



Application of New York State Electric & Gas Corporation

to Construct a Fuel Gas Transmission Line
Under Article VII, Section 121-a
of Public Service Law

**Seneca West Pipeline Interconnect
Towns of Big Flats and Horseheads
and Village of Horseheads
Chemung County, New York**

Prepared for
State of New York Public Service Commission

November 2011





November 29, 2011

Hon. Jaclyn A. Brillig
Secretary to the Commission
State of New York Public Service Commission
Empire State Plaza
Agency Building Three
Albany, NY 12223-1350

SUBJECT: Seneca West Pipeline Interconnect
Towns of Big Flats and Horseheads and Village of Horseheads
Chemung County, New York

Dear Secretary Brillig:

Pursuant to Section 85-1.3(b), New York State Electric & Gas Corporation (NYSEG) herewith submits an original and four copies of its application pursuant to Article VII, Section 121-a of the Public Service Law for a Certificate of Environmental Compatibility and Public Need to construct a natural gas transmission pipeline and associated facilities in the Towns of Big Flats and Horseheads and the Village of Horseheads, Chemung County. An electronic copy on compact disc is also enclosed. The proposed 4.9-mile natural gas transmission pipeline will connect Inergy's Seneca Lake Gas Storage Facility West Pipeline (Seneca West Pipeline), a facility certified under Article VII in 1995 in Case 95-T-0248 and located west of Yawger Road in the Town of Big Flats, to its Elmira distribution system at a new meter and regulator station to be built along Gardner Road in the Village of Horseheads. An M&R station is also proposed at the interconnect with the Seneca West Pipeline. The maximum operating pressures of the pipeline will be 1341 and 1100 pounds per square inch.

NYSEG requests that the Commission issue a Certificate of Environmental Compatibility and Public Need for the 4.9-mile, 8-inch pipeline and all associated facilities, including the M&R stations, pig launcher, sectionalizing valve, and pig receiver. Further, NYSEG seeks Commission certification of a centerline for the proposed facility.

As required by 16 NYCRR 85-1.1(b), enclosed are two copies of a certified statement agreeing to install and maintain the proposed pipeline in accordance with the applicable standards from the Environmental Management and Construction Standards and Practices (EM&CS&P) approved by the Commission in Case 06-T-1383.

Landowners whose property will be directly affected by the proposed facilities were initially contacted in April, 2011, by NYSEG to request survey permission. By

Secretary Brilling
November 29, 2011
Page 2

a separate letter from NYSEG, landowners whose property will be directly affected by the proposed facilities and area municipal and state elected officials are being notified that the application is being submitted and will be available for public inspection at the following locations:

- NYSEG's office at One Electric Parkway in Horseheads;
- Big Flats Branch Library at 78 Canal Street in Big Flats;
- Horseheads Free Library at 405 S. Main Street in Horseheads; and
- West Elmira Library at 1231 W. Water Street in Elmira.

Copies of the application are being served on the parties identified on the enclosed Certificate of Service. Together with a copy of this letter, NYSEG is serving two copies of the application on the Big Flats Branch Library, the Horseheads Free Library and the West Elmira Library.

If you require any additional information, please contact Yvette LaBombard, Manager - Gas Engineering at 585.771.4926.

Sincerely,



Javier Bonilla
Vice President -
Engineering & Delivery

/sb

Enclosures

xc. with enclosure of application
See Certificate of Service
Director, Big Flats Branch Library (2 copies)
Director, Horseheads Free Library (2 copies)
Director, West Elmira Library (2 copies)

MAC:11-100

bcc w/copy of application:

B. Besley

R. Pass

C. Ellis

G. George

Y. LaBombard

M. Eastman

D. Weiler

T. Ricci

M. Dolan

N. Kinsch

J. Draghi

M. Cole , TRC



November 29, 2011

Jaclyn A. Brillling, Secretary
Secretary to the Commission
State of New York Public Service Commission
Empire State Plaza
Agency Building Three
Albany, NY 12223-1350

SUBJECT: Seneca West Pipeline Interconnect
Environmental Management and Construction Standards
and Practices

Dear Secretary Brillling:

Pursuant to 16 NYCRR Section 85-1.1(b), New York State Electric & Gas Corporation hereby certifies that when constructing natural gas pipelines in the State of New York less than ten (10) miles long it agrees to install and maintain such lines in accordance with the Department of Public Service Environmental Management and Construction Standards and Practices for Underground Transmission and Distribution Facilities in New York State (EM&CS&P), dated revised February 28, 2006, and approved by the Commission for use in Cases 06-T-1383 and 70100 in an order dated December 7, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "Javier Bonilla", is written over a light blue horizontal line.

Javier Bonilla
Vice President -
Engineering & Delivery

/sb
11-101

**New York State Electric & Gas Corporation
Application to Construct a Fuel Gas Transmission Line
Under Article VII, Section 121-a of The Public Service Law**

**Seneca West Pipeline Interconnect
Towns of Big Flats and Horseheads, and Village of Horseheads
Chemung County, New York**

Certificate of Service

Pursuant to Section 85-1.3(c), I hereby certify that New York State Electric & Gas Corporation (NYSEG) has, this day served a copy of the Application for a "Certificate of Environmental Compatibility and Public Need" for the Seneca West Pipeline Interconnect Fuel Gas Transmission Line by mailing service by first class mail, postage prepaid, upon the parties at the following addresses:

Certificate of Service - continued

STATE AND FEDERAL GOVERNMENT	
New York State Public Service Commission	New York State Public Service Commission Empire State Plaza - Agency Building 3 Albany, NY 12223-1350
New York State Department of Environmental Conservation	Scott Sheeley, Regional Permit Administrator NYS Department of Environmental Conservation Region 8, Division of Environmental Permits 6274 East Avon/Lima Road Avon, NY 14414-9519
New York State Department of Environmental Conservation	Christopher M. Hogan Chief, Major Projects Management Section NYS Department of Environmental Conservation Division of Environmental Permits 625 Broadway, 4th Floor Albany, New York 12233
Commissioner, New York State Department of Transportation	Joan McDonald, Commissioner New York State Department of Transportation 50 Wolf Road Albany, NY 12232
Region 6, New York State Department of Transportation	Mr. Brian Kelly, Acting Director NYSDOT, Region 6 107 Broadway Hornell, NY 14843
Operations Office, New York State Department of Transportation	Paul McAnany Resident Engineer NYSDOT, Region 6 3863 Meads Creek Road Painted Post, NY 14870
Commissioner, New York State Department of Agriculture & Markets	The Honorable Darrel J. Aubertine Commissioner NYS Department of Agriculture and Markets 10B Airline Drive Albany, NY12235
Department of Agriculture & Markets	Michael J. Saviola, Environmental Analyst NYS Department of Agriculture & Markets 158 Main Street Mt. Morris, NY 14510-1595
New York State Archaeologist	Christina Reith New York State Museum Division of Research and Collections Room 3122 CEC Albany, NY 12230

Certificate of Service - continued

Historic Preservation Office Office of Parks, Recreation and Historic Preservation	John Bonafide Historic Preservation Services Coordinator Office of Parks, Recreation & Historic Preservation New York State Historic Preservation Office Peebles Island Resource Center P.O. Box 189 Waterford, NY 12188-0189
New York State Office of Botany	New York State Office of Botany New York State Museum Cultural Education Center - Room 3023 Albany, NY 12230
U.S. Department of the Interior's Fish and Wildlife Service	U.S. Dept.of the Interior's Fish and Wildlife Service 3817 Luker Road Cortland, NY 13045
New York State Senate	The Honorable Thomas F. O'Mara New York State Senate 333 East Water Street, Suite 301 Elmira, NY 14902
New York State Assembly	The Honorable Christopher S. Friend, Ph.D. New York State Assembly 333 East Water Street, Suite 301 Elmira, NY 14902
CHEMUNG COUNTY	
Chemung County Executive	Mr. Thomas J. Santulli, County Executive Chemung County P.O. Box 588 Elmira, NY 14902-0588
Chairman, Chemung County Legislature	Mr. Cornelius J. Milliken, Chairman Chemung County Legislature P.O. Box 588 Elmira, NY 14902-0588
Commissioner, Chemung County Public Works Department	Mr. Andrew P. Avery, P.E., Commissioner Chemung County Public Works Dept. P.O. Box 588 Elmira, NY 14902-0588
Director, Chemung County Fire and Emergency Management	Mr. Michael S. Smith, Director Chemung County Fire and Emergency Mgmt. P.O. Box 588 Elmira, NY 14902-0588

Certificate of Service - continued

TOWN OF BIG FLATTS	
Supervisor, Town of Big Flats	Ms. Teresa M. Dean Supervisor, Town of Big Flats P.O. Box 449 Big Flats, NY 14814-0449
TOWN OF HORSEHEADS	
Supervisor, Town of Horseheads	Mr. Michael W. Edwards, Supervisor Town of Horseheads 150 Wygant Road Horseheads, NY 14845
VILLAGE OF HORSEHEADS	
Mayor, Village of Horseheads	Mr. Donald W. Ziegler, Mayor Village of Horseheads 202 S. Main Street Horseheads, NY 14845
Manager, Village of Horseheads	Mr. Walter J. Herbst, Manager Village of Horseheads 202 S. Main Street Horseheads, NY 14845
INTERESTED ENTITIES	
<p align="center">Mr. Joe Shields, President Millennium Pipeline Company, LLC One Blue Hill Plaza, 7th Floor P.O. Box 1565 Pearl River, NY 10965</p>	
<p align="center">Mr. Donald Raikes Dominion Transmission, Inc. P.O. Box 2450 Clarksburg, WV 26302-2450</p>	
<p align="center">Robert A. Broen, President Talisman Energy USA Inc. C/O Talisman Energy Inc. Suite 2000, 888 – 3rd Street SW Calgary, AB T2P 5C5</p>	
<p align="center">President: William R. Moler Inergy Midstream, LLC Two Brush Creek Blvd., Suite 200 Kansas City, Missouri 64412</p>	

Certificate of Service - continued

PUBLIC REVIEW LOCATIONS
NYSEG One Electric Parkway Horseheads, NY
Horseheads Free Library 405 S. Main Street Horseheads, NY
Big Flats Library 78 Canal Street Big Flats, NY
West Elmira Library 1231 W. Water Street Elmira, NY

Dated: November 30, 2011

Carol A. Howland
Carol A. Howland, CPESC, PE
Lead Analyst - Environmental, Health &
Safety Compliance

**State of New York
Public Service Commission**

**Application
of
New York State Electric & Gas Corporation
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Under Article VII, Section 121-a of
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November 2011

State of New York
Public Service Commission

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Seneca West Pipeline Interconnect
Towns of Big Flats and Horseheads, and Village of Horseheads
Chemung County, New York

TO THE PUBLIC SERVICE COMMISSION

New York State Electric & Gas Corporation (NYSEG) hereby makes application to the New York State Public Service Commission (Commission), for a “Certificate of Environmental Compatibility and Public Need” in accordance with *Title 16 of the New York Code of Rules and Regulations, Chapter 1, Subchapter G, Subpart 85-1 – Public Service* (16 NYCRR Subpart 85-1.3) to construct a fuel gas transmission line pursuant to Article VII, Section 121-a of the *Public Service Law*, as hereinafter described in detail.

