without having any adverse impact on site drainage. All such activity shall be as directed by the Agricultural Inspector, based on guidance provided by the landowner.	NEETNY will comply.	Section 7.0 Section 15.0
110.	After the moisture of the soil profile on the affected portion of the Project has returned to equilibrium with the adjacent land, subsoil compaction shall be tested using an appropriate soil penetrometer or other soil-compaction measuring device.	NEETNY will comply.	Section 7.0



Condition Number	Requirement/Condition	Response	EM&CP Section
111.	Topsoil stockpiles on agricultural areas left in place prior to October 31 shall be seeded with Aroostook Winter Rye or equivalent at an application rate of 3 bushels (168 #) per acre and mulched with straw mulch (or another material acceptable to the Agricultural Inspector) at a rate of 2 to 3 bales per 1000 square foot. Topsoil stockpiles left in place between October 31 and May 31 shall be mulched with straw mulch (or another material acceptable to the Agricultural Inspector) at a rate of 2 to 3 bales per 1000 square foot. Straw mulch (or another material acceptable to the Agricultural Inspector) shall be used to prevent soil loss on stockpiled topsoil from October through May.	NEETNY will comply.	Section 7.0
112.	After topsoil replacement, seedbed preparation (final tillage, fertilizing, liming) and seeding shall follow either NYSDAM recommendations as contained in the most current <i>Fertilizing, Lime and Seeding Recommendations for Restoration of Construction Projects on Farmlands in New York State</i> or landowner specifications.	NEETNY will comply.	Section 7.0
<b>M. Construction, Restoration, Operation, and Maintenance</b>			
113.	Certificate Holder shall design, engineer, and construct the Project in accordance with the applicable and published planning and design standards and engineering practices of NYISO, New York State Reliability Council, the Northeast Power Coordinating Council, the North American Electric Reliability Corporation, and successor organizations.	NEETNY will comply.	Appendix A
114.	To the maximum extent practicable, during the construction of the Project, splices shall be minimized. All splices shall be noted in the EM&CP.	NEETNY will comply.	Appendix C
115.	Certificate Holder shall design, engineer, and construct Network Upgrade Facilities as defined in Attachment P of the NYISO's Open Access Transmission Tariff in accordance with the Project's Interconnection Agreement(s) and all then applicable planning and design standards and engineering practices of the Connecting Transmission Owners.	NEETNY will comply.	N/A
116.	Certificate Holder shall acquire all danger tree rights within three years of EM&CP approval or within that time period commence condemnation proceedings.	NEETNY will comply.	Section 1.0 Appendix B
117.	The construction schedule shall be coordinated so as to minimize outages of the existing circuits adjacent to the Project, outages of the substations, and interconnected transmission facilities.	NEETNY will comply.	Section 1.0
118.	The Certificate Holder shall coordinate with NYSEG and NYPA as to clearing during construction of the Project in the vicinity of the existing gas pipelines and related M&R station facilities, transmission and distribution lines, and substations.	NEETNY will comply.	Appendix V
119.	The Certificate Holder shall install temporary erosion control devices as soon as practicable and appropriate as indicated in the EM&CP, but in any event no later than the end of the work day in which site disturbance occurs.	NEETNY will comply.	Appendix A Section 11.0
120.	The Certificate Holder shall be responsible for checking all culverts within the Project limits of disturbance as identified in the EM&CP and assuring that they are not crushed or blocked during construction and/or restoration of the Project. If a culvert is blocked, crushed, or otherwise damaged during construction and/or restoration, the Certificate Holder shall repair the culvert or replace it with alternative measures appropriate to maintaining proper aquatic connectivity and stream flow. Culvert repairs must not result in reduced opening width or height.	NEETNY will comply.	Appendix A
121.	The Certificate Holder shall thoroughly clear the areas of the ROW and work areas where construction occurred of debris related to electric line construction.	NEETNY will comply.	Section 16.0

Condition Number	Requirement/Condition	Response	EM&CP Section
122.	Construction work hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. If, due to safety or continuous operation requirements, such construction activities are required to occur on a Sunday or after 7:00 p.m., the Certificate Holder shall notify DPS Staff and the affected municipality. Such notice shall be given at least 24 hours in advance unless the Sunday or after 7:00 p.m. construction activities are required for safety reasons that arise less than 24 hours in advance. The Certificate Holder shall implement noise mitigation measures set forth in Section 4.11 of Exhibit 4 of the Application.	NEETNY will comply.	Section 1.0 Section 9.0
123.	Following construction, all Project areas shall be restored to pre-construction contours, unless the EM&CP specifies otherwise. Erosion controls and permanent re-vegetation shall be restored as appropriate for those locations. Disturbed pavement, curbs, and sidewalks shall be restored to their original preconstruction condition or improved.	NEETNY will comply.	Appendix A Appendix D Section 16.0
124.	The Certificate Holder shall file with the Secretary as-built drawings of the Project certified by a Professional Engineer that is licensed and currently registered in New York State within 120 days of completion of Project construction.	NEETNY will comply.	N/A
125.	The Certificate Holder shall file with the NYSTA Right of Way, 200 Southern Blvd, Albany NY 12209 Attn: Chief Engineer, as-built drawings provided in Horizontal Datum NAD 83 in the proper New York State Plane Coordinates System NYSPCS (Proper State Plane System) Vertical Datum NAVD 88. Data collection shall be by use of Kinematic GPS. Identification of the specific NAD83 datum realization shall be noted, as well as a description of the specific method by which the data was collected. The as-built drawings shall be furnished as Computer Aided Design files in one of the following formats: Autodesk's drawing (DWG), or Drawing eXchange (DXF), or Intergraph/Microstation's DGN.	NEETNY will comply.	N/A
126	In connection with vegetation management for the Project, and as defined and required in the final access agreement with NYSEG, the Certificate Holder shall:		
126.a	Negotiate in good faith with each landowner appropriate compensation for the merchantable logs (timber over six (6) inches in diameter at the small end and eight (8) feet or longer).	NEETNY will comply.	Section 3.0
126.b	Comply with the provisions of 6 NYCRR Part 192, "Forest Insect and Disease Control," and Environmental Conservation Law § 9-1303 and any quarantine orders issued thereunder.	NEETNY will comply.	Section 11.0
126.c	Ensure crews are trained to identify insects that are identified as a prohibited or regulated invasive species in accordance with 6 NYCRR Part 575, "Prohibited and Regulated Invasive Species." Certificate Holder shall report the discovery of such insects to the NYSDEC Region 9 Supervisor of Natural Resources.	NEETNY will comply.	Appendix M Section 11.0 Section 15.0
126.d	Note the clearing and disposal techniques for the Project in the EM&CP.	NEETNY will comply.	Appendix A Appendix E Section 3.0
126.e	Not create a maximum wood chip depth greater than three (3) inches, except for wood chip roads or for invasive species control; these areas will be specified in the EM&CP.	NEETNY will comply.	Appendix A Section 1.0
126.f	Not store wood chips in wetlands, agricultural fields, or within 50 feet of streams.	NEETNY will comply.	Appendix A Section 5.0 Section 6.0

Condition Number	Requirement/Condition	Response	EM&CP Section
127	Unless described otherwise in the EM&CP, all trees over four (4) inches in diameter (measured four feet above ground) or shrubs over four feet in height damaged or destroyed by the Certificate Holder’s activities during construction, operation, or maintenance, regardless of where located, shall be replaced by the Certificate Holder with the equivalent type trees or shrubs, subject to the provisions of 6 NYCRR Part 575, Prohibited and Regulated Invasive Species, except where:		
127.a	equivalent-type replacement trees or shrubs would interfere with the proper clearing, construction, operation, or maintenance of the Project;	NEETNY will comply.	Appendix A
127.b	replacement would be contrary to sound ROW management practices or to any approved vegetation management plan applicable to the Project; or	NEETNY will comply.	Appendix A Appendix E
127.c	a property owner on whose land the damaged or destroyed trees or shrubs were located declines replacement (or other recorded easement or license holder with the right to control replacement declines replacement).	NEETNY will comply.	Appendix A
128.	The Certificate Holder shall confine construction and subsequent maintenance activities to access routes, work pads and marshaling yards detailed in the EM&CP.	NEETNY will comply.	Appendix A
129.	The Certificate Holder shall conduct a pre- and post-construction meetings with the owners/residents of the residences adjacent to and east of Transmission Structures 35 through 41 and 46 to 47 (“Downey Residences”), 117 (“Westwood Residence”), 139 through 144 (“Fernott Residences”), and 146 through 153 (“Townline Residences” collectively the Downey Residences, Westwood Residence, Fernott Residences, and Townline Residences are the “Adjacent Residences”). The pre- and post-construction meetings shall address the need for landscape restoration as described in Certificate Condition 130.	NEETNY will comply.	Section 16.0
130.	Certificate Holder shall, upon completion of the Project:		
130.a	Conduct an assessment of the need for landscape restoration consistent with safe and reliable operation of the Project, including vegetation planting, earthwork or installed features to landscape the Project with respect to road crossings, residential areas, switchyards, and substations.	NEETNY will comply.	Section 16.0
130.b	Prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate. Any mitigation and/or restoration proposed on NYSEG property shall be subject to the prior written approval of NYSEG, which approval may be granted or withheld by NYSEG, in NYSEG’s sole discretion.	NEETNY will comply.	Section 17.0
130.c	Consult with and obtain acceptance from DPS Staff on the content and execution of its assessment, resultant landscaping plan specifications and materials list; and,	NEETNY will comply.	N/A
130.d	Present draft assessments and plans to DPS Staff for review, and file a final plan with the Secretary within one year after the date the Project is placed in service.	NEETNY will comply.	N/A
131.	The EM&CP shall include plans to prevent unauthorized access to and along the Project ROW. Plans shall include the following:		
131.a	Posting signs at the ROW edges in those locations where the ROW intersects public roads.	NEETNY will comply.	Section 16.0
131.b	Performing outreach to educate and inform the public concerning the risks and impacts of unauthorized access.	NEETNY will comply.	Section 16.0
131.c	Working with local law enforcement officials in an effort to prevent future trespassing.	NEETNY will comply.	Section 16.0

Condition Number	Requirement/Condition	Response	EM&CP Section
131.d	Identifying construction and material details of gates and berms.	NEETNY will comply.	Appendix A Section 16.0
131.e	Identifying existing and proposed gate locations on the Plan and Profile drawings. Final determination of locations of gates and berms shall be made during post-construction assessment of the Facility, in consultation with and acceptance by DPS Staff, NYSEG and, where applicable, NYPA.	NEETNY will comply.	Appendix A Section 16.0
131.f	Coordination with NYSEG defining applicable individual and shared responsibilities for ROW access as defined in the approved Easement Agreement.	NEETNY will comply.	Section 16.0
<b>N. Contractors and Contractor Supplies/Materials</b>			
132.	At least 14 days prior to construction, the Certificate Holder shall file a report with the Secretary confirming that all required construction materials are available. For purposes of this paragraph, an item of construction material is available (i) if it is located at a marshalling yard, (ii) if it is in a Certificate Holder warehouse or other routine Certificate Holder inventory stocking location, or (iii) if it is on order from a vendor with a scheduled delivery date prior to the time scheduled for its use in the Project..	NEETNY will comply.	N/A
133.	All equipment shall be located at the marshalling yard(s), laydown area or on the Project ROW, provided, however, that if a local contractor is used for the work, the local contractor's facility shall be considered as a marshalling yard or laydown area.	NEETNY will comply.	Appendix A
134.	If an accident occurs in connection with work on the Project, the Certificate Holder shall report any such accident to DPS Staff as soon as possible, but no later than 24 hours. A copy of the accident report, if any, shall be provided to DPS Staff after it has been finalized.	NEETNY will comply.	Appendix O
135.	If a Contractor installs materials, structures, or components that do not conform to the specifications for the same described in the EM&CP, the Certificate Holder shall, within thirty (30) days after becoming aware of such incident, prepare and deliver to DPS Staff a summary report detailing the incident, the steps to be taken to rectify the non-conformance, the material and labor costs associated with addressing the issue, and the manner in which such costs will be accounted for separately from the Certificate Holder's other Project costs.	NEETNY will comply.	N/A
136.	The Certificate Holder shall develop a quality control plan ("Quality Control Plan") for inclusion in the EM&CP describing how it will ensure that the transmission line structures and components it purchases for the Project conform to the specification for structures and components described in the approved EM&CP. At a minimum, the Quality Control Plan shall include: (i) the name(s) and qualifications of the individual(s) who will conduct audits under the Quality Control Plan ("Quality Control Audits"); and (ii) the frequency with which the Quality Control Audits will be performed.	NEETNY has complied. A Quality Assurance Inspector will be present during construction and will conduct quality assurance audits.	Appendix I Section 15.0
137.	Within ten (10) business days following completion of each Quality Control Audit, the Certificate Holder shall provide to DPS Staff a report of such audit that includes: (i) a description of the results of the audit, particularly with respect to results that identify that one or more structures or components the Certificate Holder purchased for installation in the Project did not conform to the specifications for structures or components described in the approved EM&CP; and (ii) any notes pertinent to the subject matter of such audit which were made at audit meetings by Certificate Holder personnel and/or contractors who performed the audit.	NEETNY will comply. A Quality Assurance Inspector will be present during construction and will conduct quality assurance audits.	Appendix I Section 15.0

Condition Number	Requirement/Condition	Response	EM&CP Section
138.	If any Quality Control Audit conducted by the Certificate Holder confirms that one or more structures or components the Certificate Holder purchased for installation in the Project did not conform to the specification for structures and components described in the approved EM&CP, the Certificate Holder shall: (i) provide written notification to the Secretary within not more than seventy-two (72) hours of the Certificate Holder's discovery of such non-conformity; and (ii) describe the steps the Certificate Holder will take to correct the non-conformity, including whether any components must be dismantled and returned to the manufacturer, as well as a detailed estimate of all costs and expected delays in construction resulting from such non-conformity.	NEETNY will comply. A Quality Assurance Inspector will be present during construction and will conduct quality assurance audits.	Appendix I Section 15.0
139.	The Certificate Holder shall require its contractors or subcontractors to give an on-site tailboard safety briefing to site inspectors/visitors.	NEETNY will comply.	Section 15.0
140.	Within six (6) months following Project completion, the Certificate Holder shall provide to the DPS Staff Representative a full accounting of all Project costs, including an explanation of variances, if any, between projected and actual costs. Such accounting may be filed on a confidential basis. The accounting shall separately detail all costs incurred by the Certificate Holder as a result of its purchase of a structure or component for installation in the Project that did not conform to the specification for structures and components described in the EM&CP. The analysis contained within this accounting shall be divided into the following sections:		
140.a	Cost Estimate Provided with Application Exhibit 9;	NEETNY will comply.	N/A
140.b	Summary of Project Cost Accounts;	NEETNY will comply.	N/A
140.c	Expenditures Breakdown per Cost Account;	NEETNY will comply.	N/A
140.d	Comparison of Estimated Versus Actual Expenditures;	NEETNY will comply.	N/A
140.e	Conclusion and Explanation of Significant variances; and	NEETNY will comply.	N/A
140.f	Accounting of Non-Conforming Structures or Components.	NEETNY will comply.	N/A
<b>O. Transportation, Roads, and Highways</b>			
141.	Neither the Certificate Holder nor any contractors in its employ shall construct, improve, or use any access roads not described in the EM&CP except in the case of an emergency situation.	NEETNY will comply.	Appendix A Section 8.0
142.	The Certificate Holder shall consult periodically with municipal highway transportation agencies about traffic conditions near the Project site and shall notify each such transportation agency of the approximate date work will begin in its jurisdiction, using access points that take direct access from the highways in that jurisdiction.	NEETNY will comply.	Appendix R
143.	NYSDOT and NYSTA shall have authority to place inspectors on site to monitor and observe the Certificate Holder's activities on State Highways, or to request the presence of state or local police to ensure the safety of highway travelers, at such times and for such periods as NYSDOT and NYSTA deem appropriate. All costs thereof shall be borne by the Certificate Holder.	NEETNY will comply.	N/A

Condition Number	Requirement/Condition	Response	EM&CP Section
144	The Certificate Holder shall coordinate with NYSDOT and NYSTA for all work to be performed in the State Highway or NYSTA ROW, as applicable and provide an anticipated schedule for construction, which shall be updated and provided at regular intervals as requested by NYSTA. All work within NYSDOT and NYSTA property shall be designed and performed according to 17 NYCRR Part 131, "Accommodation of Utilities Within State Highway ROW" and in accordance with requirements and applicable policies as they may be changed from time to time including NYSTA TAP-401 "Occupancy and Work Permit Accommodation Guidelines" and TAP-401-U "Utility Occupancy Supplement". Prior to submitting its construction plan for any State Highway ROW segment, the Certificate Holder shall provide to NYSDOT and NYSTA a preliminary design marked to avoid conflict with potential future transportation projects that NYSDOT and NYSTA may seek to undertake in the future and shall offer to consult with NYSDOT and NYSTA concerning any comments they may offer and shall use reasonable efforts to accommodate any NYSDOT and NYSTA concerns.	NEETNY will comply.	Appendix Q Appendix R Section 19.0
145	The Certificate Holder shall avoid direct disturbance to properties by accessing the Project from existing roadways or off-ROW access roads as identified in the EM&CP. Work permits and insurance will be required for all contractors working on NYSTA property. With respect to NYSTA property, project plans, stamped by a Professional Engineer licensed in the State of New York, shall be reviewed and approved by NYSTA before work and occupancy permits will be issued for construction on NYSTA property. Parking for Project construction workers shall be in designated areas which do not interfere with normal traffic, cause a safety hazard, or interfere with existing land uses; these areas shall be designated in the EM&CP.	NEETNY will comply. Construction worker parking has been designated at proposed laydown/storage areas. NEETNY will comply with NYSTA property conditions.	Appendix A Section 1.0
146	For each road crossing and location where construction vehicles will access the Project from roadways, the Certificate Holder shall implement a Maintenance and Protection of Traffic ("MPT") plan that identifies procedures to be used to maintain traffic and provide a safe construction zone for activities occurring within the roadway ROW. The MPT plan shall address temporary signage, lane closures, placement of temporary barriers, and traffic diversion.	NEETNY will comply.	Appendix R
146.a	All signage utilized shall comply with the NYSDOT Manual of Uniform Traffic Control Devices. Placement of signs shall be determined in consultation with the jurisdictional agency. At a minimum, signs shall be placed at the following distances: i. Signs announcing construction at 500 feet and 1,000 feet; ii. Signs depicting workers at 300 feet; and iii. Where blasting is to take place within 50 feet of a road, a blast warning sign at 1,000 feet.	NEETNY will comply. Highway Work Permits for local, county, and NY State DOT jurisdictional road crossings will be obtained prior to work within road ROWs and copies of such work permits will be provided to DPS Staff.	Appendix A Appendix Q Appendix R
146.b	The MPT plan shall include the requirements for Work Zone Traffic Control and all applicable standards contained in NYSTA's Traffic Safety Manual TAP-403, revised June 2019.	NEETNY will comply.	Appendix R
<b>P. Petroleum &amp; Hazardous Substances</b>			
147.	Stationary fuel tanks and hazardous chemical storage shall be a minimum of 300 feet from streams, waterbodies and wetlands, unless: (i) the EM&CP provides justification, including that impacts have been avoided or minimized to the maximum extent practicable; or (ii) adequate secondary containment (containing at least 110% of the volume stored) is otherwise provided, in which case storage can occur within 100 feet of such resources.	NEETNY will comply.	Appendix N Section 14.0

Condition Number	Requirement/Condition	Response	EM&CP Section
148	In general, to the extent practicable, chemicals and petroleum products will not be stored, mixed, or loaded, nor will equipment be refueled, within one hundred (100) feet of any watercourse or wetland. Requirements for refueling within 100 feet of wetlands or streams will be allowed under certain circumstances as identified below.	NEETNY will comply.	Appendix N Section 14.0
148.a	Refueling of hand equipment will be allowed within one hundred (100) feet of wetlands or streams when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of hand held equipment will be initially filled in an upland location greater than one hundred (100) feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release.	NEETNY will comply.	Appendix N Section 14.0
148.b	Refueling of equipment will be allowed within one hundred (100) feet of wetlands or streams when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than one hundred (100) feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. All refueling of equipment within one hundred (100) feet of wetlands or streams will be conducted under the direct supervision of the environmental monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within one hundred (100) feet of a wetland or stream will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.	NEETNY will comply.	Appendix N Section 14.0
149.	A Spill Prevention, Control, and Countermeasure (“SPCC”) Plan to minimize the potential for unintended releases of petroleum and other hazardous chemicals during Project construction and operation shall be included in the EM&CP. The Certificate Holder shall immediately notify DPS Staff of any spill and report spills in accordance with State and/or federal regulations and provide a copy of such notification contemporaneously to NYSEG if the spill is located on NYSEG property.	NEETNY will comply.	Appendix N Appendix U Section 14.0
<b>Q. Herbicide Use During Construction</b>			
150.	Only herbicides specified in the EM&CP shall be applied during construction of the Project. If the Certificate Holder desires a change to the herbicides specified in the EM&CP for use during construction of the Project, including mix proportions, additives (with the exception of dyes), or method of application, the Certificate Holder shall submit the proposed change for approval pursuant to Certificate Conditions 40 of this Certificate. No change inconsistent with the labeling for such herbicides shall be approved.	NEETNY will comply.	Section 12.0 Appendix E
151.	The supervising certified applicator shall be familiar with and understand the applicable provisions of this Certificate and the most recent version of the Certificate Holder’s vegetation management plan.	NEETNY will comply.	Section 12.0 Appendix E
152.	Herbicide application within state regulated wetlands and regulated 100-foot adjacent areas shall be performed via low volume foliar spray from backpack sprayer, cut stem and/or stump treatment, or basal bark treatment methods consistent with approved treatment methods in the most recent version of the Certificate Holder’s vegetation management plan.	NEETNY will comply.	Section 12.0 Appendix E

Condition Number	Requirement/Condition	Response	EM&CP Section
<b>R. Invasive Species</b>			
153.	The Certificate Holder shall prepare an Invasive Species Management Plan in accordance with the Invasive Species Management Plan Specifications in Appendix G to the Joint Proposal for DPS Staff review and acceptance in consultation with NYSDEC and NYSDAM.	NEETNY will comply.	Appendix M Section 11.0
<b>S. Water Quality Certification</b>			
154.	Concurrent with Commission approval of the EM&CP for this Project, the Director of Facility Certification and Compliance of the Office of Electric, Gas and Water, pursuant to §401 of the Federal Water Pollution Control Act (“Clean Water Act”), as amended, 33 U.S.C. §1341, and PSL Article VII, will execute an appropriate certification that the Project will comply with the applicable requirements of §§301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and will assure compliance with applicable NYS water quality standards, limitations, criteria and other requirements set forth in 6 NYCRR §608.9(a), Parts 701 through 704, and Part 750.	NEETNY will comply.	N/A



**Terms of the Joint Proposal**

<b>Condition Number</b>	<b>Requirement/Condition</b>	<b>Response</b>	<b>EM&amp;CP Section</b>
JP ¶7	NYSDEC may enter and inspect the Project to assess compliance with any NYSDEC-issued permit or applicable substantive statute or regulation under NYSDEC’s jurisdiction. NYSDEC Staff field representatives will notify the DPS Staff representative and the Applicant’s appropriate representatives of any activities that violate, or may violate, either the terms of the Certificate or the Environmental Conservation Law. The Certificate Holder may require site inspectors or visitors to comply with all safety and security requirements applicable to the construction site.	NEETNY will comply.	Section 15.0
JP ¶33	Trees and shrubs within the Project’s access roads and work areas will be mowed or cleared as necessary to provide unimpeded and safe access to proposed work sites. Shrubs and low growing vegetation, as well as buffers at streams or in visually sensitive areas, will be maintained if they do not interfere with the construction activities or operational integrity of any of the facilities on the ROW.	NEETNY will comply.	Section 3.0 Section 6.0 Section 10.0
JP ¶34	The Applicant will include a Comprehensive Right-of-Way Encroachment Plan in the Environmental Management & Construction Plan (“EM&CP”) filing.	NEETNY will comply.	Appendix J Section 18.0
JP ¶36	Any short-term disruption to farming activities resulting from the Project construction shall be minimized by the Applicant through scheduling, planning, and the use of protection, restoration and mitigation measures. The Applicants will describe these measures in the EM&CP.	NEETNY will comply.	Section 7.0
JP ¶46	The need for landscape restoration will be assessed and performed in accordance with proposed Certificate Condition 130.	NEETNY will comply.	Section 16.0
JP ¶54	Any measures developed with the SHPO to avoid or mitigate impacts on archaeological resources at the East Stolle Switchyard will be documented in the EM&CP.	NEETNY has complied. A final report documenting the results of Phase II archaeological investigations for the East Stolle Switchyard was submitted to SHPO in July 2020.	Section 7.0
JP ¶57	In the event that there are direct physical impacts on any NRHP-eligible archaeological sites identified within the direct APE or indirect visual impacts on any NRHP-listed or –eligible architectural resources within the indirect APE, continued coordination with SHPO in consideration of Section 106 of the NHPA would be necessary.	NEETNY will comply.	Section 7.0
JP ¶58	Any proposed mitigation measures related to archaeological and architectural resources identified through ongoing agency consultation will be included in the EM&CP.	NEETNY will comply.	Section 7.0
JP ¶62	Following construction activities, the NEETNY ROW will be managed in accordance with NEETNY’s vegetation management plan that will be submitted to the Commission for approval. (Proposed Certificate Condition 11.)	NEETNY will comply.	Appendix E
JP ¶63	Implementation of an invasive species management plan will mitigate potential spread of invasive plant and insect species.	NEETNY will comply.	Appendix M Section 11.0
JP ¶66	The structures placed within wetlands will be detailed in the EM&CP.	NEETNY has complied.	Section 6.0
JP ¶69	NEETNY is in the process of developing a Wetland Mitigation Plan to offset the conversion on forested wetland associated with the Project, and the plan will be included in the EM&CP.	NEETNY has complied.	Appendix G

