



Mohican-Battenkill Rebuild Project

Exhibit 8

Other Pending Filings

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EXHIBIT 8: OTHER PENDING FILINGS

Permits and approvals that National Grid intends to seek other than the Article VII Certificate in connection with the Project are discussed below.

8.1 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION – STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (“SPDES”) GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

As required by 6 NYCRR § 750-1.21(b)(2), a SPDES General Permit for Stormwater Discharges from Construction Activities is required for construction activities that involve disturbance of one or more acres of land. The New York State Department of Environmental Conservation (“NYSDEC”) is the state agency responsible for issuing SPDES permits. Because Project-related construction will involve disturbance of more than one acre of land, National Grid will seek coverage from the NYSDEC under the State’s General Permit (“GP”) for Stormwater Discharges from Construction Activities (GP-10-001) or any applicable GP renewal (“SPDES Permit”) by filing a Notice of Intent prior to commencement of Project construction.

One of the requirements of the SPDES Permit is the development of a Stormwater Pollution Prevention Plan (“SWPPP”) in accordance with the requirements set forth in the SPDES Permit. National Grid’s Project Environmental Management and Construction Plan (the “EM&CP”) will address stormwater management, temporary soil erosion and sediment controls, as well as spill-prevention and -control measures. These measures will be set forth in the EM&CP and the Project SWPPP.

8.2 STATE AND FEDERAL WETLANDS AND WATERWAYS PERMIT

As required by Section 10 of the Rivers and Harbors Act (33 U.S.C. § 401), a Section 10 permit is required from the U.S. Army Corps of Engineers (“USACE”) prior to the accomplishment of any work in or over navigable waters of the United States, or which affects the course, location, condition, or capacity of such waters. The Hudson River is the only “navigable” water crossed by the Project (see Exhibit 4, Section 4.7.2). While National Grid does not anticipate any Project-related construction in the Hudson River, it will file a Pre-Construction Notification to the USACE New York District for coverage under Nationwide Permit (“NWP”) #12 (Utility Line Activities).

As described in Exhibit 4 - Environmental Impact, by potentially causing access- or construction-related disturbances, the Project will involve both freshwater wetlands and their 100-foot-adjacent areas regulated by the NYSDEC pursuant to 6 NYCRR § 663, as well as protected waters subject to 6 NYCRR Part 608.

During final design of the Project and preparation of the EM&CP, National Grid will avoid or minimize permanent impacts to wetlands and protected waters to the maximum extent practicable by locating construction access roads and transmission structures outside of wetlands and protected waters. Unavoidable wetland and stream impacts will be evaluated by the USACE through the filing of a NWP #12 (Utility Line Activities), on NWP #33 (Temporary Construction, Access, & Dewatering) for access roads, which likely will be submitted to the USACE concurrently with the filing of the EM&CP.

The NYSDEC will evaluate wetland and protected-water impacts in conjunction with the Article VII proceedings and its review of the Application. The EM&CP will include site-specific protection measures for NYSDEC wetlands and protected waters, thereby addressing the substantive requirements of any NYSDEC Article 24 wetland and Article 15 protected-waters permitting that otherwise would be required were this not an Article VII project. National Grid has prepared a Notice of Intent for the required SWPPP and will provide a completed SWPPP during the EM&CP development prior to commencement of construction.

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires that an applicant for a federal permit (such as Section 10 and Section 404 permits from the USACE) to conduct an activity that may result in a discharge into navigable waters must obtain a 401 Water Quality Certification (“401 WQC”) from the state in which the discharge originates. This application includes a request to the Commission for the issuance of a 401 WQC.

8.3 NEW YORK STATE DEPARTMENT OF TRANSPORTATION – UTILITY WORK PERMIT (“UWP”)

The New York State Department of Transportation (“NYSDOT”) requires that a UWP application be submitted to install utilities within or adjacent to state highway rights-of-way. As described in Exhibit E-6 - Effect on Transportation, the construction activities associated with the Project will involve the crossing of one (1) state highway (NYS Interstate 4). Following final

design and the EM&CP preparation, but prior to construction, National Grid will seek coverage from the NYSDOT under the UWP for all applicable road crossings.

8.4 LOCAL RAILROAD COMPANIES – EASEMENT REQUESTS AND UTILITY CROSSINGS

Exhibit E-6 - Effect on Transportation provides a description of the local railroads that will be crossed by the Project. National Grid will seek approvals, as required, from the two (2) railroad companies identified in Exhibit E-6 (Delaware & Hudson Railway and Battenkill Railroad) to construct transmission wires over railroad rights-of-way or for temporary use for access, if needed, along the railroad rights-of-way. The final design and EM&CP will include appropriate design criteria and safety clearance requirements for construction and operation of the new transmission lines. In addition, construction activities will be coordinated with the railroad companies to ensure that construction activities do not conflict with railroad operations and freight movements.

8.5 FEDERAL AVIATION ADMINISTRATION – NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

As also described in Exhibit E-6, National Grid will be required to submit a *Notice of Proposed Construction or Alteration* to the Federal Aviation Administration prior to commencement of construction.

8.6 FILINGS OF OTHERS

National Grid is not aware of others who have pending, with the Commission or with any other state or federal governmental department or agency, an application or filing concerning the subject matter of this application.