Communications concerning this application should be addressed to:

Yvette LaBombard
Rochester Gas & Electric
89 East Avenue
Rochester, NY 14649-0001
Yvette.LaBombard@rge.com
(585) 771-4926

TABLE OF CONTENTS

TO THE PUBLIC SERVICE COMMISSION	1
LIST OF EXHIBITS	4
LIST OF TABLES	4
PROJECT SUMMARY	5
SECTION 85-1.2(A) OF THE RULES REQUIRES THE FOLLOWING INFORMATION:	6
(1) The dates on or about which the applicant intends to begin construction of the pipeline	6
(2) Brief statement describing and locating the line (using text and a topographic map at a scale of 1 inch = 2,000 feet or larger with legend), including:	6
(i) its length (and the nominal diameter of its segments), including markers	6
(ii) depth at which pipe will be buried	15
(iii) maximum allowable operating pressure (psig)	15
(iv) right-of-way width	16
(v) width of any area to be cleared	16
(vi) any known underground facilities to be crossed or paralleled	16
(vii) name or permit number of any wells to be connected to the line	18
(viii) the point where the line connects to another pipeline	18
(ix) existing or proposed access roads to be used for construction and maintenance	18
(x) for any new or expanded compressor station, a site development plan	19
(xi) the name of every municipality in which any portion of the line is to be located	19
(3) Approved Environmental Management and Construction Standards and Practices (EM&CS&P) to which the applicant has agreed to minimize impacts including:	19
(i) Existing and officially approved planned land uses	19
(ii) Ecosystem resources	20
(iii) Officially designated visual resources	22
(iv) Officially designated cultural resources	22

SECTION 85-1.2(C)(2) OF THE RULES REQUESTS:	22
A LIST OF APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS BELIEVED TO BE UNREASONABLY RESTRICTIVE	22
OTHER APPLICABLE REGULATIONS	31
SECTION 85-1.3(A)(2) OF THE RULES REQUIRES:	31
(i) sensitive resources that will be affected by the line, as defined in Section 85-1.2(a)(3)	31
(ii) property boundaries, fences, walls, and hedgerows to be crossed; and	
(iii) any dwelling unit within 150-feet	31
SECTION 85-1.3(A)(3) - STATEMENT OF NEED	32
(i) a demonstration that a market (or specific purchaser) for the gas will exist	33
(ii) a demonstration that gas supplies will be adequate to serve existing and potential retail consumers during the first ten years of the line's operation	33
(iii) a showing of the improvements in system reliability, capability, safety or benefits offered	34
SECTION 85-1.3(A)(4) - OTHER RELEVANT INFORMATION	34
SIGNATORY INFORMATION	41

EXHIBITS

Exhibit

A	Figures
B	Listing of Gas Wells Within 10-miles of Proposed Pipeline
C	Environmental Management & Construction Standards & Practices
D	Potentially Applicable Local Laws
E	Stormwater Pollution Prevention Plan
F	Public Outreach Meeting Notices
G	<u><i>Agricultural Mitigation Through the Stages of Project Planning, Construction/Restoration and Follow-up Monitoring</i></u>
H	Endangered Species Field Report Summary and Correspondence with the New York State DEC and US Fish and Wildlife Service
I	Correspondence with the New York State Office of Parks Recreation and Historic Preservation

TABLES

Table

1-1	Underground Facilities To Be Crossed
1-2	Cover Types To Be Transected
2-1	Town of Big Flats Local Ordinance Waiver Requests
2-2	Town of Horseheads Local Ordinance Waiver Requests
2-3	Village of Horseheads Local Ordinance Waiver Requests
3-1	Summary of Outreach to Interested Parties

PROJECT SUMMARY

NYSEG requests authorization in this application to construct and operate approximately 25,455 feet of 8-inch natural gas pipeline and associated aboveground facilities located in the Towns of Big Flats and Horseheads, and the Village of Horseheads, Chemung County, New York. The pipeline will tap Inergy's 16-inch diameter Seneca Lake Gas Storage Facility West Pipeline (Seneca West Pipeline) in the Town of Big Flats, and connect to NYSEG's Elmira distribution system at Gardner Road in the Village of Horseheads. Two new metering and pressure regulating stations (M&R) will be constructed by NYSEG as part of the project. One will be situated at Yawger Road where it will be designed to receive the planned future maximum operating pressure on the Inergy pipeline of 1,341 psig and reduce it to 1,100 psig. The second M&R will be located at Gardner Road to reduce the pressure from 1,100 psig to distribution levels of 55 psig. The approximately 65-feet of pipeline between the tap of Seneca West Pipeline and the Yawger Road M&R will operate at a maximum allowable operating pressure of 1,341 psig. The pipeline between the Yawger Road M&R and Gardner Road M&R will operate at a maximum allowable operating pressure of 1,100 psig. In conjunction with this Project, approximately 300 feet of new 20-inch steel distribution pipe, operating at 55 psig, will be installed between Gardner Road and the new M&R. The Seneca West Pipeline is a facility certified under Article VII in 1995 in Public Service Commission Case No. 95-T-0248. NYSEG will purchase property for a tap and two new M&R stations, which will consist of a 17-foot by 20-foot fenced area at the tap, a 75-foot by 94-foot fenced area for the Yawger Road M&R and an approximately 88-foot by 104-foot fenced area for the Gardner Road M&R. The equipment located at the tap will include an aboveground sectionalizing valve and check valve. The Yawger Road M&R will contain four (4) small buildings that will house metering and regulating equipment and an odorizer, and aboveground facilities including a filter and pig launcher. The Gardner Road M&R will contain three (3) small buildings that will house metering and regulating equipment. Additionally, the facility will include a heater with a vent stack approximately 25-feet tall, a small gas filter, and a pig receiver. In addition to the tap and M&R stations, the above-ground facilities will include a sectionalizing valve and two blowdown vent pipes to be built within a 10-foot by 12-foot fenced area within the right-of-way easement west of Hickory Grove Road in the Town of Horseheads, and cathodic protection test stations and pipeline markers as needed along the pipeline.

NYSEG requests that the Commission issue a "Certificate of Environmental Compatibility and Public Need" for the proposed 25,455 foot, 8-inch pipeline and all associated facilities, including the pig launcher, sectionalizing valve, and M&R station and pig receiver. Further, NYSEG seeks Commission certification of a centerline for the proposed facility. In this regard, NYSEG provides the information

required by Section 85-1.3 of the Rules for construction of a fuel gas transmission line.

Section 85-1.3 requires that this application contain: (1) the information required by Section 85-1.2(a) and Section 85-1.2(c)(2); (2) a description using text and detailed construction-type map (at a scale of 1 inch = 400 feet, or larger) showing the centerline and the specific relationship of the line to such features as: (i) sensitive resources affected by the line as defined in Section 85-1.2(a)(3), (ii) property boundaries, fences, walls and hedgerows to be crossed, (iii) any dwelling within 150-feet; (3) a statement explaining the need for the line; and (4) any other information the applicant considers relevant.

The information is set forth below and introduced by reference to the appropriate section of the Rules.

Section 85-1.2(a) of the Rules requires the following information:

(1)The dates on or about which the applicant intends to begin construction of the pipeline;

Construction is projected to begin on or about July 1, 2012

(2) Brief statement describing and locating the line (using text and a topographic map at a scale of 1 inch = 2,000 feet or larger with legend), including:

(i) its length (and the nominal diameter of its segments), including markers required by 16 NYCRR Part 255.707;

The proposed Seneca West Pipeline Interconnect (SWPI) pipeline is located in the Towns of Big Flats and Horseheads and Village of Horseheads, Chemung County, New York. The proposed SWPI pipeline will parallel the Columbia Gas Transmission right-of-way for approximately 19,300-feet. Within the initial approximate 5,000-feet of the right of way is an inactive section of the Columbia A- 5 pipeline and for the balance of 19,300-feet the pipeline is active. The Millennium pipeline is located within this same right of way for approximately 9,200-feet of its initial length. For much of the remaining distance, approximately 5,300-feet the SWPI line will lie within NYSEG's Ridge Road – Broad Street 34.5-kV electric line right-of-way (ROW). The proposed pipeline will terminate at the new Gardner Road M&R station. The station will be built approximately 800-feet west of the electric line ROW and adjacent to the Dominion Transmission, Inc., existing Gardner Road M&R station. The total pipeline length between the Yawger Road M&R and the Gardner Road M&R is 25,390 feet. The SWPI pipeline work area will measure 40-feet wide, except at stream and road crossings, through croplands, and in areas of side slope. In these locations, the work area will be expanded as indicated on the pipeline drawings.

Since the proposed route is along existing utility rights-of-way, most of the project corridor consists of open meadow type vegetation that is edged by scrub shrub and forested areas. Numerous wetlands and streams were delineated within the project corridor.