Condition Number	Requirement/Condition	Response	EM&CP Section
JP ¶70	Mitigation strategies will be utilized to address short-term (temporary) wetland impacts during construction. Sediment and erosion control methods will be implemented, which may include silt fencing, use of water bars, and planting/seeding/mulching of exposed soils to prevent soil erosion and sedimentation in nearby wetlands and surface waters due to runoff. Wetland disturbance will be minimized to the extent practicable by scheduling construction activities during drier periods of the year, staging construction materials outside of wetlands when possible, and utilizing timber mats when moving equipment in wetlands. All mitigation strategies will be included in the EM&CP.	NEETNY will comply.	Appendix D Section 5.0 Section 6.0
JP ¶71	It is expected that Project construction activities in wetlands and other waters over which the USACE has regulatory jurisdiction will be authorized by the USACE under Section 404 of the Clean Water Act (33 U.S.C. § 1344); this authorization will be sought from the USACE concurrently with the submission of the EM&CP for approval..	NEETNY has complied (the Section 404 permit application was submitted to the USACE on March 20, 2020).	Appendix H
JP ¶79	If during final design a need is identified to install an access road across Little Buffalo Creek or any of its tributaries, NEETNY will consult with DPS Staff and NYSDEC to develop appropriate avoidance and minimization measures to prevent impacts on northern brook lamprey and bigmouth shiner.	NEETNY has complied.	Section 10.0
JP ¶80	In State-regulated wetlands (WO-13, WO-15, WO-21, WO-25 and WO-37) where there are potential breeding populations of the Western Chorus Frog, NYSDEC requests, to the extent practicable, the Certificate Holder to put construction mats in place before the start of the breeding window (April 1 through May 31). The Certificate Holder will provide all workers with pertinent information on sensitive resources in the Project area in accordance with Certificate Condition 60 and paragraph 10 of Section A of Appendix E.	NEETNY will comply.	Section 10.0
		NEETNY will comply.	Section 10.0
JP ¶86	As a precaution, the Applicant will identify the approximate location of the single abandoned natural gas well mapped within the Proposed ROW on the Plan and Profile drawings in the EM&CP.	NEETNY will comply.	Appendix A
JP ¶90	The avoidance, minimization, and mitigation measures for disturbed soils and topography along the Project ROW, access roads, laydown areas, and marshaling yards will be specified in the EM&CP.	NEETNY has complied.	Section 7.0 Section 11.0
JP ¶91	Construction in active agricultural areas will be managed to protect farm soils from erosion, compaction, and soil mixing. Consistent with NYSDAM recommendations, NEETNY will use timber mats where access is required through agricultural areas, in accordance with NYSDAM Guidelines for Electric Transmission Right-of-Way Projects. Best management practices (“BMPs”) will be identified in the EM&CP to minimize topsoil disturbance. Detailed restoration procedures will also be included in the EM&CP.	NEETNY has complied.	Appendix Y Section 2.0 Section 7.0 Section 8.0
JP ¶93	The Buffalo-Lancaster Regional Airport is a public airport located in the town of Lancaster approximately 1-mile northwest of the Proposed Line. Transmission structures 114 and 115 would be within 6,500 feet from the runway at the Buffalo-Lancaster Airport and, based on their proposed height (130 feet), would cross the FAA imaginary surface for notification (14 CFR §77.9). Based on a preliminary evaluation of FAA standards for determining obstructions to air navigation that consider visual approaches and takeoff and landing areas (14 CFR §77.15, §77.17, §77.19) these transmission structures may be considered an obstruction to air navigation at the Buffalo-Lancaster Regional Airport. A Notice of Proposed Construction or Alteration will be submitted to the FAA to confirm that the proposed construction activities in the vicinity of the airport will not impact air navigation or airport operations.	NEETNY has complied.	Appendix H

Condition Number	Requirement/Condition	Response	EM&CP Section
JP ¶95	NEETNY is coordinating with CSX and Norfolk Southern Railway regarding the crossing of the two rail lines. The closest transmission structure to the CSX rail line is set back approximately 95 feet from the rails. The closest transmission structure to the Norfolk Southern Railway is setback approximately 150 feet from the rails. Both transmission structures are setback farther from the rails than existing structures adjacent to the Proposed Line. The crossings will be designed to meet the railway’s clearance requirements, National Electric Safety Code (“NESC”) requirements, and to ensure there is no adverse impact on the safe operation of the railroad. Construction activities will be coordinated with the active rail lines to ensure that they do not conflict with railroad operations.	NEETNY will comply.	Section 19.0
JP ¶96	The EM&CP will address traffic control measures, including temporary signs, construction entrance locations, procedures for the movement of equipment and materials to the ROW, and potential road closure locations. The EM&CP will also identify potential temporary storage locations for materials and equipment that will be used for construction of the Project. The traffic control measures set forth in the EM&CP will also address procedures for conductor stringing to ensure maintenance and protection of traffic (“MPT”) during construction of the Project.	NEETNY has complied.	Appendix Q Appendix R Section 19.0
JP ¶97	All work within state highway and local road ROWs will be designed and performed in accordance with all applicable safety and traffic standards, including the requirements contained in 17 New York Codes, Rules, and Regulations Part 131 – Accommodation of Utilities within State Highway Right-of-Way; applicable standards from the American Association of State Highway and Transportation Officials; the Manual of Uniform Traffic Control Devices; the Highway Design Manual; the Policy and Standards for Entrances to State Highways; the Accommodation Plan; and NYSDOT 2018 Standard Specifications. BMPs, as detailed in the EM&CP, will be employed to prevent the placement of materials onto local roadways, and all soil deposited outside of the limits of disturbance or on public roadways will be removed in a timely manner.	NEETNY will comply.	Appendix Q Appendix R Section 19.0
JP ¶98	The Interstate 90 crossing will be installed underground and will comply with permit conditions of the New York State Thruway Authority.	NEETNY will comply.	Section 19.0
JP ¶99	The Proposed Line will cross the Lancaster Heritage Trail in the Town of Lancaster. The Clarence Pathways Trail will be crossed by the Proposed Line in the Town of Newstead. Measures will be included in the EM&CP to ensure the safety of pedestrians and trail users during construction. Design and construction of the Proposed Line will follow the NESC for clearances.	NEETNY will comply.	Section 7.0
JP ¶103	All spills will be cleaned up in accordance with the applicable regulations, and in accordance with a spill plan to be prepared for the Project and included in the EM&CP.	NEETNY will comply.	Appendix N Section 14.0
JP ¶104	Vehicular access across streams and other watercourses will be avoided, to the extent possible. Where equipment stream crossings are necessary, NEETNY will span the streams with timber mats or air bridges to avoid disturbing the stream beds.	NEETNY will comply	Appendix A Section 5.0 Section 8.0
JP ¶105	Stream crossings will utilize timber mats and other minimally intrusive bridge materials designed to minimize stream bed and bank disturbance and water quality impacts. They will be installed at right angles to the stream, where practicable, and will be designed appropriately for one traffic lane. All stream crossings and specific crossing techniques will be included in the EM&CP.	NEETNY will comply	Appendix A Section 5.0 Section 8.0

Condition Number	Requirement/Condition	Response	EM&CP Section
JP ¶110	NEETNY will comply with the applicable standards of the NESC in relation to appropriate spacing between power and communication cables. As part of the final design that will be provided in the EM&CP, NEETNY will consult with any third parties with communication cables within or adjacent to the Proposed ROW to ensure that appropriate clearances are maintained.	NEETNY has complied.	N/A
JP ¶111	Generally, transmission lines do not cause interference with radio or television reception because the level of interference is very low at the ROW's edge. In addition, all television broadcasts are required to broadcast exclusively using digital broadcasting reducing the likelihood of noise interference from a transmission line. If NEETNY receives any complaints of suspected interference from the Proposed Line, these complaints will be investigated and resolved by NEETNY consistent with certificate conditions.	NEETNY will comply.	Appendix O
JP ¶112	NEETNY will depict any existing underground facilities on the Plan and Profile drawings in the EM&CP based on input from the facility owner and any above ground features. Any existing underground facilities that would potentially interfere with the construction of the Project will be verified via an actual field mark out and surveyed for accurate placement on the drawings for the EM&CP.	NEETNY has complied.	Appendix A
JP ¶120	With respect to the route in the NYSEG utility corridor considered for mitigating AC Interference levels on NYSEG-owned gas facilities, the Signatory Parties agree that the Proposed Route described in Appendix B will be used, and that any AC Interference as a result of the Project on NYSEG-owned gas facilities will be mitigated to guidelines set forth by the National Association of Corrosion Engineers.	NEETNY will comply.	Appendix W Section 22.0

## **1.0 FACILITY LOCATION AND DESCRIPTION**

### **1.1 Project Location**

The Project includes an approximately 20-mile 345 kilovolt (kV) transmission line and associated switchyards in the town of Royalton in Niagara County, New York, and the towns of Alden, Newstead, Lancaster, and Elma in Erie County, New York. Specifically, the Project includes a new 345 kV switchyard (Dysinger Switchyard) in Niagara County, which will become the new 345 kV hub in Western New York where seven 345 kV lines will connect. It also includes a second new switchyard (East Stolle Switchyard) in Erie County to be connected to the existing New York State Electric & Gas Corporation (NYSEG) Stolle Road Substation. The approximately 20-mile 345 kV Transmission Line will connect the Dysinger and East Stolle Switchyards. In turn, the Dysinger Switchyard will be connected to the Power Authority of the State of New York (NYPA) 345 kV Niagara lines via two double circuit structures approximately 0.30 miles in length and the NYSEG 345 kV Kintigh lines via two single circuit structures approximately 0.15 miles in length (Dysinger Tie-Ins). Likewise, the East Stolle Switchyard will be connected to the NYSEG Stolle Road Substation via single circuit structures approximately 0.2 miles in length and NYSEG 345 kV Stolle Road to Homer City transmission line via single circuit structures approximately 0.2 miles in length (East Stolle Tie-Ins). Transmission line structures will consist primarily of steel monopoles. The Transmission Line will primarily be built within the existing NYSEG Utility Corridor.

### **1.2 Plan and Profile Drawings**

The Plan and Profile drawings are included in Appendix A.

### **1.3 Existing ROW**

The Project will primarily be constructed within the approximately 20-mile-long section of NYSEG's existing Utility Corridor between the Dysinger and East Stolle Switchyards. The NYSEG Utility Corridor is generally 500 feet wide, with some areas widening to approximately 800 feet. NYSEG's 230 kV Line 65 extends the length of the corridor. The 115 kV Line 926, 115 kV Line 928, and 34.5 kV Line 525 parallel Line 65 for varying distances. NYSEG maintains fee ownership of the majority of land within the corridor; exceptions include railroad, trail, and road crossings, as well as two private landowner holdings. In these areas, NYSEG owns ROW easements to operate their transmission system. NYSEG manages vegetation in order to operate their transmission lines in areas ranging from approximately 100 to 260 feet wide throughout the corridor.

All transportation and utility facilities crossed by the Project are depicted on the Plan and Profile drawings in Appendix A and crossing protection measures are detailed in Section 19.0.

## **1.4 Project Description**

### ***Transmission Line***

NEETNY will construct a new approximately 20-mile-long 345 kV line from the Dysinger 345 kV Switchyard to the East Stolle 345 kV Switchyard. The Transmission Line will be located, to the extent practicable, 100 feet east of the existing NYSEG 230 kV Line 65, measured from centerline-to-centerline.

Segment 1, Overhead Transmission Line: Starting at the Dysinger 345 kV Switchyard, the Transmission Line will exit the switchyard on the north side and run east approximately 0.06 miles to the NYSEG Utility Corridor. From mile points 0.06 to 0.60, the Transmission Line will cross over the NYSEG 230 kV Line 65 and head south, parallel and to the east of the NYSEG 230 kV Line 65. From mileposts 0.60 to 0.70, the Transmission Line will cross underneath the existing NYPA 345 kV lines (Niagara-Rochester and Somerset-Rochester). From mile points 0.70 to 0.87, the line will be located east of the NYSEG 230 kV Line 65 and west of the regulator gas station jointly owned by NYSEG and National Fuel Gas Company (NFG). The Transmission Line will continue south past the regulator gas station. From mile points 0.87 to 10.1, the Transmission Line will run south, parallel on the east side of the Line 65 230 kV line.

Segment 2, Underground Cable: From mile points 10.1 to 10.4, the Transmission Line will cross underneath the Thruway via horizontal directional drill (HDD). The crossing will consist of two duct banks including associated equipment.

Segment 3, Overhead Transmission Line: From mile points 10.4 to 20.5, the Transmission Line will run south, parallel on the east side of the L65 230 kV line and terminate in the East Stolle Road 345 kV switchyard.

### ***Dysinger Tie-Ins***

At the new Dysinger Switchyard, the Transmission Line will tie into the existing NYPA and NYSEG transmission lines as follows: two double circuit transmission lines connecting the Dysinger Switchyard to the NYPA 345 kV Niagara lines and two single circuit transmission lines connecting the Dysinger Switchyard to the NYSEG 345 kV Kintigh lines. Engineering, Design and Construction of these components will be coordinated with the interconnecting transmission owners under Attachment P of the NYISO Open Access Transmission Tariff.

### ***East Stolle Tie-Ins***

At the new East Stolle Switchyard, the Transmission Line will tie into the existing NYSEG Stolle Road Substation and NYSEG's 345 kV Stolle Road-to-Homer City transmission line as follows: Two sets of transmission lines connecting the East Stolle Switchyard to the NYSEG Stolle Road 345 kV Substation and East Stolle to NYSEG's Homer City 345 kV transmission line. Engineering, Design and Construction of these components will be coordinated with the interconnecting transmission owner under Attachment P of the NYISO Open Access Transmission Tariff.

### ***Dysinger Switchyard***

The Dysinger Switchyard will occupy an approximately 7-acre site in the northern portion of a 49-acre parcel in the town of Royalton in Niagara County. The site is approximately 600 feet south of Akron Road and 900 feet east of Block Church Road. The new switchyard will be offset approximately 150 feet from the western edge of the NYSEG Utility Corridor and approximately 1,500 feet north of the ROW utilized for the NYPA 345 kV Niagara lines. The site, which is currently used as a hayfield, has nearly flat topography and will require minimal grading to provide a level development site.

The Dysinger Switchyard will be a four-bay breaker and a half configuration with a 700 mega volt ampere (MVA) normal rated/875 MVA emergency rated phase angle regulator (PAR).

### ***East Stolle Switchyard***

The East Stolle Switchyard will occupy an approximately 6-acre site directly within the NYSEG Utility Corridor in the town of Elma in Erie County. The new switchyard will be located 500 feet north of the existing NYSEG Stolle Road Substation. The site, which is currently used as hayfield, has nearly flat topography and will require minimal grading to provide a level development site.

The East Stolle Switchyard will initially be configured as a three-breaker ring bus designed for future expansion into a two-bay breaker and a half configuration; it will include a 30 mega volt-ampere reactive (MVAR) shunt reactor.

## **1.5 Additional Land Rights Responsibility for Project Facilities**

In order to construct, own, operate, and maintain the Project facilities, NEETNY will obtain the following property rights:

- a) An approximately 130-foot-wide easement adjacent and east of the existing Line 65 230 kV line (ESL Easement; e.g., Project ROW) approximately 20-mile length of the Project, with the exception of the Interstate 90 crossing, to construct, own, operate, and maintain the Transmission Line.
- b) An irregularly shaped easement with NYSEG just north of NYSEG's Stolle Road 345 kV substation to construct, own, operate and maintain the East Stolle Switchyard.
- c) An approximately 30-foot easement for danger tree rights extending out from the east side of the 130-foot easement for the Transmission Line, within the NYSEG Utility Corridor.
- d) Access road easement(s) within the NYSEG Utility Corridor in order to access the Project ROW to construct, maintain and operate the Project.
- e) NEETNY will require additional property rights outside of the NYSEG Utility Corridor identified in Appendix B.

## **1.6 Structures**

As set forth in Appendix B, Table 1 of the Joint Proposal, the Transmission Line will be supported with dull galvanized, single-circuit steel monopole structures. The average height of the steel monopole structures will be 120 feet.

## **1.7 Marshalling Yards, Laydown Storage Areas, and Disposal Sites**

NEETNY has entered into an option to lease a laydown yard in the Town of Alden. The Project laydown yard covers approximately 3 acres of land, 0.3 miles east of the intersection of Town Line Road and Walden Avenue. The property has experienced various levels of development and has existing access from Walden Avenue. NEETNY anticipates grading and minor vegetation removal to improve the laydown yard site in order to receive equipment and material delivery and storage. The designated laydown yard is shown on the Plan and Profile drawings in Appendix A.

Vegetation cleared at the laydown yard, with the exception of logs, will be chipped at a maximum of three inches. Additionally, support structures, conductor cables, and other hardware for the Project will be securely stored at this location. Materials will be delivered to this location, and fabrication of steel reinforcement cages for structure foundations will be completed on site.

NEETNY will receive pole delivery in the Project ROW. When pole delivery to the Project ROW is prevented due to inclement weather or other circumstances, poles will be delivered to the laydown yard. This area will also serve as the show-up area for workers and house the Project offices.



During the construction phase, the Dysinger and East Stolle Switchyards will be used for marshalling and laydown areas for local material storage, spoils disposal, and vegetation staging areas. If necessary, erosion controls will be installed to protect delineated waterways and wetlands. A 6-foot chain link security fence will be installed around the laydown yard for security and will include a 20-foot gate for construction access as shown on Appendix A.

### **1.8 Construction Worker Parking Areas**

Parking for personal vehicles will be provided at the marshalling or laydown yards. In addition, carpooling, in authorized contractor vehicles, will be used to transport employees to the construction site.

### **1.9 Facility Objections by Federal, State, or Local Transportation Officials**

There are no known objections to the final location or manner of installation of, or access to, the certified facility by any federal, state, or local transportation officials.

### **1.10 Construction Sequencing**

The Project Summary Documents, including the detailed construction sequencing, are included in Appendix C.

## **2.0 STORMWATER POLLUTION PREVENTION – EROSION AND SEDIMENT CONTROL PROCEDURES**

The purpose of stormwater management is to prevent erosion and the transport of sediment within the construction site, on adjacent properties, and into wetlands and waterbodies. This is generally accomplished through site stabilization, structural control measures, site management practices, and implementing further controls on unstable soils. Stormwater management also addresses pollution prevention through implementation of erosion and sediment controls along with material and waste management practices to reduce pollutants in stormwater runoff. Measures to minimize fugitive dust and airborne debris during construction are further described in Section 13.0.

Construction-related impacts are expected to result from soil disturbances, including construction of access roads, use of material and marshaling yards, structure removals, and installation of structures and switchyards. The Project is primarily located within the existing NYSEG Utility Corridor, with some access occurring off the Project ROW. Installation of the Dysinger and East Stolle Switchyards, along with construction of permanent access to these facilities, will result in the addition of impervious areas and will require permanent stormwater management controls.

### **2.1 Stormwater Pollution Prevention Plan**

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for this EM&CP and as required for coverage under the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The SWPPP is included in Appendix D. The SWPPP is designed to establish requirements and instructions for the management of construction-related stormwater discharges.

For construction projects, the Owner or Operators of projects that disturb 1.0 acre or more may gain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity. Coverage is gained by filing a Notice of Intent (NOI) form with NYSDEC and by developing and complying with a site-specific SWPPP. The Project is expected to disturb more than 5 acres at any one time and, therefore, will require a NYSDEC 5-acre disturbance authorization prior to construction.

Transmission Line construction will occur in the jurisdictional boundaries of two Municipal Separate Storm Sewer Systems (MS4s). Ground disturbance within the boundaries of a regulated MS4 requires review and approval of the SWPPP by the regulatory agency. Project disturbance occurs in the MS4 jurisdiction for the Town of Lancaster and the Town of Elma. MS4 applications were submitted to the Towns of Lancaster and Elma for review by the Town Engineer. The Town

of Elma's Engineer reviewed and approved the MS4 permit application on April 22, 2020, and the Town of Lancaster's Engineer reviewed and approved the application on August 17, 2020; both approvals are included in Appendix D.

An NOI was submitted to NYSDEC on May 15, 2020, Albany Main Office, certifying that the Project will comply with the SPDES General Permit for Stormwater Discharges from Construction Activity. In response, NYSDEC issued an acknowledgement letter on June 3, 2020. NYSDEC Standards and Specifications for Erosion and Sediment Control (NYSSESC) Best Management Practices (BMPs) are the major components of this SWPPP, along with the Project Certificate. These BMPs and conditions have been incorporated to mitigate for potential releases of pollutants and sediments and stormwater peak flows and to dissipate stormwater velocities.

A copy of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, NOI, NOI Acknowledgement Letter, MS4 Acceptance Form, SWPPP, 5-acre disturbance authorization, and inspection reports will be kept in one of the job trailers during construction until the site has achieved final stabilization and a Notice of Termination (NOT) has been submitted to NYSDEC. Upon completion of construction activities and final stabilization of the Project area, NEETNY, with the assistance of the Environmental Monitor, will complete and submit an NOT to NYSDEC.

## **2.2 Erosion and Sediment Control**

Erosion and sediment control measures for the Project are shown on the Plan and Profile drawings in Appendix A and the SWPPP in Appendix D.

All erosion and sediment control measures will be designed, constructed, and maintained in accordance with the NYSSESC and BMPs outlined in this EM&CP and the SWPPP.

## **2.3 Temporary Structural Controls**

Temporary structural controls limit the amount of sediment that is carried into streams and wetlands by stormwater runoff. The temporary structural controls will be removed following stabilization and restoration of disturbed areas to pre-construction conditions.

Temporary structural controls for the Project include stabilized construction entrances, silt fences, filter sock, water bars, temporary access bridges, temporary culverts, dewatering devices, and concrete washouts. Equipment matting will be used in wetlands and agricultural areas for roads and structure installation pads. Details and specifications for temporary structural controls for the Project are included on the Plan and Profile drawings in Appendix A.

### **2.3.1 Stabilized Construction Entrances**

Stabilized construction entrances will be installed and maintained where transmission line and switchyard access roads enter onto existing paved roads. Entrances will be designed to prevent the deposit of materials onto paved areas from traffic leaving the construction site. Project stabilized construction entrance locations are shown on the Plan and Profile drawings in Appendix A.

### **2.3.2 Silt Fencing**

Silt fencing will be installed along the downslope side or side slope of disturbed areas to reduce the stormwater runoff velocity, enabling the settling of sediment contained in site stormwater runoff. Silt fencing will be installed in areas where granular material or spoils are stockpiled. Silt fencing will be installed as needed between the site and adjacent drainage infrastructure or water bodies or as directed by the Environmental Monitor.

Silt fencing will be installed in disturbed areas as shown on the Plan and Profile drawings in Appendix A, and as follows:

- Along the top of the slope or top bank of drainage ditches, channels, and swales that traverse disturbed areas;
- Along the toe of cut slopes and fill slopes of the construction work areas;
- Across the Project ROW on any slope leading into wetlands or streams; and
- Along the edge of construction area with slopes that lead into wetlands or streams.

### **2.3.3 Water Diversion Structures**

Water diversion structures are used to control surface runoff along the Project ROW and work areas. Water diversion structures will be installed in compliance with the SWPPP and will be used to avoid potential adverse impacts on adjacent landowners. For construction activities within the Project ROW, water diversion devices will extend to an undisturbed and stabilized area. This will prevent water from returning to the disturbed area and causing rilling and further erosion.

Water diversion structures are used to control surface runoff along the Project ROW and work areas. For construction activities within the ROW, water diversion devices will extend to an undisturbed and stabilized area. This will prevent water from returning to the disturbed area and causing further erosion. Water diversion devices that may be used during construction include:

- a. **Waterbars** – Waterbars are installed along slopes along the ROW in order to intercept and divert surface runoff from the work area to a stabilized location. The Plan and Profile drawings in Appendix A identify areas requiring diversion along access roads. Silt fencing or filter socks will be installed at the down-slope outfall to prevent erosion and sedimentation into adjacent off-ROW property. Waterbars will discharge to a stabilized outlet or area and will be checked and maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment and Control 2016 Blue Book (Blue Book).
- b. **Swales and Earthen Berms** – Swales and earthen berms are designed to divert large amounts of runoff that would exceed the capacity of water bars. Local soil type, slope, and other terrain features determine the size, angle, and spacing of swales and earthen berms. They will be used primarily along and at the top of stream banks, at the base of slopes, on steep slopes that exceed 25%, and whenever conditions warrant a greater measure of runoff control. Swales will be installed adjacent to the access road and pad at the East Stolle Switchyard, as shown on the Plan and Profile Drawings in Appendix A.
- c. **Side Ditches** – Side ditches are constructed adjacent to the Project ROW in areas of severe grade and unstable soils to channel excess runoff not handled by other drainage structures. Periodic breaks and escapes will be constructed to slow runoff velocity and minimize channel erosion along long, steep slopes. Side ditches will be maintained regularly to prevent blockage and slumping, particularly after major storm events. The use of rock or jute netting should be considered on steep slopes or severe terrain and in sand or silty soils to stabilize the ditch. Project side ditches are depicted on the Plan and Profile Drawings in Appendix A.

#### ***2.3.4 Access Bridges and Culverts***

Temporary equipment mat bridges and culverts will be installed along the Project ROW or where the Project crosses streams. Temporary access bridge crossings are identified on the Plan and Profile drawings in Appendix A. Temporary mat bridges are the preferred bridge type and will be used for most, if not all of the crossings where the span of the crossing can be accomplished with the length of equipment matting available, without compromising the immediate bed or bank of the stream or waterway. In the event that temporary mat bridges are not able to accommodate the span of the crossings, prefabricated bridges will be installed.

Temporary culverts are used in work areas and construction access areas to channel water runoff from farm ditches and road swales across the Project ROW. Additionally, several roadside ditches and small drainages will require culverted crossings for use by vehicles and equipment. Temporary culverts will be installed just below grade at each end of the access area, with headwalls except where used only to equalize drainage in flat areas such as wetlands. Large stones will be

placed around the downstream pipe to prevent erosion in areas where the outfall must be above grade. Inlet and outlet protections will be installed as per the Blue Book. Locations and details of culverts for access are identified on the Plan and Profile drawings in Appendix A.

