STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

25-T-0184 – Petition of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII, for the Reconstruction of Approximately 60.9 miles of 115kV Transmission Line Running from the Black River Substation in the Town of LeRay, Jefferson County, to the Clay Substation, in the Town of Clay, Onondaga County, and the Construction of a the New Staplin Creek Substation in the Town of Rutland, Jefferson County

JOINT PROPOSAL

By:
Niagara Mohawk Power Corporation d/b/a National Grid
Staff of the New York State Department of Public Service
New York State Department of Environmental Conservation
New York State Department of Agriculture and Markets
New York State Department of Transportation

Dated: May 27, 2026
Albany, New York

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JOINT PROPOSAL

This Joint Proposal, which includes Appendices A through I attached hereto and incorporated herein, is made as of the 27th day of May, 2026, by and among the following: Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid" or the "Applicant"); Staff of the New York State ("NYS") Department of Public Service ("DPS Staff"); New York State Department of Environmental Conservation ("NYSDEC"); New York State Department of Agriculture & Markets ("NYSAGM"); and the New York State Department of Transportation ("NYSDOT") (collectively referred to as the Signatory Parties). The Signatory Parties are all parties to this proceeding.

INTRODUCTION AND BACKGROUND

On March 14, 2025, National Grid filed an application ("Application") with the New York State Public Service Commission ("Commission") for a Certificate of Environmental Compatibility and Public Need ("Certificate") for the rebuild of approximately 60.9 miles of 115 kilovolt ("kV") transmission line running between the Black River Substation in the Town of LeRay, Jefferson County and the Clay Substation in the Town of Clay, Onondaga County, and the construction of the proposed Staplin Creek Substation in the Town of Rutland, Jefferson County (hereinafter referred to as the "Black River to Clay 115 kV Transmission Rebuild Project" or the "Project"). This Project begins at existing Structure 6.5 approximately 0.7 mile south of the Black River Substation and traverses the Towns of LeRay, Rutland, Rodman, Worth, and Lorraine in

Jefferson County; the Towns of Boylston, Orwell,[1] Albion, Parish, and Hastings and the Village of Central Square in Oswego County; and the Towns of Cicero and Clay in Onondaga County.

A Motion for Waivers, filed pursuant to 16 NYCRR §§ 3.3 and 3.6, and a Request for Protection of Confidential Information and Exception from Disclosure, filed pursuant to Part 6 of the Commission's rules, were included with the filing of the Application.

The Application was served on all parties on the service list consistent with 16 NYCRR § 85-2.10(a). An affidavit of service was filed on March 14, 2025. Pursuant to Public Service Law ("PSL") § 122(2)(a), the Application was served on each landowner on which any portion of the proposed facility is to be located on March 14, 2025. An affidavit of service was filed with the Commission on March 17, 2025. Public Notice of the filing of the Application was published in the *Palladium Times, Watertown Daily Times, and Syracuse Post Standard* on March 4, 2025 and March 11, 2025. Affidavits of publication were filed with the Commission on March 17, 2026.

Once the Application was filed, National Grid established a "hotline" phone number for people seeking additional information about the Project: 844-243-2592. The number was included in the Project Fact Sheet, Project website, and materials shared in the Notice of Application served on landowners. National Grid also conducted outreach with individual municipalities and answered Project-related questions.

On May 6, 2025, the Applicant supplemented its application by filing correspondence dated April 23, 2025, from the New York State Independent System Operation ("NYISO") Staff, which confirmed that the Project would not meet the System Impact Statement ("SIS") threshold. The non-material nature of the modification, and therefore no need for a SIS, was presented to the NYISO Electric System Planning Working Group ("ESPWG") and Transmission Planning Advisory Subcommittee ("TPAS") on May 6, 2025, with no comments on the Project.

On May 12, 2025, National Grid filed an Electric and Magnetic Field Modeling Analysis ("EMF") for the Project with the Commission.

By a letter dated May 16, 2025, the Secretary identified certain deficiencies in the Application. The Applicant addressed the deficiency letter in its filing on May 23, 2025. The deficiency response filing included (i) a revised Exhibit 2, including revised Figures 2-3, 2-4, and 2-5, (ii) a revised Exhibit 3, which included a statement regarding the expansion of the existing

[1] The only aspect of the Project in Orwell involves removal of existing structures.

right-of-way ("ROW"), (iii) a revised Exhibit 7, and (iv) a revised Exhibit 8. The deficiency letter response also included an Herbicide Mix Sheet. On May 27, 2025, an affidavit of service for the deficiency response was filed with the Commission.

On October 22, 2025, the Commission issued an Order on Motion for Waivers. Thereafter, by a letter dated October 23, 2025, the Secretary found the Application, as supplemented, to be in compliance with PSL § 122 as of October 22, 2025.

Pursuant to a Notice issued on October 29, 2025, a procedural conference was held before Administrative Law Judge ("ALJ") Erika Bergen ("ALJ Bergen") on November 18, 2025.

On November 7, 2025, a Notice of Impending Settlement Discussions was filed with the Commission and sent to all active parties and other interested persons. A redacted affidavit of service of the Notice of Impending Settlement and Request for Nondisclosure of landowner information were filed on November 12, 2025.

On November 17, 2025, ALJ Bergen issued a Ruling Adopting a Protective Order. The Ruling requested all parties and party representatives sign a protective order acknowledgement form. The Applicant completed and filed the Protective Order Acknowledgement Form on November 17, 2025.

Pursuant to a Notice issued on December 4, 2025, a Virtual Public Statement Hearing was held before ALJ Bergen at 1:00 PM on Tuesday January 13, 2026.

As noted above, after exploratory discussions, the Signatory Parties recognized that the parties' various positions could be addressed through settlement and agreed that settlement is feasible.[2] Thus, as noted above, a Notice of Impending Settlement Discussions was filed and served on all parties and landowners. Settlement conferences commenced on November 17, 2025, and were subsequently held bi-weekly, via video conferencing and/or telephone, on December 1, 2025, December 15, 2025, December 29, 2025, January 12, 2026, January 26, 2026, February 9, 2026, February 23, 2026, March 9, 2026 and March 23, 2026, April 6, 2026, and April 20, 2026.

[2] The Signatory Parties agreed that, for the most effective use of the time, the settlement discussions for this Project should be held in conjunction with settlement discussions for National Grid's Article VII applications for its Beaver River to Porter and Black River to Beaver River projects (Case Nos. 25-T-0178 and 25-T-0195, respectively). The Signatory Parties anticipated the issues discussed during settlement would overlap considerably as all three (3) projects are 115kV transmission line rebuild projects located in Northern New York.

Extensive electronic communications and technical discussions were also utilized to facilitate settlement negotiations.

The Signatory Parties believe that this Joint Proposal gives fair and reasonable consideration to the proposed rebuild of the Black River to Clay 115 kV Rebuild Project. As detailed in this Joint Proposal, the Signatory Parties have worked towards the objective of fully permitting the Project, including the Commission issuing the Certificate, as early as practicable, in order for construction of the Black River to Clay 115 kV Transmission Rebuild Project to commence after the Environmental Management & Construction Plan ("EM&CP") is approved.

TERMS OF JOINT PROPOSAL

I. GENERAL PROVISIONS

1. It is understood that each provision of this Joint Proposal is in consideration and support of all the other provisions of this Joint Proposal and is expressly conditioned upon approval of the terms of this Joint Proposal in full by the Commission. If the Commission fails to adopt the terms of this Joint Proposal in full, other than these General Provisions, or adds additional terms, the Signatory Parties to the Joint Proposal shall be free to accept the Commission's terms or to individually pursue their respective positions in this proceeding without prejudice.

2. The terms and provisions of the Joint Proposal apply solely to, and are binding only in, the context of the above-captioned PSL Article VII proceeding and do not necessarily reflect the position any Signatory Party will take in any other proceeding. Each Signatory Party reserves the right in other proceedings to propose or include such terms and conditions as it may deem appropriate. Signatory Parties agree to submit this Joint Proposal to the Commission along with a request that the Commission adopt the terms and provisions of this Joint Proposal as set forth herein.

3. The Signatory Parties agree that the construction, reconstruction, operation, and maintenance of the Project described in this Joint Proposal in compliance with the Joint Proposal, including the Proposed Certificate Conditions set forth in **Appendix D** attached hereto, will comply with PSL Article VII and with the substantive provisions of applicable State law.

4. All Signatory Parties fully support approval of the Joint Proposal in its entirety. The Signatories Parties recognize that certain provisions of this Joint Proposal contemplate actions to

be taken by various parties in the future to effectuate fully this Joint Proposal. Accordingly, the Signatory Parties taking those actions agree to cooperate with all other Signatory Parties in good faith.

5. In the event of any disagreement over the interpretation of this Joint Proposal or implementation of any of the provisions of this Joint Proposal which cannot be resolved informally among the Signatory Parties, such disagreement shall be resolved in the following manner:

a. the Signatory Parties shall promptly convene a conference and in good faith attempt to resolve any such disagreement; and

b. if any such disagreement cannot be resolved by the Signatory Parties, any Signatory Party may petition the Commission for resolution of the disputed matter.

6. This Joint Proposal shall not constitute a waiver by the Applicant of any rights it may otherwise have to apply (or not apply) for additional or modified permits, approvals, or certificates from the Commission or any other agency in accordance with relevant provisions of law.

7. This Joint Proposal shall not be construed to constitute a waiver of authority by any State agency with respect to the enforcement of applicable laws and regulations that are the subject of its jurisdiction.

8. This Joint Proposal is being executed in counterpart originals and shall be binding on each Signatory Party when the counterparts have been executed. All signatories have the necessary authority to execute this Joint Proposal on behalf of the Signatory Parties that they represent.

II. EVIDENTIARY RECORD

9. **Appendix A** attached hereto lists the testimony, affidavits, and exhibits that constitute the evidence agreed upon by the Signatory Parties to be admitted as record evidence in this proceeding (collectively, the "Evidentiary Record").

III. DESCRIPTION OF PROJECT

10. The Signatory Parties agree that the Description and Location of the Project, set forth in **Appendix B** attached here, accurately describes the location, configuration, and components of the Project they recommend be approved by the Commission.

11. The Project proposes to rebuild approximately 60.9 miles of 115 kV transmission line running between the Black River Substation in the Town of LeRay, Jefferson County and the Clay Substation in the Town of Clay, Onondaga County, and the construction of the proposed Staplin Creek Substation in the Town of Rutland, Jefferson County. This proposed Project begins at existing Structure 6.5 approximately 0.7 miles south of the Black River Substation and traverses the Towns of LeRay, Rutland, Rodman, Worth, and Lorraine in Jefferson County; the Towns of Boylston, Orwell, Albion, Parish, and Hastings and the Village of Central Square in Oswego County; and the Towns of Cicero and Clay in Onondaga County.

12. The existing transmission line facilities were constructed approximately 96 years ago and have reached the end of their useful life and are in need of replacement. As described below and in Application Exhibit 2 (Exhibit 2 of the Evidentiary Record and referred to herein as Exhibit 2; *see* Appendix A), the Project involves the rebuild of the following 115 kV lines: (i) Coffeen-Black River – Lighthouse Hill ("LHH") #5; (ii) Black River – Middle Road #8; (iii) Middle Road – LHH #6; and (iv) LHH – Clay #7 (collectively, the "Existing Lines"). The Applicant will split these lines into eight (8) segments. Exhibit 2 provides specific detail about each segment, including the structure types proposed for each segment.

13. In Segment 1, the existing 14.26 mile section of double circuit lines will be rebuilt as two (2) single circuit lines. The proposed Coffeen - Black River - Staplin Creek #5 Lines will be rebuilt on the existing centerline. The proposed Black River - Middle Road #8 and Middle Road - LHH #6 Lines will be rebuilt fifty (50) feet to the east.

14. In Segment 2, the proposed 0.69-mile section of the double circuit Coffeen – Black River - LHH #5 and Middle Road - LHH #6 will be rebuilt on the existing centerline as one (1) double circuit line. This segment of the line is proposed to be double circuit to maintain a 100 foot ROW corridor in this area.

15. In Segment 3, the proposed 19.8-mile section of the double circuit Coffeen – Black River – LHH #5 and Middle Road - LHH #6 Lines will be rebuilt as two (2) single circuit lines. The proposed Coffeen – Black River – LHH #5 Line will be rebuilt on the existing centerline, and the proposed Middle Road – LHH #6 Line will be offset fifty (50) feet to the east.

16. In Segment 4, the proposed 1.24-mile section of the double circuit LHH - Clay #7 Line will be rebuilt as two (2) single circuit lines. The LHH Substation will be bypassed as part of

this segment. Lines #5 and #6 will be routed to a new locally permitted Tar Hill Substation, approximately one (1) mile west of the current substation. The Staplin Creek - Tar Hill #5 Line will be rebuilt approximately 125 feet to the north, and the proposed Staplin Creek - Tar Hill #6 Line will be rebuilt approximately seventy-five (75) feet to the north.

17. In Segment 5, the proposed 14.59-mile section of the double circuit LHH – Clay #7 Line will be rebuilt as two (2) single circuit lines. The LHH – Clay#7 Line will be rebuilt on the existing centerline and the bussed LHH – Clay #7 Line will be rebuilt fifty (50) feet to the east throughout the segment.