Route Description

The proposed location, route, and approximate length of the SWPI pipeline are described below:

Commencing at a proposed tap in the 16-inch Inergy Seneca Lake Storage West Pipeline located at coordinates Latitude 42° 11' 25.01"N; Longitude 76° 54' 43.30"W located on the property Tax Map No. 47.00-1-48.1 in the Town of Big Flats, Chemung County, NY, and proceeding easterly with an 8-inch pipeline approximately **30-feet** crossing under an existing Talisman Energy Corp 10-inch pipeline, thence continuing easterly in a wooded area approximately **35-feet** to a proposed metering and regulating (M&R) station to be located within an approximately 75-foot by 94-foot fenced area;

Thence turning northeasterly proceeding through a wooded area and wetland KK approximately **160-feet** with an open cut crossing under Yawger Road (seasonal) beneath a proposed 18-inch plastic stormwater culvert;

Thence turning east, continuing through a wooded area and delineated Wetlands ZW, approximately **525-feet**; thence turning northeasterly approximately **62-feet**, then crossing intermittent Stream Z/AA using an open cut crossing in-the dry;

Thence continuing northeasterly approximately **62-feet** through delineated Wetlands Z; thence turning east onto an existing right-of-way (ROW) (Columbia Gas Transmission) and continuing along the maintained right-of-way through a wooded area approximately **550-feet** to the property Tax Map No. 47.00-1-38.3;

Thence continuing easterly approximately **95-feet** crossing perennial Stream Y using an open cut crossing in-the dry;

Thence proceeding easterly approximately **425-feet**, paralleling to the south of the existing inactive 12-inch Columbia Gas pipeline (A-5), to delineated Wetland X; thence continuing east approximately **290-feet** exiting Wetland X, and continuing approximately **375-feet**, crossing beneath Upson Road, using the

open-cut method, onto the property Tax Map No. 47.00-1-38.3; thence continuing east approximately **40-feet**;

Thence turning northeasterly, proceeding approximately **25-feet**, crossing beneath an existing 30-inch Millennium gas pipeline and continuing northeasterly approximately **20-feet**, crossing beneath an existing inactive 12-inch Columbia Gas pipe line; then continuing northeasterly approximately **42-feet**, then turning east;

Thence proceeding easterly paralleling to the north of an existing inactive 12-inch Columbia Gas pipe line, approximately **283-feet** crossing onto property Tax Map No. 47.00-1-37.1;

Thence continuing east approximately **215-feet** to the property Tax Map No. 47.00-1-36;

Thence continuing east approximately **178-feet** to the property Tax Map No. 47.00-1-33.212;

Thence entering Wetland W and continuing east approximately **300-feet** onto the property Tax Map No. 47.00-1-34;

Thence continuing east approximately **110-feet**, crossing beneath an existing overhead electric distribution line, onto the property Tax Map No. 47.00-1-33.1, thence continuing **300-feet** and exiting Wetland W; proceeding approximately **55-feet**, then crossing a drainage ditch;

Thence continuing easterly along an existing ROW, approximately **355-feet** to delineated Wetland V, then continuing east approximately **160-feet** then exiting Wetland V, proceeding approximately **150-feet** before entering an inactive agricultural field and an additional **200-feet** before crossing a drainage ditch then continuing easterly paralleling, to the north, the existing inactive 12-inch Columbia Gas pipeline;

Thence continuing easterly within the inactive agricultural field approximately **550-feet**, before exiting the inactive agricultural field, and continuing approximately **200-feet** crossing beneath two (2) underground fiber optic cables, then continuing easterly approximately **5-feet** crossing a 4-inch polyethylene gas pipeline, then continuing **20-feet** crossing a 12-inch HDPE culvert pipe and Chambers Road through the use of an open cut;

Thence continuing easterly through an agricultural field paralleling to the north of the existing active Columbia Gas pipeline , approximately **200-feet** crossing Stream M using an open cut in-the- dry method;

Thence continuing easterly through an agricultural field approximately **1,100-feet** crossing through a hedge row; thence proceeding approximately **30-feet**, crossing intermittent Stream N using an open cut in-the-dry method;

Thence continuing easterly through an agricultural field approximately **380-feet** before exiting the agricultural field and an additional **40-feet** entering delineated Wetland OW; thence proceeding easterly approximately **20-feet** crossing Stream O (Sing Sing Creek) using an open cut in-the-dry, and exiting the agricultural field proceeding onto the property Tax Map No. 47.00-1-19.2;

Thence continuing easterly through delineated Wetlands Q and R, exiting at approximately **47-feet**, and continuing east paralleling the existing ROW, through a wooded area; approximately **360-feet** entering the property Tax Map No. 47.00-1-25;

Thence continuing easterly, within the existing ROW, through a wooded area approximately **590-feet** crossing a stone wall, onto the property Tax Map No. 47.00-1-26;

Thence proceeding easterly approximately **550-feet** crossing a stone wall; thence continuing within the existing ROW, through a wooded area approximately **90-feet** crossing beneath an overhead electric distribution line;

Thence continuing easterly within the existing ROW, through a wooded area approximately **300-feet** crossing beneath the existing 30-inch Millennium Gas pipeline;

Thence continuing easterly approximately **370-feet** onto the property Tax Map No. 48.01-1-1, proceeding approximately **120-feet** through delineated Wetland U exiting at approximately **200-feet**;

Thence turning slightly northeast through a wooded area approximately **460-feet** crossing Stream JJ using an open cut in-the- dry method;

Thence continuing slightly northeasterly approximately **50-feet** onto the property Tax Map No. 48.01-1-2; proceeding northeasterly approximately **40-feet** then turning slightly southeasterly;

Thence; continuing easterly through a wooded area approximately **875-feet**, crossing beneath a private road and barbed wire fence;

Thence continuing easterly approximately **50-feet** with an open-cut crossing beneath Barnes Hill Road and beneath an existing 2-inch polyethylene gas main onto the property Tax Map No. 48.01-1-20; thence continuing easterly approximately **80-feet**, crossing an intermittent stream (Stream II), and delineated wetland fringe (Wetland II), using an open cut method in-the-dry; thence proceeding approximately **60-feet** crossing beneath a gravel road, a drainage ditch (delineated Wetland/III), and culvert pipe;

Thence continuing easterly approximately **70-feet** crossing a stream (Stream 5-2) flowing through a 36-inch RCP, thence proceeding east approximately **240-feet** onto property Tax Map No 48.01-1-21;

Thence proceeding easterly through a wooded area and delineated wetland area (Wetland II/III) approximately **250-feet**, crossing a drainage ditch;

Thence continuing easterly along the existing ROW approximately **350-feet** through delineated wetland area (Wetland II/III) crossing a barbed wire fence;

Thence continuing easterly through a wooded area along the existing ROW approximately **485-feet** onto the property Tax Map No. 48.03-2-6.111;

Thence continuing easterly through a wooded area along the existing ROW approximately **480-feet** onto the property Tax Map No. 48.01-1-4.5;

Thence continuing easterly along the existing ROW approximately **155-feet**, entering delineated Wetland L, then crossing adjacent Stream L using an open cut in-the-dry;

Thence turning southeasterly proceeding approximately **30-feet**, crossing beneath the existing active 12-inch Columbia Gas pipeline then continuing southeasterly approximately **30-feet**;

Thence turning east, continuing approximately **30-feet** crossing onto the property Tax Map No. 48.01-1-4.4, and continuing through a wooded area along the existing ROW;

Thence continuing easterly approximately **57-feet** crossing a drainage ditch then proceeding easterly approximately **215-feet** into the Town of Horseheads and onto the property Tax Map No. 48.01-1-1.13;

Thence continuing through a wooded area along the existing ROW approximately **270-feet**, crossing onto the property Tax Map No. 48.01-1-1.14;

Thence turning northeasterly continuing approximately **40-feet** then crossing beneath the existing active 12-inch Columbia Gas pipeline then continuing northeasterly approximately **40-feet** then turning east;

Thence continuing easterly through a wooded area along the existing ROW approximately **420-feet** and entering Wetland K, then proceeding approximately **40-feet** onto the property Tax Map No. 48.01-1-1.113;

Thence continuing through delineated Wetland K continuing easterly approximately **60-feet**, exiting the delineated wetland, then continuing easterly approximately **360-feet** crossing delineated Wetland J and open cut in-the-dry crossing of intermittent Stream J;

Thence continuing easterly approximately **25-feet** crossing beneath a private driveway, thence continuing easterly **45-feet**, crossing beneath a 2-inch polyethylene gas distribution line, crossing Woodgate Drive through an open-cut, and beneath an overhead electrical line;

Thence turning northeasterly within a wooded area along the existing ROW approximately **140-feet** crossing Stream I using an open cut in-the-dry method, and crossing beneath Prospect Hill Road through an open-cut, proceeding onto the property Tax Map No. 48.02-1-2;

Thence continuing northeasterly approximately **150-feet** then turning southeast onto the property Tax Map No. 48.02-1-3; thence proceeding along the ROW through an open field approximately **420-feet**, crossing Stream H through open cut in-the-dry method; onto the property Tax Map No. 38.04-1-8;

Thence continuing southeasterly approximately **50-feet** crossing beneath the active 12-inch Columbia gas pipeline, thence continuing approximately **100-feet** through a wooded area along the existing ROW, then turning east-northeasterly approximately **260-feet** crossing delineated wetland G; thence continuing approximately **900-feet** crossing intermittent Stream F through open cut in-the-dry; thence continuing east-northeasterly approximately **250-feet** onto the property Tax Map No. 48.02-1-3;

Thence continuing easterly approximately **100-feet** entering delineated Wetland E; thence proceeding easterly **565-feet** and exiting delineated Wetland E;

Thence continuing easterly approximately **170-feet** into delineated Wetland D; thence proceeding easterly approximately **200-feet** and exiting Wetland D proceeding easterly onto the property Tax Map No. 48.02-1-13

Thence continuing easterly approximately **45-feet** into delineated Wetland C, continuing approximately **35-feet** and exiting Wetland C;

Thence continuing easterly approximately **120-feet** into delineated Wetland B, proceeding easterly approximately **330-feet** and exiting Wetland B;

Thence continuing along the existing ROW easterly approximately **160-feet** into delineated Wetland A; thence continuing approximately **60-feet** onto the property Tax Map No. 48.02-1-7.1; continuing easterly approximately **90-feet** then turning south and proceeding **50-feet** onto the property Tax Map No. 48.02-1-5.1;

Thence continuing southerly approximately **20-feet** exiting Wetland A, then passing beneath an overhead electrical line; thence continuing approximately **60-feet** crossing beneath an existing 26-inch Dominion Transmission gas pipeline;

Thence continuing approximately **15-feet**, crossing beneath a 30-inch Dominion Transmission gas pipeline; thence continuing southerly approximately **60-feet** then turning east-southeast;

Thence continuing through a wooded area approximately **15-feet** to the location of the proposed pipeline sectionalizing valve and continuing **210-feet** crossing a 12-inch gas distribution pipeline then proceeding to cross beneath County Route 57 and drainage Ditch EE through an open cut , and onto the property Tax Map No. 48.02-1-25.26;

Thence continuing through a wooded area approximately **200-feet** then turning south-southwest onto an existing NYSEG overhead electric transmission ROW;

Thence continuing approximately **100-feet** onto the property Tax Map No. 48.02-1-25.25; thence continuing approximately **195-feet** onto the property Tax Map No. 48.02-1-25.24; thence turning slightly south-southeast;

Thence continuing south-southeasterly approximately **80-feet** crossing beneath an overhead electrical line; thence continuing through a wooded area within the existing ROW, approximately **120-feet** onto the property Tax Map No. 48.02-1-25.21;

Thence proceeding southeasterly approximately **330-feet** then paralleling to the west of an existing stone wall for approximately **190-feet**; thence continuing south-southeasterly approximately **130-feet**, crossing beneath an existing underground telephone cable;