### ***2.3.5 Concrete Washouts***

Concrete washouts will be used to capture wash water from concrete trucks. The washout structure will allow for wash water to be evaporated or disposed of at an approved off-site location. This will prevent contamination of concrete wash water to off-site areas or water bodies. Washouts will be inspected after each use to determine whether they are filled to greater than 75% of capacity and to ensure there is no leakage. The final locations of concrete washouts will be within the bounds of work pads, and final placement will be made based on coordination between the Construction Manager and Environmental Monitor. Concrete washout and secondary containment details are included on the Plan and Profile drawings in Appendix A.

### ***2.3.6 Equipment Matting***

Equipment matting will be installed to prevent rutting and minimize impacts on the soil in sensitive resource areas such as wetlands and agricultural lands. Equipment mats allow the load of construction vehicles and equipment to be distributed evenly and cause the least amount of disturbance to the root zone of existing vegetation. Equipment matting will be used for access, work areas, staging, stockpiling, and crossing underground utilities as defined in Section 8.0 and as shown on the Plan and Profile drawings in Appendix A.

Equipment matting may be transferred between working areas of the Project during the various sequences. Equipment matting will be cleaned before being transported to a new location per the Initial Invasive Species Control Plan included hereto as Appendix M. Equipment matting will be sound and free of defects.

### ***2.3.7 Level Spreaders***

Level spreaders will be installed to reduce the erosive energy of concentrated flows by distributing the runoff as sheet flow to stabilized vegetated surfaces. The locations of level spreaders are depicted on the Plan and Profile drawings in Appendix A.

## **2.4 Permanent Structural Controls – Dysinger and East Stolle Switchyards**

The Dysinger Switchyard and East Stolle Road Switchyard installations and new Project permanent accesses will enlarge the existing impervious area, requiring permanent structure controls. Permanent structural controls at the Dysinger Switchyard will include underdrains and

level spreaders moving water through filter strips. The East Stolle Switchyard installation will include swales discharging to riprap pads on the northwest corner of the switchyard. Permanent structural controls and details and specifications are depicted in the Plan and Profile drawings package in Appendix A.

#### ***2.4.1 Operations Stormwater Management***

Permanent stormwater management controls, as described in Section 2.4.3, shown in Appendix A and in detail on the grading plans in Appendix D, will be installed during construction of the switchyards and permanent access roads. Temporary structural controls will be installed and maintained during construction and replacement of the transmission line. Permanent structural controls will be inspected periodically during construction and maintained as necessary and as specified for the operation and maintenance of the switchyard.

#### ***2.4.2 Bridges***

A permanent bridge will be installed across Mud Creek along the route of the new access road to the Dysinger Switchyard. Design details are included in Plan and Profile drawings package in Appendix A. This access road extends from Akron Road south across Mud Creek and on to the switchyard. The bridge crossing of Mud Creek will be approximately 50 feet in length, and is a single-span bridge. The bridge is designed with conventional cantilever abutments and wingwalls supported on spread footings. The crossing will allow for equipment to deliver materials to the site as well as provide permanent access to the switchyard for operations and maintenance after the Project is in service.

#### ***2.4.3 Underdrain, Level Spreader, Filter Strips***

The Dysinger Switchyard will be serviced by an underdrain system to move water falling on the switchyard pads to the east side of the site. The site will be graded so that water collects in the underdrain system. Underdrains will be perforated corrugated high-density polyethylene pipe placed within the switchyard boundary. Outside of the switchyard fence, the underdrain pipes will connect with solid-wall pipes that will discharge to a level spreader and subsequently to a filter strip. Vegetated filter strips can be used to treat and control stormwater runoff from some areas of a development. Vegetated filter strips are vegetated surfaces designed to treat sheet flow from adjacent surfaces and remove pollutants through filtration and infiltration (see Appendix D).

### **2.5 Dewatering Procedures**

During construction it may be necessary to remove surface or subsurface water from work areas. Excavations will be required for installation of the Transmission Line structures and switchyard

structures. Excess water will be removed by means of temporary pumps that will move water to dewatering basins. The dewatering basins will be equipped with straw bales and geotextile fabric, or water will filter through silt bags, or other means of filtration in accordance with this EM&CP. Dewatering locations will be determined in consultation with the Environmental Monitor.

If groundwater seeps into an excavated pit at a rate not suitably controlled by the above method but is manageable with the use of a portable pump, the discharge of water from the excavation area will be pumped into a dewatering basin constructed of silt bags, silt fence barriers, and geotextile fabric, or silt bags or other means of filtration in accordance with this EM&CP. Suspended silt and other material will be allowed to settle out, and the water will then be allowed to infiltrate back into the ground or filter through the silt fence dike.

Under extremely saturated conditions where groundwater infiltration rates and surrounding water volumes far exceed the ability to dewater the excavated pit or trench, a double work-shell arrangement that provides the ability to pump the space between the work-shells and excavated holes will be installed to provide dewatering capability to safely excavate and install the structure. The silt fence barrier described above will also be implemented for the excavated soil.

Trapped sediment collected during dewatering activities will be graded on the Project ROW or properly disposed of without being washed into an adjacent stream, wetland, or other sensitive resource, in consultation with the environmental monitor.

## **2.6 Clearing, Excavation, and Grading**

The Project ROW, access roads, and work areas will be cleared to provide safe operation of construction equipment. The maintained portion of the NYSEG Utility Corridor primarily contains low-lying vegetation. The adjacent Project ROW includes areas requiring clearing. The clearing and disposal techniques are described in Section 3.0 and included on the Plan and Profile drawings in Appendix A.

In relatively minor saturated soil conditions where soils consist of consolidated silty loam material saturated in static groundwater conditions, wet soils will be excavated and stockpiled directly adjacent to the excavation within a contained area made from hay bales and silt fencing to prevent siltation onto surrounding areas. Wet soils will be stockpiled in upland areas within a silt fence barrier outside of wetlands and agricultural areas, or atop equipment matting work pads within wetlands or agricultural areas. The wet soils will be allowed to dry prior to being hauled to disposal areas. Soil stockpiles will not be installed in the immediate vicinity of existing stormwater conveyance areas.



## **2.7 Site Stabilization**

Surface stabilization techniques will be used during construction to reduce sediment loading from stormwater runoff. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day and completed in accordance with the SPDES General Permit for Stormwater Discharge or prior to a significant rain event.

Stabilization measures that may be used during Project construction include:

- Protection of vegetation: Natural vegetation will be preserved to the extent practicable. Where feasible, preserving natural vegetation will reduce erosion, reduce stormwater runoff velocities, and intercept sediment runoff.
- Mulching: Mulching is the placement of material such as grass, straw, woodchips, and/or gravel on the soil surface to cover and hold in place unstable soils.
- Seeding: Following the completion of construction in a work area, the disturbed site will be appropriately seeded to re-establish vegetative cover.

Stabilization will be considered final once at least 80% of a disturbed area has been vegetated and restored to its original condition.

Restoration and stabilization procedures are included in Section 16.0 of this EM&CP.

## **2.8 Inspection and Record-keeping**

At a minimum, and in accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity requirements and the NYSSDESC for construction projects disturbing more than 5 acres of soil at any one time, twice-weekly site inspections will be performed and documented by a qualified inspector to ensure all required structural control measures are in place, properly positioned, and in good working condition. Additionally, a full-time Environmental Monitor will be on site for the duration of the construction phase of the Project.

Vehicle construction entrances and exits will be inspected for evidence of off-site sediment tracking. These inspections will continue for the duration of the construction phase of the Project or until disturbed areas have been permanently stabilized. For areas that have undergone final stabilization or where runoff is unlikely due to winter conditions, inspections are to be performed at least once every month by the Environmental Monitor.

An inspection report will be prepared for each inspection and retained as part of this EM&CP. A typical inspection report is provided in the SWPPP. In accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, each inspection report will provide the name(s), title(s), and qualifications of the personnel conducting the inspection; the date(s) of the inspection; and major observations of the inspection relating to the implementation of this EM&CP, including photographs of the observations. Observations will include the following:

- Locations of sediment or other pollutant discharges;
- Locations of soil and erosion control devices requiring maintenance;
- Locations of soil and erosion control devices failing to operate adequately or as designed;
- Locations where additional soil and erosion control devices are required; and
- Descriptions of activities conducted in contravention to this EM&CP or otherwise contributing to stormwater pollution.

The inspection report will identify any incidents of non-compliance. For incidents of noncompliance, the inspection report will also describe the modifications to the Project or control measures to be implemented to prevent further incidents of noncompliance. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame. The inspection reports will be maintained at the designated construction trailer during the course of the Project. NEETNY will also retain the inspection reports, the SWPPP, the NOI, and the NOI Acknowledgement Letter in the Project files for a period of five years.

### **3.0 VEGETATION CLEARING AND DISPOSAL METHODS**

Vegetation clearing will be required on the Project ROW. The Plan and Profile drawings indicate the location of vegetation clearing, the limits of clearing, type of clearing and the method of disposal for the cut vegetation.

At least 14 days prior to commencing Project construction in a specific area, NEETNY will flag the Project ROW boundaries. Danger trees will be marked for review and acceptance by DPS Staff within the 14-day period.

All trees over 4 inches in diameter and shrubs over 4 feet in height that are damaged or destroyed during construction, operation, or maintenance will be replaced with the equivalent type of trees or shrubs subject to the provisions of 6 New York Codes, Rules and Regulations (NYCRR) 575, Prohibited and Regulated Invasive Species, except where:

1. Equivalent-type replacement trees or shrubs would interfere with the proper clearing, construction, operation, or maintenance of the Project;
2. Replacement would be contrary to sound Project ROW management practices or to any approved vegetation management plan applicable to the Project; or
3. A property owner (or other recorded easement or license holder with the right to control the replacement) on whose land the damaged or destroyed trees or shrubs were located declines replacement.

#### **3.1 Description of Typical Cutting and Clearing Methods**

The Project ROW, access roads, and work areas will be cleared in accordance with the clearing types described below to provide safe operation of construction equipment and to maintain the integrity of the planned and existing Project components following construction. Access roads and work pads will be cleared, danger trees will be removed, and other areas will be selectively cleared with the intention of maintaining desirable species. Where access roads, work pads, and danger trees are cleared, all growth will be cut as close to the ground as practicable, and in no case will the post-cutting height exceed 6 inches above the ground line, unless otherwise directed by the Project forester. Construction crews may not require access road development for clearing operations and may use tracked equipment for access.

The following clearing types have been designated for use on areas of the Project as shown on the Plan and Profile drawings in Appendix A.

### **3.1.1 Type I Clearing**

Type I clearing consists of clearing of the designated areas of all woody plants, including desirable species. All plants will be cut as close to the ground as practicable, and after cutting the height of no plant will exceed 6 inches above ground level. Type I clearing will be used in circumstances where woody plants would hinder access and construction activities.

### **3.1.2 Type II Clearing**

Type II clearing consists of clearing of the designated areas of any woody plant species that have the potential to violate the minimum clearance distance.

Reasonable care will be taken, insofar as is practicable, to retain desirable species found within Type II clearing zones.

### **3.1.3 Type III Clearing**

Type III clearing consists of selectively clearing the designated areas and removing only those tall-growing species that can be expected to violate the minimum clearance distance at any point in their life, and throughout the entire operating range of the Transmission Line (maximum rated operating temperature and maximum rated blowout). Desirable species are those species of trees and shrubs that do not have the potential of violating minimum clearance distance. Under these circumstances, when an adequate cover of desirable species is established on the ROW, the tall-growing species will be removed.

### **3.1.4 Type IV Clearing**

Type IV clearing consists of selectively removing or pruning, in designated areas, such as for off-ROW access or those tall-growing species that are rooted off-ROW, which can be expected to violate minimum clearance distance over the course of the routine maintenance cycle or are at reasonable risk of falling into the ROW and contacting a conductor.

### **3.1.5 Danger Trees**

A danger tree is any tree rooted outside of the ROW that due to its proximity and physical condition (i.e., mortality, lean, decay, cracks, weak branching, root lifting, or other instability) poses a particular danger to a conductor or other key component of a transmission line. Danger trees falling into the lines present the greatest risk of tree-caused outages on transmission circuits. The risk is related primarily to two non-biotic variables: distance from conductor to the danger tree with consideration of landscape position and topographic features; and (2) conductor distance above the ground and three biotic variables: height of tree, tree species, and tree condition.

Prior to Project construction in a given area, danger trees will be marked in the field by the Project forester and will be reviewed and approved by DPS field Staff. Danger trees will be removed when such trees are observed to exhibit physical damage from storms or lightning strikes, conditions of disease, excessive lean, or other conditions which may cause a tree to fall and thereby have a reasonable risk of contacting a conductor. During the operation phase of the Project, the company will continue to assess and remove danger trees as needed in accordance with applicable policy and the Long-Range Right-of-Way Management Plan in place at the time of work.

### **3.2 Description of Typical Log and Slash Disposal Methods**

Site-specific log and slash disposal methods and vegetation disposal locations are indicated on the Plan and Profile drawings in Appendix A. Cut vegetation will not be disposed of in the following locations:

- Access roads;
- Within 25 feet of a structure;
- In streams;
- In aesthetic zones;
- In agricultural fields; or
- In areas maintained as lawns.

Vegetation disposal will be done in accordance with this EM&CP and as shown on the Plan and Profile drawings in Appendix A. Generally, slash from upland nonagricultural areas of the Project ROW and work areas will be chipped within the ROW up to a maximum depth of 3 inches. Slash consists of all unmerchantable wood less than 12 inches in diameter at the large end. Logs and slash may be piled on a temporary basis prior to removal. Generally, stumps will be cut as low as possible to grade but in no case will the post-cutting height exceed 6 inches above ground line, unless otherwise directed by the Project forester. Stumps may be grubbed as necessary for access and structure installations. Generally, logs and other merchantable timber cleared will be removed from the ROW and work areas and will be disposed of at designated disposal locations. Other logs and slash that are cut may be left in place (lop and drop) as shown on the Plan and Profile drawings in Appendix A. No logs or slash will be collected and permanently piled in wetlands. No chips will be stored or disposed of in wetlands, agricultural fields, or in proximity to streams or drainages.

### ***3.2.1 Type A Disposal - Chipping***

Type A disposal will consist of vegetation chipping. Vegetation will be reduced to chips within the Project ROW in accordance with the following:

- Chips will be disposed of such that they do not accumulate to a depth greater than 3 inches. The chips may serve as mulch for erosion control and/or to prevent the colonization and/or spread of invasive species.
- No chips will be stored or disposed of in wetlands, agricultural fields, or in proximity to streams or drainages.
- Vegetation that cannot be chipped will be disposed of by removal to a designated disposal area, in accordance with the Type C disposal method.

All woody material will be chipped into a layer of no more than 3 inches deep and will be disposed of on the Project ROW or in the danger tree zone, unless otherwise noted on the Plan and Profile drawings. Chips will not be stored or disposed of in wetlands, agricultural fields, or in proximity (typically not within 25 feet) of streams.

### ***3.2.2 Type B Disposal - Lop and Drop***

Type B log and slash disposal will consist of vegetation lop and drop. Lopping and dropping will be completed so that the slash lies as close to the ground as practicable, with branches and limb wood not exceeding an average depth of 24 inches. No log or slash will be collected and permanently piled in wetlands.

### ***3.2.3 Type C Disposal - Removal***

Type C log and slash disposal will consist of removal of vegetation from the Project ROW to designated disposal locations. Excess vegetation that is not chipped within the upland ROW, or is unsuitable for “lop and drop,” will be removed from the ROW and disposed of within a designated disposal location. Logs and slash designated for removal may be piled on a temporary basis prior to removal. Mechanized vehicles may access through wetlands for log and slash removal provided that the vehicles are located on equipment matting or performed using low ground pressure equipment. Type C log and slash disposal will be used in designated upland and wetland areas identified on the Plan and Profile drawings in Appendix A.

### **3.3 Merchantable Logs**

NEETNY will negotiate in good faith with each landowner appropriate compensation for the merchantable logs (timber over 6 inches in diameter at the small end and 8 feet or longer). Coordination will be made with outside logging contractors through the Clearing Contractor for the sale and/or use of merchantable timber.

### **3.4 Methods of Compliance with New York State Rules and Regulations**

All clearing will be performed in compliance with the New York State (NYS) Forest Insect Disease Control, applicable NYSDEC quarantine orders, and NYSAGM regulations. As noted on the Plan and Profile drawings in Appendix A, all ash trees encountered during clearing will either be chipped and left in place or hauled out and disposed of in accordance with 6 NYCRR Part 575.

### **3.5 Applicability of the NEETNY Long-Range Right-of-Way Management Plan**

After completion of construction, ROW maintenance will be performed in accordance with the guidelines outlined in the Long-Range Right-of-Way Management Plan. The Long-Range Right-of-Way Management Plan is included in Appendix E.

#### **4.0 STRUCTURE REMOVAL**

NEETNY will be responsible for removing certain existing transmission structures and foundations as follows:

- The NYSEG 345 kV Kintigh lines will be re-routed into Dysinger Switchyard. A small section of the NYSEG 345 kV Kintigh lines will be removed between the Dysinger Switchyard and the NYPA 345kV Kintigh Tap. The existing NYSEG transmission lines are comprised of wood pole structures and steel pole structures. A total of eight structures will be removed, which will consist of either two or three wood or steel poles. The foundation associated with the wood pole structures are direct embedded. The foundation associated with the steel poles are on concrete caisson or drilled piers, which will also be removed. The structures to be removed are shown on the Plan and Profile drawings in Appendix A. NEETNY will work with NYSEG to determine construction debris which will be recycled. All construction debris which is not recycled will be removed to a landfill. This will be done in accordance with the NYSEG Interconnection Agreement.
- Two lattice towers will also be removed from the NYPA line to accommodate the tie in of the two NYPA 345 kV lines into Dysinger. These two structures are located south of Dysinger and are identified as 25-4 for both NS-1 and NR-2. NEETNY will work with the NYPA to remove the structures and identify whether the structures will be inventoried and returned to the NYPA or scrapped. This will be done in accordance with the NYPA Interconnection Agreement.
- One lattice tower associated with the Five Mile Station to Stolle Road 345 kV line will be removed. The lattice structure will be removed and concrete foundation or spread footer will be removed. The structures to be removed are shown on the Plan and Profile drawings in Appendix A. NEETNY will work with NYSEG to determine what construction debris will be recycled. All construction debris that is not recycled will be removed to a landfill. This will be done in accordance with the NYSEG Interconnection Agreement.

Agricultural areas impacted by demolition and cleanup for structure removal will be mitigated per this EM&CP's agricultural protection measures included in Section 7.0.



## **5.0 WATERBODIES**

### **5.1 Inventory of Stream Resources**

Ecology and Environment, Inc., member of WSP (hereafter referred to as E & E) biologists conducted field investigations to document the presence and locations of waterbodies (e.g., streams) within all components of the ESL. Field survey results, including data sheets, are documented in the Wetland Delineation Report (Appendix F). Stream locations are shown on mapping provided in Appendix F, as well as on the Plan and Profile drawings in Appendix A. FEMA-mapped floodway and floodplain boundaries are also depicted on the Plan and Profile drawings in Appendix A.

### **5.2 Surface Waters Crossed by the Project**

Table 5-1 identifies each surface water crossed by the ESL. Each stream crossing, stream crossing method, and stream crossing protective measure is identified on the Plan and Profile drawings in Appendix A.

### **5.3 Avoidance and Minimization of Impacts on Streams**

Measures to avoid and minimize impacts on streams are provided below.

#### ***5.3.1 Crossing Techniques and Structure Types***

Stream crossing techniques have been designed to avoid and minimize impacts on waterbodies to the greatest extent practicable. Temporary stream crossings will involve the use of equipment matting supported by wood timbers (e.g., timber air bridge) or prefabricated temporary bridges as needed to enable the stream flow to pass beneath the equipment matting. These crossing techniques will avoid in-stream disturbance.

Temporary access bridges will be installed above the delineated ordinary high water mark (OHWM) to isolate construction activities from flowing streams. Temporary bridges will be installed without modifications to the stream bank below the OHWM. Depending on terrain adjacent to stream crossings, modifications to the top of stream banks may be required for bridge installation. Modifications will be conducted above the OHWM and limited to leveling the bridge approach for safe installation. It is not anticipated that construction equipment will enter streams, except for a single ford to facilitate installation of prefabricated metal bridges.

The Dysinger Switchyard will require a permanent crossing of Mud Creek, and this will be accomplished via a bridge installation. Stream crossing techniques are described in Section 8.4 and shown on the Plan and Profile drawings in Appendix A.

### ***5.3.2 Timing Restrictions***

All in-stream work will be prohibited from October 1 through May 31 in streams with cold-water fisheries, and from March 1 through July 31 in streams with warm-water fisheries. Fishery types for each stream crossing are identified in Table 5-1.

### ***5.3.3 Other Avoidance and Minimization Measures***

Other standards and procedures for protecting streams and other water resources include the following:

1. Procedures for erosion and sediment control will be implemented prior to the start of soil disturbance, and appropriate procedures will be maintained throughout the construction period. Temporary erosion controls will be installed upslope from streams with exposed soils, near the top of stream banks adjacent to exposed soils, and along access roads adjacent to streams.
2. In areas where soil-disturbing activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day. Stabilization will be completed in accordance with the SPDES General Permit for Stormwater Discharges or prior to a significant rain event.
3. Construction vehicle access across streams will be as detailed on the Plan and Profile drawings in Appendix A.
4. Except for tree clearing equipment, all construction traffic will remain on designated roads.
5. Temporary bridges will be installed and operated such that stream flow will not be restricted or prevent entrapment of native aquatic organisms and fish populations.
6. Where existing access roads will be used and where such roads pass over streams with existing culverts, temporary equipment matting will be installed over the culverts to minimize the risk of culvert collapse or other damage.
7. Dragging poles through streams will not be allowed.
8. Removal of vegetation within 50 feet of state protected streams will be limited to what is required for safe and reliable operation of the facility. Clearing will be limited to vegetation that pose hazards to construction or operation of the overhead transmission lines. Wood chips will not be stored within 50 feet of streams.

9. All necessary precautions will be taken to preclude contamination of any waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the Project.
10. To the maximum extent practicable, all equipment and machinery will be secured and safely contained more than 100 feet landward of any stream at the end of each workday.
11. Dewatering operations will discharge into an approved dewatering device (i.e., temporary straw bale/silt fence barrier or filter bag). The dewatering device will not be placed on or near the top of the bank of streams. When dewatering within or next to a stream, the return water will not cause a substantial visual contrast to natural conditions.
12. There will be no increase in turbidity downstream of the construction activity that will cause a visible contrast to natural conditions upstream of the construction activity.
13. Markers used to delineate/define the boundary of streams, and the demarcated limits of disturbance for the Project, will be left in place, or restored if disturbed, until completion of construction activities and restoration of the impacted area.
14. Trees will not be felled into any stream or onto the immediate stream bank. Slash piles will not be deposited within the immediate stream banks or stacked near channels. Stumps from trees and shrubs cut within 50 feet of a stream will not be grubbed unless they interfere with construction activities.
15. During periods of work activity, flow immediately downstream of the work site will equal flow immediately upstream of the work site.
16. NEETNY will inform the U.S. Army Corps of Engineers (USACE) of any changes in the design of the Project that have the potential to impact any USACE-issued permit or authorization and will file a copy of such correspondence with the Secretary.
17. Within 100 feet of a stream, NEETNY will not store, mix, or handle open containers of or load herbicides, chemicals labeled “toxic,” or petroleum products. Refueling of vehicles and equipment within 100 feet of a stream is prohibited, except under the following provisions:
  - a. Refueling of hand equipment will be allowed within 100 feet of streams when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of hand-held equipment will be initially filled in an upland location greater than 100 feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release.

- b. Refueling of equipment will be allowed within 100 feet of streams when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts on the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than 100 feet from streams in order to minimize the amount of refueling within these sensitive areas. All refueling of equipment within 100 feet of wetlands or streams will be conducted under the direct supervision of the Environmental Monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within 100 feet of a stream will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.
18. NEETNY will immediately notify DPS Staff of any spill and report spills in accordance with state and/or federal regulations and provide a copy of such notification contemporaneously to NYSEG if the spill is located on NYSEG property.
  19. Stationary fuel tanks and hazardous chemical storage within 300 feet of streams is prohibited, unless adequate secondary containment (containing at least 110% of the volume stored) is provided, in which case storage may occur within 100 feet of such resources.
  20. NEETNY will notify DPS Staff within 2 hours of observing or being made aware of a discharge to a stream resulting in a potential violation of NYS water quality standards.

#### ***5.3.4 Stream Bed and Bank Restoration***

After construction is complete, all equipment mat bridges and prefabricated bridges will be removed and disturbed areas near streams will be restored. Temporary access roads will be removed, and permanent stabilization measures will be installed to prevent sedimentation in streams. NEETNY will work with the environmental inspector to ensure stream restoration is complete and additional measures are installed, if necessary. The additional stream bed and bank restoration measures will be employed:

1. Final stabilization will be installed on stream banks above the OHWM with a natural fiber matting, seeded with an appropriate perennial native conservation seed mix, and mulched within two days of final grading.
2. In the unexpected event that any stream channels are disturbed during crossing activities, they will be restored to an equal width, depth, gradient, length, and character as the pre-existing conditions and tie in smoothly to the profile of the upstream and downstream channel. The planform of all streams will not be altered and restoration will maintain

natural flow conditions that do not prevent the movement of aquatic organisms or native fish populations.

3. Woody stream bank vegetation will be replaced with ROW-compatible native plantings as site conditions and facility design allows.

### ***5.3.5 Potable Water Sources***

NEETNY reviewed existing databases and coordinated with property owners to identify the location of potable water sources, including springs and wells, within 100 feet of the Project ROW and access roads. No potable water sources were identified within the search area. NEETNY has also reached out to NYSEG, the New York State Board of Health, the Niagara County Department of Health, the Erie County Department of Health, and the Erie County Water Authority to identify any known potable water wells within the NYSEG Utility Corridor. No potable water wells have been identified to date within 100 feet of the Project ROW and access roads to date. In the event that potable water resources are identified, NEETNY will update site-specific precautionary measures to protect potable water sources as necessary.