18. In Segment 6, the existing 4.6-mile section of the double circuit LHH – Clay #7 Line and bussed LHH – Clay #7 Line will be rebuilt as a combination of two (2) single circuit lines and one (1) double circuit line.[3] From Structure 151 to 154, the LHH – Clay #7 Line will be rebuilt on the existing centerline and the bussed LHH – Clay #7 Line will be offset fifty (50) feet to the west[4]. From Structure 190 to 194, the LHH – Clay #7 and bussed LHH – Clay #7 Lines will transition from single circuit to double circuit, then back to single circuit again. Single circuit davit arm deadend structures will be installed at Structures 190, 193 and 194. Double circuit structures will be installed at Structures 191 and 192. From Structure 190 and 193 to 194, the LHH – Clay #7 Line will be installed approximately ten (10) to fifteen (15) feet east of the existing circuit, and the bussed LHH – Clay #7 Line will be rebuilt approximately thirty-five (35) to forty feet (40) to the west of the existing circuit. At Structures 191 and 192, the LHH – Clay #7 and bussed LHH – Clay #7 Lines will be installed approximately five (5) to ten (10) feet east of the existing circuit. At Structure 216.5, the LHH – Clay #7 Line loops into and out of the Mallory Substation. From Structure 217 to Structure 218, the LHH – Clay #7 and bussed LHH – Clay #7 Lines will be installed on double circuit davit arm structures on the existing centerline. From Structure 219 to Structure 229, the bussed LHH – Clay #7 Line will be rebuilt on the existing centerline, and the LHH – Clay #7 Line will be rebuilt fifty (50) to the west with single circuit davit arm structures. Structures 230 to 233 will utilize double circuit davit arm structures, with the LHH – Clay #7 and bussed LHH – Clay #7 Lines rebuilt on the existing centerline. Structures 234 to 237 will be single

[3] Where not specifically mentioned, one set of structures will generally be built on the existing centerline, and one will generally be offset fifty (50) feet.
[4] As discussed in paragraph 241 below, as a result of discussions during settlement, proposed structures 156 and 158 will be shifted in order to reduce impact on a residential structure within the Town of Hastings.

circuit structures for both LHH – Clay #7 and bussed LHH – Clay #7. In one (1) span, two (2) double circuit lines will be installed.

19. In Segment 7, the proposed 3.15-mile section of the double circuit LHH – Clay Line will be rebuilt as one (1) double circuit line and one (1) single circuit line. This segment includes the existing LHH – Clay #7, bussed LHH – Clay #7, South Oswego – Clay #4, and Bennetts Bridge – Geres Lock #6 Lines. From Structure 246 to Structure 267, the #4 and #7 Lines will be rebuilt on engineered steel double circuit davit arm structures. The bussed #7 Line will be installed on single circuit structures from Structure 246 to Structure 267, except from Structure 271 to Structure 272. At these two (2) structures, the #6 Line will be double circuited with the bussed #7 Line for this single span. The #6 Line will be removed from all other parts of the ROW.

20. In Segment 8, the proposed 2.59-mile section of the double circuit LHH – Clay Line will be rebuilt as two (2) single circuit lines. This segment includes the existing LHH – Clay #7 Line, and the bussed LHH – Clay – #7 Line. The existing bussed LHH – Clay #7 Line will be rebuilt sixty-five (65) west of the existing centerline, and the LHH – Clay #7 Line will be rebuilt 115' west of the existing centerline.

21. A new Staplin Creek Substation is proposed to be constructed and operated in the Town of Rutland, Jefferson County. Black River – Middle Road #8, Middle Road to LHH #6, and Coffeen – Black River – LHHl #5 will connect to the substation. The proposed Staplin Creek Substation site will be located adjacent to the existing Middle Road Substation planned for removal (due east), north of National Grid's 115kV Middle Road – Copenhagen Line #4 (Line 4) and east of the following lines included in the Black River to Clay 115 kV Transmission Rebuild Project: 115kV Black River – Middle Road Line #8 (Line 8) and Middle Road – LHH Line #6 (Line 6). The existing Middle Road Substation will be demolished after the completed construction of the proposed Staplin Creek Substation.[5]

22. As described in Application Exhibit 3 and Exhibit 4 (Exhibits 3 and 4 of the Evidentiary Record and referred to herein as Exhibits 3 and 4; *see* Appendix A), the proposed Project route follows the existing ROW ("Existing ROW") to the extent practicable. The widening of the Existing ROW is occurring on several spans from Structure 3 through Structure 262

[5] Final design information regarding the proposed substation will be included in the Staplin Creek Substation EM&CP.

(includes all segments except 2, 4 and 8). Most of the ROW expansion represents only a widening or slight expansion (20 to 50 feet) of the already existing conditions. However, for a span of 30 structures (232-262) the ROW expansion may increase up to 100'.

23. To facilitate Project construction, National Grid has identified seven (7) properties where demolition work is required. **Appendix F** to this Joint Proposal outlines the proposed demolition work, including site security, investigation, demolition practices, and environmental protection measures to be implemented. The Signatory Parties have agreed that National Grid shall be authorized to conduct demolition site work upon adoption of this Joint Proposal and issuance of a Certificate of Environmental Compatibility and Public Need, in accordance with Appendix F and Certificate Condition 34.

IV. ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

24. The Commission must consider the totality of all relevant factors in making its determination of environmental compatibility and public need pursuant to PSL § 126, including: the proposed facility's basis of need; the nature of probable environmental impacts; that the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives; the effect on agricultural lands, wetlands, parklands, and river corridors traversed; that the facility represents a minimum adverse impact on active farming operations that produce crops, livestock, and livestock products; conformance to the State's long-range plans; the Climate Leadership and Community Protection Act ("CLCPA");[6] interests of electric system economy and reliability; conformance with State and local laws; and service of the public interest, convenience, and necessity.

A. Need for the Project

25. The Accelerated Renewable Energy Growth and Community Benefit Act (the "Act") requires the Commission and New York's utilities to plan the electric transmission upgrades necessary to meet the clean energy and climate goals established under the CLCPA. The Commission has distinguished Phase 1 and Phase 2 Projects.[7] Phase 2 projects are defined as

[6] L. 2019, Ch. 106.
[7] Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act*, Order Authorizing Development of Phase 1 Transmission Projects and Cost Recovery Measures (Issued and Effective July 14, 2022).

projects whose driving justification is the support of the CLCPA goals.[8] Phase 1 projects are investments needed to meet traditional reliability, safety and compliance objectives.

26. This Project is an element of the Watertown/Oswego/Porter Area of Concern identified in the Commission Orders for CLCPA Phase 2 transmission infrastructure upgrades.[9] The Watertown/Oswego/Porter Area of Concern is a 115kV network across a large geographic area covering portions Franklin, St. Lawrence, Jefferson, Lewis, Oswego, Oneida, and Onondaga Counties. The elements that are the subject of this filing are an important portion of this network. Historically the main purpose of this network was to serve customer load. Recently new generators, primarily large scale solar and land-based wind, have proposed to connect to this network. The specific purpose of this project is to rebuild 115 kV elements to increase the amount of energy the circuits can transmit from generation to load, or generation to system on ramps that move power out of the local area.

27. The Project is needed to provide necessary transmission reinforcements that have been presented to address certain limits that were identified and evaluated in submissions made to the Commission regarding certain Areas of Concern. In addition, to provide the needed local system capability to address a critical voltage issue, several of the circuits are recommended to be constructed on single circuit structures, eliminating the existing double circuit structures and the associated need to secure the system in planning and operations for an outage of both circuits on the double circuit.

28. The transmission lines proposed for replacement were originally constructed, on average, approximately 96 years ago. The proposed rebuild of these transmission elements will be done in accordance with a comprehensive, state-of-the-art design incorporating transmission structures that meet National Grid's standards.

29. Because the Project replaces assets that are at or beyond their useful life, it is likely that the cost to maintain these elements in good working order, including addressing damage or failures on an as needed or annual basis, and the disruptions to service would be reduced compared to doing nothing. The increase in the capacity of the system to support renewable generation may

[8] *Id.*
[9] See footnotes 5 and 7, supra.

also result in improved market efficiencies. Increasing the amount of energy available from low-cost renewable generation could displace the need to operate higher cost resources.

30. The proposed projects in the Watertown/Oswego/Porter Area of Concern are all scheduled to be completed by December 31, 2029. This date was chosen to align with the CLCPA requirement that 70% of New York's energy needs come from renewable generation. Construction of the transmission line is scheduled to begin in November 2026 and construction of the Staplin Creek Substation is scheduled to begin as soon as the Certificate issued and the substation EM&CP is approved. As discussed in Exhibit E-2 to the Application (Record Exhibit 11; herein referred to as "Exhibit E-2;" *see* Appendix A), failure to complete the projects on time would reduce the amount of energy available from generators within this region and could jeopardize achievement of State policy.

B. Cost

31. The economic effects of the Project are set forth in Application Exhibit 6 (Exhibit 6 of the Evidentiary Record and referred to herein as Exhibit 6; *see* Appendix A). Operation of the Project is not expected to cause socioeconomic changes to the existing residential, commercial, or industrial land use patterns in the Project area.

32. The Applicant's estimated Project cost is set forth in Confidential Application Exhibit 9 – Cost of Proposed Facilities (Exhibit 9 of the Evidentiary Record and referred to herein as Exhibit 9; *see* Appendix A). The cost estimate set forth in Exhibit 9 is based on land acquisition and ROW costs based on the area of ROW required and an estimate of the associated land value, recent historical experience of National Grid and its consultants, project contingency costs, allowances for administrative overhead based upon the anticipated scope and duration of required services including services to date, and allowances for fees and other specialized services.

33. A more refined and definitive cost estimate will occur after the Certificate is issued, taking into account all Certificate Conditions and requirements of the EM&CP as well as associated monitoring plans. Additionally, an updated cost estimate will be filed with the Commission after construction is complete.

34. The Signatory Parties reviewed the Project's estimated cost as part of negotiating this Joint Proposal. The Signatory Parties understand that the Project's cost is also considered in other Commission proceedings, such as the Applicant's rate cases and the Proceeding to Implement

Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act, 20-E-0197. Accordingly, the Signatory Parties understand that the Project's cost provided in the aforementioned proceedings may differ from the cost estimate provided in this proceeding. Furthermore, the Signatory Parties have not considered cost recovery or cost allocation as part of this proceeding. The Signatory Parties do not make any recommendation to the Commission concerning cost, cost recovery, or cost allocation.

C. Environmental Impact

35. The Project has been reviewed with respect to potential impacts to land uses, visual, cultural, terrestrial and wildlife, agricultural, wetland and water resources, topography and soils, noise, invasive species, transportation, communications, and electric and magnetic fields. Due to the nature of the Project as an electrical transmission facility, which will be constructed primarily within the Existing ROW and on lands where potential impacts have been analyzed and mitigated, the Signatory Parties have determined that the Project represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations. The proposed route, access points, and configuration are preferred because the Project makes use, to a great extent, of Existing ROW, avoids or minimizes the disturbance of natural habitat, is reasonable in terms of cost, and minimizes disturbance of residential, agricultural, and commercial properties and emergency activities and traffic.

1. Land Use Impacts

36. As noted in Application Exhibit 4 (Exhibit 4 of the Evidentiary Record and referred to herein as Exhibit 4; *see* Appendix A), the majority of the land uses within the one-mile study area ("Study Area") are comprised of Residential; Vacant Land; Wild, Forested, Conservation Lands and Public Parks; Agricultural; Public Services; Commercial; Community Services; Recreation and Entertainment; and Industrial. Residential land use is the most prevalent land use within the one-mile study area at approximately 38%. The ROW is more densely populated in the northern section of the Project. Vacant land makes up the next highest percentage at 24% of the total land uses within the one-mile Study Area and are spread fairly evenly throughout the length

of the Project ROW. Agricultural (13%) and Wild, Forested, Conservation Lands and Public Parks (20.4%) land make up the next most prevalent categories, dominating the northern section of the one-mile Study Area, between Black River and LHH. Public and community services together account for 3% of the land uses and are found largely below the LHH Substation. Commercial land uses, which account for approximately 1% of the one-mile study area, are almost exclusively in the southern section of the study area.

37. The most prominent land uses in Segment 1 are Agricultural (33%), Residential (25%), Wild, Forested, Conservation Lands and Public Parks (25%), and Vacant Land (17%). The most prominent land uses in Segment 2 are Residential (91%) and Vacant Land (9%). The most prominent land uses in Segment 3 are Wild, Forested, Conservation Lands and Public Parks (37%), Residential (34%), Vacant Land (23%), Agricultural (5%), and Public Services (1%). The most prominent land uses in Segment 4 are Wild, Forested, Conservation Lands and Public Parks (79%), Public Services (16%), Vacant Land (4%), and Residential (1%). The most prominent land uses in Segment 5 are Vacant Land (89%), Residential (7%), Wild, Forested, Conservation Lands and Public Parks (2%), and Agricultural (1%). The most prominent land uses in Segment 6 are Vacant Land (85%), Residential (11%), Public Services (3%), and Commercial (1%). The most prominent land uses in Segment 7 are Vacant Land (91%), Residential (7%), and Wild, Forested, Conservation Lands and Public Parks (2%). The most prominent land uses in Segment 8 are Vacant Land (49%), Residential (30%), Public Services (15%), and Agricultural (7%).

38. The rebuild of the Existing Lines will not adversely change any local or regional land use patterns or land use planning as it will be located within or an expansion of existing transmission line ROW for its entirety. The Project will provide additional and reliable transmission of electricity within an existing electric transmission infrastructure corridor while minimizing or avoiding conflicts with surrounding land uses. The Project can be viewed as supporting the long-term economic health and growth of the central New York area as well as supporting ongoing commercial and industrial enterprises throughout the region and beyond. Additionally, the Project supports the growth of renewable energy in order to meet New York State's CLCPA goals.