Thence continuing south-southeasterly approximately **15-feet** then crossing Oak Hill Road through open-cut onto property Tax Map No 48.02-1-5.3;

Thence continuing within the existing ROW through a wooded area approximately **105-feet** then turning southwest; thence proceeding approximately **55-feet** crossing beneath an overhead 34.5 kV electric transmission line onto property Tax Map No. 48.02-1-38; Thence continuing south-southwest approximately **60-feet**;

Thence proceeding south approximately **45-feet** crossing a gravel driveway onto property Tax Map No 48.02-1-5.2; thence turning east-southeast, proceeding approximately **50-feet** again crossing beneath an overhead 34.5 kV electric transmission line; thence continuing east-southeast approximately **50-feet**;

Thence continuing south-southeast through a wooded area within an existing ROW approximately **670-feet** then paralleling to the south of a row of trees continuing south-southeasterly approximately **330-feet** onto the property Tax Map No. 48.04-2-17;

Thence continuing south-southeast along the row of planted trees approximately **230-feet** where the tree-row ends and the pipeline turns slightly east exiting the existing NYSEG overhead electric transmission ROW continuing approximately **30-feet** onto property Tax Map No. 48.16-1-1.6; thence turning south-southeasterly;

Thence continuing south-southeast approximately **35-feet** parallel to an existing ROW, then crossing beneath an existing 4-inch polyethylene gas distribution pipeline;

Thence continuing south-southeasterly approximately **70-feet**, at which point the pipeline is installed through horizontal directional drilling;

Thence continuing south-southeasterly parallel to an existing ROW through horizontal directional drilling approximately **540-feet**;

Thence continuing south-southeasterly approximately **80-feet** then turning slightly south-southwesterly approximately **20-feet** onto property Tax Map No. 48.04-3-89 and entering the existing NYSEG overhead electric transmission ROW; then proceeding south-south westerly approximately **25-feet** crossing beneath a private driveway, turning south-southeast, thence proceeding approximately **30-feet** onto property Tax Map No. 48.04-3-66.1 crossing a chain-link fence;

Thence continuing south-southeasterly along an existing ROW approximately **140-feet** onto the property Tax Map No. 48.04-3-67;

Thence continuing south-southeasterly approximately **480-feet** crossing a stone pile onto the property Tax Map No. 48.04-3-66.3;

Thence proceeding along an existing ROW south-southeasterly approximately **430-feet** then turning southwesterly; then proceeding approximately **125-feet** then turning southeasterly;

Thence continuing southeasterly approximately **80-feet** then turning southwesterly proceeding onto the property Tax Map No. 48.04-3-66.4;

Thence continuing southwesterly along an existing ROW approximately **530-feet**, crossing a Village of Horseheads water pipeline and drainage Ditch CC, then crossing beneath Gardner Road through open cut, an existing 12-inch steel gas main, and into the Village of Horseheads and property Tax Map No. 48.20-1-58.11, thence turning southwesterly;

Thence continuing southwesterly, approximately **45-feet** beneath a gas distribution pipeline and then **25-feet**, then turning northwesterly;

Thence continuing westerly approximately **45-feet** beneath a gas distribution pipeline and then **30-feet**, then turning westerly approximately **40-feet**;

Thence continuing north-northwesterly approximately **75-feet** exiting the NYSEG electric overhead electric transmission ROW, then turning northwesterly, proceeding onto the property Tax Map No. 48.20-1-58.12;

Thence continuing northwesterly along the existing Gardner Road ROW approximately **180-feet**, then turning southwesterly;

Thence continuing southwesterly approximately **25-feet** beneath a gas distribution pipeline and then continuing **135-feet**, then turning westerly continuing approximately **170-feet** before again turning southwest and continuing approximately **70-feet** before turning west into the proposed Gardner Road M&R station with the coordinates, Latitude 42° 10' 34.3"N; Longitude 76° 50' 28.83"W.

Aboveground pipeline markers will be installed at the crossings of all roads and streams, at all turning points, and where necessary to identify the pipeline so as to reduce the possibility of damage or interference. The locations of proposed pipeline markers are shown on the drawings in Exhibit A, Figures.

(ii) depth at which pipe will be buried;

The pipeline will be buried with a minimum of 48-inch cover in agricultural lands (croplands) and 36-inch cover in all other non-drainageway locations. The pipeline will be buried with a minimum of 60-inches of cover in all streams, ditches, and drainages. If bedrock is encountered, the minimum cover will be 24-inches.

(iii) maximum allowable operating pressure (psig);

The maximum allowable operating pressure of the pipeline from the tap of Inergy's Seneca Lake Storage west pipeline to the Yawger Road M&R station will be 1,341 psig. The maximum allowable operating pressure of the pipeline from the Yawger Road M&R station to the Gardner Road M&R station will be 1,100 psig. In conjunction with this project, approximately 300-feet of

20-inch steel distribution pipe will be installed between the M&R station and Gardner Road. This distribution pipe will operate at 55 psig.

(iv) right-of-way width;

The typical right-of-way width for the pipeline will be 40-feet-wide, of which 30-feet will be permanent easement and the remaining 10-feet will be temporary easement for the construction period. In selected locations, such as stream and road crossings, croplands, selected wetlands and areas of side-slopes, additional temporary right-of-way will be required for construction. In addition, temporary extra work space (EWS) is designated in areas along the pipeline route as required to accommodate log storage and staging. The right-of-way limits and EWS areas are shown on the drawings in Exhibit A, Figures.

(v) width of any area to be cleared;

Where the proposed pipeline parallels the Columbia A-5 pipeline, NYSEG will share part of the Columbia right-of-way. Incremental clearing up to 25-feet in width adjacent to the Columbia right-of-way will be required in wooded areas. The proposed pipeline will require three short segments of entirely new right-of-way. The first segment is located just east of the tap point and is approximately 800-feet in length. The second segment is located on either side of Hickory Grove Road and is approximately 600-feet in length. The third segment is located east of the Gardner Road M&R station site and is approximately 300-feet in length. A clearing width of 40 to 50-feet will be required along portions of these new segments of right-of-way. Where the pipeline parallels NYSEG's electric line, most construction activity will take place within the existing right-of-way. Additional clearing may be required in areas where additional work space is required for construction. These locations are shown on the drawings in Exhibit A, Figures.

(vi) any known underground facilities to be crossed or paralleled;

A total of twenty-two (22) underground facilities will be crossed by the proposed pipeline. These facilities are listed below and are shown on the drawings in Exhibit A, Figures. In addition to these underground facility crossings, the proposed pipeline will cross beneath a total of ten (10) public roads; two (2) private roads; and seven (7) overhead electric utility lines.

Table 1-1: Underground Facilities To Be Crossed

Facility	Location	Station
Talisman Energy Corp 10-inch gas pipeline	Talisman Right-of-Way	30-feet from Tap
Millennium Gas Transmission 30-inch gas pipeline	Columbia Right-of-Way	26+36
Columbia Gas Transmission Inactive 12-inch gas pipeline	Columbia Right-of-Way	26+55
Verizon Telephone Cable	Chambers Road	52+53
NYSEG Gas Distribution Pipeline 4-inch PE gas pipeline	Chambers Road	52+54
Verizon Telephone Cable	Chambers Road	52+59
Millennium Gas Transmission 30-inch gas pipeline	Columbia Right-of-Way	92+12
NYSEG Gas Distribution Pipeline 2-inch PE gas pipeline	Barnes Hill Road	112+64
Columbia Gas Transmission 12-inch gas pipeline	Columbia Right-of-Way	134+00
Columbia Gas Transmission 12-inch gas pipeline	Columbia Right-of-Way	139+83
NYSEG Gas Distribution Pipeline 2-inch PE gas pipeline	Woodgate Drive	149+69
Columbia Gas Transmission 12-inch gas pipeline	Columbia Right-of-Way	157+62
Dominion Gas Transmission 26-inch gas pipeline	Dominion Right-of-Way	189+70
Dominion Gas Transmission 30-inch gas pipeline	Dominion Right-of-Way	189+85
NYSEG Gas Distribution Pipeline 12-inch steel gas pipeline	Hickory Grove Road	192+83
Verizon Telephone Cable	Oak Hill Road	206+24
NYSEG Gas Distribution Pipeline 4-inch PE gas pipeline	NYSEG Electric Right-of-Way	222+07
Village of Horseheads Water Pipeline	Gardner Road	246+06
NYSEG Gas Distribution Pipeline 12-inch steel gas pipeline	Gardner Road	246+31
NYSEG Gas Distribution Pipeline 12-inch steel gas pipeline	Gardner Road	246+90
NYSE G Gas Distribution Pipeline 12-inch steel gas pipeline	Gardner Road	248+04
NYSEG Gas Distribution Pipeline 12-inch steel gas pipeline	Property Tax Map No. 48.20-1-58.12	250+28

Prior to the start of construction, owners of the underground facilities will be notified in accordance with the requirements of New York Industrial Code Rule 753 (16 NYCRR 753). Those owners who are members of the one-call system serving Chemung County will be notified by that means.

The proposed SWPI pipeline will parallel the Columbia Gas Transmission right-of-way for approximately 19,300-feet. Within the initial approximate 5,000-feet of the right of way is an inactive section of the Columbia A- 5 pipeline and for the balance of 19,300-feet the pipeline is active. The Millennium pipeline is located within this same right of way for approximately 9,200-feet of its initial length.

(vii) name or permit number of any wells to be connected to the line

NYSEG currently has no plans to connect any wells to the gas line. For reference, a listing of gas wells within ten (10) miles of the proposed pipeline is provided in Exhibit B.

(viii) the point where the line connects to another pipeline (giving the nominal diameter of such line and the owner's name)

The proposed pipeline will tap Inergy's 16-inch diameter Seneca Lake Gas Storage Facility Pipeline located west of Yawger Road in the Town of Big Flats and connect to two 12-inch steel pipelines in NYSEG's Elmira distribution system at the proposed Gardner Road M&R station in the Village of Horseheads. The tap point and M&R station sites are shown on the drawings in Exhibit A, Figures.

(ix) existing or proposed access roads to be used for construction and maintenance of the line and any associated compressor station

Access to the project will be from existing public and private (with owners' permission) roads and designated off-right-of-way access roads. The proposed off-right-of-way access roads are shown on the drawings in Exhibit A, Figures.

(x) for any new or expanded compressor station, a site development plan (at a scale of at least 1-inch = 20 feet), showing: location, setbacks to property lines; structures (giving profile, materials and finish); grading and landscaping; drainage provisions; number, type, size and model of the compressor(s) and silencer(s); and the materials and design of any noise abatement structures;

There will be no new or expanded compressor station for this transmission line.