**Table 5-1 Waterbodies Crossed by the ESL Project**

Town	Structures Spanning Stream (Milepost)	Stream Name	Field/Map Identification Name	Flow Regime	New York Stream Classification	Crossing Method	Crossing Length <sup>2</sup> (ft)	Fishery Type	GPS Coordinates
Royalton	D-S1-TAP – D-S1-2 D-S2-2 – D-S2-1	UNT to Mud Creek	S-T03-001A	Intermittent	D	Temporary Access Bridge	4.0	N/A	43.11070 -78.56118
Royalton	D-S2-2 – D-S2-1 D-S1-2 – D-S1-1 2-3	Mud Creek	S-T03-001	Perennial	C	Permanent Access Road (Bridge)	20.0	Warm Water	43.11069 -78.56304
Royalton	R2-Take-Off – R1&2-D-4 R1-Take-Off – R1&2-D-4 MN1&2-DC_Take-Off – MN1&2-D-4	UNT to Mud Creek	S-T03-002 <sup>3</sup>	Intermittent	D	N/A <sup>1</sup>	N/A	N/A	43.10804 -78.56271
Royalton	Temporary Access Road	UNT to Mud Creek	S-T03-002A	Ephemeral	D	Timber Matting	1.0	N/A	43.10794 -78.56270
Royalton	None	UNT to Mud Creek	S-T03-003	Perennial	D	N/A	N/A	N/A	43.10690 -78.56186
Royalton	2-3	UNT to Mud Creek	S-T04-001	Perennial	C	N/A	N/A	Warm Water	43.10999 -78.56098
Royalton	8-9 9-10	UNT to Tonawanda Creek	S-T04-002	Intermittent	D	N/A	N/A	N/A	43.10151 -78.55522
Newstead	14-15	Tonawanda Creek	S-T04-003	Perennial	B	N/A	N/A	Warm Water	43.09288 -78.55090
Newstead	16-17	UNT to Tonawanda Creek	S-T04-005	Perennial	D	N/A	N/A	N/A	43.08796 -78.54988
Newstead	25-26	UNT to Tonawanda Creek	S-T04-007	Perennial	D	Temporary Access Bridge	6.0	N/A	43.07171 -78.54711
Newstead	27-28 28-29 29-30	UNT to Tonawanda Creek	S-T04-008	Perennial	C	Temporary Access Bridge (2)	5.0, 5.0	Warm Water	43.06639 -78.54637
Newstead	28-29	UNT to Tonawanda Creek	S-T04-009	Perennial	D	N/A	N/A	N/A	43.06558 -78.54593
Newstead	Temporary Access Road	UNT to Tonawanda Creek	S-T11-002A	Perennial	D	Temporary Access Bridge	3.0	N/A	43.06389 -78.54658
Newstead	29-30 31-32	UNT to Tonawanda Creek	S-T04-010	Perennial	D	Temporary Access Bridge	9.0	N/A	43.06272 -78.54587
Newstead	34-35	UNT to Tonawanda Creek	S-T04-011	Perennial	C	Temporary Access Bridge	23.0	Warm Water	43.05447 -78.54481

**Table 5-1 Waterbodies Crossed by the ESL Project**

Town	Structures Spanning Stream (Milepost)	Stream Name	Field/Map Identification Name	Flow Regime	New York Stream Classification	Crossing Method	Crossing Length <sup>2</sup> (ft)	Fishery Type	GPS Coordinates
Newstead	34-35 35-36 36-37	UNT to Tonawanda Creek	S-T04-012	Perennial	D	Timber Matting	3.0	N/A	43.05433 -78.54508
Newstead	50-51	UNT to Beeman Creek	S-T04-013	Perennial	D	Temporary Access Bridge	8.0	N/A	43.02300 -78.54592
Newstead	52-53	UNT to Beeman Creek	S-T04-014	Perennial	C	Temporary Access Bridge	14.0	Warm Water	43.02043 -78.54587
Newstead	55-56	UNT to Beeman Creek	S-T05-001	Perennial	C	N/A	N/A	Warm Water	43.01393 -78.54618
Newstead	63-64	UNT to Beeman Creek	S-T01-026	Ephemeral	D	Existing culvert	2.0	N/A	43.00200 -78.54065
Newstead	63-64	UNT to Beeman Creek	S-T01-025	Ephemeral	D	N/A	N/A	N/A	43.00186 -78.54065
Newstead	66-67	UNT to Beeman Creek	S-T01-024A	Perennial	C	Timber Matting	1.0	Warm Water	42.99681 -78.54084
Newstead	66-67	Beeman Creek	S-T01-024	Perennial	C	Timber Matting	8.0	Warm Water	42.99669 -78.54076
Newstead	67-68	UNT to Beeman Creek	S-T01-023	Intermittent	D	N/A	N/A	N/A	42.99417 -78.54090
Newstead	89-90	Dorsch Creek	S-T02-001	Perennial	C (T)	N/A	N/A	Cold Water	42.95669 -78.55482
Newstead	89-90	UNT to Dorsch Creek	S-T02-001A	Perennial	C (T)	N/A	N/A	Cold Water	42.95667 -78.55490
Alden	93-94	UNT to Ellicott Creek	S-T02-002A	Intermittent	D	Temporary Access Bridge	3.0	N/A	42.95054 -78.56282
Alden	94-95	UNT to Ellicott Creek	S-T02-002	Perennial	D	N/A	N/A	N/A	42.95049 -78.56263
Alden	95-96	UNT to Ellicott Creek	S-T02-003	Perennial	D	N/A	N/A	N/A	42.94778 -78.56553
Alden	98-99	Ellicott Creek	S-T02-004	Perennial	B	N/A	N/A	Warm Water	42.94233 -78.56950
Alden	100-101	UNT to Ellicott Creek	S-T02-005	Ephemeral	D	Timber Matting	2.0	N/A	42.93801 -78.56969
Alden	101-102 102-103	UNT to Ellicott Creek	S-T02-006	Perennial	D	Existing Culvert	5.0	N/A	42.93580 -78.56955

**Table 5-1 Waterbodies Crossed by the ESL Project**

Town	Structures Spanning Stream (Milepost)	Stream Name	Field/Map Identification Name	Flow Regime	New York Stream Classification	Crossing Method	Crossing Length <sup>2</sup> (ft)	Fishery Type	GPS Coordinates
Alden	106-107	UNT to Ellicott Creek	S-T02-007	Intermittent	D	Temporary Access Bridge	5.0	N/A	42.92586 -78.56924
Lancaster	114-115	Unnamed Pond	WB-T02-001	Pond	C	N/A	N/A	Warm Water	42.91781 -78.58329
Lancaster	114-115	North Branch Plum Bottom Creek	S-T02-008	Perennial	C	Temporary Access Bridge	2.0	Warm Water	42.91763 -78.58359
Lancaster	117-118	Plum Bottom Creek	S-T02-011A	Perennial	C	Temporary Access Bridge	2.0	Warm Water	42.91197 -78.58390
Lancaster	118-119	UNT to Plum Bottom Creek	S-T02-012	Ephemeral	D	Temporary Access Bridge	2.0	N/A	42.90868 -78.58479
Lancaster	119-120	UNT to Cayuga Creek	S-T02-013	Ephemeral	D	Temporary Access Bridge	7.0	N/A	42.90700 -78.58481
Lancaster	121-122	UNT to Cayuga Creek	S-T02-014	Perennial	C	Temporary Access Bridge	15.0	Warm Water	42.90364 -78.58541
Lancaster	123-124	UNT to Cayuga Creek	S-T02-015	Perennial	C	N/A	N/A	Warm Water	42.89981 -78.58605
Lancaster	125-126	UNT to Cayuga Creek	S-T02-016	Ephemeral	D	Temporary Access Bridge	1.0	N/A	42.89372 -78.58696
Lancaster	126-127	UNT to Cayuga Creek	S-T02-017	Perennial	C	Temporary Access Bridge	16.0	Warm Water	42.89134 -78.58693
Lancaster	127-128	UNT to Cayuga Creek	S-T02-018	Intermittent	D	Temporary Access Bridge	14.0	N/A	42.88973 -78.58730
Lancaster	128-129	UNT to Cayuga Creek	S-T02-019	Perennial	D	Temporary Access Bridge	1.0	N/A	42.88769 -78.58752
Lancaster	130-131	UNT to Cayuga Creek	S-T01-021	Intermittent	D	Stabilized Entrance - Gravel	3.0	N/A	42.88271 -78.58844
Lancaster	132-133	Cayuga Creek	S-T01-018	Perennial	B	N/A	N/A	Warm Water	42.87958 -78.58848
Lancaster	132-133	UNT to Cayuga Creek	S-T01-019	Intermittent	D	N/A	N/A	N/A	42.87945 -78.58843
Lancaster	132-133	UNT to Cayuga Creek	S-T01-020	Ephemeral	D	N/A	N/A	N/A	42.87931 -78.58838
Lancaster	135-136	UNT to Little Buffalo Creek	S-T01-016	Intermittent	D	N/A	N/A	N/A	42.87319 -78.58807
Lancaster	135-136	UNT to Little Buffalo Creek	S-T01-015	Ephemeral	D	Stabilized Entrance - Gravel	3.0	N/A	42.87315 -78.58792



**Table 5-1 Waterbodies Crossed by the ESL Project**

Town	Structures Spanning Stream (Milepost)	Stream Name	Field/Map Identification Name	Flow Regime	New York Stream Classification	Crossing Method	Crossing Length <sup>2</sup> (ft)	Fishery Type	GPS Coordinates
Lancaster	135-136	UNT to Little Buffalo Creek	S-T01-014	Intermittent	D	Stabilized Entrance - Gravel	4.0	N/A	42.87302 -78.58804
Lancaster	139-140	UNT to Little Buffalo Creek	S-T01-013	Perennial	C	Temporary Access Bridge	7.0	Warm Water	42.86652 -78.58478
Elma	142-143	UNT to Little Buffalo Creek	S-T01-012	Intermittent	D	Temporary Access Bridge	2.0	N/A	42.86124 -78.58132
Elma	142-143	UNT to Little Buffalo Creek	S-T01-011	Intermittent	D	N/A	N/A	N/A	42.86086 -78.58141
Elma	145-146	UNT to Little Buffalo Creek	S-T01-010	Perennial	C	Temporary Access Bridge	25.0	Warm Water	42.85671 -78.58112
Elma	145-146	UNT to Little Buffalo Creek	S-T01-017	Intermittent	D	N/A	N/A	N/A	42.85620 -78.58121
Elma	146-147	UNT to Little Buffalo Creek	S-T01-009	Perennial	D	Temporary Access Bridge	8.0	N/A	42.85475 -78.58097
Elma	149-150	UNT to Little Buffalo Creek	S-T01-008	Intermittent	D	Temporary Access Bridge	2.0	N/A	42.84756 -78.58076
Elma	150-151	UNT to Little Buffalo Creek	S-T01-007	Perennial	C	N/A	N/A	Warm Water	42.84638 -78.58040
Elma	151-152	Little Buffalo Creek	S-T01-006	Perennial	C (T)	Temporary Access Bridge	36.0	Cold Water	42.84488 -78.58080
Elma	151-152	UNT to Little Buffalo Creek	S-T01-005	Perennial	C (T)	Temporary Access Bridge	5.0	Cold Water	42.84330 -78.58030
Elma	Temporary Access Road	UNT to Little Buffalo Creek	S-T07-005	Ephemeral	D	N/A	N/A	Cold Water	42.84448 -78.58172
Elma	Temporary Access Road	UNT to Little Buffalo Creek	S-T07-003	Perennial	C (T)	Temporary Access Bridge	3.0	Cold Water	42.842703 -78.581595
Elma	155- East Stolle Take-off	UNT to Little Buffalo Creek	S-T01-003	Perennial	C	N/A	N/A	Warm Water	42.83779 -78.58032

<sup>1</sup> Streams that will only be spanned by the Project Transmission Line and not crossed by equipment are indicated as N/A.

<sup>2</sup> Crossing lengths determined based on the delineated OHWM of the stream.

<sup>3</sup> Stream S-T03-002 is a man-altered stream that conveys water through agricultural fields near the southern boundary of the Dysinger Switchyard; it will be filled and relocated approximately 25 feet to the south.

## **6.0 WETLANDS**

### **6.1 Inventory of Wetland Resources**

E & E biologists conducted field investigations during 2018 and 2019 to document the presence and location of wetlands within all components of the ESL. Field survey results, including data sheets, are documented in the Wetland Delineation Report (see Appendix F). Wetland locations are shown on mapping provided in Appendix F, as well as on the Plan and Profile drawings in Appendix A. In a letter dated September 4, 2019, NYSDEC verified the boundaries of state-regulated wetlands delineated by E & E within the survey corridor (see Appendix H).

### **6.2 Wetland Table**

Table 6-1 summarizes each delineated and verified state-regulated wetland crossed by the ESL. Each wetland crossing, wetland crossing method, and wetland crossing protective measure is identified on the Plan and Profile drawings in Appendix A.

### **6.3 Description of Activities in State-Regulated Wetlands**

Construction activities within state-regulated wetlands will include tree clearing, installation of Transmission Line structures, and installation of temporary access roads. All activities described below are shown on the Plan and Profile drawings in Appendix A.

A total of 34.84 acres of state-regulated forested wetland will be cleared and converted to emergent or scrub-shrub wetland to establish the Project ROW.

In addition to temporary disturbance from clearing activities, other activities in state-regulated wetlands that will cause temporary disturbance include placement of temporary work pads, pull pads, and access roads. Temporary work pads will be installed around each new structure. The pads will generally cover 4,800 square feet and are comprised of construction mats. Pull pads will be required in some state-regulated wetlands to facilitate transmission line stringing activities where the line bends or changes direction, as shown on the Plan and Profile drawings in Appendix A. The pull pads will range in size from 11,500 to 25,400 square feet and will also be comprised of construction mats.



**Table 6-1 Wetlands Crossed by the ESL Project**

Town	Wetland Field ID	NYSDEC Wetland ID (Classification Code) <sup>1</sup>	Wetland Cover Type	Planned Structure/Disturbance Type			Wetland Principal Functions and Values	Temporary Disturbance (acres) <sup>2</sup>	Permanent Impact (square feet) <sup>3</sup>	Forested Wetland Conversion (acres)	
				Dead-end Structures ID	Tangent Structure ID	Other Structure ID				NYSDEC Forested Wetland Conversion	Other Forested Wetland Conversion
Royalton	W-T04-001	N/A	PEM/PFO	3	N/A	N/A	Floodflow Alteration Nutrient Removal Wildlife Habitat	0.19	66.33	N/A	0.40
Royalton	W-T04-002	WO-17 (III)	PEM/PSS/PFO	N/A	4, 5, 6	7, 8 (Crossing Structure)	Floodflow Alteration Nutrient Removal Wildlife Habitat	2.26	215.98	2.66	N/A
Royalton	W-T03-001	N/A	PFO	N/A	N/A	Permanent Access Road	Wildlife Habitat	N/A	702.92	N/A	0.02
Royalton	W-T03-002	N/A	PSS	N/A	N/A	D-S2-2	Wildlife Habitat	0.09	19.63	N/A	N/A
Royalton	W-T03-003	N/A	PEM/PSS/PFO	N/A	N/A	N/A	Wildlife Habitat	N/A	N/A	N/A	0.39
Royalton	W-T03-004	N/A	PEM	N/A	N/A	Dysinger Switchyard	Sediment/Toxicant Retention Nutrient Removal	N/A	170.39	N/A	N/A
Royalton	W-T03-005	N/A	PEM	N/A	N/A	Dysinger Switchyard	Sediment/Toxicant Retention Nutrient Removal	N/A	5,410.66	N/A	N/A
Royalton	W-T03-006	N/A	PEM	N/A	N/A	Dysinger Switchyard	Sediment/Toxicant Retention Nutrient Removal	N/A	2,507.73	N/A	N/A
Royalton	W-T03-007	WO-17 (III)	PEM	R2-D-1, MN1-D-1, R1-D-1, MN2-D-1, R1&2-D-4, MN1&2-D-4	R1&2-D-2, MN1&2-D-2, R1&2-D-3, MN1&2-D-3	N/A	Floodflow Alteration Sediment/Toxicant Retention Wildlife Habitat	4.93	196.35	0.00	N/A
Royalton	W-T04-003	Unmapped Wetland 1 (N/A)	PEM/PSS/PFO	N/A	9, 10, 11	N/A	Nutrient Removal Wildlife Habitat	0.51	117.23	0.60	N/A
Royalton	W-T04-004	N/A	PEM	N/A	N/A	N/A	Floodflow Alteration Nutrient Removal	0.02	N/A	N/A	N/A
Royalton	W-T04-005	N/A	PEM	N/A	N/A	N/A	Floodflow Alteration Nutrient Removal	0.05	N/A	N/A	N/A
Newstead	W-T04-007	N/A	PEM/PSS/PFO	N/A	N/A	N/A	Nutrient Removal	0.11	N/A	N/A	0.20
Newstead	W-T04-008	N/A	PEM	N/A	N/A	N/A	Nutrient Removal	0.04	N/A	N/A	N/A

**Table 6-1 Wetlands Crossed by the ESL Project**

Town	Wetland Field ID	NYSDEC Wetland ID (Classification Code) <sup>1</sup>	Wetland Cover Type	Planned Structure/Disturbance Type			Wetland Principal Functions and Values	Temporary Disturbance (acres) <sup>2</sup>	Permanent Impact (square feet) <sup>3</sup>	Forested Wetland Conversion (acres)	
				Dead-end Structures ID	Tangent Structure ID	Other Structure ID				NYSDEC Forested Wetland Conversion	Other Forested Wetland Conversion
Newstead	W-T04-009	N/A	PEM/PFO	N/A	N/A	N/A	Groundwater Recharge/Discharge Sediment/Toxicant Retention Nutrient Removal Wildlife Habitat	0.12	N/A	N/A	0.05
Newstead	W-T04-010	WO-25 (II)	PEM/PSS/PFO	N/A	18, 19, 20, 21	23 (Strain Structure)	Groundwater Recharge/Discharge Floodflow Alteration Nutrient Removal Wildlife Habitat	1.88	77.00	5.59	N/A
Newstead	W-T04-011	N/A	PEM/PSS	N/A	N/A	N/A	Groundwater Recharge/Discharge	0.05	N/A	N/A	N/A
Newstead	W-T04-012	WO-21 (III)	PEM/PSS/PFO	N/A	26	N/A	Groundwater Recharge/Discharge Floodflow Alteration Wildlife Habitat	0.71	19.63	1.74	N/A
Newstead	W-T04-013	WO-37 (III)	PEM/PSS/PFO	32	28, 29, 30, 31, 33	N/A	Floodflow Alteration Wildlife Habitat	2.83	176.71	3.48	N/A
Newstead	W-T04-014	N/A	PEM/PSS	N/A	N/A	N/A	Floodflow Alteration Production Export	0.22	N/A	N/A	N/A
Newstead	W-T04-015	N/A	PEM/PSS/PFO	N/A	38	N/A	Nutrient Removal Wildlife Habitat	0.31	19.63	N/A	0.10
Newstead	W-T04-018	N/A	PEM	N/A	N/A	N/A	Nutrient Removal	0.18	N/A	N/A	N/A
Newstead	W-T04-019	WO-13 (II)	PSS/PFO	N/A	48	N/A	Floodflow Alteration Wildlife Habitat	0.54	19.63	1.51	N/A
Newstead	W-T04-020	WO-15 (II)	PEM/PSS/PFO	N/A	50, 51, 52, 53, 54, 55	N/A	Floodflow Alteration Wildlife Habitat	2.16	117.81	5.99	N/A
Newstead	W-T01-027	N/A	PEM/PSS/PFO	N/A	61,62,63	N/A	None	0.77	89.54	N/A	2.30
Newstead	W-T01-026	N/A	PEM/PSS/PFO	N/A	64, 65	N/A	Floodflow Alteration	0.57	39.27	N/A	1.27
Newstead	W-T01-025	N/A	PEM/PSS/PFO	N/A	N/A	N/A	Floodflow Alteration Wildlife Habitat	0.04	N/A	N/A	0.02
Newstead	W-T01-024	N/A	PEM/PFO	N/A	68	N/A	Floodflow Alteration	0.23	19.63	N/A	0.04
Newstead	W-T01-023	CL-8 (II)	PEM/PFO	N/A	77, 78	N/A	Floodflow Alteration	0.46	39.27	1.11	N/A

**Table 6-1 Wetlands Crossed by the ESL Project**

Town	Wetland Field ID	NYSDEC Wetland ID (Classification Code) <sup>1</sup>	Wetland Cover Type	Planned Structure/Disturbance Type			Wetland Principal Functions and Values	Temporary Disturbance (acres) <sup>2</sup>	Permanent Impact (square feet) <sup>3</sup>	Forested Wetland Conversion (acres)	
				Dead-end Structures ID	Tangent Structure ID	Other Structure ID				NYSDEC Forested Wetland Conversion	Other Forested Wetland Conversion
Newstead	W-T01-022	N/A	PEM	N/A	N/A	N/A	None	0.03	N/A	N/A	N/A
Newstead	W-T01-021	CL-23 (II)	PEM/PFO	N/A	N/A	82, HDD-10, HDD-11, HDD-12, HDD-13, 82.1, 82.2, 82.3, 82.4, 82.5 (Transition Structure, HDD Structures)	Groundwater Recharge/Discharge Wildlife Habitat	0.23	N/A	0.00	N/A
Newstead	W-T02-002	CL-10 (II)	PEM/PSS/PFO	84, 85	86	83, HDD-6, HDD-7, HDD-8, HDD-9, 83.1, 83.2, 83.3, 83.4, 83.5 (Transition Structure, HDD Structures)	Wildlife Habitat	1.48	348.72	3.62	N/A
Newstead	W-T02-003	N/A	PEM	N/A	N/A	N/A	Nutrient Removal	0.01	N/A	N/A	N/A
Newstead	W-T02-004	CL-6 (II)	PSS	N/A	N/A	N/A	None	0.17	N/A	0.00	N/A
Newstead	W-T02-005	CL-6 (II)	PEM/PFO	91	N/A	N/A	Floodflow Alteration	1.00	78.54	1.73	N/A
Alden	W-T02-006	CL-6 (II)	PEM/PFO	N/A	N/A	N/A	Wildlife Habitat	0.48	N/A	0.15	N/A
Alden	W-T02-007	CL-6 (II)	PEM/PSS/PFO	N/A	92, 93, 94, 95	N/A	Wildlife Habitat	1.64	78.54	1.33	N/A
Alden	W-T02-008	CL-6 (II)	PFO	N/A	96	N/A	Wildlife Habitat	0.13	19.63	0.27	N/A
Alden	W-T02-009	CL-6 (II)	PEM/PSS/PFO	N/A	N/A	N/A	Wildlife Habitat	0.27	N/A	0.21	N/A
Alden	W-T02-011	Unmapped Wetland 2 (N/A)	PEM/PSS/PFO	N/A	99, 100, 101, 104	N/A	Floodflow Alteration Wildlife Habitat	1.59	78.54	0.00	N/A
Alden	W-T02-015	Unmapped Wetland 3 (N/A)	PEM/PSS/PFO	N/A	105, 106, 107	N/A	Wildlife Habitat	0.84	58.90	0.09	N/A
Alden	W-T02-012	Unmapped Wetland 3 (N/A)	PSS	108	109, 110	N/A	Nutrient Removal Wildlife Habitat	1.49	117.79	0.00	N/A
Alden	W-T02-013	N/A	PEM	N/A	N/A	N/A	Wildlife Habitat	0.04	N/A	N/A	N/A
Lancaster	W-T02-014	N/A	PEM/PSS	N/A	112, 113	N/A	Wildlife Habitat	0.38	37.51	N/A	N/A
Lancaster	W-T02-016	N/A	PEM/PSS	N/A	N/A	N/A	Wildlife Habitat	0.21	N/A	N/A	N/A

**Table 6-1 Wetlands Crossed by the ESL Project**

Town	Wetland Field ID	NYSDEC Wetland ID (Classification Code) <sup>1</sup>	Wetland Cover Type	Planned Structure/Disturbance Type			Wetland Principal Functions and Values	Temporary Disturbance (acres) <sup>2</sup>	Permanent Impact (square feet) <sup>3</sup>	Forested Wetland Conversion (acres)	
				Dead-end Structures ID	Tangent Structure ID	Other Structure ID				NYSDEC Forested Wetland Conversion	Other Forested Wetland Conversion
Lancaster	W-T02-017	N/A	PEM/PSS	N/A	N/A	N/A	Wildlife Habitat	0.02	N/A	N/A	N/A
Lancaster	W-T02-018	N/A	PEM	N/A	N/A	N/A	Wildlife Habitat	0.04	N/A	N/A	N/A
Lancaster	W-T02-019	N/A	PEM	N/A	N/A	N/A	Wildlife Habitat	0.05	N/A	N/A	N/A
Lancaster	W-T02-020	N/A	PEM/PSS	N/A	N/A	N/A	Wildlife Habitat	0.24	N/A	N/A	N/A
Lancaster	W-T02-021	N/A	PEM	N/A	N/A	N/A	None	0.03	N/A	N/A	N/A
Lancaster	W-T02-023	N/A	PSS	N/A	124, 126	125	Wildlife Habitat	1.26	58.90	N/A	N/A
Lancaster	W-T02-025	N/A	PEM	N/A	N/A	N/A	Wildlife Habitat	0.05	N/A	N/A	N/A
Lancaster	W-T02-026	N/A	PEM	N/A	128	N/A	Wildlife Habitat	0.31	19.63	N/A	N/A
Lancaster	W-T02-027	N/A	PFO	N/A	N/A	N/A	Wildlife Habitat	0.07	N/A	N/A	0.42
Lancaster	W-T01-020	N/A	PEM/PSS/PFO	N/A	129	N/A	None	0.17	19.63	N/A	0.16
Lancaster	W-T01-019	N/A	PEM/PSS	N/A	N/A	N/A	None	0.07	N/A	N/A	N/A
Lancaster	W-T01-018	N/A	PFO	N/A	N/A	N/A	None	N/A	N/A	N/A	0.02
Lancaster	W-T01-016	Unmapped Wetland 4 (N/A)	PEM/PSS/PFO	137	133, 134, 135, 136, 138	N/A	Nutrient Removal Production Export Wildlife Habitat	3.11	176.71	3.55	N/A
Elma	W-T01-015	N/A	PSS/PFO	142	141	N/A	None	0.88	87.34	N/A	0.88
Elma	W-T01-014	N/A	PEM/PFO	N/A	N/A	N/A	None	0.01	N/A	N/A	0.07
Elma	W-T01-013	N/A	PSS	N/A	N/A	N/A	None	0.01	N/A	N/A	N/A
Elma	W-T01-012	N/A	PEM	N/A	N/A	N/A	None	0.01	N/A	N/A	N/A
Elma	W-T01-011	N/A	PEM/PSS/PFO	N/A	N/A	N/A	None	0.01	N/A	N/A	0.12
Elma	W-T01-010	N/A	PEM/PFO	N/A	N/A	N/A	Groundwater Recharge/Discharge	0.04	N/A	N/A	0.15
Elma	W-T01-009	N/A	PEM/PFO	N/A	N/A	N/A	None	0.01	N/A	N/A	0.05
Elma	W-T01-006	N/A	PFO	N/A	N/A	N/A	None	0.01	N/A	N/A	0.06
Elma	W-T01-005	N/A	PSS	N/A	N/A	N/A	None	0.08	N/A	N/A	N/A
Elma	W-T01-004	Unmapped Wetland 5 (N/A)	PEM/PFO	N/A	N/A	N/A	Floodflow Alteration Sediment/Toxicant Retention Wildlife Habitat	0.42	N/A	1.20	N/A
Elma	W-T01-003	N/A	PFO	N/A	N/A	Permanent Access Road	None	N/A	99.25	N/A	0.10
Elma	W-T01-002	EA-17 (II)	PEM/PSS	ES-S-2	N/A	N/A	Floodflow Alteration	0.11	19.63	0.00	N/A

**Table 6-1 Wetlands Crossed by the ESL Project**

Town	Wetland Field ID	NYSDEC Wetland ID (Classification Code) <sup>1</sup>	Wetland Cover Type	Planned Structure/Disturbance Type			Wetland Principal Functions and Values	Temporary Disturbance (acres) <sup>2</sup>	Permanent Impact (square feet) <sup>3</sup>	Forested Wetland Conversion (acres)	
				Dead-end Structures ID	Tangent Structure ID	Other Structure ID				NYSDEC Forested Wetland Conversion	Other Forested Wetland Conversion
Elma	W-T01-001	EA-17 (II)	PSS	N/A	N/A	N/A	Floodflow Alteration Sediment/Toxicant Retention Nutrient Removal Sediment/Shoreline Stabilization Wildlife Habitat	0.01	N/A	0.00	N/A
<b>Totals</b>								<b>36.28</b>	<b>11,324.60</b>	<b>34.84</b>	<b>6.82</b>

<sup>1</sup> "N/A" indicates federally regulated wetlands only.

