

New York State Electric & Gas Corporation
Columbia County Transmission Project

Exhibit 8

Other Pending Filings

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EXHIBIT 8: OTHER PENDING FILINGS

In connection with the design, construction and operation of the proposed facilities, NYSEG will seek certain permits or approvals from state and federal government regulators outside the scope of Article VII of the Public Service Law. These permits or approvals are discussed below.

8.1 New York State Department of Transportation – Utility Work Permit

The New York State Department of Transportation (NYSDOT) requires that a Utility Work Permit application be submitted to install utilities within or adjacent to State highway rights-of-way. Following Commission approval of the Environmental Management and Construction Plan (EM&CP) for the Project, NYSEG will obtain highway work permit(s) from NYSDOT pursuant to 17 NYCRR Part 131 for the construction and operation of the Project, subject to the Commission's continuing jurisdiction.

8.2 New York State Department of Environmental Conservation – SPDES Permit for Construction Stormwater

Construction activities for the proposed Project will entail soil disturbances of greater than one acre. Accordingly, storm water discharges from the construction site are required to be covered under a State Pollutant Discharge Elimination System (SPDES) General Permit issued in accordance with Article 17 of the New York State Environmental Conservation Law (ECL). Based on guidance provided by the Department of Environmental Conservation (NYSDEC), NYSEG understands that the erosion control section of the Project's EM&CP, which section will be submitted to the NYSDEC as a separate application, will fulfill the NYSDEC's requirement that a Storm Water Pollution Prevention Plan (SWPPP) be submitted to it. Concurrent with the EM&CP filing, NYSEG will provide the NYSDEC with the required Notice of Intent for coverage of this Project under General Permit No. GP-0-10-001 for Stormwater Discharges from Construction Activities. The required Notice of Termination of such General Permit coverage will be provided to the NYSDEC following completion of the Project.

8.3 U.S. Army Corps of Engineers – Section 404 Permit

All wetlands that meet the criteria for federal wetlands, regardless of size, are regulated under Section 404 of the Clean Water Act by the U.S. Army Corps of Engineers (“USACE”).

As described in Exhibit 4, the proposed new Circuit #726 will cross wetland areas that are regulated by the USACE. Based on past experience, the temporary wetland disturbance associated with construction activities for the Project is likely to be authorized by the USACE's New York District under Nationwide Permit ("NWP") No 12 (utility line activities). Other similar projects have been authorized under NWP 33 (temporary construction). Pre-application consultations with the USACE, New York District, will determine the applicable NWP, and any required documentation or Pre-Construction Notification will be provided in conjunction with the filing of the EM&CP.

8.4 U.S. Army Corps of Engineers – Section 10 Permit

There are 13 NYSDEC-mapped stream crossings along the proposed routes for the project.

A structure or work over waters that have been designated as navigable waters of the United States based on their historic, present, or potential future use for transportation in interstate commerce is considered to have an impact on the navigable capacity of the water body and requires a Section 10 permit from the USACE. 33 CFR 322.5(i) requires crossings of navigable waters of the United States by aerial electric transmission lines to be above the clearance required for bridges. Clearances are based on the low point of the line under conditions that produce the greatest sag as outlined in the National Electric Safety Code.

The Project does not cross any navigable waterways and thus no Section 10 permit is required.

8.5 NYS Public Service Commission – Section 401 Water Quality Certificate

NYSEG requests through this Article VII application that the New York State Public Service Commission issue for the Project a Water Quality Certificate under Section 401 of the Clean Water Act and Commission regulations.

8.6 Federal Aviation Administration – Notice of Proposed Construction or Alteration

Portions of Circuit #726 will be in proximity to the Columbia County and Klinekill Airports. NYSEG will coordinate the final design and construction of Circuit #726 and the extension of the National Grid Trunk #15 in the vicinity of the airport with the airport and will reflect appropriate design criteria and clearance requirements in its design and construction. In addition, NYSEG will file a Notice of Proposed Construction or Alteration (FAA Form 7460-1)

with the Federal Aviation Administration along with pertinent final design drawings, where necessary to confirm that the proposed facilities and construction activities in the vicinity of the airport will not impact air navigation or airport operations.

8.7 Filings of Others

NYSEG is not aware of any pending filing by others that concerns the subject matter of this proceeding before the Commission.

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