39. The Project is consistent with the goals of the 2016 *New York State Open Space Conservation Plan*. The Project will be designed and constructed to advance the State conservation

goals and specific measures to protect water quality; provide accessible, quality, outdoor recreation; protect wildlife habitats for diversity; improve the quality of life and the health of our communities; maintain critical natural resource-based industries; address climate change through forest, wetland, and riparian area stewardship, ecosystem protection, urban and community forestry, and community planning; provide places for education and research; and protect and enhance scenic, historic, and cultural resources

40. The *New York State Open Space Conservation Plan* has identified 140 Regional Priority Conservation Projects, including four (4) identified in the vicinity of the Project. The conservation projects within the vicinity of the Project include (i) Tug Hill Core Forests and Headwater Streams, (ii) Salmon River Corridor, (iii) New York State Canal System, and (iv) Long-distance Trail Corridors, Networks, and Linkages. The Project will be compatible with the *New York State Open Space Conservation Plan* and will not affect its goals.

41. The Project ROW has sections located in Jefferson County, Oswego County, and Onondaga County, which have adopted county planning primers or comprehensive plans.

42. In 2012, Jefferson County adopted the Jefferson County Planning Primers, which emphasize approaching growth and development in the context of preserving rural and small-town character. The driving concern for Jefferson County planning is development that does not compromise the rural, small-town feel of its municipalities. The primers focus on maintaining local character, enhancing existing neighborhoods, and limiting impacts on existing uses and priority resources. The major natural resource focus in Jefferson County is agriculture, with a major portion of its economy based on farming. The Project does not conflict with Jefferson County Planning Primers.

43. The Oswego County Comprehensive Plan (2008) addresses nine subject areas: Natural Resources and Environment; Historic Resources; Transportation; Infrastructure; Housing; Community Facilities; Parks, Recreation and Open Space; Economic, Development; and Land Use and Community Design. The plan includes an inventory of existing conditions in the nine (9) areas mentioned above; goals, objectives, and strategies mainly focused on economic growth are discussed under each of the nine (9) areas. A separate Oswego County Economic Advancement Plan was developed in 2017 with the goal of reducing unemployment, diversifying economically, lowering the poverty rate, and reducing the number of dislocated workers. Four (4) specific areas

the County plans to focus on is involvement in energy storage advancements, tourism, manufacturing, and food processing. Like other counties in the Project area, development within Oswego County is viewed through the lens of maintaining the rural character and small-town feel of the communities. The Project does not conflict with the Oswego County Comprehensive Plan or the Oswego County Economic Advancement Plan.

44. The Onondaga County Comprehensive Plan (2023) aims to establish a strong economic development framework with five (5) Plan Principles (Strong Centers, Greenways and Blueways, Agriculture, Housing and Neighborhoods, and Community Mobility) which will balance development with preservation of agricultural/rural land and sensitive natural resources. The Project does not conflict with the Onondaga County Comprehensive Plan's aims to establish a strong economic development framework within the County.

45. At the time of this Joint Proposal filing, the Towns of Rutland, Cicero, Hastings, and Clay, and the Village of Central Square do not have a comprehensive plan.

46. The Town of LeRay's codified law establishes goals for the Town of LeRay. The Project does not conflict with the goals established in Town of LeRay Code.

47. The Town of Rodman Development Laws were developed to provide for the orderly growth in accordance with a comprehensive plan, to lessen congestion in the roads, to secure safety from fire, flood, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitation the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and to promote the health, safety, and general welfare of the public. The Project does not conflict with the goals established in the Town of Rodman Development Laws.

48. The Town of Worth Rural Development Code was adopted by the Town of Worth in 1978. The code regulates land use, subdivision, natural resources, road construction, sewage and waste disposal systems, and administration within the Town. The Project does not conflict with the goals outlined in the Town of Worth Rural Development Code.

49. The Town of Lorraine Development Law was adopted by the Town of Lorraine in 2014 to encourage growth in the community and to protect the nuances of the Town. The Project does not conflict with the goals outlined in the Town of Lorraine Development Law.

50. The Town of Boylston Zoning Law was enacted by Local Law No. 1 of 1997 and was subsequently amended by Local Law No. 1 of 2012 and Local Law No. 2 of 2023. The purpose of the Town of Boylston Zoning Law is to protect existing natural resources, provide for orderly growth and development, encourage residential development and affordable housing opportunities, enhance retail development and employment opportunities, protect and enhance community aesthetics and community character, and to enhance public services. The Project does not conflict with the goals established in Boylston's Zoning Law.

51. The Town of Hastings Zoning Law provides for "orderly growth in accordance with a comprehensive plan; [and aims] to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provisions for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public." The Project does not conflict with the goals established in the Town of Hastings Zoning Law.

52. The Town of Orwell Vision for the Future was adopted in 2001. The Vision for the Future identifies goals, objectives and strategies for the immediate and long-range protection, enhancement and development of the Town's resources. The goals of the Vision for the Future include preserving the town's rural character, protecting natural resources, protecting historic resources, enhancing and maintaining the hamlet of Orwell, enhancing housing opportunities, enhancing economic base, protecting transportation and infrastructure investments, and enhancing and protecting recreation resources. The Project does not conflict with the Town of Orwell Vision for the Future.

53. The Parish Town and Village Joint Planning Board adopted the Town and Village of Parish Comprehensive Plan in 2024. The purpose of the plan is to provide a guide for the physical development of the Town/Village area for the future. The goals and strategies of the comprehensive plan address ten (10) topical areas, including Village revitalization, transportation, housing, parks and recreation, historic preservation, rural character, natural resources, economic development, infrastructure, and community facilities. The Project does not conflict with the goals and strategies of the Town and Village of Parish Comprehensive Plan.

54. The Project ROW crosses four (4) State Forests and one (1) wildlife management area. Chateaugay State Forest, Little John Wildlife Management Area, Lower Salmon River State Forest, and Winona State Forest are located in Oswego County, which is not a Forest Preserve County. The Project impacts approximately 9,338 linear feet of the Chateaugay State Forest, approximately 12,930 feet of the Lower Salmon State Forest, approximately 24,438 linear feet of the Tug Hill State Forest, approximately linear 1,197 feet of the Winona State Forest and approximately 4,558 linear feet of the Little John Wildlife Management Area. Neither Jefferson County nor Oswego County are Forest Preserve Counties, and the State Forests and Wildlife Management Areas are not within Adirondack Park. The Tug Hill State Forest is located in Jefferson County. Approximately 12.01 miles and 177.61 acres of the Project ROW fall within State-owned lands. Since the existing double circuit structures are being replaced with two single circuit structures for reliability purposes, additional rights will be needed from New York State.

55. One-hundred-year flood data from the National Flood Hazard Layer ("NFHL") Flood Insurance Rate Maps ("FIRMs") were obtained through the Federal Emergency Management Agency ("FEMA") website. The Project ROW crosses "AE" flood zones associated with the Oneida River and Black River and "A" flood zones associated with the Salmon River, Little Bay Creek, Shanty Creek, Dykeman Creek, South and North Branches of Grindstone Creek, South and North Branches of the Little Salmon River, and several unnamed tributaries. "AE" flood zones are 100-year flood inundation areas for which Base Flood Elevations have been determined. "A" flood zones are 100-year flood inundation areas for which Base Flood Elevations have not been determined. The remainder of the Project ROW is within Zone X, or minimal risk zone.

56. The new structures proposed to be constructed for the Project will not have an impact on the floodplain as they will not appreciably change elevation or significantly impact existing contours. Environmental protection measures such as the use of temporary construction mats will be used as necessary during construction to protect wetland and associated floodplain areas. Protection measures will be prescribed on a site-by-site basis in the EM&CP.

57. Article 25-AA of the Agricultural Districts Law of New York State Agriculture and Markets Law ("AML") authorizes the creation of local Agricultural Districts pursuant to landowner initiative, preliminary county review, State certification, and county adoption. Based on mapping obtained from Cornell University Geospatial Information Repository ("CUGIR") with

agricultural districts boundary data for Jefferson, Onondaga, and Oswego Counties, the Project ROW crosses a total of 172.6 acres of agricultural district. The Project ROW crosses 153.2 acres of agricultural land in Jefferson County Agricultural District 1, 7.9 acres of agricultural land in Onondaga County Agricultural District 3, and 11.5 acres of agricultural land in Oswego County Agricultural District 11. National Grid will implement measures to avoid adverse impacts on lands protected by AML Article 25-AA. Agricultural impacts are discussed in Section C(5) of this Joint Proposal, below.

58. The overall land use impacts along the Project ROW will be minimal because the Proposed ROW is an expansion or re-use of an existing transmission line ROW. The Proposed ROW within Segments 1 through 4 are mainly agricultural, vacant, and wild forested land with the exception of an eight (8) mile stretch in which 91% of the Proposed ROW is sited on land classified as residential. In addition, areas within Segments 5 through 8 that are slated for the largest ROW expansions (up to 100 feet) will be sited on land primarily listed as vacant. As such, no significant impacts to current developed lands are expected to occur due to the Project.

59. Based on a review of the evidence, the Signatory Parties have determined that land use impacts from of the Project will be minimal.

2. Visual Resources

60. As discussed in Exhibit 4, in accordance with PSL §122(1)(c) and 16 NYCRR §§86.5(b)(2)(i), (b)(2)(ii), and (b)(8), the Applicant evaluated resources within a Visual Study Area ("VSA") that extends approximately three (3) miles around the centerline of the Project. The visual assessment was prepared following the framework established in NYSDEC's Visual Policy (2019), "Assessing and Mitigating Visual and Aesthetic Impacts" and the State Environmental Quality Review ("SEQR"). The Applicant examined the aesthetic, scenic, historic, recreational, and public view resources within the VSA to establish that the Project avoids scenic, recreational, and historic areas and has been sited to minimize its visibility from areas of public view.

61. To conduct a visual assessment of the Project, an inventory of significant scenic and aesthetic resources was conducted as outlined in the NYSDEC policy. This analysis was developed based on standard methodologies in the undertaking of a visual assessment. This assessment included identification of visual and aesthetic resources within the Study Area,

viewshed analysis, photographic documentation of the Study Area, representative visual simulations of the Project, and the assessment of the Project's visual impacts.

62. The northern and southern portions of the Project ROW traverse primarily flat terrain, as the Saint Lawrence-Champlain Plain and Erie-Ontario Plain have little significant relief, aside from areas within the immediate vicinity of the major drainage ways. About two-thirds of the Project ROW (approximately forty (40) miles) skirts the western edge of the Tug Hill Plateau.

63. The VSA traverses a varied landscape that includes the Ontario Lowlands subregion of the Eastern Great Lakes Lowlands, and the Tug Hill Plateau and Tug Hill Transition ecoregions of the Northeastern Highlands. The Ontario Lowlands, which make up the greatest portion of the Study Area, can be seen as having a highly variable terrain that is comprised of glacial tills (typical of the eastern shore of Lake Ontario). Its loamy soils are generally deep and finely textured. Historically, the natural vegetation primarily consisted of forests of beech and sugar maple with small amounts of white oak, basswood, elm, and white ash. Agricultural activities have impacted the once heavily forested area so that woodlots, hedgerows, fallow fields, and those lands found to be not suitable for agriculture or development are scattered in the area. Although dairy and livestock farming are common, the area is suitable for growing produce such as fruit and vegetables.

64. The Tug Hill Transition consists of the sloping topography and escarpments that surround the Tug Hill Plateau. The western portion of this region gradually rises from the Ontario Lowlands. The Tug Hill Plateau is an elevated landform, due to the underlying Oswego sandstone. Topography is flat with a high concentration of swamps and bogs. The region is known for, and is valued for, its large contiguous blocks of forested land (several State Forests are located here). The Tug Hill Plateau is widely known for receiving heavy amounts of snow. Due to historical practice of logging in the area, it has been reforested with successional hardwoods and pine plantations.

65. Several water features are present within the VSA, including the Oneida River, Salmon River, and Black River. The Oneida River located along the Town of Cicero and Town of Hastings municipal border, connects Oneida Lake (western end of the lake is within the Study Area) to points west. This river is used for boating and fishing and is part of the Erie Canal. The Salmon River is considered a small river, as it extends forty-four (44) miles extending from the Tug Hill region as it travels west to Lake Ontario. The river is a noted salmon sportfishing

destination. The Black River is a 125-mile river flowing from the foothills of the Adirondacks to Lake Ontario. Within the Study Area, this river is not accessible but is viewed from the adjacent Black River Trail and adjacent roadways.

66. Most community and residential developments within the VSA can be found within the following communities: Towns of Clay (Onondaga County), Cicero (Onondaga County), and Parish (Oswego County), as well as the Villages of Central Square (Town of Hastings, Oswego County) and Black River (Towns of LeRay and Watertown, Jefferson County), and the City of Watertown (Jefferson County). Developments are also found within five (5) hamlets within the Study Area, namely: Barnes Corners (Town of Pinckney, Lewis County), Sanfords Four Corners (Town of LeRay, Jefferson County), Altmar (Town of Albion, Oswego County), Albion Corners (Town of Albion, Oswego County), and Mallory (Town of Hastings, Oswego County). Once outside the developed community centers, the built environment drops substantially as land uses become predominately agricultural and forested land. Residential and commercial development found outside the community centers will be limited and mostly found adjoining to roadways.

67. There are several travel corridors found bisecting the Project including New York State Routes 3, 12, 13, 49, 69, 104, 126 and 177, U.S. Route 11, and Interstate 81 (I-81). All but U.S. Route 11 and I-81 generally run in an east-west direction. Apart from I-81, these are two (2) lane roadways with wide shoulders and outside municipal boundaries that provide users with high rate of transit (55 miles per hour). I-81 is a major four (4) lane divided highway with a high rate of speed (65 miles per hour) connecting the Watertown area to Syracuse and points south.