<sup>2</sup> Temporary Disturbance includes all temporary wetland impacts associated with access roads, timber matting, temporary access bridges, pull pads, and structure pads. Forested wetland conversion is included separately under the Forested Wetland Conversion column.

<sup>3</sup> Permanent wetland impacts include the footprint of transmission structures embedded in wetlands, the footprint of permanent access roads, and wetland fill for the Dysinger Switchyard.





## **6.4 Avoidance, Minimization, and Restoration Measures for Wetlands**

### **6.4.1 Crossing Techniques**

Wetland crossing techniques have been designed to minimize impacts on wetlands to the greatest extent practicable. Temporary equipment matting will be used for all temporary access roads within wetlands, as well as to stage construction equipment for all structure installations in wetlands. The equipment matting will be installed on the surface of wetlands and not allowed to impact surface flow, if present. If field conditions require stacking of mats within a wetland, gaps will be installed in the mats to allow flowing water to pass under or through the mats.

### **6.4.2 Other Avoidance and Minimization Measures**

Other standards and procedures for protecting wetlands include the following:

1. At least 14 days (or as authorized by DPS Staff) before Project construction begins in any area, NEETNY will mark all wetlands and wetland adjacent areas within the construction area.
2. Vegetation will be primarily lopped and dropped within wetland boundaries. Wood chips will not be stored within wetland boundaries.
3. Temporary erosion and sediment controls will be installed on the upslope side of wetlands where ground disturbance occurs as needed. The controls will help minimize sedimentation within wetlands. Erosion and sediment controls will remain in place until construction is complete and final stabilization is achieved.
4. In the unexpected event that construction results in an alteration to state-regulated wetland hydrology, the breach will be immediately sealed, and no further activity will take place until DPS and NYSDEC Staff are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been accepted by the DPS and NYSDEC.
5. Construction vehicle access across wetlands will be as detailed on the Plan and Profile drawings in Appendix A.
6. Except for tree clearing equipment, all construction traffic will remain on established roads. Tracked equipment will be used to complete tree clearing in wetlands. In areas where field conditions do not allow for tracked equipment access, hand clearing will be implemented for vegetation clearing.
7. Excess material from construction activities will be removed from the wetlands and disposed in upland areas, outside the 100-foot wetland buffer or removed off-site.

8. All markers used to delineate/define the boundaries of freshwater wetlands and the demarcated limits of disturbance for the Project will be left in place, or restored if disturbed, until completion of construction activities.
9. Dewatering operations will discharge into an approved dewatering device (i.e., temporary straw bale/silt fence barrier or filter bag). When dewatering within or next to a wetland, the return water will not cause a substantial visual contrast to natural conditions.
10. To the maximum extent practicable, all equipment and machinery will be secured and safely contained more than 100 feet landward of any wetland at the end of each workday.
11. Stationary fuel tanks and hazardous chemical storage within 300 feet of wetlands is prohibited, unless adequate secondary containment (containing at least 110% of the volume stored) is provided, in which case storage can occur within 100 feet of such resources.
12. Within 100 feet of a wetland, NEETNY will not store, mix, or handle open containers of or load herbicides, chemicals labeled “toxic,” or petroleum products. Refueling of vehicles and equipment within 100 feet of wetlands is prohibited, except under the following provisions:
  - a. Refueling of hand-held equipment will be allowed within 100 feet of wetlands when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand-held equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of hand-held equipment will be initially filled in an upland location greater than 100 feet from wetlands in order to minimize the amount of refueling within these sensitive areas. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release.
  - b. Refueling of equipment will be allowed within 100 feet of wetlands when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts on the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than 100 feet from wetlands in order to minimize the amount of refueling within these sensitive areas. All refueling of equipment within 100 feet of wetlands will be conducted under the direct supervision of the environmental monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within 100 feet of a wetland will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.

### **6.4.3 Wetland Restoration**

State-regulated wetlands will be restored to pre-construction conditions within 48 hours or as soon as practicable after construction is completed. Restoration will begin with removal of timber matting within wetlands. Disturbed wetland areas will then be seeded with FACW Wetland Meadow Mix - ERNMX-122 (listed in Appendix A).

Restoration within wetlands will be monitored by NEETNY until an 80% cover of native plant species with the appropriate wetland indicator status has been reestablished over all portions of the restored area. If after the second year of monitoring the criteria for 80% of native species cover restoration is not achieved in state-regulated wetlands, NEETNY will develop and submit a Wetland Planting Remedial Plan (WPRP). The WPRP will include an evaluation of the likely reasons for results, including an analysis of poor survival; a description of corrective actions to ensure a successful restoration; and a schedule for conducting the remedial work. Once accepted by DPS and NYSDEC, the WPRP will be implemented according to the approved schedule.

### **6.5 Wetland Mitigation**

Correspondence from NYSDEC dated July 24, 2019, states that compensatory mitigation is required for the conversion of state-regulated forested wetland to emergent or scrub-shrub wetland, and the mitigation ratio is 2:1 (see Appendix H). Therefore, NEETNY is required to provide 69.68 acres of wetland mitigation. NEETNY's Wetland Mitigation Plan is provided in Appendix G.

NYSDEC completed a field review of the wetland mitigation site on June 5, 2020. Verbal concurrence of the planned wetland mitigation design was provided by NYSDEC during the field review. Written comments on the mitigation plan from NYSDEC are pending.

## **7.0 LAND USE CONSIDERATIONS**

### **7.1 Agricultural Areas**

The Project ROW crosses Agricultural District ERIE014 and Agricultural District ERIE001 in Newstead, and Agricultural District ERIE016 in the towns of Alden and Lancaster. Agricultural lands crossed by the Project ROW are shown on the Plan and Profile drawings in Appendix A. Most agricultural land crossed consists of hayfields, with lesser amounts of cropland and pastureland crossed. Crops present in the Project ROW include corn and soybeans.

No unique agricultural lands are crossed by the Project.

The Dysinger and East Stolle Switchyards are both located on sites currently used as hayfields. The Dysinger Switchyard is located in Agricultural District NIAGc07 (previously existing agricultural districts have been consolidated into district 7), while the East Stolle Switchyard is located in Agricultural District ERIE013.

Construction and operation of the switchyards will result in a permanent loss of approximately 13 acres of agricultural land. Agricultural operations may also be temporarily disrupted within the Project ROW during construction. To the extent any farming operations are compatible with applicable health and safety regulations, and other applicable requirements, they will be allowed to continue in the Project ROW around transmission structures after the Project commences operation.

During construction, agricultural operations may be temporarily disrupted. The Agricultural Inspector, in consultation with NYSAGM and the affected farm operator will make every effort to minimize short-term disruptions to farming activities through scheduling, planning, and the implementation of effective soil protection, construction mitigation and restoration measures.

#### **7.1.1 Vulnerable Soils**

Vulnerable soils in agricultural areas are areas that are more sensitive than other agricultural soils to construction disturbance due to slope, relative soil wetness, and/or shallow depth to bedrock. Vulnerable soils present within the Project footprint are designated as follows: vulnerability to erosion (V/E), vulnerability to soil horizon wetness (V/W), vulnerability due to shallow depth to bedrock (V/B), and vulnerability due to unavoidable organic muckland soils (V/OR). Soils vulnerability within the Project was evaluated based upon criteria listed in the Soil Survey of Erie County (Owens et al. 1986) and the Soil Survey of Niagara County (Higgins et al. 1972). The locations of these soils are shown on the Plan and Profile drawings in Appendix A. The measures

discussed below to mitigate impacts on agricultural lands will be sufficient to protect vulnerable soils.

### **7.1.2 Compaction**

Construction in active agricultural areas will be managed to protect farm soils from compaction, as described in Sections 2.0 and 7.0. Storage of any construction materials on agricultural land will be on equipment matting to protect the underlying soils in these areas. After construction activities are complete, soils will be re-graded to pre-construction contours, and compacted soils will be returned to their native state. Specific agricultural land protection procedures developed to protect farm soils from erosion, compaction, and soil mixing during construction activities and detailed restoration procedures are discussed below.

## **7.2 Agricultural Protection Measures**

Ground-disturbing activities associated with Project construction that will affect soils and topography in agricultural lands include shallow grading and excavations associated with construction of the transmission line structures, new switchyards, and access roads. Minor changes to topography will occur due to grading in work areas, establishment of the switchyard foundations, and installation of temporary access pathways with construction matting.

Agricultural land protection procedures were developed during the development of the Joint Proposal in conjunction with NYSAGM and other state agencies. The Project will be constructed in accordance with the *NYSAGM Guidelines for Linear ROW Construction Projects on Agricultural Lands*. In addition, NEETNY has prepared an Agricultural Restoration and Remediation Plan, which describes activities that will be executed following construction of the ESL to ensure agricultural lands are properly restored. This plan is provided in Appendix Y and various components are listed below.

Specific agricultural land protection procedures to protect farm soils from erosion, compaction, and soil mixing during construction activities are discussed below.

### **7.2.1 Structure Design and Placement**

NEETNY has minimized the loss of agricultural production by selecting a monopole design for the Transmission Line, rather than an H-frame design, which has a larger footprint. The use of such self-supporting monopole structures will facilitate continued agricultural operations within the ROW. NEETNY has also primarily placed poles adjacent to or in-line with existing structures to minimize disruption of farming activities.

Temporary workspace in agricultural land is shown on the Plan and Profile drawings in Appendix A. All such temporary workspace has been sufficiently sized to allow positioning of mechanized equipment required during pulling activities (e.g., conductor reels, tensioners, pullers, and wire spools). Additionally, temporary workspaces will use mats where elements encroach into agricultural land.

### **7.2.2 Structure Removal**

All structures and guy anchors removed from agricultural areas as part of construction activities will be removed to a minimum depth of 48 inches below the soil surface. Any holes or cavities created by the removal of the old facilities will be filled to the same level as the adjacent area, and an additional 6 to 12 inches of soil will be placed on the top to allow for settling. All fill material will be compacted and will be similar to native soil and any excess substratum material not used for backfill shall be removed from agricultural areas.

Wherever existing structures are removed from agricultural fields, the area will be restored to allow agricultural activities. Such restoration will include the removal of all vegetation from the structure area and grading of the ground surface to match the adjacent field. All rocks 4 inches and greater in size will be removed from the surface.

### **7.2.3 Construction Monitoring**

NEETNY will retain a qualified Agricultural and Soil Conservation Specialist/Inspector (Agricultural Inspector) to have direct contact with affected farm operators, SWCDs, and NYSAGM. During the construction and restoration phases, the Agricultural Inspector will have regular contact with the environmental monitor(s) and the construction inspectors. The Agricultural Inspector will also maintain regular contact with farmers, farm operators, and local county SWCDs concerning farm resources and agricultural operations management matters, and site-specific development and implementation of this EM&CP.

### **7.2.4 Coordination with Farm Owners/Operators**

A toll-free or local telephone number has been provided to all farm owners/operators to facilitate direct contact with NEETNY and the Agricultural Inspector through all stages of the Project. Additionally, during operation and maintenance of the Transmission Line, the farm owner/operators will be provided with a toll-free or local telephone number for direct contact with NEETNY's Project Manager for the Facility.

Segments of farm roads utilized for access will be improved and/or maintained as required following consultation with the farm operator and/or property owner and NYSAGM prior to use.

Such improvements may include the installation of geotextile fabric and crushed stone and may be subject to the change notice process.

### ***7.2.5 Equipment Matting and Decomaction***

As shown on the Plan and Profile drawings in Appendix A, several temporary access roads cross agricultural lands. Temporary equipment matting will be used for soil-profile protection for all temporary access roads that cross agricultural land. The mats will be layered where necessary to provide a level access surface. Storage of any construction materials on agricultural land will also be on construction matting to protect the underlying soils in these areas.

Once access and equipment storage are no longer required across and within agricultural areas, the mats will be removed and the Agricultural Inspector will use a soil penetrometer to determine whether soil compaction has occurred as a result of construction activities. As documented in the Agricultural Restoration and Remediation Plan in Appendix Y, all compacted areas will be de-compacted by breaking up the subsoil compaction to a depth of 18 inches (unless bedrock is encountered at a depth less than 18 inches) with deep tillage by such devices as a deep-ripper (subsoiler). Final soil compaction results will not be more than 250 pounds per square inch as measured with a soil penetrometer. Following the deep ripping, all stone and rock material 4 inches and larger in size which has been lifted to the surface will be collected and taken off site for disposal. The topsoil that has been temporarily removed for the period of construction will then be replaced. Finally, deep subsoil shattering will be performed with a subsoiler tool having angled legs. Stone removal will be completed, as necessary, to eliminate any additional rocks and stones brought to the surface as a result of the final subsoil shattering process. Should subsequent construction and/or restoration activities result in compaction, then restoration activities will include additional deep tillage.

### ***7.2.6 Blasting***

Blasting is not expected to be required to construct the Project. However, in the event blasting is necessary in agricultural areas of till over bedrock, dispersion of blast rock fragments will be limited by the use of matting or controlled blasting. Any blasted rock not used as backfill will be removed from croplands, hayfields, and improved pastures and the till and topsoil will be returned in natural sequence to restore the soil profile. Timely notice will be given to farm owners/operators prior to blasting on farm property.

### ***7.2.7 Additional Restoration Measures***

The following additional restoration activities will be completed following construction within agricultural lands:



- On affected farmland, restoration practices will be postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist.
- Restoration will not be conducted while soils are in a wet or plastic state.
- Stockpiled topsoil will not be regraded until plasticity, as determined by the Atterberg field test, or a similar soil moisture test, is significantly reduced.
- There will be no Project restoration activities in agricultural fields between the months of October through May unless favorable soil moisture conditions exist.
- NEETNY will monitor and advise NYSAGM and DPS Staff regarding tentative restoration planning for the Project. Potential schedules will be determined by conducting the Atterberg field test, or a similar soil moisture test, at appropriate depths into topsoil stockpiles and below the traffic zone for a mutual determination of adequate field conditions for the restoration phase of the Project.
- Any construction entrances will be removed completely upon completion of the Project and restoration of the affected site will be performed prior to topsoil replacement, unless retention of the construction entrance would be more conducive to the existing land use than removal.
- At or prior to construction completion, NEETNY will rebuild to as-good or better condition any of the following features damaged by construction: fences and gates compatible with the Project on the Project ROW; fences and gates off the Project ROW; and drainage features including drain tiles. The base of all new posts will be secured to a reasonable depth below the surface to prevent frost heave.
- Following restoration of all disturbed areas, to the extent practicable, any excess topsoil will be distributed in agricultural areas of the Project site, as long as this can be accomplished without having any adverse impact on-site drainage. All such activity will be as directed by the Agricultural Inspector, based on guidance provided by the landowner.
- Seedbed preparation (final tillage, fertilizing, liming) and seeding after topsoil replacement, will be done following either NYSAGM recommendations as contained in the most recent version of the Fertilizing, Lime and Seeding Recommendations for Restoration of Construction Projects on Farmlands in NYS or landowner specifications.

### **7.2.8 *Subsurface Drain Lines***

NEETNY will repair any damaged drain tile in accordance with the Drainage Line Repair Plan provided in Appendix K. NEETNY provided the Drainage Line Repair Plan to the Erie County

SWCD for review and input (see Appendix H). The Erie County SWCD is coordinating with Niagara County SWCD.

### ***7.2.9 Post-Construction Monitoring and Remediation***

Following completion of Project restoration in agricultural areas, NEETNY will perform monitoring and remediation for a period of two growing seasons to identify any remaining agricultural impacts associated with Project construction that require mitigation and to implement the follow-up restoration. The Agricultural Inspector retained by NEETNY will perform on-site monitoring three times during each growing season including a comparison of growth and yield for crops on and off the Project. In cases where crop productivity within the affected area is less than that of the adjacent unaffected agricultural land, the Agricultural Inspector, in conjunction with NEETNY, DPS Staff, and NYSAGM, will help to determine the appropriate rehabilitation measures to be implemented by NEETNY (e.g., soil decompaction and topsoil replacement). The Agricultural Inspector will periodically apprise all affected farm operators of the duration of remediation.

Please refer to the Agricultural Restoration and Remediation Plan in Appendix Y for additional information regarding agricultural land monitoring and remediation.

### **7.3 Residential Areas**

Residential areas in the immediate vicinity of the Project include scattered rural residences and more concentrated rural residential developments. Existing residences are generally located 300 to 1,000 feet from the Project ROW.

There will be no direct land use impacts on surrounding residences. Nearby residences may experience temporary disturbance and inconvenience (i.e., construction noise and traffic) associated with construction activities. These impacts will be temporary and short-term as the construction progresses along the ROW. To minimize disturbance to nearby residences, construction work hours will be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. If, due to safety or continuous operation requirements, such construction activities are required to occur on a Sunday or after 7:00 p.m., NEETNY will notify DPS Staff and the affected municipality. Such notice will be given at least 24 hours in advance unless the Sunday or after 7:00 p.m. construction activities are required for safety reasons that arise less than 24 hours in advance.

The following additional actions will be implemented to minimize impacts on residences and residential areas:

- The distance between stationary equipment and noise sensitive receptors will be maximized to the greatest extent practicable;
- Construction equipment will be routed away from noise sensitive receptors to the greatest extent practicable;
- Idling equipment will be turned off when not in use;
- Proper mufflers will be installed on construction equipment; and
- Residents may contact NEETNY using the contacts listed in Appendix O.

#### **7.4 Geologic Resources**

The Project Line and switchyards have been designed and will be constructed, operated, and maintained to be compatible with on-site geologic conditions. There are no known geologic or environmental issues expected to affect the integrity of the structures, as demonstrated by the long-standing presence of existing transmission lines within the NYSEG Utility Corridor and based on the results of on-site geotechnical investigations. As such, no specific avoidance or mitigation measures are planned to address geological resources.

#### **7.5 Historic Resources**

##### **7.5.1 Archaeological Resources**

NEETNY conducted a Phase IB archaeological field investigations in order to identify archaeological resources within the area of potential effect (APE) for the Project and, if possible, to make recommendations regarding the eligibility of any identified archaeological sites for listing in the State and National Registers of Historic Places. The Phase I archaeological field investigation identified two Pre-contact Period archaeological sites that were recommended for additional work or avoidance and one Historic Period archaeological site that was recommended for avoidance. One of the two Pre-contact Period archaeological sites could not be avoided, and additional archaeological investigations were conducted to mitigate the adverse effects of the Project on this site as discussed below. The other Pre-contact Period archaeological site and the Historic Period archaeological site will be avoided as discussed below and per avoidance measure described in Appendix L.

Pre-contact site PCI/Empire Transmission [REDACTED] [REDACTED] is located within the APE [REDACTED]. A Phase II Investigation work plan for this site was submitted to the New York State Historic Preservation Office (SHPO) on January 16, 2019, and was accepted by the SHPO on February 4, 2019 (see Appendix H). Phase II fieldwork was conducted between April 22 and May 16, 2019. This Precontact Period

archaeological site appears to be a multiple-component site comprised of largely indistinguishable small camps and workshops spread across an approximately 18.1-acre (7.3-hectare) area. The report for these investigations was submitted to the SHPO on August 23, 2019. The SHPO responded on September 19, 2019, indicating that additional work to include mechanical soil stripping is needed at this location. A plan for mechanical soil stripping was submitted to and approved by the SHPO in October/November 2019 (see Appendix H).

NEETNY conducted mechanical soil stripping between February 3 and 5, 2020, and February 10 and 12, 2020. Preliminary results were submitted to the SHPO on February 21, 2020, together with recommendations for additional mechanical soil stripping to complete archaeological investigations at the site (see Appendix H). On February 24, 2020, the SHPO concurred with the recommended additional mechanical soil stripping. NEETNY then conducted additional mechanical soil stripping in March 2020 and updated SHPO in April 2020 (see Appendix H). NEETNY submitted its final report for this site to the SHPO on July 29, 2020, documenting the results of the mechanical soil stripping and subsequent data analysis (see Appendix H). Based on the results of the Phase II investigation, the archaeological site was recommended as eligible for listing in the State and National Registers of Historic Places by the investigators. However, due to the extensive Phase II investigation and mitigation through the Phase II mechanical soil stripping, no further archaeological investigations (i.e., Phase III Data Recovery) for the site within the APE were recommended. The SHPO's comments and concurrence with the results and recommendations of the Phase II investigations and the SHPO's overall finding of effect on historic properties for the Project are pending.

Pre-contact Site PCI/Empire Line-1 [REDACTED] is located within the APE [REDACTED]. NEETNY developed an Avoidance Plan to document short- and long-term measures that will be implemented by NEETNY to avoid the site and a 50-foot buffer of the site. The plan was submitted to and approved by the SHPO in October/November 2019. SHPO was notified of errata for the plan on June 18, 2020; SHPO concurred with the modifications noted and requested a copy of the revised plan on June 22, 2020. A revised plan was submitted on July 15, 2020; SHPO concurred with the minor revisions on July 23, 2020 (see Appendix H). The Archeological Precontact Site Avoidance Plan is provided in Appendix L. NEETNY will implement this plan during construction and operation of the ESL to avoid impacting Pre-contact Site PCI/Empire Line-1 [REDACTED].

SHPO also identified the F. Ranney Historic Site in proximity to, but outside the APE [REDACTED]. SHPO did not assign a USN to this site. In correspondence to NEETNY dated May 18, 2020, SHPO recommended various protection measures be implemented during construction in the vicinity of the site (see Appendices H and L). NEETNY will implement the protective measures as requested by SHPO.

In the event that archeological materials are encountered during construction, NEETNY will stabilize the area and stop all ground-disturbing activities in the immediate vicinity (50 feet) of the find and protect the find from further damage. NEETNY will notify and consult with DPS Staff and OPRHP Field Services Bureau within 24 hours of the discovery, in order to determine the best course of action. Construction activities will not be permitted in the vicinity of the find until the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.

Similarly, in the case that human remains or evidence of human burials is encountered during archeological data recovery fieldwork or during construction, all work in the vicinity of the find shall be halted immediately in order to protect the remains from further disturbance. NEETNY will notify and consult with DPS Staff and OPRHP Field Services Bureau within 24 hours of the discovery. NEETNY will ensure that human remains are treated in accordance with the OPRHP's Human Remains Discovery Protocol, and that all archaeological or remains-related encounters and their handling is reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections.

### **7.5.2 Architectural Resources**

NEETNY conducted an architectural survey to examine previously inventoried architectural resources within the indirect APE. The scope for the architectural survey consisted of the examination of previously inventoried architectural resources within the indirect APE. It also confirmed visible information for each resource, such as architectural style, physical characteristics, and building materials. The architectural survey also collected visible data for the setting of each resource, including viewsheds that may represent character-defining features, as well as documentation and evaluation of the current integrity of each of these previously inventoried resources. This information was used to make recommendations regarding the NRHP-eligibility of the previously inventoried architectural resources and was used in conjunction with visibility modeling to make recommendations regarding the potential visual effects of the Project.