(xi) the name of every municipality in which any portion of the line is to be located.

The pipeline will be located within the Towns of Big Flats and Horseheads, and the Village of Horseheads, Chemung County, New York.

(3) an indication of which measures and techniques from the approved Environmental Management and Construction Standards and Practices (EM&CS&P) to which the applicant has agreed (or any site-specific modification thereof) will be followed in an effort to minimize or avoid adverse environmental impact on sensitive resources affected by the line to the maximum extent practical, which resources include:

(i) existing and officially approved planned residential, commercial, industrial, institutional, recreational and agricultural land uses;

NYSEG will adhere to the appropriate measures in the Department of Public Service Staff's Environmental Management and Construction Standards and Practices (EM&CS&P) approved by the New York State Public Service Commission in PSC Case #06-T-1383, as indicated in the checklist marked Exhibit C, and by those standards and practices outlined in the Stormwater Pollution Prevention Plan (Exhibit E).

A qualified construction supervisor will be on the job at all times when the project is underway. The qualifications of the construction supervisor are: a minimum of a four-year degree in engineering or related course studies in project management and construction supervision or demonstrated knowledge and experience directly related to project management and construction supervision.

A qualified environmental monitor, with stop-work authority, will be on-site during the start-up of each field operation and at all times during construction in streams and wetlands. The environmental monitor will also be available to the construction supervisor to provide advice on any environmental issues that may arise. The qualifications of the environmental

monitor are: a minimum of a four-year degree in forestry or related environmental discipline or demonstrated equivalent knowledge, including courses in ecological sciences, and two years' experience in environmental construction inspection.

The existing land uses crossed by the pipeline include agricultural, residential (single and multi-unit housing), professional office, utility and road rights-of-way, and open space (brushland and forest). The existing land uses are shown on the drawings in Exhibit A, Figures. A plan for multi-unit housing on two vacant lots north of Gardner Road and west of the electric line right-of-way has been submitted to the Town of Horseheads for approval and is shown in Figure 3. The location of the pipeline on the electric line right-of-way will not impact this proposed development.

The general vegetative communities that occur along the project corridor include upland meadow, wet meadow, upland scrub shrub, wetland scrub shrub, upland forest, wetland forest and mowed lawn. Table 1-2 below summarizes the approximate linear footage of each cover type through which the proposed pipeline will pass.

Table 1-2: Cover Types To Be Transected

Cover Type	Linear Feet (approx.)
Active Agriculture	1,500
Inactive Agriculture	800
Wetland	900
Mature Woodland	1,000
Scrub-Shrub	3,200
Existing Mowed Utility Easement	18,055

Agricultural land uses that will be crossed by the proposed pipeline are shown on the drawings in Exhibit A, Figures. Surface drainage ditches are labeled on the drawings. No strip-cropping, diversion terraces, or waste management conveyance or storage systems will be affected by the project. NYSEG has consulted with the Chemung County Soil and Water Conservation District, and determined there are no mapped underground drain tile lines along the route. If any functional tile lines are damaged due to construction, NYSEG agrees to repair them to at least their original condition.

(ii) ecosystem resources, including highly erodible soils, wetlands, flood plains, streams,

springs, wells, unique old-growth forests, active sugar bushes, productive timber stands, trees listed in the Registry of Big Trees in New York State and habitats of rare, threatened and endangered species;

NYSEG reviewed the soils that will be crossed by the pipeline, and according to the Chemung County Soil Conservation Service, Soil Survey of Chemung County, no highly erodible soils will be crossed.

There are several streams that cross the project corridor. These streams are Sing Sing Creek, tributaries of Sing Sing Creek and tributaries of Newtown Creek. Both Sing Sing Creek and Newtown Creek are tributary to the Chemung River and the Chemung River is tributary to the Susquehanna River. The Susquehanna River is a Traditional Navigable Water (TNW). The aerial miles from the approximate center point of the project corridor to the Susquehanna River is approximately 24 miles. The river miles from the approximate center point of the project corridor to the Susquehanna River is approximately 34.5 miles.

Water quality of surface waters in New York State is classified by the NYSDEC as “A,” “B,” “C,” or “D,” with special classifications for water supply sources. A “T” used with the classification indicates the stream supports, or may support, a trout population. Water quality standards are also provided. All surface waters with a Classification and/or a Standard of C(T) or better are regulated by the State.

The NYSDEC stream classifications are as follows:

- Stream O (Sing Sing Creek) - Class C/ Standard C (Crossing at Station 69+66)
- Stream N (tributary of Sing Sing Creek)- Class C/ Standard C (Crossing at Station 65+50)
- Stream Y (tributary of Sing Sing Creek)- Class C/ Standard C (Crossing at Station 14+60)
- Stream M (tributary of Sing Sing Creek- Class C/ Standard C(T) (Crossing at Station 54+87)

The locations of a flood plain, streams, springs, and wetlands are shown on the drawings in Exhibit A, Figures. No New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetlands, wells, old-growth forests, active sugar bushes, or Big Trees have been identified. No threatened or endangered species were identified during

field surveys. An Endangered Species Field Report Summary and correspondence with the New York State DEC and US Fish and Wildlife Service is found in Exhibit H.

(iii) officially designated visual resources, including scenic areas, roads, vistas and overlooks;

The project location contains no officially designated visual resources.

(iv) Officially designated cultural resources including archaeological sites and historic districts, places and properties.

A Phase 1a and 1b Cultural Resources Survey of the entire 4.9-mile project route, including M&R site was completed in August 2011 by Gray & Pape, Inc. No cultural resources were identified during the archaeological survey. The cultural resources survey indicated that the proposed construction of the NYSEG Seneca West Pipeline Interconnect gas pipeline will have no effect on cultural resources. Accordingly, no additional archaeological investigations were recommended. NYSEG has included a copy of the “No Impact” letter it received from NYS Office of Parks, Recreation, & Historic Preservation (OPRHP) in Exhibit I.

Section 85-1.2(c)(2) of the Rules requests:

a list of applicable State and local laws and regulations issued thereunder, including copies of any local ordinance, law, resolution or other action, any regulation issued thereunder, or any local standard or requirement that, as applied to the line, the applicant believes to be unreasonably restrictive in view of the existing technology, factors of cost or economics or the needs of consumers.

The Public Service Law, State and local highway regulations, and the New York State Department of Environmental Conservation stream protection regulations are applicable to the pipeline installation. In addition, the Towns of Big Flats and Horseheads and the Village of Horseheads have zoning codes and laws that may be applicable to the proposed project. A list of these laws are provided in the application in Exhibit D, Potentially Applicable Local Laws.

Section 130 of the Public Service Law (PSL) preempts state agencies and municipalities from requiring any approval, consent, permit, certificate or other condition for the

construction or operation of an Article VII transmission facility for which a certificate has been issued by the Public Service Commission (PSC). However, PSL Section 126(f) requires the PSC to apply the applicable state or local laws and regulations relating to the siting of the transmission facilities, except that the PSC may refuse to apply any local law or requirement that as applied to the proposed facilities is deemed to be unreasonably restrictive in view of existing technology, factors of cost or economics, or the needs of consumers. Therefore, to the extent that any standard or requirement under any applicable local law or regulation prevents or unduly restricts the construction or siting of the proposed project facilities, NYSEG requests a waiver pursuant to PSL Section 126(f) of such requirements or prohibitions.

The towns' and village's zoning codes and laws were reviewed with regard to their potential impact on the proposed project. Tables 2-1 through 2-3 below provide listings of local codes and laws for which waivers are requested. Ordinances that require an application for, or provide requirements to obtain, a Building Permit, Certificate of Occupancy, Operating Permit, Certificate of Compliance for Flood Plain Design, site plan approval, preliminary plan approval, or Zoning Permit are not listed in these tables because Section 130 of the Public Service Law bars municipalities from requiring consents or permits for the construction of an Article VII certified facility. Similarly, applicant has not requested waivers from ordinances that would allow a municipal Code Enforcement Officer to issue a stop work order based on violations of a municipal permit, since municipalities are barred from requiring such permits for an Article VII facility and applicant will not apply for such permits.

Table 2-1 Town of Big Flats Local Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Zoning Law § 17.36.080, Valley Wall Development (p.106)</i></p>	<p>For areas in the town with steep slopes, construction activity proposed for these areas require special design consideration to prevent erosion, minimize stormwater runoff, and preserve large trees, natural terrain and scenic views. A slope greater than 25% cannot be developed except as approved in a site plan. The provision also requires special design considerations, including preservation of large trees (12” in diameter at breast height).</p> <p>Design principles and criteria to be implemented include:</p> <p>a) landscaping of areas around a structure making such areas compatible with the natural terrain; b) shaping, grouping, and placement of manmade structures to complement the natural landscape; c) arrangement of structures so they complement one another to promote visual interest.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>NYSEG’s buried gas pipeline will parallel and partially co-occupy existing gas pipeline rights of way. The M&R station will be located adjacent to similar-appearing existing above ground facilities. The facilities have been located to mitigate additional impacts to trees, terrain and views. Compliance to these provisions would be unreasonably restrictive and result in costs to the consumers that would outweigh any benefit of applying such provision. Therefore, a waiver is requested.</p>
<p><i>Zoning Law § 17.36.260, Noise (p.131)</i></p>	<p>Unless specifically authorized in an approved site plan, a use on a lot shall not produce a sound level that exceeds an average of seventy (70) decibels (dB) over any twenty-minute period from eight o’clock a.m. to ten o’clock p.m. and of sixty-five (65) decibels (dB) at all other times as measured at a lot line of the lot.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>Noise is unavoidable given the nature of the proposed construction activities. Activities to be conducted in the course of construction, including motorized equipment engaged in vegetation clearing, excavation and erection of pipelines and structures, could make compliance technically impossible or impracticable. Construction activities will be limited to day time hours and all equipment will be muffled consistent with industry standards. During operation the applicant may incur emergency conditions where the creation of unreasonable noise or obtaining approval to work outside the permitted hours is impractical or impossible. To the extent that this ordinance applies to construction activities and upset conditions during operation on a parcel once construction is complete, a waiver is requested.</p>