68. Within the Project ROW, there are existing transmission poles being replaced, and within sections of the corridor, a secondary line that will remain. Other transmission corridors will also be found in the area. There are several substations/switchyards that may be found within the Study Area. Along the Existing Lines, these include the Clay Substation adjacent to Caughdenoy Road, Mallory Substation adjacent to Oswego County Route 12, LHH Substation adjacent to Oswego County Route 22, Babbits Corner Substation adjacent to Jefferson County Route 189, Middle Road Substation adjacent to Middle Road, and Black River Substation, located north of the Project along State Route 3.

69. Six (6) landscape units are present within the VSA: Agricultural Landscape Unit, Forested Landscape Unit, Community Center Landscape Unit, Rural Residential Landscape Unit,

Suburban Residential Landscape Unit, and Transportation Landscape Unit. Visibility of the Project varies within each unit. Analysis of the landscape units and viewsheds indicates that overall, there will be relatively minor visibility as 94.8% of the Study Area will not have views of the Project. Where visibility does occur, it is expected that it will be most common to view one to five structures at a specific location; this accounts for 2.6% of the total visibility of the Project.

70. The Agricultural Landscape Unit consists of open lands that are active agriculture or fields that are left fallow. These lands can be seen as being relatively flat to rolling, and may contain small, wooded areas, and hedgerows, as well as local and county roadways. The abundant, privately owned lands create an area of limited visitation, or visibility, by the public. Structures within these units with woodlots, hedgerows and vegetated lined waterways and ravines can screen short and long distance views of the Project. Views of the Project will occur where there is a direct line of sight to Project that is a result of a lack of vegetation, or when the topography enhances the potential visibility of a Project structure.

71. The Forested Landscape Unit includes mature deciduous and coniferous woodlands, or otherwise naturally vegetated landscapes, on undevelopable parcels of land, including uplands and wetlands. Forested areas are typically found on large tracts of land with variable topographic changes and likely owned by private entities, nonprofit entities, or the State. Views from this unit will be limited by intervening tree canopies or large tree groupings.

72. The Community Center Landscape Unit includes populated centers with a higher concentration of development. This includes the larger communities such as a city or village. In these populated communities there will be a higher concentration of structures, roads, and services. Views are short in distance and likely focused along streets because of the Existing Structures and associated vegetation obstructing outward views. While the distance of views to the surrounding landscape may be limited, there are a few opportunities for filtered or framed views through foreground structures and vegetation from the perimeter of the communities or from higher elevations with open views.

73. The Rural Residential Landscape Unit includes more formal residential and commercial areas that are not considered part of the Community Center Landscape Unit. This unit represents the hamlets scattered throughout the Study Area. These hamlets may vary in size (village like versus a crossroad hamlet) and services, yet the density of development is low; views

to the surrounding landscape are mixed where they could be focused along streets and short in distance as structures and trees will screen such views; or open longer distant views may be found due to limited obstructions. However, in the more populated hamlets, it will be possible for partially obstructed (framed or filtered) views through foreground structures and vegetation (trees and shrubs).

74. Within the Suburban Residential Landscape Unit, the suburbs of Watertown and the Towns of Clay and Cicero represent large tracts of land devoted to residential and commercial/industrial development. The total population in these areas will be greater than that found in other communities. There will be a higher concentration of structures, recreation opportunities, roads, and services. Views are generally short in distance and likely focused along streets because of the Existing Structures and associated vegetation obstructing outward views. While the distance of views to the surrounding landscape may be limited, there are a few opportunities for a variety of views through foreground structures and vegetation from the perimeter of the communities or from higher elevations with open views.

75. The Transportation Landscape Unity includes the major thoroughfares and immediately adjacent land: NYS Routes 3, 12, 13, 49, 69, 104, 126, 177, US Route 11, and I-81. These corridors are the most, or some of the most heavily traveled roads. Travelers are transient users that may experience a variety of views at a higher rate of speed while encountering an increased number of vehicles (cars and trucks), as compared to local roadways. Views of the adjacent landscape, pavement, and roadside structures and vegetation (where available) will be encountered, but all views should be short in duration, fleeting and dominated by vehicles and pavement.

76. There are several other factors to consider when reviewing the Project within the landscape. Distance can affect the overall apparent size and degree of contrast between an object and its surroundings. As such, distance zones are used to divide the landscape into discrete areas around the Project. These zones consist of Foreground, Middleground, and Background Distance Zones.

77. Approximately 55% of the visibility (7,283 acres) will occur within the Foreground Distance Zone. Visibility will likely be evident where 1) public lands or roadsides have unobstructed views in the direction of the Project, or 2) when an observer is in proximity to the

Project (e.g., where the Project crosses a roadway). In the latter instance, based on the viewshed map and site visits, generally where visibility coincides with a road crossing, it is generally contained to a small geographic area, thus an observer may have unexpected visibility of a low number of structures for a moment. However, it should be noted that there may be instances where road crossings could see a higher number of Proposed Structures, for instance where the Project crosses I-81 is one such location. It should be recognized that visibility along roadways will be affected by such factors as the automobile's rate of speed and orientation of the road. The remaining approximately 45% of visibility (5,753 acres) will occur within the Middleground Distance Zone. Visibility will be most evident where public lands or roadways have unobstructed views in the direction of the Project. However, transmission structures seen at this distance will lose detail and their form may not be discernable with increased distance.

78. A Viewshed Analysis indicated that there will be relatively minor visibility because ninety-six (96) percent of the Study Area will not have visibility of the Existing Lines. In addition, the existing and proposed transmission lines have similar visibility. The proposed Project has 1.2% additional areas of visibility, which equates to 3,040 acres of land that now has potential for Project visibility Where visibility does occur, it is expected that one (1) to five (5) structures will likely be visible.

79. To create photo simulations of potential visual changes associated with the proposed Project, a rendering of a three-dimensional computer model of the Project was superimposed into the base photograph taken from each corresponding location. The photo simulations were created using the proposed Project design. Nine simulations were completed to illustrate the Project's slender galvanized steel transmission poles in various settings. Three simulations are from locations found along New York State/Interstate Highways and six are located along local roadways.

80. Potential impacts from the Project are minimized by using the Existing ROW and the placement of Proposed Structures adjacent to or in close proximity to those structures being replaced. Structures in the Existing ROW proposed to be utilized by the Project are part of a forested, rural, or residential setting. A replacement transmission line located in the Existing ROW will have less contrast and less visual impact compared to a new transmission line in an undeveloped area. The Project will be constructed primarily within the Existing ROW, which

contains existing transmission or distribution lines. Thus, the Project is proposed to be sited in a manner that minimizes its visual impact.

81. Outside the State Forests, the Project is consistent with the existing land uses (including agricultural lands) that can be found along the ROW. The Proposed Structures are taller but should not result in a detrimental impact or diminishment of the publics enjoyment of these Statewide Significant resources.

82. As this Project is the rebuild of the Existing Lines, National Grid has made every attempt to locate the proposed transmission structures adjacent to the ones they are replacing. In doing so, it has avoided introducing a new use in areas where it did not exist. The Project will result in the upgrade to an Existing transmission line by removing aged structures, of various styles and materials, and replacing them with new gray steel monopoles. These slender, yet taller, structures will require less space when compared to the Existing Structures found within the ROW. Mitigation measures, including, but not limited to, screening, relocation, downsizing, non-specular materials, and lighting changes, will be utilized to minimize visibility and perceived visual impact of the Project.

83. Based on a review of the evidence, the Signatory Parties have determined that visual impacts from the Project will be minimal.

3. *Cultural Resources*

84. In accordance with PSL § 122(1)(c) and 16 NYCRR §§ 86.3(a)(2)(iii) and 86.5(b)(2)(i), National Grid evaluated existing cultural resources and potential impacts within the Project Area. Required cultural resource literature reviews, archaeological sensitivity assessments, and historic architectural reconnaissance surveys for each segment were determined in consultation with the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") and New York State Historic Preservation Office ("SHPO") within the OPRHP and was based on such factors as the Project limits of disturbance, percentage changes between the heights of Existing and Proposed transmission structures, alterations to the ROW, and GIS-based viewshed modeling.

85. Historic properties are culturally significant properties on or eligible for inclusion in the National or State Register of Historic Places ("NRHP" or "SRHP," respectively), and include archaeological sites and aboveground historic sites, structures, and districts. Review of the historic

register files identified nine (9) NRHP-listed resources, and seventeen (17) NRHP-eligible resources located within 1.0 mile of the Project corridor. Of the twenty-six (26) resources, eleven (11) are within the area of potential effect ("APE"). Fifty-eight (58) archaeological sites have been recorded within 1.0 mi (1.6 km) of the Project APE. Of these sites, two (2) are NRHP-listed resources, five (5) are NRHP-eligible resources, fifteen (15) are Not Eligible for listing on the NRHP, and thirty-six (36) are listed as undetermined. In total, thirty-two (32) archaeological sites are associated with the Precontact Period (before European settlement, about 1609) and twenty-six (26) are related exclusively to the historic period. Two (2) archaeological sites are NRHP-listed. Two (2) Precontact sites and three (3) historic sites are NRHP eligible. Fifteen (15) sites including one (1) Precontact site and fourteen (14) historic sites are determined not eligible for listing on the NRHP while the remaining thirty-six (36) sites remain undetermined with regards to their NRHP eligibility.

86. Consultation with SHPO was initiated via a file search and review utilizing the New York State Cultural Resource Information System ("CRIS") on June 5, 2023. SHPO provided guidelines on June 5, 2023, for determining areas of substantial proposed ground disturbance and criteria for identifying areas of high archaeological sensitivity. These areas of substantial proposed ground disturbance include new overhead electrical transmission structures located more than ten (10) feet from existing overhead electrical transmission structures, new access roads, staging areas, trenches three (3) feet or wider, and areas of grubbing and grading. Pursuant to SHPO guidelines, the entirety of the transmission line corridor was considered an area of substantial proposed ground disturbance.

87. During the Phase IA archaeological assessment, a background site file and records review was conducted utilizing CRIS. Initial research and GIS-based analyses identified sixty-five (65) testing areas along the proposed corridor totaling 25.6 miles which meet the SHPO criteria for defining areas of archeological sensitivity.

88. Based on the results of the Phase IA archaeological assessment, a Phase IB archeological field survey was completed in the Fall of 2023. During the Phase IB reconnaissance surveys and testing, Project archeologists excavated 3,367 shovel test pits ("STPs") within the Phase IB testing area. These investigations resulted in the identification of three (3) isolated finds and two proposed new archaeological sites, and one previously identified archaeological site. The

isolated finds include two historic ceramic fragments from teacups or mugs and a single chert tertiary flake. Results of the Phase IB Archeological Investigations were submitted to OPRHP in March 2024.

89. Although not identified in CRIS prior to the current survey, the J. Somers Historic Site (USN 06703.000429) was identified during the Phase IB survey. A concurrent survey conducted by PAF in October – December of 2023 identified this site and conducted a Phase 2 archaeological survey of the site. Based on this survey, the OPRHP recommended that the research potential of the site had been thoroughly explored and that no further archaeological investigations are warranted.

90. The two (2) newly identified archaeological sites include the Area 22 Historic Farmstead and the Area 51 Historic Farmstead sites. Based upon the presence of potentially intact cultural soils and historic map records and associations with the Morse family, Phase 2 archaeological investigations were recommended for the Area 22 Historic Farmstead site. Based upon a lack of intact cultural deposits and abundance of extant nineteenth century buildings throughout Jefferson County, the Area 51 Historic Farmstead site was recommended not eligible for inclusion of the NRHP.

91. An addendum Phase IB archaeological survey of areas not previously accessible during initial IB testing in addition to Phase 2 testing of the Area 22 Historic Farmstead site in the spring of 2024. One additional archeological site, the Area 34 Historic Site, was identified.

92. In addition, a Phase II archeological evaluation was performed of the Area 22 Farmstead site. It was determined that the data potential for the Area 22 Historic Farmstead site has been exhausted within the Project Area and that further work would likely not yield significant information to contribute to the overall NRHP eligibility of the entire Area 22 Historic Farmstead site.

93. Further consultation with OPRHP was initiated on March 5, 2024, by providing the proposed APE and survey methodology via electronic upload to the OPRHP's CRIS. In a response received via CRIS on May 13, 2024, OPRHP Reviewer requested a reconnaissance level architecture survey within one mile of the transmission line corridor.

94. Following the submission of the historic architecture survey, the OPRHP issued a letter on June 10, 2024, confirming that no historic resources will be affected by the Project along its entire route.

95. Potential visual effects are highly variable with intervening trees, foliage, buildings, objects, modern intrusions, and other visual clutter, such as telephone poles and advertisement signs, impacting the line-of-sight views from a historic property toward the Project. The optical effects of distance, diminishing perspective, and atmospheric conditions can also reduce overall visual impacts on historic properties, especially those located further away from the Project.

96. In general, the proposed increase in structure height along the length of the corridor will have a greater potential for visual effects on historic properties located closest to the Project. On June 10, 2024, OPRHP issued a letter confirming that the Project would have no effect on historic properties. On August 8, 2024, OPRHP issued a letter concurring with National Grid's recommendations (Appendix A). Based on this review, OPRHP issued the opinion that no properties, including archaeological and/or historic resources, listed in or eligible for the NRHP/SRHP will be impacted by this project.

97. As a result of Project design progression, several newly identified areas have been identified which will require additional Phase IB archaeological investigations. These design changes have not yet been submitted online to the OPRHP's CRIS. Phase IB archaeological investigations are expected to occur in Spring of 2026. The additional information will be provided to OPRHP once investigations are complete.