A total of 49 previously inventoried architectural resources were identified in the indirect APE; these consisted of one previously National Register of Historic Places (NRHP)-listed property; seven previously determined National Register Eligible (NRE) resources; eight undetermined resources that were recommended NRE per the study; three previously undetermined resources that could not be seen from public ROWs; and 30 recommended not eligible for the NRHP by the current study. A total of 19 of the 49 previously inventoried architectural resources were carried forward for the visual effect analysis. Visibility modeling conducted for the Project indicated that nine of the 19 previously inventoried architectural resources considered for potential visual effects are in locations that already had a view of existing transmission facilities within the NYSEG Utility

Corridor. The remaining 10 previously inventoried architectural resources considered for potential visual effects are in locations where visibility modeling indicates that only the new Project components would be visible. The recommendations of the architectural resource study indicated that the Project would not alter, directly or indirectly, any of the characteristics, significance, and/or integrity of any of the 19 previously inventoried architectural resources and would have no adverse visual effect on any of these 19 previously inventoried architectural resources. The architectural survey report was submitted to the SHPO on February 11, 2019. The SHPO responded via email on March 25, 2019, that they have no concerns with impacts on buildings in the APE.

Based on the above, no specific avoidance or mitigation measures are planned to address architectural resources.

In the event that there are direct physical impacts on any NRHP-eligible archaeological sites identified within the direct APE or indirect visual impacts on any NRHP-listed or –eligible architectural resources within the indirect APE, continued coordination with SHPO in consideration of Section 106 of the NHPA would be necessary.

## **7.6 Scenic and Park Resources**

NEETNY completed a Visual Resource Assessment (VRA) to identify visual resources or visually sensitive areas within a 6-mile-wide study area centered on the Transmission Line and switchyards. There are at least 29 local visually sensitive areas, all associated with recreational resources, located within the 6-mile-wide study area. Visibility modelling completed for each visually sensitive area found that all but one location would either have no views of the Transmission Line and switchyards, or the views would be consistent with existing landscape features. One location, the Lancaster Golf and Country Club, is in a location where the existing transmission lines in the NYSEG Utility Corridor are not visible, but the Transmission Line would be visible.

Potential visual impacts from the Project were minimized by siting the entire Project within the existing NYSEG Utility Corridor and by the use of monopoles, with their slender, uniform profiles that generally do not appear as a prominent landscape feature. Accordingly, and in consideration of the VRA completed for the Project, no additional mitigation measures are planned to address visual impacts on scenic or park resources.

## **7.7 Recreation Areas**

Various snowmobile trails and four recreation areas, the Clarence Pathway – Peanut Line Trail, the Conservation Trail, the Clarence Pathway – West Shore Trail, and the Lancaster Heritage Trail,

are crossed by the NYSEG Utility Corridor and will also be crossed by the Transmission Line. The trail crossing locations are shown on the Plan and Profile drawings in Appendix A.

The following measures will be used during the construction phase to ensure public safety:

- Trail segments affected by construction will be closed during wire stringing activities;
- Signage will be posted in advance of construction to advise the public of the time and duration of construction and trail closures;
- Trail closures will be kept to a minimum and trails will only be closed for short periods of time during equipment crossings and while conductor or fiberoptic cables are being installed, typically occurring over a period of approximately 10 to 15 minutes;
- During equipment and vehicle crossing, flaggers will be utilized for the protection of pedestrians;
- Cleanup and restoration will be conducted after construction is complete and will include repaving sections of the trails damaged by construction activities; and
- The trail systems will be photographed and inventoried for damage prior to and after construction. This information will be submitted to the towns of Newstead and Lancaster with the filing of easement documents. When construction is complete, NEETNY will meet with the affected road owner and review the pre-construction and post-construction characteristics of the roadway to determine whether repairs are needed.

Various snowmobile trails owned by the Erie County Sno-Seekers also cross the Project ROW, as shown on the Plan and Profile drawings in Appendix A. Coordination with the Sno-Seekers is ongoing to develop a pre-construction plan that will outline trail impacts.

## 8.0 ACCESS ROADS

### 8.1 Need for Access Roads

New access roads are necessary to convey manpower, materials, and equipment to the structure locations and the switchyards. The majority of construction access will be accomplished within the NYSEG Utility Corridor; however, some access on private properties will be required to avoid impacts on sensitive resources, provide access to work areas, and facilitate equipment staging. Access has been planned to avoid areas of unstable soils, buried utilities, and sensitive resources to the extent practicable. All access roads planned for the Project are shown on the Plan and Profile drawings in Appendix A and designated as either permanent or temporary. Existing public roads and private driveways will also be used to facilitate access. Several pieces of equipment will be used for the Project that will require Project access. The equipment is listed in Table 8-1.

**Table 8-1 Project Equipment**

<b>Construction Phase</b>	<b>Example Construction Equipment</b>
Transmission Line Site Access and Preparation	Bulldozer Grader Roller-Compactor Loader Water Truck Chain Saw Wood Chipper
Transmission Line Structure Foundation Installation	Bulldozer Loader Backhoe Forklift Mobile Crane Drill Rig Auger Rig Compressor Pump Cement Truck Dump Truck



**Table 8-1 Project Equipment**

<b>Construction Phase</b>	<b>Example Construction Equipment</b>
Erection of Transmission Line Structures	Mobile Crane Compressor Truck
Switchyard Construction	Bulldozer Loader Backhoe Forklift Mobile Crane Drill Rig Auger Rig Cement Truck Dump Truck Truck Scraper Compressor Water Truck
Stringing of Conductor and Shield Wire	Bulldozer Loader Compressor Line Puller Conductor Splicer Boom Truck Truck

**8.2 Types of Access Roads**

Four types of access roads have been designed to suit the topographic conditions and land classifications of the Project area. Three of the access types (Types 1, 2, and 3) are temporary and will be removed or returned to their existing condition after construction is complete. The remaining road type is permanent (Type 4) and will remain after construction is complete. The features of each road type are described below, and depicted and detailed on the Plan and Profile drawings in Appendix A.

### **8.2.1 Temporary Access Roads (Types 1, 2, and 3)**

Temporary access road designs will vary depending on the type of land use and sensitive resource crossings. Where streams, wetlands, and agricultural lands are crossed, equipment matting (timber or steel) and temporary access bridges will be installed to minimize impacts. The use of temporary equipment matting reduces the impacts on sensitive resources and allows for more efficient restoration of the land use. In upland areas that are not agricultural fields, a temporary gravel road will be installed for the construction phase and removed and restored following construction. Construction of the temporary gravel roads will include the removal of topsoil and installation of geotextile material under the crushed aggregate. A majority of the Project is in relatively flat terrain, and drainage structures (e.g., culverts) will not be included with the installation of temporary gravel roads. Where required, stormwater BMPs to maintain and direct surface flow (e.g., water bars) will be installed with the temporary access roads, but permanent stormwater features will not be constructed.

Access roads will be 16 feet in width and may include the removal of woody vegetation to a width of up to 20 feet. Bypasses are provided along the Project ROW to allow the passage of vehicles and equipment traveling in opposite directions. The bypasses have been identified in areas with long stretches between off-ROW access as shown on the Plan and Profile drawings in Appendix A. Bypasses are typically 16 feet by 100 feet long to accommodate the longest type of equipment that could be encountered along the planned access.

Stabilized construction entrances will be constructed where access roads adjoin public roads and sensitive off-ROW property. Stabilized construction entrances will be built per the details included on the Plan and Profile drawings in Appendix A.

Water diversion structures will be installed in compliance with the SWPPP and will be used to avoid potential adverse impacts on adjacent landowners.

Temporary access roads will be removed following construction, restored to original contours, and reclaimed.

The three specific types of temporary access roads that will be installed or used for the ESL are described below.

#### ***Type 1: Gravel Access***

Type 1 access roads are for new alignments in upland areas where interference with existing drainage patterns is not anticipated. Geotextile fabric and crushed aggregate will be installed in

relatively flat terrain. Installation of geotextile fabric and crushed aggregate will occur on terrain that will not require drainage conveyances.

Type 1 access roads in areas with moderate grades may incorporate the use of waterbars as a temporary ROW diversion or in-slope ditches for water interception and diversion. Waterbars may be installed where erosion is a concern, but slopes do not exceed the capacity of the control. Waterbars will be installed at 30- to 45-degree angles across the road and will not be allowed to dam the water, but will intercept and divert the water off the road. Stabilized discharge points will be installed to prevent erosion off-site, and waterbars will discharge to a stable vegetated area.

In areas with steeper slopes, in-slope ditches may be installed on the uphill side to intercept and divert runoff. Rock armor may be installed in the ditches for velocity reduction, and culverts will be installed to divert flows away the road. Stabilized outlets will be provided at culvert discharge points to prevent erosion and undercutting of the access roads.

Topsoil for Type 1 access roads will be stripped and temporarily stockpiled for reuse when the road is restored. Topsoil removed for temporary road construction will be stockpiled next to the access road for reuse and access restoration. If excess topsoil cannot be stockpiled next to the constructed access road, the soils will be transported to an upland location. Excess soils for road construction will be spread evenly across upland areas, to not inhibit existing drainage patterns, or disposed of at designated soil disposal areas. Post-construction rehabilitation will include removal of crushed aggregate, redistribution of stripped topsoil, and stabilization. Stabilization will be conducted in accordance with the SPDES General Permit, as detailed in Section 2.7.

### ***Type 2: Temporary Equipment Matting and Bridges***

Type 2 temporary equipment matting and bridging will be used in sensitive areas such as wetlands, streams, and agricultural fields and at underground utility crossings. Equipment and vehicle traffic through and over these sensitive areas will occur only on temporary construction matting or bridges.

Temporary equipment matting will be used for soil-profile protection along access roads and work areas within agricultural fields, delineated wetlands, and underground utility crossings. Temporary equipment matting serves to avoid rutting in sensitive land use areas; it will also serve to redistribute wheel loads over underground utilities. Temporary equipment matting installed over existing culverts will avoid post-construction replacement of the existing infrastructure and impacts on the delineated streams.

Temporary access bridges will be used for stream crossings for conveyance of equipment and vehicles over delineated streams. Temporary access bridges will be installed above the highwater

mark to avoid impacts on the stream bed and cross at a 90-degree angle to allow stream flows to pass unobstructed.

Temporary access bridges over delineated streams and matting in wetlands will be installed in conformance with the procedures described in Sections 5.0 and 6.0.

### **8.2.2 *Type 3: Existing Access Roads***

Type 3 access roads include existing roads, driveways, and farm lanes, that will be used to access the construction area. Where necessary, existing public roads and private driveways will be upgraded to withstand the loads anticipated during construction. Upgrades will be required where the roadbed will be subject to rutting or erosion from heavy equipment such as concrete trucks, drilling and excavating rigs, and structure delivery vehicles. This will be determined on site by the Construction Contractor and Environmental Monitor in compliance with the Plan and Profile drawings in Appendix A. Such improvements will include addition of crushed aggregate or gravel to fill depressions or installation of drainage ditches to ensure roads are suitable for construction.

Public and private roads, private driveways, farm lanes, and other existing accesses will be used to access the Project ROW. Agreements will be in place prior to construction where access crossing private property is required. To prevent mud and sediment from being tracked onto public roads and private driveways, stabilized construction entrances and matted entrances will be installed as shown on the Plan and Profile drawings in Appendix A. The location and requirements for the installation of stabilized construction entrances are shown on the Plan and Profile drawings in Appendix A. Permanent stabilized construction entrances and culvert installations will be shown on the Plan and Profile drawings in Appendix A.

### **8.2.3 *Permanent Access Roads (Type 4)***

Type 4 permanent access roads are new roads that will be designed and constructed to access and operate the Dysinger and East Stolle Switchyards. Permanent access roads to these facilities will be installed as the first step in the switchyard construction process. These roads will be left in place after construction is complete. Permanent access roads are depicted on the Plan and Profile drawings in Appendix A.

Installation of permanent access roads includes the following steps:

1. Stripping native topsoil and using it as fill for roadbeds;
2. Compacting subgrade and fill;
3. Installing non-woven filter fabric;

4. Placing sub-base over the fabric; and
5. Installing surface gravel.

### **8.3 Drainage/Erosion Control Measures for Access Roads**

Drainage and erosion control measures will be installed for access roads to manage runoff. Drainage and erosion control measures include water bars for water diversion, roadside ditches, culverts, compost socks, and silt fencing. Locations and details are included on the Plan and Profile drawings in Appendix A. Descriptions of these measures are included in Section 2.0.

Inspections of culverts, ditches, and erosion and sediment control facilities will be conducted in accordance with the SWPPP. If the inspections identify deficiencies, repairs to erosion and sediment control facilities will be corrected. Debris, silt, gravel, trash, or other fill on controls will be removed from ditches and disposed of appropriately.

### **8.4 Stream and Wetlands Crossing Methods for Access Roads**

Temporary stream and wetland crossings will be provided in several areas as shown and detailed on the Plan and Profile drawings in Appendix A. Temporary stream crossings will involve the use of equipment matting or prefabricated bridges as needed to enable the stream flow to pass beneath the equipment matting.

A single permanent stream crossing is necessary for the Project and will be constructed for the permanent access road at the Dysinger Switchyard. This access road extends from Akron Road south across Mud Creek and on to the switchyard. A bridge crossing of Mud Creek will be approximately 40 feet in length, with bridge supports extending into the ground vertically.

An additional permanent culvert will be installed for the access road to the East Stolle Switchyard. The culvert will be placed in a position immediately upstream, but outside of, a regulated stream. The purpose of this culvert is to direct stormwater flow around the access road and switchyard to the east. The culvert will be installed as described on Drawing 13666-004-C1-0116 in Appendix D.

All stream crossings will be in accordance with the procedures described in Section 5.0 of this EM&CP.

### **8.5 Temporary Culverts for Roadside Ditches**

Temporary culverts will be used to cross roadside ditches. The culverts will be installed just below grade at each end of the access area, with headwalls where required except where used only to

equalize drainage in flat areas. Large stones will be placed around the downstream pipe in areas where the outfall must be above grade, in order to prevent erosion. The planned locations of culverts for roadside access are indicated on the Plan and Profile drawings in Appendix A.

### **8.6 Justification for Access Roads and Workpads for Stream Crossings and in Wetlands**

Vehicular access across streams and wetlands will be avoided to the extent practicable. However, as shown on the Plan and Profile drawings in Appendix A, several planned access roads cross streams and wetlands in order to access Project structures. NEETNY will use the crossing methods included in this EM&CP, such as equipment matting and temporary access bridges, to avoid permanent impacts on streams and wetlands.

Several workpads are also located within wetlands, as shown on the Plan and Profile drawings in Appendix A. Avoiding workpad installation in wetlands would require significant deviations to the Project, both within and potentially outside of the utility corridor, which is not a practical avoidance measure given the expected substantial impacts on natural resources and land use.

## 9.0 NOISE SENSITIVE AREAS

### 9.1 Major Equipment to be Used for Construction and Operation

The construction equipment used will be similar to a typical public works project and tree service operation. The types of equipment and operating sound levels are summarized in Table 9-1.

**Table 9-1 Typical Construction-Phase Noise Levels for Overhead Line Construction**

<b>Construction Phase</b>	<b>Example Construction Equipment</b>	<b>Equipment Noise Level at 50 feet (dBA)</b>	<b>Maximum Composite Noise Level at 50 feet (dBA)</b>	<b>Maximum Composite Equivalent Sound Level at 1,000 feet (dBA)</b>
Transmission Line Site Access and Preparation	Bulldozer	80	93	66
	Grader	85		
	Roller-Compactor	80		
	Loader	85		
	Water Truck	80		
	Chain Saw	78		
	Wood Chipper	89		
Transmission Line Structure Foundation Installation	Bulldozer	80	91	64
	Loader	85		
	Backhoe	85		
	Forklift	80		
	Mobile Crane	81		
	Drill Rig	79		
	Auger Rig	80		
	Compressor	67		
	Pump	81		
	Cement Truck	67		
	Dump Truck	83		
Erection of Transmission Line Structures	Mobile Crane	81	82	55
	Compressor	67		
	Truck	75		

**Table 9-1 Typical Construction-Phase Noise Levels for Overhead Line Construction**

<b>Construction Phase</b>	<b>Example Construction Equipment</b>	<b>Equipment Noise Level at 50 feet (dBA)</b>	<b>Maximum Composite Noise Level at 50 feet (dBA)</b>	<b>Maximum Composite Equivalent Sound Level at 1,000 feet (dBA)</b>
Switchyard Construction	Bulldozer	80	92	65
	Loader	85		
	Backhoe	85		
	Forklift	80		
	Mobile Crane	81		
	Drill Rig	79		
	Auger Rig	80		
	Cement Truck	70		
	Dump Truck	83		
	Truck	75		
	Scraper	85		
	Compressor	67		
Water Truck	80			
Stringing of Conductor and Shield Wire	Bulldozer	80	88	61
	Loader	85		
	Compressor	67		
	Line Puller	80		
	Conductor	75		
	Splicer			
	Boom Truck	75		
	Truck	75		

dBA = A-weighted decibel

**9.1.1 Construction Noise**

Overhead Transmission Line and switchyard construction will generate noise levels that are periodically audible along the Project route, access roads, structure sites, conductor pulling sites, and staging areas. Noise sources may also include motor vehicles used by Project workers and trucks moving material to and from work sites.

Construction at the switchyards will typically include site access and preparation, stripping topsoil, site grading, pad compaction, foundation installation, structure erection, equipment installation, conductor tie-in, pad stabilization, and restoration.



Overhead line construction is typically completed in the following stages: vegetation clearing, site access and preparation, structure foundation installation, structure erection, stringing of conductor and shield wire, cleanup, and site restoration.

Various construction activities may occur simultaneously, with multiple construction crews potentially operating within the Project ROW and switchyards.

As shown in Table 9-1, construction sound will be attenuated with increased distance from the source. Other factors, such as the presence of vegetation, terrain, buildings, and other structures, will further limit the impacts of construction noise but were not considered in this analysis. Analysis was calculated to account for the effects of multiple sound sources (Maximum Composite Noise Level at 50 feet A-weighted decibel [dBA]). Sound reduction over distance is calculated from the inverse proportion to the square of the distance from the source. At distances greater than 50 feet from a source, every doubling of the distance produces a 6-decibel (dB) reduction in sound.

Actual received sound levels will fluctuate depending on the activity, equipment, and distance between the source and receptor. The variation in power and usage of each piece of equipment imposes additional complexity in characterizing construction noise levels. The analysis conservatively assumes all construction equipment in each phase is operating simultaneously. In reality, construction crews will be spread out throughout the Project and will not operate continuously or consecutively.

### ***9.1.2 Operational Noise***

Switchyard operations will include the installation of transformers, resulting in new noise sources at the Dysinger and East Stolle Switchyards. The expected addition of noise levels at 50 feet from the transformer is an average of 70 dBA. As noted with the construction equipment noise levels, transformer noise levels will decrease as distance increases from the switchyard boundaries. Transmission line noise levels will be similar to the existing levels emitted from the transmission line located within the NYSEG Utility Corridor.

Maintenance on the Transmission Line and switchyard will occur on a periodic or as-needed basis and may include the use of a flatbed and boom trucks. The maintenance noise levels are anticipated to be similar to everyday traffic in an agricultural setting.

## **9.2 Schedule and Days/Hours of Construction and Operation**

Construction work hours will be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. If, due to safety or continuous operation requirements, such construction activities are required to

occur on a Sunday or after 7:00 p.m., NEETNY will notify DPS Staff, affected adjacent residences, and the affected municipality. Such notice will be given at least 24 hours in advance unless the Sunday or after 7:00 p.m. construction activities are required for safety reasons that arise less than 24 hours in advance.

### **9.3 Mitigation Measures to Reduce Noise Levels during Construction and Operation**

Construction sound will be attenuate as distance increases from the source. As a general construction practice, functional mufflers will be maintained on all construction equipment to maintain noise levels during construction.

As stated above, both absolute and incremental sound impacts related to Transmission Line and switchyard construction are expected to be low level and generate corona sound levels. Sound levels will be below recommended guideline limits to avoid potential for adverse noise impacts on public health and safety in accordance with the NYSDEC Policy limits. As such, no additional mitigation is planned.

Routine inspections and maintenance will occur annually but are not expected to result in significant noise generation. Traffic noise generated during Project maintenance and inspection will be of short duration, is not expected to result in adverse noise impacts, and will not require specific mitigation measures. ROW vegetation maintenance may require the use of chainsaws, which will be a short-term event and limited to daytime hours.

## **10.0 ECOLOGICALLY AND ENVIRONMENTALLY SENSITIVE SITES**

Federal and state protection for threatened and endangered species, as well as their habitats, requires the implementation of certain procedures during Project planning. Existing and potential ecologically and environmentally sensitive resources affected by the construction, operation, and maintenance of the Project need to be protected or preserved to the maximum extent practicable. This EM&CP details, on a case-by-case basis, specific protection measures by resource.

Information on federally listed species is maintained by the U.S. Fish and Wildlife Service (USFWS), and information on state-listed species is maintained by NYSDEC. NEETNY contacted regulatory agencies regarding information pertaining to the location and habitat of threatened and endangered (T&E) flora and fauna species and Significant Natural and/or Unique Ecological Communities potentially occurring in the Project area. The results of this correspondence are presented below.

### **10.1 Fish and Wildlife Habitat**

A desktop review of publicly available data sources was conducted to identify the distribution of wildlife potentially occurring within the vegetation communities occurring in the Project area. Distribution maps from the NYSDEC *Amphibian and Reptile Atlas* were reviewed to assess the presence of reptile and amphibian species potentially occurring in the Project area (NYSDEC 2007). Avian species potentially occurring in the Project area were identified based on records from *The Second Atlas of the Breeding Birds in New York State* (McGowan and Corwin 2008). A review of the *Checklist of Amphibians, Reptiles, Birds and Mammals of New York State, Including Their Legal Status* (NYSDEC 2010) was conducted to identify mammals that may be common in the area.

Wildlife species and habitat occurring within the Project ROW area are common throughout Erie and Niagara counties. Any temporary displacement the wildlife species may experience during construction due to vegetation clearing and noise from construction activities will be of short-term duration and limited to within, and adjacent to, the existing Utility Corridor. Additionally, significant loss of forage, shelter, and nesting habitat on a local or regional basis resulting from the removal of woody vegetation during ESL construction and operation is not anticipated. Therefore, no specific measures are planned to protect fish and wildlife species beyond the erosion and sediment controls described in Section 2.0 of this EM&CP and the measures described below for rare, threatened, and endangered species.

## **10.2 Threatened and Endangered (T&E) Species**

### ***10.2.1 State Species***

A letter to the New York Natural Heritage Program (NYNHP) was submitted on November 8, 2017, requesting information regarding the presence of state-listed T&E species and unique natural communities in the Project area. A response from the NYNHP dated December 20, 2017, identified the following T&E species recorded in the vicinity of the Project: pied-billed grebe (*Podilymbus podiceps*; state listed as threatened), northern long-eared bat (*Myotis septentrionalis*; state listed as threatened), northern brook lamprey (*Ichthyomyzon fossor*; state listed as rare), bigmouth shiner (*Notropis dorsalis*; state listed as rare), and bigeye chub (*Hybopsis amblops*; state listed as rare). Copies of this correspondence were included in NEETNY's Article VII application.

NEETNY contacted the NYNHP on December 18, 2019, to check for any updates or changes of known rare, threatened, and endangered (RTE) species or habitat (see Appendix H). To date, NYSDEC has not indicated the presence of any additional T&E species in the Project area.

#### ***Pied-billed Grebe***

A breeding population of pied-billed grebe is supported at sensitive habitat located in the vicinity of the East Stolle Switchyard site and the East Stolle Tie-In lines. NEETNY consulted with NYSDEC regarding potential impacts on pied-billed grebe from construction and operation of the Project, in particular the East Stolle Switchyard. NYSDEC indicated that the switchyard is in an acceptable location given the distance from the sensitive habitat supporting this breeding population of pied-billed grebe and the presence of the existing NYSEG Stolle Road Substation. Therefore, no specific measures are necessary to protect this population of pied-billed grebe. A copy of NEETNY's correspondence with NYSDEC regarding the pied-billed grebe was provided in NEETNY's Article VII application.

#### ***Northern Long-eared Bat***

A known northern long-eared bat hibernaculum is located approximately 3.1 miles east of the Project ROW in the town of Newstead. All ESL Project activities will occur more than 3 miles from the hibernaculum. Therefore, construction and operation of the ESL Project will not affect the hibernaculum, and no specific measures are planned to protect it.

NYSDEC notified NEETNY that northern long-eared bats should be assumed to be present within a 5-mile buffer around the hibernaculum, which covers an approximately 7.63-mile-long segment of the Project ROW. The buffer is shown on the Plan and Profile drawings in Appendix A. To avoid impacting any northern long-eared bats that may use trees for roosting habitat, trees shall be

cut only during the species' inactive period, from November 1 through March 31, unless their removal is necessary for protection of human life or property. Snag and cavity trees will be left uncut to the extent practicable. If it is not possible to leave snag and cavity trees standing, those snag and cavity trees shall only be cut during the inactive period, from November 1 through March 31, unless their removal is necessary for protection of human life or property.

### ***Northern Brook Lamprey and Bigmouth Shiner***

The northern brook lamprey and bigmouth shiner have been documented in Little Buffalo Creek. The Transmission Line crosses this stream and several of its tributaries in the towns of Lancaster and Elma. Each of the streams will be spanned by the Transmission Line, and no structures will be located within 50 feet of the stream top of banks. The streams will be crossed using temporary access bridges (due to the size of Little Buffalo Creek, a prefabricated bridge will be used for this crossing). Based on consultation with NYSDEC, any in-water work associated with the Little Buffalo Creek crossing and two tributaries classified as C(t) streams (S-T01-005 and S-T07-003) are subject to time of year crossing restrictions. The restricted crossing dates are October 1 through May 31. No in-stream disturbance is anticipated for the two tributaries as the temporary access bridges will be laid across the streams. A single ford crossing will be required during installation of the prefabricated bridge across Little Buffalo Creek. As such, NEETNY will complete the bridge installation for Little Buffalo Creek outside of the restricted period, between June 1 and September 30. If the crossing restriction interferes with the construction schedule, NEETNY will request a modification to the restriction from NYSDEC. NEETNY's consultation with NYSDEC indicates that such a modification could be authorized to reduce the restricted period from March 15 to May 31, which would be protective of trout stocking and fishing periods on Little Buffalo Creek (see Appendix H). The stormwater pollution prevention and erosion and sediment control procedures described in Section 2.0 of this EM&CP will also be implemented during construction in the vicinity of Little Buffalo Creek.