Table 2-1 Town of Big Flats Local Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Zoning Law</i> § 17.37, SWPPP (p.143)</p>	<p><i>Stormwater Management and Erosion and Sediment Control Law of the Town of Big Flats, New York ((LL No. 9, 2007 § 1 (part)) (LL No. 6, 2009).</i></p> <p>This chapter establishes minimum storm water management requirements and controls to protect and safeguard the public. Its objectives include conformance to NYSDEC SPDES permit requirements, minimization and reduction of storm water runoff and pollutants and review by a municipal storm water management officer.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>Compliance with this local law is unnecessary and redundant since NYSEG will comply with the New York State Department of Environmental Conservation General Stormwater Permit for Construction Activities (GP-0-10-001). Since the PSC and NYSDEC will be reviewing the project SWPPP, an additional review by the Town could cause unreasonable restrictions, increased cost, and/or conflicting conclusions, leading to delays. Therefore, a waiver is requested.</p>
<p><i>Business Processes and Regulations</i> 5.16 Timber Harvesting pg. 14</p>	<p>This law is intended to regulate timber harvesting activities to minimize environmental damage. In Section 2(c), removing timber along utility line rights-of-way is included as a timber harvesting activity for which a permit is required. The law also requires performance guarantees for damage to roads, right of way and public way, certificates of insurance documenting valid liability insurance policy, requirements for crossing streams, placement and maintenance of water bars, and limitations on tree removal at buffer strips along streams.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>NYSEG contractors will be required to carry appropriate liability insurance. The preparation and maintenance during construction of the pipeline right of way and M&R site, which includes tree removal, as well as its restoration will be performed in accordance with the EM&CS&P. The requirements of the Harvesting Law could duplicate and possibly conflict with NYSEG contract requirements and the EM&CS&P, be unreasonably restrictive and result in costs to the consumers that would outweigh any benefit of applying such provision. Therefore, NYSEG requests a waiver from this local law.</p>

Table 2-2 Town of Horseheads Local Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Town Code, Chapter 166-4(D) - Stormwater Management and Erosion and Sediment Controls</i></p>	<p>The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Town of Horseheads. Requires land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities GP-02-01 or as amended or revised. Requires review by a Stormwater Management Officer assigned by the municipality.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>NYSEG will comply with the New York State Department of Environmental Conservation General Stormwater Permit for Construction Activities (GP-0-10-001). The PSC and NYSDEC will be reviewing the project SWPPP. An additional review by the Town could cause unreasonable restrictions, increased cost, and/or conflicting conclusions, leading to delays. Therefore, a waiver is requested.</p>
<p><i>Zoning Article IV</i> §204-8, General Development Regulations, Subsection (Q)</p>	<p>There shall be no outdoor storage of goods, supplies, equipment, rubbish, refuse or junk.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>In Section 204-8 (Q), outdoor storage of supplies, equipment, rubbish (by definition includes trees, branches, wood, etc.) and other materials is prohibited except in an Agricultural district. If this provision could be interpreted to prohibit the disposal of cut vegetation on the utility right-of-way in any zoning district crossed by the pipeline, or use of an area for temporary storage of pipeline construction materials, it would constitute unreasonably restrictive conditions and would make the project more costly if such materials must be removed. For these reasons, a waiver from the provisions of Section 204-8 (Q) is requested.</p>

Table 2-3 Village of Horseheads Local Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Zoning</i> §163, Noise (p.2,5,6)</p>	<p>No person shall intentionally cause public inconvenience, annoyance or alarm or recklessly create a risk thereof by making unreasonable noise or by causing unreasonable noise to be made. “Unreasonable noise” shall mean any sound created or caused to be created by any person or an animal, machine, instrument or item owned, operated by, or under such person's control which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of the public or which causes injury to animal life or damages to property or business. It shall be unlawful for any person to operate or repair any machinery, motor vehicle, construction equipment or other equipment, pump, fan, air-conditioning apparatus or similar mechanical device or to engage in any commercial or industrial activity in any manner so as to create unreasonable noise as defined and described in §§ 163-3 and 163-4 of this chapter. In making such determination with respect to the matters governed by this section, additional factors to be considered shall include: (1) The necessity of the work being done; (2) The ability of the creator of the noise to minimize or reduce the amount of noise created or to otherwise minimize its adverse effects. The operation of gasoline, electric or diesel power equipment or machinery in residential zones outdoors or covered structures with large openings, such as a carport or a garage with the garage door open, between the hours of 9:30 p.m. and 7:00 a.m. the following day, and on weekends between 9:30 p.m. and 8:00 a.m. Where a sound source is planned, installed or intended to be installed or modified by any person in a manner that such source will create or is likely to create unreasonable noise or otherwise fail to comply with the provisions of this chapter, such person must secure a permit pursuant to Subsection D (2).</p>	<p>Existing technology; factors of cost or economics.</p>	<p>Noise is unavoidable given the nature of the proposed construction activities. Activities to be conducted in the course of construction, including motorized equipment engaged in vegetation clearing, excavation and installation of pipelines and structures could make compliance technically impossible or impracticable. Construction activities will be limited to day time hours and all equipment will be muffled consistent with industry standards. The Applicant will implement noise mitigation measures during the course of the proposed project. It is also possible construction may have to occur on weekend days to accommodate local business concerns. During operation the applicant may incur emergency conditions where the creation of loud noise is unavoidable or obtaining approval to work outside the permitted hours is impractical or impossible. Compliance with these requirements may result in unnecessary delays or increase costs to project construction or result in unreasonable restrictions to its operation. A waiver is requested.</p>
<p><i>Zoning</i> §245-76,78, and 79 Planned Unit Development –</p>	<p>§245-78 states that a planned unit development shall include no less than three (3) acres of contiguous land. A minimum of 25% of planned unit site area shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.</p> <p>§245-79 requires a Planned Unit Development meet specific general, design, landscaping, circulation/traffic, and parking/loading standards, subject to review by the Town Planning Board. The planned unit development shall provide for an effective and unified treatment of the</p>	<p>Factors of cost or economics.</p>	<p>The project is within a “Planned Unit Development” Zone. The only permitted principle use in this zone is a planned unit development, which is defined as “an area of at least three acres in size in one ownership designed and built as a single unit providing a street system and water and sewer facilities as necessary and used for residential or commercial or industrial purposes or some combination thereof. Because this project does not qualify as a Planned Unit Development it could be found to be an illegal use in the zone. Moving the project out of the zone would impose costs to consumers that</p>

Table 2-3 Village of Horseheads Local Ordinance Waiver Requests

	development possibilities on the project site, making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas. The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.		would outweigh any benefit of applying such a revision, these conditions are overly restrictive and a waiver is requested.
<i>Zoning</i> §245-91 through 94, Lot Requirements (p.53-54)	These sections impose certain requirements and restrictions on lot size, orientation, and setbacks.	Existing technology; factors of cost or economics.	Such provisions would require more property for the M&R station than would be otherwise required, resulting in additional costs. These requirements are unreasonably restrictive. The costs to consumers would outweigh any benefit to applying such provisions. Therefore, a waiver is requested.
<i>Zoning</i> §245-100, Multiple buildings (p.56)	When there is more than one principal building on a lot in any district, the space between such buildings shall be no less than the sum of the side yards required or the sum of the rear and front yards, as the case may be.	Existing technology; factors of cost or economics.	NYSEG’s M&R facility will consist of multiple buildings, and complying with these requirements would result in the need for additional property and increase construction costs. Such provisions would be unreasonably restrictive. Therefore, a waiver is requested.
<i>Zoning</i> §245-107 (p.59) Landscaping	Any approved unenclosed use may be required to be landscaped in accordance with this subsection, and shall provide a fence, screen or landscaping sufficient to obscure such use from view from abutting properties lying in residential districts or from a public right-of-way. Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board prior to the issuance of a building permit. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or deceased landscaping shall be considered a violation.	Existing technology; factors of cost or economics.	NYSEG’s M&R station will set back from public right of ways and partially shielded from view by the adjacent Dominion M&R station. Any obligation to obscure the M&R station, including its approximately 25-foot heater vent stack, from view from abutting properties would affect security of the station. These landscaping requirements would therefore be unreasonably restrictive and add costs to the project. The costs to consumers would outweigh any benefit of applying such provision. For these reasons, NYSEG requests a waiver from the landscaping regulations.
<i>Zoning</i> §245-111, Essential Services (p.63)	Such uses shall be limited to the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies including underground or overhead gas transmission or distribution systems and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Enclosed utility structures in R Districts shall not be located on a residential street unless no other site is available, and the location and design of the facility shall	Existing technology; factors of cost or economics.	The limitations of this section could be interpreted to prohibit NYSEG from the installation of building and other above ground structures or facility comprising the M&R station. The location selected for the M&R Stations is not the “only” possible site for the facility, but the location is the best from an engineering and a local impact perspective, and a requirement that they be moved to another location would be unreasonable considering existing technology and cost. Therefore, a waiver from this section is requested.

Table 2-3 Village of Horseheads Local Ordinance Waiver Requests

	not adversely affect the character of the surrounding community. Where applicable, the landscaping regulations of this chapter shall apply.		
<i>Zoning</i> §245-113 – Off Street Parking & Loading (p. 64)	In all districts and overlay zones, there shall be provided, at the time any new building or structure is erected or a principal building's use is changed, off-street parking spaces open to the public at no charge for automobiles. Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, and shall be of usable shape and conditions. Except in the case of dwellings, no parking area provided hereunder shall be established for fewer than three spaces. The number of parking spaces required shall be as set forth in the off-street parking schedule.	Existing technology; factors of cost or economics.	This section imposes certain requirements and restrictions on provisions for off-street parking open to the public. Such provision would be unreasonably restrictive and impact security of the station. NYSEG will allocate adequate space within the M&R station for parking of vehicles for normal operation and maintenance of the station. Therefore, a waiver is requested.
<i>Zoning</i> §245-119 through 121, Special Use/Site Plan (p.71)	All site plan information and building designs shall be prepared by a New York State licensed architect or engineer. Site plan application must include a certified or notarized economic analysis of the project indicating the profit and loss of the project and including, but not limited to, the following: income, costs, rentals, taxes, market area and utilities. In addition, the applicant shall provide a full disclosure statement concerning the project. For proposed projects exceeding \$100,000 in construction costs, documented evidence shall be provided of the applicant's financial ability to undertake and successfully complete the proposed project within the specified project construction period.	Existing technology; factors of cost or economics; needs of consumers.	The approval of the cost of the project and determination of the applicant's financial ability is the determination of the Public Service Commission. Therefore, a waiver is requested.
<i>Zoning</i> §245-122, Special Provisions (p.76)	Adequate stormwater drainage shall be provided and shall be based on a one-hundred-year rainfall frequency for interior drainage design. All projects shall be suitably landscaped, including all the provision of vegetation of suitable species and at appropriate levels of maturity in order to screen effectively dissimilar uses from one another, both visually and acoustically, and to protect and enhance the overall quality of the environment. A landscaping plan shall be prepared by a New York State licensed landscape architect or one authorized to practice such profession. All projects shall have landscaping equal to a minimum expenditure of 1 1/2% of the total project cost. Landscaping shall be considered as any living plant but shall not include excavating, earth moving, fill, grading or paving associated with normal requirements of building. In addition, all projects shall contain on the site artwork of a minimum expenditure of 1/2 of 1% of the total project	Existing technology; factors of cost or economics.	NYSEG's M&R station will set back from public right of ways and partially shielded from view by the adjacent Dominion M&R station. Any landscaping to obscure the M&R station, including its approximately 25-foot heater vent stack, from view from abutting properties would affect the security of the station. The artwork, open space, and sidewalk provisions are not characteristic of the proposed M&R station and would result in unnecessary additional cost to the project. NYSEG will comply with the New York State Department of environmental Conservation General Stormwater Permit for Construction Activities (GP-0-10-0011).The requirements in this section are both unnecessary and inappropriate for the subject facility or are unreasonably restrictive. The costs to consumers would outweigh any benefit to applying such