98. Based on its review of the evidence and the particular scope of work associated with this Project, the Signatory Parties have determined that National Grid will avoid creating adverse impacts to the greatest extent possible on heritage resource sites, archeological sites, and historic structures in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures to be described in the EM&CP.

4. *Terrestrial and Wildlife Resources*

99. As discussed in Exhibit 4 and in accordance with PSL §122(1) (c) and 16 NYCRR §86.5(a) and (b), National Grid evaluated the potential impacts of the Project on vegetation and wildlife that occur within the Project ROW. The terrestrial ecology that occurs within the Project

ROW has been characterized based on a review of orthophotography, agency correspondence, and field surveys that were conducted from May to December 2023. The vegetation within the Project ROW includes brushy cleared land, mowed roadside/pathway, unpaved road or path, successional old field, shallow emergent marsh, and shrub swamp vegetation communities.

100. The Project consists primarily of maintained Existing ROW, and much of the vegetation on the Project falls into the Terrestrial Cultural subsystem, including croplands (row and field crops), brushy cleared land, pastureland, and mowed roadsides/pathways. Also common within the ROW are emergent marsh, shrub swamp, and a variety of successional communities. The communities observed during field surveys within and alongside the Project ROW are beech-maple mesic forest, deep emergent marsh, hemlock-northern hardwood forest, pastureland, pine-northern hardwood forest, red maple-hardwood swamp, sedge meadow, shallow emergent marsh, shrub swamp, silver maple-ash swamp, successional fern meadow, successional northern hardwoods, successional old field, and successional shrubland, along with communities in the Terrestrial-Cultural subsystem.

101. In addition to the communities observed during field surveys, there are two (2) Significant Natural Communities documented by the New York Natural Heritage Program ("NYNHP") within the Project Area: (i) vernal pool, and (ii) shale cliff and talus. The vernal pool community was observed on the Project on the south side of Hog Back Road in the Town of Orwell. The shall cliff and talus community was observed on the Project at Gulf Stream Gorge, in the Town of Rodman, between Williams Road and County Road 69.

102. Vegetative communities within the Project ROW will be temporarily disturbed by construction activities and equipment access. Additional clearing and widening of the ROW are expected to occur in all segments. The vegetative clearing necessary for the construction of the Project is not anticipated to have a significant permanent impact along the Project ROW or in the surrounding area. Clearing will be kept to a minimum and to meet standards identified in National Grid's Transmission Right-of-Way Management Plan ("TROWMP"). Within the Project ROW, trees and shrubs will be cleared or mowed to provide safe access to work areas. No other long-term or permanent impacts are anticipated.

103. The Existing ROW will be widened for several spans from Structure 3 through 262. Most of the ROW expansion will not have a significant impact on vegetative communities since it

is parallel and immediately adjacent to an existing multi-line transmission corridor and represents only a widening or slight expansion (twenty (20) to fifty (50) feet) of the already existing conditions. For a span of thirty (30) structures (Structures 232 to 262) the ROW expansion may increase up to 100 feet, but as stated in section 4.3.9.1 above, most of this land is classified as vacant so impacts will be minimal. The TROWMP identifies various goals associated with vegetation management along transmission ROWs, including doing so in a manner that encourages development of a rich, diverse blend of stable herbaceous and compatible shrub communities and to maintain the environmental quality of sensitive resources and areas in the ROW, all while maintaining the integrity of the transmission facility. Clearing will be minimal and will consist primarily of mowing brush along the Existing ROW to provide clear and safe work areas and access to work locations. Post-construction vegetative maintenance on all segments will include the continued removal of tall growing species; however, some compatible low growing species and all low growing woody shrubs and herbaceous species will be allowed to revegetate.

104. Following construction, the vegetation on all segments of the Project ROW will be maintained in accordance with National Grid's TROWMP and will return to the same shrub and herbaceous vegetative cover type that presently exists on the Project ROW. There is one State and federally listed threatened plant, the American Hart's tongue fern [*Asplenium scolopendrium var. americanum*] species identified as potentially occurring within the Project ROW. Because the Project is a rebuild of an existing transmission line within an Existing ROW through primarily developed and residential land, the Project is not anticipated to significantly impact habitat fragmentation on a large scale. As such, there are no anticipated long-term impacts to any vegetative communities due to Project construction.

105. The successional communities, shrublands, adjacent forests, and managed Existing ROW provide wildlife habitat for a variety of species. Wildlife species likely to occur in each habitat type were determined by direct observation during field surveys, by consultation with applicable regulatory agencies, and by existing, available, online data. Existing plant communities, as well as aspects of the physical environment (e.g., climate, microclimate, hydrology, geology), will influence the wildlife species that are present in a particular habitat. Environmental field survey data and available resource materials were used to categorize the different wildlife habitat types located within the Project Areas. The habitat types identified include open uplands,

agricultural areas, forested and scrub-shrub wetlands, emergent wetlands, and open water. Many of the species occurring in the vicinity of the Project are seasonal migrants that travel substantial distances between breeding and wintering areas.

106. Based on a review of U.S. Fish and Wildlife Service ("USFWS") consultations and correspondence with the NYNHP, the federally and State-listed threatened and endangered species ("T&E species") identified as potentially present within the Project ROW include one (1) listed plant (American Hart's tongue fern), one (1) listed insect (bog buck moth [*Hemileuca maia menyanthevora*]), one (1) candidate insect for federal listing (monarch butterfly [*Danaus Plexippus*][10]), one (1) listed fish species (lake sturgeon [*Acipenser fulvescens*]), one (1) fish species of greatest conservation need (blacknose shiner [*Notropis heterolepis*]), two (2) listed reptiles (eastern massasauga [swamp rattler][*Sistrurus catenatus*] and Blanding's turtle [*Emydoidea blandingii*]), four (4) listed birds (pied-billed grebe [*Podilymbus Podiceps*], sedge wren [*Cistothorus platensis*], northern harrier [*Circus hudsonius*], and bald eagle [*Haliaeetus leucocephalus*]), and two (2) listed mammals (Indiana bat [*Myotis sodalist*] and northern long-eared bat ["NLEB"][*Myotis septentrionali*]).

107. A request for information on State-listed species records within the Project Area was sent to the NYNHP on June 9, 2023 (*see* Exhibit 16 of the Evidentiary Record; Appendix A of this Application). Correspondence containing information on State-listed species was received from the NYNHP August 7, 2023. At the direction of the NYNHP, additional information was requested directly from NYSDEC Region 6 staff on November 16, 2023. A response was received December 14, 2023. The NYNHP and NYSDEC Region 6 correspondence indicated that there were two (2) endangered, six (6) threatened, and one (1) rare species within or near the Project Area. The two (2) endangered species (Indiana bat and NLEB) within or near the Project Area.

108. According to the USFWS, there are three (3) endangered, two (2) threatened, and one (1) proposed threatened species present within the vicinity of the Project Area.

109. Direct impacts to wildlife are expected to correlate with the impacts to plant communities. Temporary disturbance to plant communities will be minimal with the greatest disturbance occurring at each new structure location. This disturbance will have a negligible

[10] The USFWS has proposed that the monarch butterfly for threatened species status.

impact on wildlife since each new structure location is near an already existing structure and construction activities at any single structure location will be short-term.

110. Those wildlife species utilizing any areas of scrub-shrub or woodlands where clearing is proposed may be temporarily affected by the loss of woody species for food, shelter, and nesting; however, the wooded areas located adjacent to or near the Project ROW will be unaffected and will continue to provide this habitat component. A large portion of the existing plant communities that are in early successional stages will remain unaltered by the Project. Therefore, wildlife species that utilize these cover types will be largely unaffected as they will continue to have a significant amount of suitable habitat available within the Project ROW.

111. For the protection of species of special concern present within the Project ROW, the Certificate Holder will implement the best management practices contained in Appendix I to the maximum extent practicable. To the extent the Certificate Holder cannot follow the best management practices, the EM&CP shall provide justification and demonstrate that impacts have been avoided or minimized to the maximum extent practicable.

112. The NYNHP indicated records of lake sturgeon in Oneida Lake, and the Oneida River, the latter of which the Project traverses. In all areas where soil disturbance occurs, erosion and sediment control measures designed to maintain and protect soil and water resources will be prescribed both during and after construction. Therefore, all tributaries of Oneida Lake within the Project Area will be protected. Accordingly, impacts to lake sturgeon are not anticipated.

113. Due to the linear nature of rebuild activities, impacts are anticipated to be brief within any given area. Wildlife patterns of movement are expected to return to "normal" following the completion of the construction activities at a given site.

114. The general construction and operational impacts of the Project are also applicable to T&E species. Due to the limited abundance and distribution of T&E species, certain activities which coincide with locations of endangered/threatened species, or their critical habitats, may have the potential to adversely affect protected individual organisms or populations.

115. Mitigation measures such as the use of tracked equipment and mats will be prescribed on a site-by-site basis in environmentally sensitive areas; erosion and sediment control measures designed to maintain and protect soil and water resources both during and after construction will be prescribed for all areas where soil disturbance occurs.

116. Based on a review of the evidence, the Signatory Parties have determined that the disturbance along the Project ROW for structure replacements will have a minimal impact on wildlife since each new structure location is in relatively close proximity to an existing structure and construction activities at any single structure location will be short-term.

117. Further, based on National Grid's commitment to implement various measures and conditions designed to promote protection and avoidance of known T&E species during construction, operation, and maintenance of the Project, DPS Staff and NYSDEC have determined that the Project will comply with the substantive requirements of the Environmental Conservation Law ("ECL") governing the identification, avoidance, protection, impact minimization and, if necessary, compensation for the incidental take of listed T&E species. The proposed Certificate Conditions include measures and requirements generally applicable to T&E species as well as to those particular species in the Project vicinity, including bald eagles and their nests, and the NLEB and their hibernaculum and tree roosts.

118. The results of agency consultation and the Applicant's review of existing conditions indicate that the Project ROW has the potential to provide suitable habitat for bald eagles. For the avoidance and protection of bald eagles, no more than two (2) weeks prior to the start of construction, National Grid will conduct a visual inspection in the area to determine if any bald eagle nests are present and consult with NYSDEC to determine if NYSDEC has records of any nests within one (1) mile of the Project area that may not have been detected during the visual inspection. No construction work will occur during the bald eagle breeding season (January 1 to August 31) within 330 feet of any active known bald eagle nest, and within 50 feet during the nonbreeding season. In the event that National Grid is unable to comply with such setbacks, National Grid will propose a Minimization and Monitoring Plan.

119. For the Protection of the Northern Long-eared Bat ("NLEB"), as well as its hibernaculum and tree roosts, as well as the Indiana Bat, National Grid shall consult with DPS Staff and NYSDEC to comply with the substantive requirements of the ECL, and its regulations, or other guidance as then applicable, should such species be identified on or near the Project ROW during preconstruction, construction, operation, and maintenance of the Facility. The proposed Certificate Conditions contain detailed requirements to avoid, minimize, and mitigate any impacts to the NLEB in compliance with 6 NYCRR Part 182.

120. Should National Grid determine that blasting, drone use, or helicopter use will be needed for the Project, an appropriate plan for such activity will be provided in the EM&CP. Each such plan will detail avoidance and minimization measures for T&E species during construction of the Project.

121. Prior to filing the EM&CP, National Grid will contact NYSDEC, NYNHP, and USFWS to check for any updates or changes of known T&E species or habitat or Significant Natural Communities in the Project area.

122. National Grid will educate all personnel who work on the Project regarding the presence of T&E species in the area, and notify NYSDEC of any observations of such species, including maintaining detailed records of T&E animal species observations to be provided to NYSDEC within thirty (30) days following the observation. For T&E species observations that occur during Project construction, National Grid will cease construction activities within the approximate location of the observed listed species until DPS Staff, after consultation with NYSDEC, can determine the appropriate avoidance measures are implemented, unless construction activity is necessary for protection of human life or property.

123. The locations of rare, threatened, and endangered species that occur within or near the Project Area will be identified in the EM&CP and include measures that will be taken to protect these resources. National Grid will consult with the U.S. Army Corps of Engineers (USACE), USFWS, and NYSDEC as to appropriate mitigation measures for all federal and state listed species within the vicinity of the Project.

124. Based on a review of the evidence, the Signatory Parties have determined that the disturbance along the Project ROW for structural replacements will have a minimal impact on terrestrial resources.

5. ***Agricultural***

125. New York State, Article 25-AA of the Agriculture and Markets Law ("AML") authorizes the creation of local agricultural districts pursuant to landowner initiative, preliminary county review, State certification, and county adoption. The Project will cross lands protected by AML Article 25-AA. During construction, agricultural operations may be disrupted within the ROW during growing seasons, depending upon the timing of construction. Portions of the Project ROW cross total of 172.6 acres of three Agricultural Districts (Figure 4-4). In Jefferson County,

the ROW crosses 153.2 acres of eleven (11) tax parcels in District 1; in Onondaga County, the ROW crosses 7.9 acres of three (3) parcels in District 3, and in Oswego County the ROW crosses 11.5 acres of five (5) parcels in District 11.

126. Based on a review of the Record Evidence, the Signatory Parties have determined that National Grid has assessed and designed the Project to minimize any potential adverse impacts on active farming operations that produce crops, livestock, and livestock products, considering the state of the available technology and the nature and economics of the various alternatives, and ownership and easements rights of the impacted agricultural property.