### ***Bigeye Chub***

Historical records indicate that the bigeye chub is potentially present in Cayuga Creek in the town of Lancaster. The Transmission Line will span Cayuga Creek, no construction will be completed within 50 feet of the stream top of bank, and no access roads will be constructed across the stream. Therefore, no specific measures are necessary to protect the bigeye chub beyond the stormwater pollution prevention and erosion and sediment control procedures described in Section 2.0 of this EM&CP.

### ***Bald Eagle***

No bald eagle nests are known to be present within or adjacent to the Project ROW, or within or adjacent to the switchyard sites. However, in order to ensure protection of the species, at least 14 days prior to construction activities, NEETNY will conduct a visual inspection of the Project ROW, surrounding areas visible from the ROW, access roads, marshalling yards, or any other area where Project activities are to be conducted to determine if any bald eagle nests are present.

If at any time during construction, operation, and maintenance of the Project and associated facilities, any bald eagle nest is discovered within 0.25 miles of the Project ROW, NEETNY will not approach the nest unless authorized by DPS Staff, in concurrence with NYSDEC. A buffer area encompassing a 0.25-mile radius from the nest tree will be clearly marked (where NEETNY has property rights to allow such marking), and NEETNY shall avoid this area until DPS Staff, in concurrence with NYSDEC, authorizes activities within the buffer area. If a visual barrier is present (e.g., topography, tree line) that buffers the nest from work activities, the setback requirement may be reduced to 660 feet in concurrence with NYSDEC.

In addition to the measures noted above for state-listed species and species of concern, NEETNY will provide all workers with pertinent information on sensitive resources in the Project area.

### ***10.2.2 Federal Species***

Using the USFWS Information for Planning and Consultation (IPaC) system, NEETNY identified federally protected T&E species that could potentially occur in the Project area. One species, the federally threatened northern long-eared bat, was identified. NEETNY completed an updated review of the IPaC system in March 2020, and the northern long-eared bat was, again, the only federally listed species identified in the Project area (see Appendix H).

### ***Northern Long-eared Bat***

To fulfill the Project review requirements under Section 7.0 of the Federal ESA, NEETNY determined that the Project may affect the northern long-eared bat, but it is relying upon the findings of the January 5, 2016, Programmatic Biological Opinion for Final 4(d) Rule on the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions. This determination was provided to and acknowledged by the USFWS in 2018. NEETNY confirmed with USFWS Staff that an updated ESA correspondence document is not necessary for the Project because the Project footprint has not significantly changed, and no additional federally listed species have been identified in the Project area since the initial correspondence. A copy of the correspondence with USFWS is provided in Appendix H.

The measures to be implemented by NEETNY to protect the northern long-eared bat are described above in the discussion of state-listed species.

### ***10.2.3 Unanticipated Discovery of T&E Species***

If a T&E species is encountered during construction, operation, or maintenance of the Project, or is discovered during an environmental inspection prior to construction-related activity, NEETNY, in consultation with the Environmental Monitor, will notify NYSDEC, DPS Staff, and USFWS (as applicable, for federally listed species) within 24 hours. The Environmental Monitor will be familiar with 6 NYCRR Part 182 and Part 193 and NYSDEC's T&E fauna and flora species lists and reporting requirements.

Furthermore, for T&E grassland birds, if at any time during construction, operation, and maintenance of the Project, an active nest of any federally or State-listed threatened or endangered grasslands species is discovered within the Project area, NYSDEC and DPS Staff will be notified within 24 hours of the discovery, and the nest site will be marked where NEETNY has rights to allow such markings, and an area at least 500 feet in radius around the nest will be avoided until notice to continue activities at that site is granted by DPS Staff, in consultation with NYSDEC.

To protect non-avian T&E species and their habitat from immediate harm, NEETNY, in consultation with the Environmental Monitor, will secure the immediate area (where the rights exist to do so) and safely cease construction in that area until DPS Staff, in consultation with NYSDEC, authorize recommencement of activities. In addition, prior to the recommencement of construction in the secured area, the following measures will be taken:

- a. Plans will be updated to reflect the new T&E species area, and the site will be clearly marked in the field.
- b. Crews will be updated on the new sensitive area location and species identification.
- c. All documents or information that identifies the location or habitat of any known RTE species will be labeled "CONFIDENTIAL", and access will be restricted to only those persons who need to know this information. Appropriate training will be provided to employees and contractors as to the confidential nature of this information.

All submitted reports of T&E species will include the following information: species, observation date(s) and time(s); Global Positioning System (GPS) coordinates of each individual observed (if operations and maintenance staff do not have GPS technology available, the report should include the nearest pole number and crossroads location); behavior(s) observed; identification and contact information of the observer(s); and the nature of and distance to any Project construction or maintenance activity (see Appendix U for T&E report form). GPS coordinates of each individual

observed will be taken from where that individual was encountered, without approaching, and outside of the disturbance buffers noted above.

### **10.3 Other Species of Concern**

#### ***Western Chorus Frog***

During the Article VII settlement process, NYSDEC also identified the western chorus frog (*Pseudacris triseriata*; WCF) as a species of concern in the Project area. Breeding populations of the WCF are believed to occur in five state-regulated wetlands and adjacent areas crossed by the Project ROW. NEETNY will, to the extent practicable, install construction mats in these wetlands before the start of the WCF breeding window (April 1 through May 31).

### **10.4 Forest and Vegetation**

Vegetation communities within the Project ROW were identified during the spring 2018 biological field surveys. Communities were classified according to the 2014 *Ecological Communities of New York State* by Edinger et al. Vegetation within the Project ROW is comprised of a mix of ecological associations and cover types, whereas vegetation communities at the switchyards are dominated by agricultural land in hay and some successional scrub-shrub.

The existing cleared and maintained portion of the NYSEG Utility Corridor will generally be expanded by 55 feet to construct and operate the Project. As a result, approximately 75 acres of forest land will be converted to an herbaceous or shrub vegetation community. Existing forestland in these easement areas that is converted to herbaceous cover and low-growing compatible shrub species is not anticipated to significantly affect land use patterns along the Project ROW. Vegetation clearing and disposal methods are described in Section 3.0 of this EM&CP and tree clearing locations are shown on the Plan and Profile drawings in Appendix A.

Long-term vegetation management of the Project ROW will be conducted in accordance with NEETNY's Long-Range Right-of-Way Management Plan, a copy of which is included as Appendix E of this EM&CP.

### **10.5 Significant Natural Communities**

The NYNHP defines Significant Natural and/or Unique Ecological Communities as those natural communities which are either rare in the state or are an outstanding example of a more common natural community. No significant natural communities were identified by the NYNHP during Project review correspondences. Therefore, no specific measures are planned to protect significant natural communities.



## **11.0 INVASIVE SPECIES MANAGEMENT**

### **11.1 Invasive Plants**

E & E biologists conducted field investigations to document the presence and location of invasive plants within all components of the ESL. Species searched for included those on the prohibited and regulated invasive species lists found in 6 NYCRR 575.3 and 6 NYCRR 575.4, respectively. Field survey results and measures to control the spread of invasive plant species are documented in the Invasive Species Control Plan (see Appendix M).

### **11.2 Invasive Insects**

The mapping application on the New York iMapInvasives website indicates that the hemlock woolly adelgid (*Adelges tsugae*), emerald ash borer (*Agrilus planipennis*), and gypsy moth (*Lymantria dispar*) have been documented in the Project area (New York Natural Heritage Program 2019). Beech scale (*Cryptococcus fagisuga*) and Japanese Pine Sawyer (*Monochamus alternatus*) are not listed in the iMapInvasives mapping application. However, beech scale is known to range throughout the state of New York (Morin et al. 2007), while Japanese Pine Sawyer is not known to be present in the United States but may pose a serious threat to urban and forest ecosystems if introduced (Sentinel Plant Network 2019).

Measures to control the spread of invasive insects are documented in the Invasive Species Control Plan (see Appendix M).

## **12.0 HERBICIDES**

### **12.1 Herbicide Application during Construction**

NEETNY will implement the following requirements during the use of herbicides for clearing and construction activities:

- Application of herbicides on the Project will be done only under the direct supervision of a NYS Certified Applicator who will own or be employed by a NYS-registered business. The supervising certified applicator will be familiar with and understand the provisions of the Certificate and will be present in the field to ensure that the application of herbicides complies with the Certificate Conditions.
- NEETNY will ensure that all herbicides used have valid registrations under applicable state and federal laws and regulations. If NEETNY desires a change to the herbicides specified in Appendix E of this EM&CP for use during construction of the Project, including mix proportions, additives (with the exception of dyes), or method of application, NEETNY will submit the proposed change for approval pursuant to Certificate Condition 36 of the Certificate. No change inconsistent with the pesticide labeling will be proposed.
- NEETNY will apply such herbicides only in conformity with all label instructions and all applicable state and federal laws and regulations. NEETNY will ensure that its applicators reference maps which indicate treatment areas, and wetland and adjacent area boundaries, prior to treating.
- NEETNY will ensure that application of herbicides within wetlands and the 100-foot adjacent areas associated with NYS-regulated wetlands will be performed only by backpack treatment or squirt bottle method.
- NEETNY will ensure they do not allow equipment wash water or excess herbicide to enter wetlands, streams or waterbodies.

### **12.2 Herbicide Application Post-Construction**

NEETNY will perform an inspection post-construction to inventory treatment areas along the corridor and implement a management plan for follow-up herbicide treatment within two years of completion of Project construction per the NEETNY Long-Range Right-of-Way Management Plan included in Appendix E of this EM&CP.

### **13.0 FUGITIVE DUST CONTROL**

NEETNY will implement measures to control and minimize dust resulting from land disturbing activities. Measures will be used to prevent surface and air movement of dust from disturbed soil surfaces that may cause off-site damage, health hazards, and traffic safety concerns. Dust control may be applied to upland construction access roads, access points, and other disturbed upland areas subject to surface dust and erosion.

Driving areas on the Project will include access roads and points where construction equipment and materials are delivered to the ROW. These areas can use water, polymer emulsions, and barriers to prevent the migration of soil particles. Exposed driving areas can be wetted during construction to minimize dust generation. This will be especially effective on access roads to provide short-term limited dust control during extended dry periods. Polymer additives are mixed with water and applied to the disturbed surface. Polymer additives will bind the disturbed soils and minimize airborne soil particles. Barriers and wind breaks can be installed to minimize exposed soils and reduce wind velocities. The majority of the upland access roads will be finished with a crushed aggregate surface. The crushed aggregate will provide a cover for exposed soils and reduce dust generation during construction.

During construction, access points along the Project ROW and at the East Stolle and Dysinger Switchyard sites will create increased traffic volumes along access roads and immediate work areas. Additionally, these access areas require various vehicles and equipment which, combined, can lead to dust control issues.

Construction operations will be scheduled to minimize the amount of area disturbed at one time. Buffer areas of vegetation will be left undisturbed where practicable. Temporary or permanent stabilization measures will be installed. Dust control measures will be maintained through dry weather periods until all disturbed areas are stabilized.

#### **14.0 SPILL PREVENTION, CONTAINMENT, AND COUNTERMEASURES PLAN**

NEETNY has developed a construction Spill Prevention, Control, and Countermeasure (SPCC) Plan for the ESL (see Appendix N). The SPCC plan addresses the storage, handling, and transportation of petroleum products and chemicals; it also includes measures to minimize the potential for unintended releases of petroleum and other hazardous chemicals during Project construction and operation.

NEETNY will immediately notify DPS Staff of any spill, report spills in accordance with State and/or federal regulations. If the spill is located on NYSEG property, NEETNY will provide a copy of the spill notification contemporaneously to NYSEG. A copy of the incident notification form is provided in Appendix U and details on reporting responsibilities and procedures are provided in Appendix N.

## 15.0 SUPERVISION

NEETNY will employ multiple personnel to monitor, supervise, and inspect all Project construction-related activities. These positions will range from as-needed to full-time positions, as described in Section 15.1. During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, NEETNY may temporarily decrease the number of hours worked by Project oversight personnel and the extent of their presence at the Project site commensurate with the decline in Project activity. Additionally, during periods of increased activity, NEETNY may temporarily increase the number of oversight personnel or the number of hours worked to commensurate with the increase in Project activity.

The names and qualifications of the Environmental Monitor, Construction Supervisor, Agricultural Inspector, Safety Inspector, and Quality Assurance Inspector will be provided to DPS Staff at least 14 days prior to the start of construction. All employees, contractors, and subcontractors assigned to the construction of the Project and inspection of such construction work will be properly trained in their respective responsibilities. DPS Staff will be provided with the cell phone numbers of the Environmental Monitor, Construction Supervisor, and Agricultural Inspector. The Environmental Monitor, Construction Supervisor, and Agricultural Inspector will be equipped with sufficient documentation, transportation, and communication equipment to effectively monitor contractor compliance with the provisions of this Certificate, applicable sections of the PSL, Environmental Conservation Law, this EM&CP, every order issued in this proceeding, and the Section 401 Water Quality Certificate.

### 15.1 Qualifications and Responsibilities for Supervision Personnel

The environmental supervision team has primary responsibility for environmental compliance, including ensuring that construction and restoration is performed in compliance with the Certificate Conditions, permit conditions, and any related environmental documents. Table 15-1 identifies the qualifications and responsibilities for the supervision personnel to be employed during construction and restoration of the Project.

**Table 15-1 Qualifications and Responsibilities for Supervision Personnel**

Qualifications	Responsibilities
<b>Environmental Monitor</b>	
One monitor employed full-time on the Project during construction and restoration.	
<ul style="list-style-type: none"> <li>Demonstrated knowledge and experience to manage the environment compliance procedures required by the Certificate Conditions, and as described in this</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring the implementation of all agency-mandated environmental conditions and supporting compliance with the environmental conditions and mitigation</li> </ul>

**Table 15-1 Qualifications and Responsibilities for Supervision Personnel**

<b>Qualifications</b>	<b>Responsibilities</b>
<p>EM&amp;CP and related environmental documents.</p> <ul style="list-style-type: none"> <li>• Qualifications that satisfy those of a “Qualified Inspector” pursuant to the NYSDEC SPDES General Permit.</li> </ul>	<p>measures specified by this EM&amp;CP, the Water Quality Certificate, and other applicable permit conditions.</p> <ul style="list-style-type: none"> <li>• Ensuring compliance is documented with all required environmental permits and the Certificate Conditions.</li> <li>• Monitoring all stages of construction and restoration, including, but not limited to clearing, grading, drainage improvements/installations, structure installation/removal, work involving wetlands, streams, agriculture fields, etc.</li> <li>• Overseeing the coordination and processing of environmental changes with DPS Staff.</li> <li>• Managing and coordinating all environmental protection requirements with the Construction Supervisor and construction contractors.</li> <li>• Monitoring compliance with this EM&amp;CP and applicable permit conditions by all construction contractors.</li> <li>• Identifying potential issues and concerns ahead of construction activities.</li> <li>• Overseeing identification and resolution of all non-compliance environmental issues, including documentation and corrective action.</li> <li>• Organizing and conducting site compliance audit inspections for DPS Staff as needed, but not less frequently than once per month during the construction and restoration phases of the Project. Inspections will conclude upon the final sign-off of the SWPPP by the SWPPP inspector.</li> <li>• Maintaining documentation of environmental compliance, including noting complaints received and resolution and</li> </ul>

**Table 15-1 Qualifications and Responsibilities for Supervision Personnel**

Qualifications	Responsibilities
	<p>drafting minutes of inspection audits and/or meetings.</p> <ul style="list-style-type: none"> <li>• Authority to stop work activities that violate Certificate Conditions and other authorizing environmental permits and documents or that could create an adverse impact to the environment.</li> </ul>
<b>Construction Supervisor/Chief Inspector</b>	
One supervisor employed full-time on the Project during construction and restoration.	
<ul style="list-style-type: none"> <li>• Experience in transmission overhead line or substation construction, with strong understanding of applicable construction standards and methods.</li> <li>• Ability to understand design build drawings, specification sheets, schematics, and construction field issues to construct the Project in a timely manner.</li> <li>• An understanding of electrical principles and the hazards associated with electrical transmission work.</li> <li>• Knowledge of applicable federal, state, and Occupational Safety and Health Administration regulations.</li> <li>• North American Electric Reliability Corporation Critical Infrastructure Protection clearance or the ability to meet this requirement.</li> </ul>	<ul style="list-style-type: none"> <li>• Providing leadership and direction to contractor personnel to ensure that high standards of safety, security, and environmental compliance are developed and consistently maintained.</li> <li>• Ensuring compliance, in conjunction with the Environmental Monitor, with the Certificate Conditions, permit conditions, and other environmental documents.</li> <li>• Addressing construction issues in the field, overseeing construction contractors, and supervising construction inspectors.</li> <li>• Working closely with contractor personnel to ensure construction progress, schedule, and budget are maintained.</li> <li>• Ensuring contractor personnel are properly identified and assigned to fully support construction of the Project in a timely manner.</li> <li>• Assuring that all contractor personnel are properly trained before beginning work on the Project.</li> <li>• Facilitating daily conference calls and weekly meetings with members of the Project team.</li> <li>• Maintaining daily and weekly construction progress reports.</li> </ul>

**Table 15-1 Qualifications and Responsibilities for Supervision Personnel**

Qualifications	Responsibilities
	<ul style="list-style-type: none"> <li>Evaluating any changes to the engineering design and overseeing those that are implemented.</li> </ul>
<b>Agricultural Inspector</b>	
One inspector employed part-time on the Project during construction and restoration.	
<ul style="list-style-type: none"> <li>A four-year degree in agricultural science, environmental science, or a related environmental discipline, or demonstrated equivalent knowledge through coursework and agriculturally related construction oversight experience.</li> <li>Knowledge and experience to manage the agriculturally related environmental compliance procedures.</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring all phases of construction that involve affected agricultural lands.</li> <li>Monitoring and supporting compliance with agricultural land related Certificate Conditions, permit conditions, and other environmental documents.</li> <li>Maintaining contact and providing site-specific agricultural information as necessary to the Environmental Monitor, Construction Supervisor, and contractor personnel, as necessary, during all phases of construction.</li> <li>Maintaining regular contact with affected farmers, farm operators, local county Soil and Water Conservation Districts, and NYSAGM.</li> <li>Coordinating with farm operators to develop a plan to delay the grazing within the Project area following construction until pasture areas are adequately revegetated.</li> <li>Overseeing the distribution of excess topsoil in agricultural areas, based on guidance from landowners.</li> <li>Overseeing the removal of any identified black cherry trees near active livestock use areas during clearing and assure proposal disposal.</li> <li>Reviewing all Notices of Change that concern agriculture prior to submission to DPS.</li> <li>Overseeing monitoring and remediation for a period of no less than two growing seasons following completion of Project</li> </ul>



**Table 15-1 Qualifications and Responsibilities for Supervision Personnel**

Qualifications	Responsibilities
	restoration in agricultural areas. During this period, conduct on-site monitoring at least three times during each growing season. <ul style="list-style-type: none"> <li>• Determining appropriate rehabilitation measures to be implemented, where necessary.</li> </ul>
<b>Safety Inspector</b>	
One inspector part-time on the Project during construction and restoration and during any high-risk activities that are conducted.	
<ul style="list-style-type: none"> <li>• Experience in transmission overhead line or switchyard construction, with strong understanding of applicable construction standards and methods.</li> <li>• Knowledge of federal, state, and local health and safety laws and regulations.</li> <li>• Knowledge of NEETNY’s policies and procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• Assisting in the development and implementation of regulatory compliance and accident prevention activities for the health and safety of all personnel working on the Project and the public, as necessary.</li> <li>• Assisting management in the evaluation of any reportable incidents.</li> <li>• Coordinating with management to eliminate hazards and develop accident prevention and regulatory compliance programs for the Project.</li> </ul>
<b>Quality Assurance Inspector</b>	
One inspector employed on the Project as needed.	
<ul style="list-style-type: none"> <li>• Experience in a quality assurance role.</li> <li>• Analytical skills with the ability to produce reports.</li> <li>• Ability to problem solve under tight schedules.</li> <li>• Ability to collect, track, analyze, and produce data.</li> <li>• Proficient computer skills and strong oral and written communication skills.</li> <li>• Knowledge of performing International Organization for Standardization or audits of other regulating agencies or organizations.</li> </ul>	<ul style="list-style-type: none"> <li>• Familiar with the Quality Control Plan (Appendix I).</li> <li>• Verifying that construction field work complies with the criteria per the Transmission Construction Specifications.</li> <li>• Performing quality audits on the transmission line structures and components purchased for the Project to ensure they conform to the specifications described in this EM&amp;CP.</li> <li>• Preparing a Quality Control Audit Report for submission to the DPS following each audit.</li> <li>• Tracking non-conformance and providing resolution for those structures and</li> </ul>

**Table 15-1 Qualifications and Responsibilities for Supervision Personnel**

Qualifications	Responsibilities
	<p>components that do not meet the required specifications.</p> <ul style="list-style-type: none"> <li>• Working closely with the Construction Supervisor and contractors to ensure adherence to the quality control procedures.</li> <li>• Updating documents as necessary to reflect accepted changes.</li> <li>• Major construction materials testing and quality including concrete, reinforcement steel, culvert pipe and backfill will be the responsibility of the Quality Assurance Inspector.</li> </ul>

**15.2 Project Contacts**

NEETNY’s designated contacts are included in Appendix O. NEETNY’s 24-hour emergency phone number is also provided in Appendix O.

**15.3 Stop-Work Orders**

In the event of an activity violating the conditions of the Certificate or other permit conditions, the Environmental Monitor and Construction Supervisor will have stop work authority. Additionally, NEETNY regards DPS Staff representatives (authorized pursuant to PSL § 8) as the Commission’s designated representatives in the field. As such, in the event of an emergency or activity that violates the conditions of the Certificate, DPS Staff representatives may issue a stop-work order.

In the event of a stop-work order by DPS Staff representative, compliance will be coordinated as follow:

- A stop-work order will expire after 24 hours unless confirmed by a single Commissioner. If a stop-work order is confirmed, NEETNY will seek reconsideration from the confirming Commissioner or all Commissioners. If the emergency prompting the issuance of a stop-work order is resolved to the satisfaction of the Commissioner or the Commission, the stop-work order will be lifted. If the emergency has not been satisfactorily resolved, the stop-work order will remain in effect.
- Stop-work authority will be exercised sparingly and with due regard to environmental impacts, economic costs involved and possible impact on construction activities, and

whether an applicable statute or regulation is violated. Before exercising such authority, DPS Staff representatives will, wherever practicable, consult with the Certificate Holder representatives possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved, the matter will be immediately brought to the attention of the Certificate Holder, the Project Manager, and the Director of Facility Certification and Compliance of the Office of Electric, Gas and Water, or their designee. In the event that a DPS Staff representative issues a stop-work order, neither the Certificate Holder nor the contractor will be prevented from undertaking any such safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop-work order or implementation of measures, as described below, may be directed at the sole discretion of the DPS Staff representative during these discussions.

- If a DPS Staff representative discovers that a specific activity is a significant environmental threat that is, or may immediately become, a violation of the Certificate or any other order in this proceeding, the DPS Staff representative may, in the absence of responsible NEETNY supervisory personnel or the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the field crews to stop the specific environmentally harmful activity immediately. If responsible NEETNY personnel are not on site, the DPS Staff representative will immediately thereafter inform the Construction Supervisor and/or Environmental Monitor of the action taken. The DPS Staff representative may lift the stop-work directive if the situation prompting its issuance is resolved.
- If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific measures, the DPS Staff representative may, in the absence of responsible NEETNY supervisory personnel, or in the presence of such personnel who, after consultation with the Staff representative, refuse to take appropriate action, direct the Certificate Holder or its contractors to implement the corrective measures identified in this EM&CP. The field crews will comply with the DPS Staff representative directive immediately. The DPS Staff representative will immediately thereafter inform the NEETNY supervisor or Environmental Monitor of the action taken.

#### **15.4 Monthly Audit Meetings**

NEETNY will organize and conduct compliance audit inspections for DPS Staff as needed, but not less than monthly during the construction and restoration phases. The monthly inspection will include a review of the status of compliance with all certification conditions, requirements, and commitments, as well as a field review of the Project Site, if necessary. Inspections will conclude upon the final sign-off of the SWPPP by the Environmental Monitor.

Site inspectors may be required to supply their own personal protective equipment for any tours of construction sites. Protective equipment includes a properly fitted, currently valid, hardhat, safety glasses with side shields, high visibility vest and steel or ceramic-toed boots at any time while on site, unless the visitor is in a vehicle or in a construction trailer.

The monthly inspection will also include:

- a. Review of all complaints received, and their proposed or actual resolutions;
- b. Review of any significant comments, concerns, or suggestions made by the public, local governments, or other agencies;
- c. Review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and
- d. Other items NEETNY or DPS Staff consider appropriate.

NEETNY will provide draft minutes of the inspection audit and/or meeting, including resolution of issues and additional measures to be taken, to all attendees for corrections or comments, and will subsequently issue the finalized meeting minutes to all attendees and invitees, NYSEG, and NYPA.

## **16.0 CLEANUP AND RESTORATION**

### **16.1 Cleanup Procedures**

Cleanup and disposal of cleared vegetation will be ongoing during clearing activities and in accordance with specifications and procedures enumerated in this EM&CP. Cleared vegetation will not be burned or buried; it will be disposed of in accordance with the appropriate area-specific slash disposal technique as described on the Plan and Profile drawings in Appendix A, vegetation cleaning and disposal methods in Section 3.0, and the long-term vegetation management plan to prevent the spread of invasive species of special concern in Section 11.0.

Each section of the ROW will be thoroughly cleaned of construction related debris after construction is completed on that particular section. All debris resulting from construction activities will be disposed of at an approved disposal site in compliance with all appropriate environmental regulations. Trucks leaving the construction area will be loaded and covered in accordance with applicable regulations. Under no circumstances will any debris be burned or buried either on or off the ROW.