Table 2-3 Village of Horseheads Local Ordinance Waiver Requests

	<p>cost. Buildings shall be located so that the privacy of individual units is protected and so that their arrangement creates usable open green spaces, avoids monotonous, undifferentiated silhouettes and produces a satisfactory microclimate. Sidewalks shall be provided and be integrally designed so as to provide safe and convenient access between buildings and internal recreation, parking and service areas.</p>		<p>provisions. Therefore, a waiver from the special provision regulations is requested.</p>
<p><i>Zoning</i> §245-124, Performance Standards (Noise) (p.78)</p>	<p>Performance standards shall apply to any use, existing or proposed, which the Zoning Board of Appeals, Planning Board, Board of Trustees, or the Code Enforcement Officer has reasonable grounds to believe is violating these standards. The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses. All noise shall be muffled so as not to be objectionable beyond the lot line due to intermittence, beat frequency, or shrillness, in accordance with accepted sound-pressure levels as established by the Occupational Safety and Health Administration or similar regulatory agencies of the local, state, or federal government or such governmental bodies themselves. An operation which creates intense earthshaking vibration, i.e., heavy drop forges or heavy hydraulic surges, shall not be discernible beyond the property lines of the industry. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without the use of instruments shall be permitted. Exterior lighting shall be controlled so it is not a nuisance to adjacent lots.</p>	<p>Existing technology; factors of cost or economics.</p>	<p>Noise is unavoidable given the nature of the proposed construction activities. Activities to be conducted in the course of construction, including motorized equipment engaged in vegetation clearing, excavation and installation of the pipeline structures could make compliance technically impossible or impracticable. The applicant will require that all construction equipment used in the construction of the project is outfitted with appropriate mufflers. However the noise typically occurring from such operations may make compliance impractical or impossible to comply with these regulations. During operation the applicant may incur emergency conditions where the creation of unreasonable noise or emission of odorous gases occurs. Therefore, a waiver is requested.</p>

Other Applicable Regulations

Pursuant to the Clean Water Act, NYSEG will prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit the required Notice of Intent to the NYSDEC, Division of Water, Bureau of Water Permits to obtain coverage under the *General Permit (GP) for Stormwater Discharges from Construction Activity - GP-0-08-001*. A copy of the project SWPPP is provided in Exhibit E. NYSEG will also comply with the substantive portions of 6 NYCRR Part 608 relative to the protection of waters during the construction of the project.

The proposed pipeline will cross Corps of Engineers' jurisdictional waters. The Corps of Engineers' Nationwide Permit 12, authorized by the U.S. Army Corps of Engineers under Federal Section 404 Clean Water Regulations, allows the placement of NYSEG's proposed pipeline in these waters subject to NYSEG obtaining a Section 401 Water Quality Certificate. NYSEG hereby requests this Certification from the Public Service Commission.

Section 85-1.3(a)(2) of the Rules requires:

a description using text and detailed construction-type map (at a scale of 1" = 400 feet or larger) showing the centerline and the specific relationship of the line to such features as:

(i) sensitive resources that will be affected by the line, as defined in Section 85-1.2(a)(3) of this Subpart;

(ii) property boundaries, fences, walls, and hedgerows to be crossed;
and

(iii) any dwelling unit within 150-feet;

The known sensitive resources that will be affected by the gas line are shown on the drawings in Exhibit A, Figures, and include the following: residential and agricultural land uses; a Federal Emergency Management Agency designated flood plain associated with Sing Sing Creek; (4) DEC designated streams; and (38) wetlands and watercourses not regulated by the DEC. The drawings in Exhibit A, Figures, show property boundaries, fences, walls, and hedgerows that will be crossed by the gas line and dwelling units within 150-feet of the proposed centerline.

Section 85-1.3(a)(3) of the Rules requires a statement explaining the need for the line:

In its August 30, 2007, Order on Capacity Release Programs in Case 07-G-0299, the Public Service Commission ordered local distribution companies ("LDCs") with local gas production connected directly to their distribution facilities to file, in their next major rate applications, a plan for use of this local gas production as upstream capacity that would be a long term replacement for capacity provided by the LDC. In response to the Order, NYSEG filed a Local Production Plan in Case 09-G-0716, NYSEG's next major rate case after issuance of the Order on Capacity Release Programs. As part of the Plan, NYSEG proposed to develop Local Production Areas ("LPA"s) designed to meet the stated goal of the Order to allow local production to offset the need for long term capacity at the LDC gate. The Plan also proposed the development of the first LPA (LPA-1) in conjunction with a construction project included in the Company's capital expenditure forecast in the case.

LPA-1 outlined a project for NYSEG's Elmira distribution system that would allow a combination of local production supply directly connected to the NYSEG system and on-system high deliverability storage to serve as a replacement for traditional interstate pipeline capacity at the LDC city gate. The capital expenditure for the plan was approved by the Commission in its Order Establishing Rate Plan, Issued and Effective September 21, 2010, in Case 09-G-0716.

The Seneca West Pipeline Interconnect ("SWPI") project is the capital project that is a necessary component in the implementation of LPA-1. Once in service, it will provide:

- a direct connection with high deliverable gas storage service,
- increased utilization of locally produced natural gas,
- reduced reliance on interstate pipeline capacity, and
- a reduction in the overall cost of natural gas supply.

The SWPI will connect NYSEG's Elmira distribution system to Inergy's Seneca Storage facility, a high deliverability salt dome gas storage facility connected to the Seneca West lateral, thereby satisfying the Commission's requirement that gas supplies will be adequate to serve existing and potential consumers from a proposed line during the first 10 years of the line's operation.

The SWPI will also allow for increased utilization of locally produced natural gas. This concept has been considered in the past, but local production from Trenton-Black River wells in western New York, while robust, was not likely to be available in the long term. Supply from Marcellus Shale formations in

northern Pennsylvania, however, can be considered available in the long-term. Additionally, if New York State Department of Environmental Conservation draft hydraulic fracturing regulations are approved and implemented in New York, there may be additional sources of local supply on the system that can be utilized.

Long-term supply from Marcellus Shale formations in northern Pennsylvania, and potentially in New York State, together with the Seneca Storage resource, will provide reliability of supply for a portion of the firm customer load on the NYSEG Elmira distribution system.

The project will interconnect with the Elmira distribution system at a receipt point that is currently served with interstate pipeline capacity by the NYSEG / Dominion Transmission interconnect at the Gardner Road gate station. Once in service, the SWPI will reduce the need for a similar amount of traditional long term interstate capacity contracts that currently provide supply to the Elmira area.

(i) a demonstration that a market (or specific purchaser) for the gas will exist

This project involves the construction and operation of a new high pressure, natural gas, transmission pipeline and two (2) metering and pressure regulation stations which will connect Inergy's Seneca Lake Gas Storage Facility directly to NYSEG's existing distribution systems that supply the Elmira, Big Flats, and the Horseheads market area. The primary upstream gas supply for these distribution areas is presently provided from Dominion Transmission, Inc. (DTI) via both pipeline gas transportation and leased gas storage contracts. These supplies are presently delivered from DTI through the existing Gardner Road, Big Flats, and Bradley Farms (via Corning Gas) purchase stations.

(ii) where the applicant will serve retail customers, a demonstration that gas supplies will be adequate to serve existing and potential consumers during the first ten years of the line's operation; and

This project allows for the reduction of up to 20,000 dth/day in DTI pipeline gas transportation contracts made possible by the direct connection created by the proposed pipeline between the Elmira distribution system and the Seneca Lake Gas Storage Facility. Gas supplies from the Seneca storage facility will be able to be delivered directly to Elmira. Currently, those supplies are delivered onto the DTI pipeline for

subsequent delivery to Elmira or injection into DTI storage. In that regard, the SWPI project is adding supply flexibility to an already existing adequate source of natural gas.

(iii) a showing (if well-drilling is not contemplated in conjunction with the line) of the improvements in system reliability, capability, safety or benefits offered by the line.

This project allows the Company to continue to address the Commission's Gas Policy Statement in Case 97-G-1380 associated with: a) holding new capacity contracts to a minimum, and b) mitigating and managing potential stranded costs. Construction of this project will enable NYSEG to reduce both fixed and variable expenses associated with the use of the pipeline transportation contracts with DTI through the utilization of the existing Inergy Seneca Lake Natural Gas Storage Facility assets. The project will allow for the eventual reduction of up to 20,000 dth/day of transportation contracts with DTI. The reduction in DTI contracts is estimated to result in a savings of \$1,382,000 per year beginning in 2013. The estimated annual potential savings in variable costs associated with the avoided use of DTI contract volumes beginning in the fourth quarter of 2012 are estimated at \$350,000 annually (fuel savings is approximately \$290K and commodity is approximately \$60K annually).

Section 85-1.3(a)(4) of the Rules requires any other information the applicant considers relevant.

Steel pipe: The steel pipe used for the first 65 feet of pipeline, with an MAOP of 1,341 psig, extending from the tap of the Seneca West Pipeline to the Yawger Road M&R will be: 8.625-inch outside diameter, Electric Resistance Weld (ERW), grade X-52, with a 0.562-inch wall thickness.

The steel pipe used for the remaining 25,390 feet of pipeline, with an MAOP of 1,100 psig, extending from the Yawger Road M&R to the Gardner Road M&R will be: 8.625-inch outside diameter, Electric Resistance Weld (ERW), grade X-52, with a 0.219-inch wall thickness.

During construction 100% of the welds will be radiographically inspected.

Steel pipe coatings: The steel pipe will be factory-coated with a butyl rubber and polyethylene coating (Pritec) and joints will be field-wrapped with polyethylene shrink sleeves. In selected

streams and wetlands, the coating on the pipe will be reinforced concrete over fusion-bonded epoxy.

Corrosion protection: Sacrificial anodes will be buried at selected locations along the pipeline route.