127. Standard Article VII Certificate Ordering Clauses, the EM&CP, and existing agreements between local farm operators and National Grid allow for the co-existence of active farmland and transmission lines. During construction, agricultural operations may be disrupted within the ROW for a single growing season, depending upon the timing of construction. NYSAGM provides agricultural mitigation guidelines throughout various stages of projects. If possible, structure removal and replacement will be scheduled for drier or frozen periods of the year, to prevent rutting of the soil surface. If temporary construction mat access is not practical or desirable, topsoil may be temporarily stripped and stockpiled from crop field-related work sites and access routes, then replaced following completion of work. Should some soil rutting occur, such areas will be graded and restored to the farm operator's satisfaction. The EM&CP will include mitigation measures such as these to be implemented during construction to minimize impacts to agricultural operations. Restoration measures such as rehabilitation of drainage tile fields, deep tilling of compacted areas, and thorough removal of all construction debris will also be implemented in active agricultural areas.

128. To protect and minimize impacts to these agricultural areas, National Grid has designed the Project to the extent possible to avoid or limit the placement of structures on crop fields or on other active agricultural land where the structures may significantly interfere with normal agricultural operations or activities. Where the location of a structure on such agricultural land is unavoidable, National Grid will endeavor to site the structure in a location that minimizes impact to normal farming operations.

129. All structures and guy anchors from agricultural areas as part of the construction activities will be removed to a minimum depth of forty-eight (48) inches below the soil surface.

All holes or cavities created by the removal of the old facilities shall be filled to the same level as the adjacent area, plus six (6) to twelve (12) inches of additional soil to allow for settling. All material will be slightly mounded to accommodate for settling.

130. Wherever existing structures are removed from agricultural fields, the immediate area will be restored to be compatible with agricultural production. Such restoration should include the removal of concrete foundations and steel structures down to a minimum of forty-eight (48) inches below the ground surface, the removal of all vegetation from the structure area, and grading of the ground surface to match the adjacent field. All rocks four (4) inches and greater in size shall be removed from the surface.

131. At the end of all construction, the ROW and respective work areas, including guy wire assembly and disassembly sites, shall be thoroughly cleared of debris such as nuts, bolts, spikes, wire, pieces of steel, and other assorted items.

132. The Applicant shall provide a monitoring and remediation period of two (2) growing seasons following completion of ROW restoration in active agricultural areas. The Applicant shall retain the services of an agricultural inspector on at least a part-time basis through this period. The monitoring and remediation phase shall be used to identify any remaining agricultural impacts associated with ROW construction that are in need of mitigation and to implement the follow-up restoration.

133. During the monitoring and remediation period, on site monitoring shall be conducted at least three (3) times during each growing season and shall include a comparison of growth and yield for crops on and off the ROW. When the subsequent crop productivity within the affected ROW is less than that of the adjacent unaffected agricultural land, the agricultural inspector, in conjunction with the Applicant and other appropriate organizations, shall help to determine the appropriate rehabilitation measures for the Applicant to implement (soil de-compaction, topsoil replacement, etc.). All affected farm operators shall be periodically apprised of the duration of remediation by the agricultural inspector during the various stages of the Project. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the end of the remediation period shall not obviate the Applicant's responsibility to fully redress all Project impacts, and the Applicant shall continue to respond to

the reasonable requests of the farmland owner/operators to correct Project related effects on the impacted agricultural resources after completion of the specific remediation period.

134. The agricultural inspector shall work with the farm operators during the planning phase to develop a plan to delay the pasturing of the ROW, following construction until pasture areas are adequately revegetated. The Applicant shall be responsible for maintaining the temporary fencing on the ROW until the agricultural inspector determines that the vegetation on the ROW is established and able to accommodate grazing. At such time, the Applicant shall be responsible for removal of the fences.

135. On affected farmland, restoration practices shall be postponed until favorable (i.e., workable, relatively dry) topsoil/subsoil conditions exist. Restoration shall not be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded until plasticity, as determined by the Atterberg field test, is significantly reduced. No Project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. The Applicant shall monitor and advise NYSAGM and DPS Staff regarding tentative restoration planning. Potential schedules will be determined by conducting the Atterberg field test at appropriate depths into topsoil stockpiles, and below the traffic zone for a mutual determination of adequate field conditions for the restoration phase of the Project.

136. Topsoil stockpiles on agricultural areas left in place prior to October 31 shall be seeded with Aroostook Winter Rye or equivalent at an application rate of 3 bushels (168 pounds) per acre and mulched with straw mulch at rate of two (2) to three (3) bales per 1000 sq. ft. Topsoil stockpiles left in place between October 31 and May 31 shall be mulched with straw pursuant to winter stabilization standards within NYSDEC *New York State Standards and Specifications for Erosion and Sediment Control* (the "Bluebook"). Straw (not hay) mulch shall be used to prevent soil loss on stockpiled topsoil from October through May.

137. Based on its review of the evidence and the particular scope of work associated with this Project, the Signatory Parties have determined that National Grid will avoid creating adverse impacts to the greatest extent possible on agricultural lands in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures to be described in the EM&CP.

6. *Wetlands and Water Resources*

138. As described in Exhibit 4, an initial desktop analysis of wetlands was performed using NYSDEC Freshwater Wetland mapping (NYSDEC, 2023), USFWS NWI mapping (USFWS, 2023), USGS topographical mapping (USGS, 2024), and NRCS soil survey mapping (NRCS, 2019). After the desktop analysis, a wetland and stream field delineation was conducted within and adjacent to the Project ROW between June and December 2023. Wetland boundaries were determined using the technical criteria described in the Corps Wetland Delineation Manual (Environmental Laboratory, 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Regional Supplement (USACE, 2012). In addition, delineated boundaries of freshwater wetlands regulated under Article 24 of the ECL were assessed according to methods described in the New York State Freshwater Wetlands Delineation Manual (NYSDEC, 1995).

139. Based on the above analyses, National Grid delineated a total of 359 wetlands and 174 streams in the Project ROW. Many of the delineated wetlands and streams are part of larger systems extending out of the Project ROW. These wetlands consisted of cover type components of palustrine emergent ("PEM"), palustrine scrub-shrub ("PSS"), palustrine forested ("PFO"), and palustrine unconsolidated bottom ("PUB") wetlands. Of the 359 delineated wetlands, 157 were confirmed to be jurisdictional based on Article 24 of the ECL and the then-effective regulations, and 269 are potentially jurisdictional by USACE under Section 404 of the Clean Water Act ("CWA") due to connections with adjacent and other navigable WOTUS.

140. The NWI is a resource provided by the USFWS on the abundance, characteristics, and distribution of wetlands and watercourses in the United States. The NWI is a tool for natural resource managers which uses a combination of aerial imagery, geospatial technology, and data collected using the Cowardin wetland classification system. A review of the NWI database indicates that the NWI-mapped wetlands in the Project ROW are predominantly PEM (12.9 acres), PFO and PSS (77.3 acres total), riverine (7.5 acres), PUB (5.1 acres), and lake (1.6 acres) wetland types (USFWS, 2023).

141. As of January 1, 2025, the regulations implementing ECL Article 24 (Freshwater Wetlands), 6 NYCRR Part 664, were amended. Those amended regulations redefined what wetlands are considered State-jurisdictional and therefore subject to ECL Article 24 protections.

Based on those regulations, the Applicant submitted to NYSDEC a request for a jurisdictional determination (JD) for this Project on July 11, 2025. A copy of the JD received from NYSDEC dated February 25, 2026, is attached as **Appendix G** to this Joint Proposal. The JD indicated that 4 delineated wetlands that were assumed to be State-jurisdictional were not under State jurisdiction, and 11 additional delineated wetlands were determined to be under State jurisdiction by NYSDEC. Subsequently, and pursuant to court order, on April 8, 2026, NYSDEC's amended wetland regulations were annulled; therefore, the prior Part 664 regulations in place before January 1, 2025, are in effect again.[11] ECL Article 24 was unaffected by the court order, and in the event of any conflict or inconsistency between the pre-2025 version of the Part 664 regulations and the current version of ECL Article 24 as amended in 2022, the statute prevails over the regulations. In light of this ongoing litigation, National Grid agrees to consult with NYSDEC staff and DPS Staff during the EM&CP phase prior to the commencement of construction to confirm the status of NYSDEC's applicable freshwater wetland jurisdiction relative to the Project at time of construction and, whether, based on the then-applicable regulations, if a new JD for the Project is necessary or if either the wetland delineation included in Exhibit 19 or the JD is sufficient.

142. The Signatory Parties further understand and agree that, should the Project not be fully constructed within five (5) years from the date any Certificate is issued by the Commission, National Grid must consult with DPS Staff and NYSDEC staff to determine whether the wetland boundaries need to be re-confirmed.

143. Surface waterbodies and streams in the Project ROW were investigated using the NYSDEC and USGS/GIS data and confirmed during field surveys. There are a total of 163 streams within the Project ROW. Based on observed hydrological connectivity and mapping, many of the streams identified within the Project ROW are likely to be considered jurisdictional under Section 404 of the CWA, but that number is pending USACE permitting. The Project ROW crosses the northwest corner of the LHH Reservoir near Structures 15 to 17 and 312.

144. The NYSDEC Waterbody Inventory and Priority Waterbodies List (NYS Office of Information Technology Services, 2024) was also searched to identify and classify waterbodies within the Project ROW. Twenty waterbodies and their tributaries from this list are crossed by the

[11] See *Chautauqua Lake Prop. Owners Ass'n, Inc. v. State of New York*, Index No. 903982-25 (N.Y. Sup. Ct. Albany Cnty. Apr. 8, 2026) (NYSCEF Doc. No. 68).

Project ROW. Of the 163 delineated streams, forty-seven (47) are classified as Class C, with a Standard of C; sixty-three (63) are mapped as Class C, with a Standard of C(T); eight (8) are mapped as Class C, with a Standard of C(TS); two are classified as Class B; and forty-three (43) are classified as Class D under Article 15. None of the streams are mapped as Class A.

145. Construction of the Project will not require the installation of permanent stream crossing structures in any of the named streams traversed by the Project ROW.

146. The Northern Tug Hill Glacial Aquifer Sole Source Aquifer is located beneath the Project ROW for 22.6 miles of the Project's total length. This is the only sole source aquifer in the region. The Project is unlikely to affect the aquifer, as impervious surfaces will not be increased, and no withdrawal or addition of water to the aquifer will occur; further, all appropriate Stormwater Pollution Prevention Plan ("SWPPP") measures will be implemented to avoid contamination of groundwater, and controls will be detailed in the EM&CP.

147. County soil surveys publish depth to water tables or the presence of ground water in soils for Jefferson, Oswego, and Onondaga Counties. The depth to the water table is variable for the numerous soil classes present along the Project ROW. Where feasible, structures will be located to avoid areas with high ground water. If a structure must be in an area of high ground water, construction will incorporate de-watering methods to minimize impacts and disturbance to the site. The EM&CP will specify dewatering procedures. There are no impacts to ground water resources anticipated due to Project construction.

148. The Project ROW consists of forested, shrub, and herbaceous vegetation cover conducive to soil stabilization, stormwater infiltration, and the reduction of erosion potential. During construction, the Project ROW will be mowed and cleared of trees and brush, but an intact vegetative cover will still exist over the majority of Project ROW thereby minimizing the potential for significant stormwater runoff. The EM&CP will prescribe erosion and sediment control measures for all areas where ground disturbance results in exposed soils such as structure sites and access roads. Once construction is complete, National Grid will continue to maintain vegetation in accordance with its TROWMP thereby assuring a continued vegetative cover on the Project ROW. There are no stormwater-related impacts anticipated due to Project construction.

149. Permanent impacts to wetlands associated with the placement of new structures will be minimized by locating structures outside of wetlands, to the extent practicable, where the

alternative of spanning the wetland exists. All Existing wood pole structures that are scheduled for removal will be removed from wetland areas with the exception that certain structures may be cut at ground level and left in place if it is determined that pulling the pole would cause significant disturbance to the wetland. The determination as to whether to leave the cut structures in place or pull the pole or structure from the ground will be made in the field and will depend on field conditions.

150. Where a long stretch of proposed permanent gravel road crosses a federal wetland, National Grid may propose to construct a permanent gravel road across the area and conduct wetland mitigation to compensate for any loss of wetland function and benefit. This will avoid having a gap in the permanent road system when construction is completed and will facilitate access to the facility for future maintenance, inspection, and emergency response. The EM&CP will specify the work procedures in wetlands and at stream crossings and appropriate restoration and mitigation measures that will be prescribed on a site-by-site basis in accordance with National Grid Best Management Practices ("BMPs").

151. Project construction will result in the disturbance of greater than one contiguous acre. Therefore, the Project will require coverage under NYSDEC's SPDES General Permit for Discharges from Construction Activity, Permit GP-0-25-001 ("SPDES Construction General Permit") and the development of a SWPPP. All erosion and sediment control measures will be prescribed in accordance with the SPDES Construction General Permit. Proposed tree clearing in the Project ROW will result in the clearing of forested wetland. Based on the present level of design, it is anticipated that there will be a total of approximately 1.77 acres of delineated forested wetlands to be cleared due to the Project. Of the 1.77 acres, there will be approximately 1.53 acres of forested wetland cleared in wetlands presumed to be NYSDEC-regulated. The exact acreages of clearing as well as the compensatory wetland mitigation plan will be provided in the EM&CP. In addition, the EM&CP will address storm water management, erosion and sediment control measures, and spill prevention and control measures.

152. The construction and operation of the Project will not result in a significant increase in impervious area and will not appreciably change topography in the Project ROW. The Project will not result in a discernable increase in stormwater runoff volumes. Similarly, the potential for the Project to increase flooding is negligible. In addition, there will be no stormwater discharges

during or after construction that will affect existing recreational activities or fish and wildlife resources in the Project Area.