Before completion of site restoration, all debris displaced from the work area by wind or high water will be recovered for proper re-use or disposal.

### **16.2 Restoration**

In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day and completed in accordance with the NYSSESC or prior to a significant rain event. ROW restoration will be compatible with the operation of the transmission lines and switchyards.

For new structure locations, excavated subsoil material and stockpiled topsoil shall be used to restore to adjacent pre-construction contours or according to any grading plans. All holes or cavities created by structure installation shall be filled to the same level as the adjacent area, plus 6 to 12 inches of additional soil to allow for settling. Excess substratum material not used for backfill will be removed from agricultural areas and wetlands.

Restoration activities may vary with the specific area to be restored. Restoration activities for waterbodies are presented in Section 5.0, for wetland areas are presented in Section 6.0 and for agricultural lands are presented in Section 7.0. General restoration activities for non-agricultural, non-residential, and residential areas are presented below, followed by Project-specific details.

### ***16.2.1 Restoration Procedures in Non-Agricultural and Non-Residential Areas***

#### ***Grading***

Ruts and rills will be filled during grading. Where the pole-backfill area has settled below ground level, it may be necessary to import topsoil to return an area to grade.

Appropriate native upland or wetland vegetation will be established on all disturbed areas upon completion of the Project. Restored areas should demonstrate at least 80% cover survival after two growing seasons. Restoration will be accomplished through either allowing the native seed bank to re-establish or using an approved seed mix.

Upland spoil-disposal areas will be graded, seeded with a native seed mix, and mulched at each job location as the Project advances. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day and completed in accordance with the NYSSESC or prior to a significant rain event.

#### ***Mulch Application***

Mulching reduces loss of soil moisture by evaporation and decreases the possibility of seedling damage from soil-heaving caused by freezing and thawing. Mulch will be applied to areas that will be seeded in erosion-prone locations. Mulch also can be used to protect areas brought to final grade at an unfavorable time for seeding or transplanting. The areas then can be planted when the time is appropriate without removing the mulch.

Mulch will be spread uniformly in a continuous blanket of sufficient thickness (typically 1 to 2 inches). The mulch may be spread by hand or machine. Mulch may be spread before, but no later than three seeding, to the extent practicable. Anchorage such as erosion control blankets will be used as required.

For standard mulching, the Contractor will provide clean, local, straw to the extent practicable. Wood chips or other suitable materials may be used for mulching as available and appropriate.

#### ***Vegetation Plantings***

All trees over 4 inches in diameter (measured 4 feet above ground) or shrubs over 4 feet in height damaged or destroyed by NEETNY activities during construction, operation, or maintenance, regardless of where located, will be replaced by NEETNY with the equivalent type trees or shrubs,

subject to the provisions of 6 NYCRR Part 575, Prohibited and Regulated Invasive Species, except where:

- a. Equivalent-type replacement trees or shrubs would interfere with the proper clearing, construction, operation, or maintenance of the Project;
- b. Replacement would be contrary to sound ROW management practices or to any approved vegetation management plan applicable to the Project; or
- c. A property owner on whose land the damaged or destroyed trees or shrubs were located declines replacement (or other recorded easement or license holder with the right to control replacement declines replacement).

Specifically, NEETNY will, upon completion of the Project:

- a. Conduct an assessment of the need for landscape restoration consistent with safe and reliable operation of the Project, including vegetation planting, earthwork or installed features to landscape the Project with respect to road crossings, residential areas, switchyards, and substations.
- b. Prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate. Any mitigation and/or restoration proposed on NYSEG property will be subject to the prior written approval of NYSEG, which approval may be granted or withheld by NYSEG, in NYSEG's sole discretion.
- c. Consult with and obtain acceptance from DPS Staff on the content and execution of its assessment, resultant landscaping restoration plan specifications and materials list; and
- d. Present draft assessments and plans to DPS Staff for review and file a final plan with the Secretary within one year after the date the Project is placed in service.

### ***Groundcover Restoration***

Grass areas that are damaged will be seeded as described in "Standard and Specification for Permanent Construction Area Planning" (NYSDEC 2016) included in the SWPPP. Per the specification revegetation will be recovered to 80% of its preconstruction status. Grass seed will follow the seed mix descriptions within this EM&CP. Seeding operations will commence only after an acceptable seedbed has been established in the upper 2 inches of soil. Seed will be applied by hand or hydro-seeding, cyclone seeder, drill, or cultipacker-type equipment and mulched.

### ***16.2.2 Restoration in Residential Areas***

Following construction, all Project areas will be restored to pre-construction contours, unless this EM&CP specifies otherwise. Erosion controls and permanent re-vegetation shall be restored as appropriate for those locations. Disturbed pavement, curbs, and sidewalks shall be restored to their original preconstruction condition or improved.

NEETNY will consult, where applicable, the municipal roads or the County Engineer, and incorporate applicable specifications for curb or street restoration.

Yards and lawns, and other improved areas, will be returned to a condition at least equal to the condition that existed at the start of the Project.

Additionally, NEETNY will conduct pre- and post-construction meetings with the owners/residents of the residences adjacent to and east of Transmission Structures 35 through 41 (Downey Residences), 117 (Westwood Residence), 139 through 143 (Fernott Residences), and 146 through 152 (Townline Residences collectively the Downey Residences, Westwood Residence, Fernott Residences, and Townline Residences are the Adjacent Residences). The pre- and post-construction meetings will address the need for landscape restoration as described below.

#### ***Planting Time Periods***

For optimum survival and success, deciduous plants will be planted from approximately March to May or from approximately October to December. Evergreen plants may be planted from approximately April to May or from approximately September to October. No planting will be conducted in frozen topsoil or when the soil is in an unsatisfactory working condition, as determined by the Environmental Monitor.

If grassy areas are approved for seeding, then seeding will be conducted during optimal time periods, which are approximately between April and May for spring seeding and approximately between August and September for fall seeding. Seeding will not be permitted during high winds or when the ground surface is too wet or too dry for proper working.

#### ***Plant Inspection, Guarantee and Maintenance***

The Environmental Monitor will inspect plants in containers prior to planting and will inspect plant locations to verify compliance with this EM&CP. To ensure that any previous deficiencies have been cured, the Environmental Monitor will also conduct: (1) an inspection after completion of planting; and (2) a final inspection at the end of the maintenance period.



Restored areas should have 80% permanent ground cover following construction. Seeded areas will be evaluated and re-seeded as necessary to achieve 80% cover at the optimum time or by the following growing season. Weekly SWPPP-related inspections must be conducted until at least 80% revegetation of disturbed areas has occurred (except for winter periods when only monthly SWPPP inspections may be appropriate).

### ***Restoration of Fences and Stone Walls***

In a few locations, the Project ROW traverses fences and stone walls serving as property boundaries or in place for other purposes. Fences will be restored or replaced during the restoration period.

When fences (e.g., wood, wire, and mesh), stone walls, and gates are encountered during construction, the following guidelines apply:

- a. Landowner will be consulted prior to removing fencing during construction;
- b. Segments of fences, stone walls, and gates affected by construction will be restored to a comparable standard of material and design upon completion of construction. Any modifications agreed to/requested by the landowner will be subject to this EM&CP change notice procedure;
- c. The base of all new posts will be secured to a reasonable depth below the surface to prevent frost heave;
- d. Existing fencing will be dismantled and stored for re-use where practical. Installation of temporary fencing may be required; and
- e. During restoration, new fencing material will be used if the original fencing material is damaged.

### ***16.2.3 Restoration Procedures***

#### ***Temporary Access Roads***

Temporary access roads and restoration procedures are described in Section 8.0.

#### ***Culverts***

With respect to all Project components, NEETNY will be responsible for checking all culverts within the Project limits of disturbance as identified in this EM&CP and assuring they are not crushed or blocked during construction and restoration of the Project. If an existing culvert is

crushed or blocked, or otherwise damaged, it will be repaired or replaced with alternative measures appropriate to maintaining proper drainage and may be subject to an EM&CP change.

### ***Laydown Yard***

After construction is complete, the laydown yard will be restored to pre-construction conditions. All materials and equipment will be removed from the laydown yard and associated ground disturbance will be mitigated. Appropriate native upland vegetation will be established on all disturbed areas upon completion of the Project. Restored areas should demonstrate at least 80% cover survival after one growing season. Restoration will be accomplished through either allowing the native seed bank to re-establish or using an approved seed mix. Seed mixes are listed in Appendix A.

### ***Prevention of Unauthorized Access to the Project ROW***

Measures to prevent unauthorized access to and along the Project ROW are documented in the Unauthorized Access Prevention Plan in Appendix P. Specific measures include the following and noted below:

- a. Posting signs at the ROW edges in those locations where the ROW intersects public roads.
- b. Performing outreach to educate and inform the public concerning the risks and impacts of unauthorized access.
- c. Working with local law enforcement officials in an effort to prevent future trespassing.
- d. Identifying construction and material details of gates and berms.
- e. Identifying existing and proposed gate locations on the Plan and Profile drawings. Final determination of locations of gates and berms shall be made during post-construction assessment of the Facility, in consultation with and acceptance by DPS Staff, NYSEG and, where applicable, NYPA.
- f. Coordinating with NYSEG defining applicable individual and shared responsibilities for ROW access as defined in the approved Easement Agreement.

## **17.0 VISUAL IMPACT MITIGATION**

NEETNY's visual impact analysis, as summarized in the Application, indicates that while there may be potential relatively minor visual impacts on specific NYSDEC Policy Program resources or local visually sensitive areas, in almost all cases, these resources or areas already contain views of the existing NYSEG Utility Corridor, including the existing transmission lines, and, in some cases, the existing substation at the southern end of the Project. Thus, the Project will be a landscape feature that is generally consistent with the existing landscape features that are already present in the setting, views, or viewsheds associated with these resources or areas.

Additionally, consideration of the potential visual impacts of the Project on the visual character or scenic integrity of the existing landscape of the overall Project study area suggests that the Project will not be a noticeable or prominent feature in views from most locations. While there may be views of the Project from various vantage points, topography, vegetation, and localized structures will assist in screening views of planned new structures from most locations within the Project area.

NEETNY will assess the need for landscape restoration, consistent with safe and reliable operation of the Project, including vegetation planting, earthwork or installed features to landscape the Project with respect to road crossings, residential areas, and switchyards, as described in Section 16.2.1. NEETNY will then prepare plans for any visual mitigation found necessary. NEETNY will consult with property owners in accordance with condition 129. Results of those consultations will be included in the landscaping restoration plan in accordance with condition 130 for acceptance from DPS Staff on the content and execution of its assessment for resultant landscaping restoration plan specifications and materials list. If any plans for visual mitigation will involve the NYSEG Utility Corridor, NEETNY will also consult with and obtain acceptance from NYSEG. Draft assessments and plans will be submitted to DPS Staff for review, and NEETNY will file a final plan with the Secretary no later than one year after the date the ESL is placed in service.

## **18.0 ROW ENCROACHMENT PLAN**

NEETNY will manage encroachment within its transmission line easement within the larger NYSEG Utility Corridor in accordance with its Comprehensive Right-of-Way Encroachment Plan, included in Appendix J.

## **19.0 TRANSPORTION AND UTILITY CROSSINGS**

Construction practices will avoid impacts on vehicle, pedestrian or rail traffic, and is compatible with operation of nearby utilities.

Transmission Line and switchyard construction have been evaluated for potential impacts on roads, highways, railroads, aviation, and other existing utilities. Objections have not been received from federal, State, or local transportation officials on the final alignment. NYS Routes 5, 33, 952, 354, and U.S. Highway 20 will be crossed overhead within NYSDOT ROWs. Interstate 90 will be crossed underground beneath the NYSTA ROW. Other local county and town roads will be crossed during the construction phase. The Project ROW encroaches into road ROWs under the jurisdiction of Niagara and Erie Counties and the Towns of Newstead, Alden, Lancaster, Elma and Royalton. The Transmission Line will also cross the Norfolk Southern and CSX Railroad ROWs.

### **19.1 Federal, State, and Local Permits and Consultation**

The Project will cross a number of local and county roads, four State highways, and one federal highway. Jurisdictional authority will fall under the NYSDOT, NYSTA, and local agencies.

NEETNY will secure the necessary permits and notify the appropriate jurisdiction of the date and time work will commence within the road ROW. Copies of each permit or approval required for construction or operation of the Project will be provided to the Secretary promptly after receipt and prior to construction across the affected area.

Highway Work Permits and Use and Occupancy Permits for the highway and road crossings associated with the ESL are listed in Appendix Q, along with a summary of current permitting status.

An Obstruction Evaluation/Airport Airspace Analysis was performed with the Federal Aviation Administration (FAA) to obtain its approval. NEETNY submitted an application and data to the FAA and received a response on December 4 and 5, 2019, indicating no hazard on December 5, 2019 (see Appendix H). Since this time, NEETNY has been working with NYPA/NYSEG on final design of 14 structures at Dysinger Switchyard and five structures at East Stolle Road Switchyard, all of which are structures related to interconnection activities for Dysinger and East Stolle Switchyard. NEETNY is awaiting final NYPA/NYSEG reviews prior to an updated FAA submission for these structures. NEETNY is on track to secure FAA approval for the final design of 14 structures at Dysinger Switchyard and five structures at East Stolle Road Switchyard prior to commencement of construction. NEETNY will notify FAA within five days after construction reaches its maximum height.

### ***19.1.1 Interstate 90 Crossing***

NEETNY will complete the Interstate 90 crossing through an HDD. This bore will begin and end outside of the Interstate 90 ROW to minimize any impact on NYSTA. Entry and exit locations along with the Project ROW will house all required equipment to complete two bores and install the cable in each bore. The bore will be drilled with a pilot hole smaller than the final diameter. Due to the borings being predominantly in rock it is expected the bores will be completed without any installation of permanent casings. Once the pilot hole is completed, the hole will be reamed (potentially with multiple passes) to the required diameter. Once the drilling process is complete, conduits for all required cables including phase conductors, fiber, and grounding conductors will be pulled back through the HDD. The HDD design is provided in Appendix A. An Inadvertent Release Plan for the HDD is also provided in Appendix Z.

## **19.2 Maintenance and Protection of Traffic**

Traffic management plans have been developed in accordance with the NYSDOT Manual Uniform Traffic Control Devices (MUTCD). Construction entrances, access to and from the ROW and pulling new conductor will encompass encroachments into the road ROW. Traffic management will be implemented for road crossings to maintain and provide safe construction zones for activities within the road ROW that include driveway installation and conductor stringing operations. Traffic management plans will also be required for locations where construction vehicles will access the ROW from existing local, State and federal roads. Temporary signage, lane closures, temporary barriers, and traffic diversion will be addressed by the Maintenance and Protection of Traffic (MPT) Plans. The MPT Plans are located in Appendix R.

Guard structures will be installed to protect the conductor from falling onto the roadway during the pulling/stringing phase. Guard structure locations and details are provided on the Plan and Profile drawings in Appendix A.

## **19.3 Signs**

For each road crossing and location where construction vehicles will access the Project from roadways, NEETNY will implement an MPT plan that identifies procedures to be used to maintain traffic and provide a safe construction zone for activities occurring within the roadway ROW. NEETNY's MPT plans are provided in Appendix R. Each MPT plan addresses temporary signage, lane closures, placement of temporary barriers, and traffic diversion.

Signs announcing construction activities will comply with the NYSDOT MUTCD and placed at jurisdictional discretion. At a minimum, signs will be placed at the following distances:

- a. Signs announcing construction at 500-foot and 1,000-foot intervals.
- b. Flagger positioned 300 feet prior to road closures.
- c. Signs announcing end of road construction at 100 feet beyond construction boundaries.

Flagmen (certified by the State of New York) will be present at all times for equipment crossings, equipment loading and unloading, shoulder or lane closure, temporary road closure, and reduction of a two-lane highway to one lane of traffic. When temporary road closure is not required, signage will be covered or removed from the road ROW.

#### **19.4 Road Repair and Restoration**

In the event that construction activities or vehicles damage an existing paved road surface or shoulder, restoration will be conducted as follows:

- a. Road shoulders will be returned to original grade following repair of damage.
- b. Placement of temporary road surface will take place as soon as possible after damaged, in accordance with State or local standards or permit conditions.
- c. Temporary road surfaces will be in conformance with NYSDOT standards.
- d. Permanent repair of paved roads will take place as soon as possible and temporary pavement, broken pavement or other materials will be disposed of at approved facilities.

#### **19.5 Railroad Crossings**

The Project will cross CSX and Norfolk Railroads during construction. Crossing Agreements have been completed from the affected railroad(s) and will be coordinated prior to construction and may be subject to this EM&CP change process. The crossings have been designed to meet the railway's clearance requirements, National Electric Safety Code (NESC) requirements, and to ensure there is no adverse impact on the safe operation of the railroad. Construction activities will be coordinated with the active rail lines to ensure that they do not conflict with railroad operations. Moreover, the contractor will take the necessary steps to avoid impacts on the railroads during construction and will abide by the approved agreements. NEETNY and the Construction Contractor will follow the following steps for approval and compliance with the respective railroad's Wireline Crossing Agreements:

- a. NEETNY has provided crossing exhibits that detail the wireline crossing and railroad infrastructure for the respective railroad companies review, comment, and acceptance;

- b. NEETNY has provided the railroads an application and supporting documentation for approval of Wireline Crossing Agreements;
- c. NEETNY or the Construction Contractor will supply the railroads with General Liability and Railroad Protection Certificates of Insurance;
- d. The Construction Contractor will install guard structures to prevent the conductor from falling onto the railroad ROW and infrastructure;
- e. The Construction Contractor will provide the railroads the stated notification prior to encroachment into the permitting ROW;
- f. The Construction Contractor will abide by the flagging requirements set forth by the railroads, unless a flagging exemption is provided in writing by the railroads; and
- g. During the construction phase, the Construction Contractor will abide by the notification requirements and terms and conditions listed in the Wireline Crossing Agreement.

## **19.6 Utility Crossings**

Precautions will be taken where the new transmission facilities cross or parallel existing utilities to prevent damage to either facility and ensure the safety of workers. The utilities crossed or paralleled by the Project have been identified and are shown on the Plan and Profile drawings in Appendix A. A Comprehensive Gas and Pipeline Facility Safety Plan for this Project is included as Appendix V of this EM&CP.

### ***19.6.1 Overhead Electric Facilities***

When crossing existing overhead electric transmission lines, the following will apply:

- a. The responsible utility will be contacted and consulted for the planned new crossing prior to construction activities.
- b. The utility will be consulted for safe minimum clearance for construction machinery.
- c. Guys wires, ground lines, and other surface supports or facilities will be located prior to construction activities.
- d. Temporary grounding will be installed where required for construction equipment and will be in compliance with the National Electric Safety Code (NESC) for electric transmission line construction.
- e. Guard structures will be installed to protect the conductor from falling onto existing overhead facilities during construction. Guard structure locations and details are provided on the Plan and Profile drawings in Appendix A.



New electric transmission lines that parallel existing overhead electric transmission lines will abide by the following specifications:

- a. An Electric Safety Inspector will be designated within the chain of command for the Project and will have stop work authority.
- b. The Electric Safety Inspector will:
  - i. Supervise grounding equipment and materials,
  - ii. Provide safety training to individuals expected to work in or adjacent to energized electric lines,
  - iii. Ensure compliance with minimum clearance requirements for machinery and personnel, and
  - iv. Ensure that workers wear appropriate personal protective equipment.
- c. The new line will be subject to induced voltages but will be mitigated by cross bonding, which zero sums induced voltages, and by grounding through sheath voltage limiters at bond points.
- d. If voltage warrants, no ungrounded vehicles will be allowed within 200 feet of the energized line.
- e. Vehicles on the ROW will be grounded through grounding strips or chain devices.
- f. Vehicles parked overnight on the ROW will be grounded to an embedded ground rod or cable.
- g. Fuel trucks will have sufficient ground cables and clamps to complete an electric bond with every vehicle to be refueled.

### ***19.6.2 Underground Facilities***

Known underground utilities will be surveyed and flagged prior to construction. Dig Safely New York will be notified prior to construction at 1-800-962-7962. Prior to construction activities, utility companies will be notified to verify or amend locations or presence of utilities.

Agreements have been made with utility companies for protection of existing underground utilities crossed by the Project. Type 2 temporary access roads (including timber matting and air bridge designs) will be installed for crossing underground utilities as shown on the Plan and Profile drawings in Appendix A. Appendix A also includes design details of air bridges to be used at those locations. Underground facility crossing methods are described in Section 8.0 of this EM&CP.

## **20.0 ADDITIONAL MEASURES TO ENSURE COMPLIANCE WITH CERTIFICATE CONDITIONS**

### **20.1 Report Forms**

NEETNY will provide DPS Staff, NYSAGM, NYSDEC and NYSEG with weekly status reports transmitted by electronic mail summarizing construction and indicating construction activities and locations scheduled for the succeeding 14 days. The ESL EM&CP Weekly and Status Report Form is included in Appendix U.

### **20.2 Other Notifications**

If a Contractor installs materials, structures, or components that do not conform to the specifications for the same described in this EM&CP, NEETNY will prepare and deliver to DPS Staff within 30 days after becoming aware of such incident, a summary report detailing the incident, the steps to be taken to rectify the mistake, the material and labor costs associated with rectifying the incident, and the manner in which such costs will be accounted for separately from NEETNY's other Project costs.

Within six months of the completion of the Project, NEETNY will provide to a DPS Staff Representative a full accounting of all costs incurred to date for the Project, including an explanation of variances, if any, between projected and actual costs. The accounting will detail separately all costs incurred by NEETNY as a result of its purchase of a structure or component for installation in the Project that did not conform to the specification for structures and components described in this EM&CP. The analysis contained within this accounting will be divided into the following sections:

- Cost Estimate Provided with Application Exhibit 9;
- Summary of Project Cost Accounts;
- Expenditures Breakdown per Cost Account;
- Comparison of Estimated Versus Actual Expenditures;
- Conclusion and Explanation of Significant variances; and
- Accounting of Non-Conforming Structures or Components.

## **21.0 ELECTRIC AND MAGNETIC FIELDS ANALYSIS**

As part of the Article VII filing, a Transmission Line Electric and Magnetic Fields (EMF) Study was conducted for the Project. The EMF study analyzed the potential EMF impact associated with the ESL and summarized the results of calculated EMF levels. An updated EMF study was completed to account for a slight shift to the alignment of the Transmission Line.<sup>3</sup> The results of the study show that the maximum levels at the edge of the Project ROW are well below the levels recommended in the Commission's Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities. The updated EMF Analysis is included in Appendix X.

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<sup>3</sup> The Electric and Magnetic Fields (EMF) study submitted with the Article VII Application filed in August 2018 assumed a 75-foot arm-to-arm offset from the existing transmission line structure. However, in accordance with the Joint Proposal approved by the Commission on June 16, 2020, NEETNY updated the design to use a 100-foot centerline-to-centerline offset from the existing transmission lines. The use of the 100-foot centerline-to-centerline offset slightly shifted the Project structures west and closer to the existing New York State Electric & Gas Corporation (NYSEG) transmission line. The EMF study for the Project was updated to reflect this slight shift to the alignment of the Project.

## **22.0 OTHER MEASURES**

Appendix V of this EM&CP presents NEETNY's Comprehensive Gas and Pipeline Facilities Safety Plan for the Project. The appendix includes NEETNY's evaluation of the effects of the Project on NYSEG's existing cathodic protection system for the gas facilities' and Metering and Regulation (M&R) station to ensure compatibility with the electric facility design and that alternating current (AC) interference imposed upon the existing gas facilities are mitigated to safe levels according to the National Association of Corrosion Engineers (NACE) guidelines. If further AC interference from the Project is detected after the Project is placed into service, NEETNY will implement AC interference testing procedures. As soon as is practical to do so, corrective action with respect to the gas facilities' existing cathodic protection system, safety hazards and fault threats will be taken by NEETNY to ensure measured voltages on the natural gas pipeline and at the M&R station are not higher than safe levels stated in NACE guidelines.

## 23.0 REFERENCES

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APPENDIX A – PLAN AND PROFILE DRAWINGS

APPENDIX B – PROPERTY RIGHTS TO BE ACQUIRED

APPENDIX C – ESL SUMMARY DOCUMENTS



APPENDIX D – STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

APPENDIX E – LONG-RANGE RIGHT-OF-WAY MANAGEMENT PLAN

APPENDIX F – WETLAND DELINEATION REPORT

APPENDIX G – WETLAND MITIGATION PLAN

APPENDIX H – PERMITS AND APPROVALS, AGENCY CORRESPONDENCE, AND  
NOTIFICATIONS

APPENDIX I – QUALITY CONTROL PLAN

APPENDIX J – COMPREHENSIVE RIGHT-OF-WAY ENCROACHMENT PLAN

APPENDIX K – DRAINAGE LINE REPAIR PLAN



APPENDIX L – ARCHEOLOGICAL PRECONTACT SITE AVOIDANCE PLAN

APPENDIX M –INVASIVE SPECIES MANAGEMENT PLAN

APPENDIX N – SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN  
(SPCC PLAN)

APPENDIX O – GENERAL CONTACTS LIST

APPENDIX P – UNAUTHORIZED ACCESS PREVENTION PLAN

**APPENDIX Q – ROADWAY CROSSINGS AND HIGHWAY WORK PERMITS**

APPENDIX R – MAINTENANCE AND PROTECTION OF TRAFFIC PLANS

APPENDIX S – EM&CP FILING NOTICE



APPENDIX T – SAMPLE EM&CP NOTICE OF CHANGE FORM

APPENDIX U – REPORT FORMS

APPENDIX V – COMPREHENSIVE GAS AND PIPELINE FACILITY SAFETY PLAN

APPENDIX W – FACILITIES PROTECTION PLAN

## APPENDIX X – ELECTRIC AND MAGNETIC FIELDS ANALYSIS

APPENDIX Y – AGRICULTURAL RESTORATION PLAN

APPENDIX Z – INADVERTENT RETURN PLAN FOR HORIZONTAL  
DIRECTIONAL DRILLING