Hydrostatic testing: The pipeline facilities will be tested to meet or exceed the requirements of 16 NYCRR Part 255 of the New York State Public Service Commission's Safety Code for Gas Pipelines. For the test, NYSEG intends to obtain potable water from the Village of Horseheads' water system. Approximately 70,000 gallons of water will be pumped from an area hydrant into the pipe for testing. The pipe will be filled and tested in one segment for the 12-hour duration after pressure stabilization. There will be one discharge site for the test water. This site will be located near the proposed M&R station in the Village of Horseheads. At the water discharge site, NYSEG will create a temporary settling pond lined with geotextile fabric and surrounded by hay bales or a similar sediment trap. Exit velocity will be controlled with a valve and/or diffuser nozzle at the discharge point.

Agricultural Resource Considerations: For areas in which the project could impact agricultural resources, NYSEG will employ, as applicable, the standards and practices specified in the New York State Department of Agriculture and Markets – *Agricultural Mitigation Through the Stages of Project Planning, Construction/Restoration and Follow-up Monitoring* (Exhibit G). The proposed pipeline route has been reviewed and was walked by Mr. Mike Savola of the New York State Department of Agriculture & Markets, John Strub of the New York Department of Public Service, and NYSEG project representatives on April 13, 2011 and August 17, 2011.

Wetlands: Several routes for the proposed pipeline were considered. The proposed pipeline route minimizes potential wetland impacts, but unavoidably crosses 38 federally-regulated wetlands and watercourses (waters of the U.S.). Therefore the proposed pipeline requires authorization under Nationwide General Permits (NWP) #12 (Utilities) and #33 (Temporary Construction, Access, and Dewatering) of Section 404 of the Clean Water Act.

Disturbance from the pipeline installation will include clearing of vegetation along the pipeline right-of-way, excavation of the trench to install the pipeline, backfilling of the trench and final grading to restore pre-existing contours, and installation of two permanent gravel access roads and four (4) gravel pads for Inergy tap, the Yawger Road M&R, the sectionalizing valve near

Hickory Grove Road and the M&R at Gardner Road. These impacts will be minimized by proposed best management practices that will protect water quality, preserve wetland functions and values, and avoid or minimize impacts to breeding wildlife. Invasion by non-native plant species will be avoided in wetlands by proactively seeding disturbed soil areas with a native wetland seed mix and mulching the area to preserve soil moisture.

The proposed gas pipeline will not alter the hydrology of the wetlands through which it must pass. Such drainage of wetlands is explicitly prohibited under Clean Water Act Section 404 Nationwide General Permit #12: “the trench cannot be constructed in such a manner as to drain waters of the U.S. (e.g. backfilling with extensive gravel layers, creating a French drain effect).”

Drainage of wetlands will be prevented in several ways: The pipe will be rock-wrapped or concrete coated where it passes through wetland areas so that no draining gravel or sand bedding material will be needed. Watercourse crossings will be open-cut and be completed “in the dry”. Temporary coffer dams will be installed and water will be pumped or piped around the excavation, maintaining flow throughout the installation. Open trench installations will be backfilled with native material, so local soil permeability will not significantly change. Topsoil will be stripped and segregated. If directional drilling is employed to install the pipe, the pipe will be slipped into a drilled tunnel through a slurry of clay. Again, this will avoid the use of gravel bedding, and the clay will seal the tunnel around the pipe, allowing for the natural flow of groundwater around the pipe.

The installation trench will be backfilled with native subsoils and segregated topsoil in wetland and agricultural areas, to recreate a naturalistic soil profile. The backfilled trench will be graded to restore preexisting contours and surface drainage patterns. Upon completion of grading, disturbed soil areas within wetlands will be seeded with a native wetland seed mix such as New England Wetmix (New England Wetland Plants, Inc., Amherst, MA), or similar, and will be mulched with straw or similar material. The seeding and mulching will minimize or prevent invasion by non-native plant species. Disturbed soil areas in uplands will be seeded with a perennial grass seed mixture and will also be mulched.

In upland areas where gravel may be used for bedding, trench breakers will be installed at intervals to prevent percolating surface runoff or groundwater from running laterally along the length of the pipe.

Indirect impacts to wetlands that may result from erosion and sedimentation of disturbed soils

from adjacent upland areas will be avoided through the implementation of soil conservation and stormwater management best management practices such as:

- installation of staked, recessed silt fence along wetland boundaries located down slope of disturbed soil areas, and around soil stockpile areas (alternatively, soil stockpiles may be stored on tarps and covered with tarps at the end of each work day or at the onset of any precipitation event),
- the use of plastic or wooden mats for equipment drive areas in selected delineated wetlands,
- Use of anti-tracking pads to prevent vehicles and equipment from tracking soil onto paved roads, and
- Seeding and mulching of disturbed soil areas upon completion of backfilling and restoration to preexisting contours.

Additional Best Management Practices (BMPs) will be followed in accordance with the project stormwater pollution prevention plan, as well as the PSC's *Environmental Management and Construction Standards and Practices*.

Wildlife: Reference to the U.S. Fish & Wildlife Service's website, New York State Natural Heritage Program (NYSNHP) and a field survey conducted by a Certified Wildlife Biologist concluded that there were no federally-listed threatened or endangered species occurring along the proposed pipeline corridor.

Given that the pipeline route will be located within maintained (mowed) areas and follow an existing gas pipeline and power line right-of-way for the majority of the route, there are no anticipated permanent impacts as a result of this project. Any temporary wildlife impacts will be minimized according to the environmental and construction practices and plans referenced in this application.

Extra Work Space: It is currently proposed that the pipeline will be constructed as per the work areas designated on the drawings found in Exhibit A of this document. These drawings delineate proposed right-of-way, work spaces, staging areas/yards and access. It is currently proposed that the M&R locations at Yawger Road and Gardner Road will be used to stage equipment and materials. A storage yard located on Prospect Road will be used during construction for temporary storage of construction equipment and materials.

Timber: Any trees cut along the proposed pipeline will be cut into logs and stacked along the

outer edge of the right-of-way for use (e.g., firewood) by the landowners on whose property it was cut. All tops, stumps and brush will be chipped and/or buried within the right-of-way.

Blasting: Blasting is not anticipated during the construction of this pipeline. In the event that conditions are encountered that necessitate blasting, all applicable requirements from the EM&CS&P Plan will be implemented. A contractor that has a Class A Blaster's License and that is bonded will be employed as necessary.

Easements: NYSEG is currently engaged in the process of easement acquisition for the project. To date, easements have been secured for approximately 62 percent of the project, with another 17 percent in positive negotiations. NYSEG currently estimates 9 individual properties, representing approximately 21 percent of the project length will likely proceed to eminent domain.

Public Outreach: NYSEG has actively engaged the public, municipal officials, and other interested parties throughout the project planning and design process. Table 2-1 below is a summary of public outreach efforts completed to date. Additionally, copies of public notices are provided in Exhibit F.

Table 3-1, Summary of Outreach to Interested Parties

Date	Outreach Channel(s)	Summary
April 13, 2011	Meeting NYS DPS, NYS Ag and Markets	Conducted a field review of the project with NYS DPS and NYS Ag. and Markets staff.
April 18, 2011	Media	NYSEG notified the Elmira and Corning media about the project and provided the media with the project fact sheet.
April 18, 2011	Direct Mail	NYSEG sent letter announcing the project to property owners directly affected by the project (included survey permission form), another letter to nearby property owners and a third letter to municipal officials in the area. All three letters were accompanied by the project fact sheet.
April 19, 2011	Public Officials Meeting	NYSEG Community Outreach Coordinator met with Chemung County Executive and Town Supervisors of Big Flats and Horseheads to discuss the proposed pipeline and explain the scope and benefits of the project.
April 19, 2011	Public Officials Meeting	NYSEG Community Outreach Coordinator met with President of the Southern Tier Economic Growth organization to discuss the proposed pipeline and explain the scope and benefits of the project.
April 27, 2011	Community Outreach	Commenced delivery and installation of project posters to potentially interested municipal facilities, libraries, post offices, and the NYSEG Horseheads Service Center.
May 18, 2011	Public Officials Meeting	Presentation for and meeting with municipal and elected officials at the NYSEG Horseheads Service Center. Members of the project team presented on the overall need, scope, and benefits of the proposed pipeline project; including a question and answer session.
June 6, 2011	News Release and Public Notice	News release regarding public meeting provided to Elmira and Corning media. First of two paid notices regarding the public meeting ran in the Elmira and Corning newspapers.
June 7, 2011	Direct Mail	Sent letter to all property owners directly affected and nearby property owners and a separate letter to municipal officials in the area advising them of the upcoming public meeting.
June 9, 2011	Public Notice	Second of two paid notices regarding the public meeting ran in the Elmira and Corning newspapers.
June 15, 2011	Community Outreach	Public Open House informational meeting held at the Big Flats Community Center. Open House attended by neighbors, interested stakeholders and public officials, as well as the media (YNN, WENY-TV, and WETM-TV). Project team members provided information and answers to questions raised by attendees. Maps and Fact Sheets were handed out to interested stakeholders.
June 20, 2011	Community Outreach	Survey Notification letters mailed to owners of affected parcels along the proposed pipeline route to notify them of NYSEG's intent to survey the route on and/or along their property, and obtain permission to enter upon their premises.
July 17, 2011	Meeting with NYS DPS	Met with NYS DPS staff in Albany to present the project.

July 20, 2011	Meeting with NYS DEC	Met with NYS DEC staff in Albany to present the project.
August 8, 2011	Community Outreach	Continuing Survey Notification letters mailed to owners of affected parcels along the proposed pipeline route to notify them of the continuance of investigations on their property.
August 17, 2011	Meeting NYS DPS, NYS Ag and Markets	Conducted a field review of the project with NYS DPS and NYS Ag. And Markets staff.
August 18, 2011	Meeting NYS DPS	Conducted a field review of the project with NYS DPS.
September 21, 2011	Meeting NYS DPS	Conducted a field review of the project with NYS DPS.
September 22, 2011	Neighborhood Meeting	Question and answer session with residents along Biltmore Drive to provide information about the proposed pipeline which would be approximately 20-feet from their rear property lines on Bethany property.

SIGNATORY INFORMATION

WHEREFORE, NEW YORK STATE ELECTRIC AND GAS CORPORATION respectfully requests that the Commission issue a "Certificate of Environmental Compatibility and Public Need" pursuant to Article VII of the Public Service Law for the facility described herein.

DATED: NOVEMBER 23rd, 2011

Respectfully submitted,
New York State Electric and Gas Corporation

A handwritten signature in black ink, appearing to read "Javier Bonilla", written over a horizontal line.

Javier Bonilla, Vice President-Energy and Delivery