153. The closest mapped NWI wetland to the Staplin Creek Substation is palustrine emergent and located 145 feet west southwest of the Project Area. The closest previously mapped NYSDEC freshwater wetland is an RU-25 Class 3 wetland and is approximately 845 feet east of the Project area. A NYSDEC-mapped Class C regulated stream intersects with the Project for 224 feet; however, field surveys in 2023 determined there was no stream at the location of the proposed Staplin Creek substation. There is one delineated PSS wetland, T08-WL13, adjacent to the east side of the proposed access road, off Middle Road. T08-WL13 is federally jurisdictional.

154. The proposed Staplin Creek Substation will be accessed via an existing driveway serving the existing Middle Road Substation. A relatively small, delineated wetland is located adjacent to the existing driveway. However, no impacts to this wetland are anticipated as there are no plans to widen or alter the existing driveway. Furthermore, no other wetlands in the area of the proposed Staplin Creek Substation are anticipated to be impacted by the proposed construction activities. With implementation of BMPs presented in the SWPPP, and as part of any Certificate to be issued in this proceeding, and the EM&CP, the construction of the proposed Staplin Creek Substation is not anticipated to have an adverse impact on water quality within area wetlands or streams.

155. Before commencing construction activities, coverage for the proposed Staplin Creek Substation under the SPDES Construction General Permit will be obtained. The permit generally requires that, to the extent off-site discharges of stormwater are necessary, they cannot occur at flow rates greater than pre-development conditions. As part of the development of the SWPPP, the proposed Staplin Creek Substation will be designed to meet or improve pre-development run-off conditions through the use of standard stormwater management practices. Once the site designs have been finalized, the SWPPP will be refined to ensure inclusion of all required site-specific Erosion and Sediment Control measures and BMPs in accordance with the SPDES General Permit.

156. In wetlands, temporary construction work pads made of timber mats will be placed at each structure location to provide a level and stable work area to set up and operate the equipment necessary for the installation and erection of the new structures. Details regarding the

size and location of each work area as well as the mitigation measures that will be used to minimize impacts on the wetland will be provided in the EM&CP.

157. Significant environmental impacts to wetlands and water resources will be avoided by using and/or improving existing access roads or paths to the maximum extent possible and by properly locating any new access roads that may be required to avoid additional impacts. The improvement of existing access roads and/or siting of new access roads will be based primarily on factors such as the avoidance of environmentally sensitive resource areas (i.e., wetlands and streams), facilitation of future maintenance work, minimization of potential erosion problems, and maximization of the use of existing roadways. In addition, with permission from affected landowners, off-ROW access may be prescribed in certain locations to avoid or minimize impacts to streams and wetlands.

158. Mitigation measures such as the use of tracked equipment, low-ground-pressure equipment, and mats will be prescribed on a site-by-site basis in environmentally sensitive areas including streams and wetlands. In addition, erosion and sediment control measures designed to maintain and protect soil and water resources, both during and after construction, will be prescribed for all areas where soil disturbance occurs. No new permanent roads will be constructed in NYSDEC regulated wetlands or regulated adjacent areas and no new permanent stream crossings will be installed in NYSDEC regulated streams (Class C(T) and higher).

159. The EM&CP will specify the work procedures in wetlands and at stream crossings and appropriate restoration and mitigation measures that will be prescribed on a site-by-site basis in accordance with Blue the NYSDEC's "New York State Standards and Specifications for Erosion and Sediment Control" ("Blue Book").

160. To the extent that herbicide or pesticide use will occur, any herbicide application will be consistent with the applicable herbicide label and will be performed in consultation with NYSDEC to determine the applicable applicator license(s) or DEC guidance letter regarding the application, and if any federally delegated permits are required. Certificate Condition 72 prohibits the Certificate Holder from applying aquatic pesticides on the Project ROW to maximize protection of wetland and water resources. The Signatory Parties agree that such Certificate Condition does not prohibit the application of pesticides labeled for aquatic and non-

aquatic uses to upland areas; rather, it prohibits the application of pesticides aquatically, regardless of the label.

161. Equipment refueling, maintenance, and repair shall be conducted at least 100 feet away from any wetland or waterbody to the maximum extent practicable, unless otherwise specified in the EM&CP, which shall specify protective measures against spills.

162. Fuel tanks with storage capacities under 1,100 gallons and chemical storage shall be at least 100 feet from waterbodies and wetlands and shall include adequate secondary containment (containing at least 110% of the volume stored). Where possible from a constructability standpoint, fuel tanks with storage capacities under 1,100 gallons and chemical storage will be located more than 100 feet from wetlands and waterbodies. Fuel tanks with storage capacity over 1,100 gallons shall comply with the minimum setbacks under applicable regulations. If the minimum setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts have been avoided or minimized to the maximum extent practicable.

163. Inadvertent discharges of stormwater and sediment to wetlands and streams from the Project work areas will be controlled with appropriate erosion control practices prescribed in the EM&CP and implemented during construction thereby assuring the protection of the existing water quality of streams and wetlands. Erosion and sediment control procedures to be prescribed in the EM&CP and followed during construction will be in adherence to the Blue Book and in accordance with National Grid BMPs.

164. National Grid shall restore disturbed construction areas to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations unless the EM&CP specifies otherwise. As part of restoration, disturbed pavement, curbs, and sidewalks shall be restored to their original preconstruction condition or better. Areas that are in a stable unvegetated state at the time of filing will be identified in the EM&CP and will not be required to reach 80% cover regrowth so long as National Grid can show the area has been adequately stabilized without cover.

165. Based on a review of the Record Evidence, and National Grid's obligation to comply with the Certificate conditions and environmental protection plans measures to be specified in the EM&CP, the Signatory Parties have determined that the Project avoids and

minimizes adverse impacts to streams, waterbodies, wetlands, and the adjacent area associated with any State-regulated wetlands.

166. National Grid will comply with applicable federal and State regulations and complete any preapplication requirements for filing with the Secretary or their designee, to obtain a Water Quality Certification from the Commission pursuant to the CWA for construction work in federal jurisdiction waters and wetlands.

167. The depth to the water table is variable for the numerous soil classes present along the Project ROW. Where feasible, structures will be located to avoid areas with high ground water. If a structure must be in an area of high ground water, construction will incorporate de-watering methods to minimize impacts and disturbance to the site. The EM&CP will specify dewatering procedures. There are no impacts to ground water resources anticipated due to Project construction.

7. *Topography and Soils*

168. As noted in Exhibit 4, the Project ROW is located within three (3) Major Land Resource Areas ("MLRA"): MLRA 142 (Saint Lawrence-Champlain Plain), MLRA 141 (Tug Hill Plateau), and MLRA 101 (Ontario-Erie Plain and Finger Lakes Region). The Saint Lawrence-Champlain Plain (MLRA 142) is a formerly glaciated area of low relief dominated by broad expanses of nearly level, sandy deltas and shallow lacustrine and marine basins or plains punctuated by low hills of glacial till. Rivers and streams have cut relatively deep but narrow valleys across the plain. Elevation ranges from 80 to 1,000 feet (25 to 305 meters), increasing gradually from the St. Lawrence River southward. The Tug Hill Plateau (MLRA 141) consists of a relatively small but unique upland that lies just off the eastern end of Lake Ontario and west of the Black River Valley and Adirondack Mountain region. It is essentially a north- and east-facing glaciated cuesta scarp and is underlain by thick Wisconsin till and small areas of outwash. The Erie-Ontario Plain (MLRA 101) consists of glacial till deposits, and some soils are mantled with a thin layer of clayey or silty lake-laid sediments. The till deposits are derived from shale, siltstone, sandstone, or limestone, and occur as nearly level to sloping ground moraines. The Plain is underlain by bedrock of the Upper Silurian and the Middle and Upper Devonian periods.

169. The Project ROW crosses several types of soils derived mainly from glacial till. The most prominent soil series in Onondaga, Oswego and Jefferson Counties include Colton-Hinckley complex, rolling (excessively drained), Worth and Empeyville soils, 8 to 15% slopes,

very stony (well-drained), Bice-Pinckney complex, rolling (well-drained), and Bice-Pinckney complex, undulating (well drained). Soil drainage in the Study Area is variable, with approximately 69.6% of the Study Area having well drained, somewhat excessively drained, excessively drained, or moderately well to well drained soils, and approximately 29.4% having very poorly drained, somewhat poorly drained, and poorly drained soils (NRCS, 2019). Hydric soils are also variable across the Project with 8.6% having hydric or predominantly hydric soils, 9.3% having partially hydric soils, and 82.7% having predominantly or fully non-hydric soils.

170. Based on NYSDEC (2024) data, the Project ROW does not cross any known commercial mines or gravel pits. However, two of the Project's potential marshalling yards contain active sand and gravel pits. In the Town of Pulaski, there is one active sand and gravel pit registered with NYSDEC (Mine ID # 71030) that falls within the potential Bert-Howard Marshalling Yard. In the Town of Sandy Creek, National Grid has proposed using the property on County Route 48 owned by Robert E. Coffin (the "Coffin Property"). The Coffin Property is a NYSDEC permitted sand and gravel mine (Mine ID #70445).

171. There are no unique geologic or topographic features that will be permanently affected by the construction or operation of the proposed Project. Temporary environmental effects during construction related to topography and soils would most likely occur in areas of steep slopes or areas where activities could result in significant ground disturbance. Grading for access roads, grading and excavation for structure installation, stockpiling of soils and clearing of vegetation are examples of activities that will be designed with sensitivity to slopes and soil type.

172. Grading operations for access roads and at structure work areas along the Project ROW will vary with soils type, land use, and topography, and will be designed to protect soils from erosion, compaction, and soil mixing. Construction activities required for structure installation will be confined to access roads and work areas that are laid out on a structure-by-structure basis, taking soil type and slope into consideration. Temporarily stockpiled soils will be protected to prevent erosion and keep stormwater runoff from reaching adjacent areas. Vegetative clearing and slash disposal techniques will be prescribed on a site-by-site basis to minimize disturbance to areas of sensitive or unstable soils and steep slopes. General mitigation measures in areas with vulnerable soils would include the use of tracked equipment, low-ground-pressure equipment, and mats, which will be prescribed in the EM&CP. The EM&CP will also prescribe

measures to prevent or minimize impacts associated with topography and soils. There are no topography or soil related impacts anticipated to result from this Project.

173. Based on its review of the Record Evidence, the Signatory Parties have determined that the construction and operation of the Project will not appreciably change topography in the Project ROW, there are no unique geologic or topographic features that will be permanently affected by the construction or operation of the Project, and no topography or soil related impacts are anticipated as a result of this Project.

8. ***Noise***

174. As discussed in Exhibit 4, the lands adjacent to the Project ROW are a mix of undeveloped forest and shrub lands, wetlands, agricultural land, residential areas, and areas of commercial/industrial development. In addition, the Project ROW crosses seven (7) State highways (Routes 3, 12, 126, and 177 in Jefferson County, and Routes 13, 69, and 104 in Oswego County), as well as Interstate 81 northbound and southbound at one location. The primary background noise sources in these areas are traffic from the surrounding roadways and parking areas, railroads, local vehicular operation, lawn mowing and other residential home activities, aircraft traffic, and natural sounds (e.g., birds, insects).

175. The existing operational noise within the Project ROW is associated with transmission line electro-static or "corona" effect, which occurs during humid days and precipitation events. Existing residences directly adjacent to the Project ROW may experience this effect depending on the relative distance to the Project ROW and background noise levels. The noise resulting from the corona effect, as compared to the background noise level such as a rainfall event, would be nearly indiscernible.

176. There will be a temporary noise increase with the installation of the new Project structures and installation of equipment at the proposed Staplin Creek substation facility. A sound level impact assessment for the substation facility was performed by Epsilon Associates Inc. The report by Epsilon Associates Inc. is dated February 14, 2024, and is titled: *Sound Level Impact Assessment Report, Black River – Clay 115kV Transmission Rebuild Project, Staplin Creek Substation, Middle Road, Town of Rutland, Jefferson County, New York*. As noted in Exhibit 4 to the Application, the closest residences to the proposed substation site are located at distances of 400 feet or greater and are not anticipated to be significantly impacted by construction noise.

177. Construction noise will be temporary in nature and, as such, no long term or significant noise impacts due to construction are anticipated. Once operational, the proposed substation will have no major sources of sound, so there will be no continuous noise resulting from operations of the substation. In addition, the operation of the proposed substation facility will comply with all applicable state design goals and local regulatory limits with respect to sound, therefore, no mitigation is proposed.

178. Residential homes are found at varying distances from and densities along the Project ROW. The most densely populated residential areas crossed by the Project ROW are the neighborhoods around Brewerton, especially in the developed area around Orangeport Road, adjacent to the east side of the Project ROW. Although residential areas occur along the length of the Project corridor, the majority of the Project passes through rural areas. Agriculture is the predominant activity in Segment 1. Residential land dominates in Segment 2, although these are large, sparsely populated rural lots. Wild, Forested, and/or Conservation land predominates in Segments 3 and 4. Rural residential land as well as vacant areas predominate in Segments 5 through 7. Segment 8 is comprised largely of suburban residential parcels with vacant land filling in the spaces between.

179. Overhead transmission line construction, including site and vegetation clearing, foundation form installation, excavation/concrete placement (as needed), structure installation, and wire stringing, will generate noise levels that are periodically audible along the Project route, access roads, structure sites, conductor pulling sites, staging areas, and marshalling yards.

180. To minimize noise impacts during construction, National Grid will limit construction activities on the Project to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. If due to safety or continuous operation requirements, construction activities are required to occur on Sundays or after 7:00 p.m., National Grid will notify the DPS Staff and the affected municipality at least 24 hours in advance unless safety considerations prohibit making such advance notice.

181. The operation of the new transmission lines will not result in any new permanent or long-term significant adverse noise impacts. The minimal corona noise, which could be generated during rainy weather, will be masked by the sound of the falling rain itself.

182. During construction, a variety of construction equipment noise sources will be associated with each phase of construction. Noise generation will typically be from diesel engine construction vehicles and equipment and noise from rock drills and/or jack hammers, if necessary. Exhaust and engine noise are typically the predominant sources of noise from equipment operation. To manage these sounds, contractors will be required to maintain mufflers on applicable equipment. Although the Applicant does not anticipate the use of blasting, drone use or helicopters, if these activities occur during Project construction, National Grid will provide an appropriate plan for such activity in the EM&CP. The plan will detail avoidance and minimization measures for T&E species during construction of the Project.

183. Sound level changes resulting from the proposed construction activity associated with the proposed transmission lines are expected to be minimal. Construction noise will be temporary and vary according to the construction equipment in use and existing background or ambient noise. Generally, temporary sound levels are mitigated by the attenuating effects of distance, the intermittent and short-lived character of the sound, the presence of existing vegetation, the presence of homes and buildings (particularly in the more suburban areas), and the use of functional mufflers on all construction equipment. Transmission line construction is generally brief at each structure and equipment is typically shifted to the next structure site along the Project ROW within three (3) to five (5) days. No singular residence will be exposed to significant sound levels for an extended period of time.

184. The sound levels from construction activities will be dominated by the loudest piece of equipment operating at the time. Therefore, at any given point, the loudest piece of equipment will be the most representative of the expected sound levels in the area. Construction equipment is generally not operated continuously at maximum load, as there is significant variation in power and usage. Actual received sound levels at a receiver will fluctuate, depending on the construction activity, equipment type, and separation distances between source and receiver. Other factors, such as terrain and obstacles, e.g., buildings, will act to further limit the impact of construction sound levels.

185. Based on their review of the Record Evidence, the Signatory Parties have determined that the construction and operation of the Project is not anticipated to impact long-term noise levels. Construction noise will be temporary and vary according to the type of construction

equipment in use and existing background or ambient noise. Generally, transmission line construction is of short duration in any particular location, thus no one residence or other potentially sensitive receptor will be exposed to significant increased noise levels for an extended period of time.

9. *Invasive Species*

186. The Applicant will prepare an Invasive Species Management and Control Plan in accordance with the proposed Certificate Conditions set forth in **Appendix D** of this Joint Proposal and the Specifications contained in **Appendix E** to this Joint Proposal. This plan will ensure the Applicant's compliance with 6 NYCRR Part 575.

187. As discussed in Exhibit 4, an initial invasive plant species inventory of the Project ROW was completed in May through December 2023. The initial invasive species inventory of the Existing ROW did not reveal any findings that would be considered unusual for the area.

188. National Grid will develop a list of invasive species of special concern in consultation with NYSDPS, NYSDEC, and NYSAGM during the preparation of the EM&CP. The EM&CP will include measures to be implemented to minimize the introduction and spread of invasive species during Project construction. Based on the initial survey, it is anticipated that good construction practices such as ensuring that all equipment, tools, and materials are clean before entering and upon leaving the Project ROW will prevent the spread of invasive species to surrounding areas.

189. Removal of any wood from the ROW will be pursuant to the NYSDEC's firewood regulations to protect forests from invasive species found in 6 NYCRR Part 192, and any applicable NYSDEC quarantine orders and/or NYSAGM quarantine regulations. Crews will be trained to identify insects that the NYSDEC identifies as a potential problem. If any evidence of these insects are found, they will be reported immediately to the appropriate NYSDEC regional forester.

190. Based on the review of the Record Evidence, the Signatory Parties have determined that the initial plant species inventory of the Project ROW did not reveal any findings that would be considered unusual for the area.

10. ***Transportation***

191. As discussed in Application Exhibit E-6 (Exhibit 15 of the Evidentiary Record; referred to herein as Exhibit E-6), there are three (3) privately owned airports listed in the Federal Aviation Administration ("FAA") Airport Data and Information Portal ("ADIP") that are within 20,000 feet of the Project ROW. The Project ROW is approximately 795 feet (0.15 miles) west of the River Edge Airpark (FAA ID: 19NK) in the Town of Hastings, Oswego County. Airlane Enterprises (FAA ID: 1H1) is in the Town of Clay in Onondaga County approximately 3,919 feet (0.74 miles) west of the Project ROW. The Richland Airpark (FAA ID: 1NY3) is in the Town of Richland in Oswego County approximately 19,835 feet (3.76 miles) west of the Project ROW.

192. Because of the proximity of the Project ROW to airports, an obstruction evaluation is underway pursuant to the FAA criteria enumerated in the CFR Title 14 Part 77.13 and in accordance with the Notice Criteria Tool on the FAA's Obstruction Evaluation website, https://oeaaa.faa.gov. The Applicant anticipates that the Project is located within multiple instrument approach areas and therefore the appropriate Notices of Proposed Construction or Alteration was submitted to the FAA. No lighting or marking are required per the FAA, which determined the project was not a hazard to air navigation. The Applicant will file appropriate forms with the FAA with five (5) days of the structures reaching their greatest height.

193. The Project ROW travels adjacent to the Penn Central Railroad (operated by CSX) corridor for 8.79 miles (46,431 feet) in the Towns of Cicero, Clay, and Hastings, and the Village of Central Square. It also traverses the railroad corridor at one location between replacement Structures 150 and 151 (existing Structures 185 and 186) in the Town of Hastings. The Applicant will seek a new Railroad License Agreement from CSX for the conditional rights necessary to install, occupy, operate, access, and maintain the Project facilities on CSX property in accordance with the Project design plans and specifications as approved by CSX, and with all applicable CSX requirements and provisions.

194. Construction activities will also be coordinated with the railroad company to ensure that construction activities do not conflict with railroad operations and freight movements and to ensure implementation of appropriate railroad safety precautions. The final designs for the Project will be set forth in the EM&CP and will incorporate appropriate transmission facility design criteria, line clearance requirements, and railroad safety clearances.

195. The Project ROW crosses sixty-six (66) interstate, State, county, and local roadways in the Towns of LeRay, Rutland, Rodman, Worth, and Lorraine in Jefferson County, the Towns of Boylston, Orwell, Albion, Parish, and Hastings in Oswego County, and the Towns of Cicero and Clay in Onondaga County with seventy (70) individual crossings (as some roadways are crossed more than once).

196. During construction, the Project work areas will be accessed from these road crossings. Construction access points will be located to maintain safe traffic operation at the road crossings. A Maintenance and Protection of Traffic ("MPT") Plan will be developed for each construction access location in order to provide for a safe construction work zone along the edge or within a traffic lane within the ROW, as needed. The MPT Plan will identify necessary temporary signage, lane closures, barrier placement or traffic diversion patterns during construction. The MPT Plan will be developed during final design of the Project and will be incorporated into the Project's EM&CP.

197. To minimize potential conflicts with traffic patterns and lane usage, the Applicant has located transmission structures outside of road rights-of-way and as far from road crossings as feasible. If temporary parking along the local roadways is required, all vehicles will be situated such that the safe operation of the roadway is not impeded, and appropriate safety signage will be provided.

198. The number of vehicle trips generated by the construction crews for ROW clearing, transmission structure erection, structure removal, and conductor stringing will be minimal and short-term. Construction-related truck traffic will consist of equipment and material deliveries to the structure sites and removal of cleared vegetation and construction debris from the ROW. The location of construction marshalling yards or staging areas will be determined either prior to Certification or during EM&CP development. Construction workers will likely arrive at and depart from these areas outside of morning and evening peak travel periods. Deliveries of oversized equipment are not anticipated, but if they become necessary, they will be scheduled during off-peak periods to minimize traffic disruption.

199. The NYSDOT requires a utility work permit application or a thruway permit application, respectively, be submitted for the installation of utilities within or adjacent to State highway or thruway ROW. Following final design, the Applicant will submit utility work permit

applications and thruway permit applications for all applicable road crossings and will fully comply with the permit conditions. The EM&CP will contain BMPs that will be employed during construction to prevent the deposition of materials onto local roadways. Soil washed, dropped, spilled, or tracked outside the limit of disturbance or onto public ROW will be removed in a timely manner.

200. All work within State highway ROWs will be designed and performed in accordance with the traffic and safety standards and other substantive requirements contained in 17 NYCRR Part 131, entitled Accommodation of Utilities Within State Highway Right-of-Way, other NYSDOT regulations, applicable design standards of the American Association of State Highway and Transportation Officials ("AASHTO"), including the Manual of Uniform Traffic Control Devices ("MUTCD"), the Highway Design Manual, and the Policy and Standards for Entrances to State Highways.

201. To protect public safety, National Grid will not park vehicles or equipment in State highway rights-of-way unless construction is actively ongoing in such locations.

202. The Project crosses the Oneida River, which is part of the New York State Barge Canal, between replacement Structures 231 and 232 in Brewerton, New York. A Section 10 permit will be required for the Oneida River crossing.

203. The Project crosses the Erie Canal on the Oneida River, Town of Clay, Onondaga County, and Town of Hastings, Oswego County. One (1) lock along the Erie Canal is located within two point seven (2.7) miles of the Project ROW. Work within the canals is subject to the Special Provisions for Work In or Over Navigable Waterways Operated by the New York State Canal Corporation ("NYSCC") as well as subject to the jurisdiction of the United States Coast Guard ("USCG"). The Applicant is working obtain a work permit from the NYSCC, which will ensure adequate clearances and setbacks are maintained to accommodate vessel traffic. In addition, the Applicant will provide USCG notice of any work performed during the navigation season which may interfere with navigation.

204. The Project ROW intersects recreational trails at 14 locations. These include the Black River Recreation Trail (NY State Park Trails) alongside the Black River near the Black River Power Dam and Substation, and 13 NYSDEC trail crossings.

205. The Project ROW also crosses State Bicycle Route 11, which is a signed on-road bicycle route that extends 320 miles from the Pennsylvania state line near Binghamton to Rouses Point on the New York – Quebec border. This route connects with Pennsylvania State Bicycle Route L and the Velo Quebec cycling routes in Quebec and eastern Canada. It also intersects with State Bicycle Routes 5, 9 and 17, and New York State Canalway Trail. The Applicant will implement appropriate construction safety practices, such as temporary barricades and fencing, to prevent pedestrians from entering construction work zones and avoid potential conflicts with pedestrian traffic during construction along any paths or multi-purpose trails that are identified during the development of the EM&CP that could be impacted by Project construction.

206. The Applicant will implement appropriate construction safety practices, such as temporary barricades and fencing, to prevent pedestrians from entering construction work zones and avoid potential conflicts with pedestrian traffic during construction along the bike paths and any other paths or multi-purpose trails that are identified during the development of the EM&CP that could be impacted by Project construction.

207. Based on the review of the Record Evidence, the Signatory Parties have determined that the Project will not adversely impact transportation.

11. *Communications*

208. As noted in Application Exhibit E-5 (Exhibit 14 of the Evidentiary Record and referred to herein as Exhibit E-5; *see* Appendix A), the Project is not expected to have adverse effects on communications (i.e., television, radio, microwave, etc.) during construction or operation. National Grid will comply with applicable sections of the latest version of the National Electric Safety Code ("NESC") related to appropriate spacing between power and communication cables.

209. Buried fiber optic cables are likely located within or adjacent to portions of the existing ROW, and adequate separation between the rebuilt line and communication facilities will be maintained. As part of the final design, third parties that have underground communication cables within or adjacent to the Project ROW will be consulted to ensure that the precise location of the communication facilities are shown on the plan and profile drawings and that appropriate clearances are maintained. The signals transmitted along fiber optic cables are not distorted by any form of outside electronic, magnetic or radio frequency interference. Therefore, no impacts to the

operations of fiber optic cables are anticipated from the Project and the continued operation of the Rebuilt Line.

210. National Grid is unaware of the existing transmission corridor of the Project having any interference issues with the surrounding communication systems. This would include any impact the Project could have on AM & FM Radio, Digital TV, Cellular Phones, and Microwave Communication. The proposed facilities are not expected to result in any interference as well since the electric transmission facilities are similar to the existing facilities. Nevertheless, National Grid will respond to any reports of possible interference and will investigate and resolve interference from its proposed improvements.

211. The proposed facilities are not expected to result in any interference with radio or television reception because the proposed electric transmission facilities are similar to the existing facilities and will use existing ROW where no such interference has been reported. Nevertheless, National Grid will respond to any reports of possible interference and will investigate and resolve interference from its proposed improvements.

212. The Project ROW is located adjacent to the Penn Central Railroad corridor operated by CSX for 8.79 miles (46,431 feet) in the Towns of Cicero, Clay, and Hastings, and the Village of Central Square. The Project ROW also traverses the railroad corridor at one location between replacement Structures 150 and 151 (existing Structures 185 and 186) in the Town of Hastings. To ensure there is no interference with communication facilities associated with railroad operations, plans will be designed (and incorporated into the EM&CP) according to CSX design standards and all plans will be reviewed and approved by CSX engineers. CSX personnel will be onsite while work is active on railroad property. Also, National Grid currently has facilities over railroad property in this area with no reported interference. Therefore, it is not expected that the Project will interfere with communication facilities associated with railroad operations.

213. When metallic pipelines are in the same vicinity as transmission lines, the pipeline can incur induced voltages and currents. A review of pipeline drawings maintained by Applicant indicates that the Project crosses oil pipelines owned and operated by Buckeye Partners at two (2) locations. The first crossing is between existing Structures 270 and 271 (Proposed Structures 230 and 231) in Brewerton (Segment 7). Structure 231 is the closest proposed transmission structure located approximately 171 feet south of the pipeline. The second crossing is between existing

Structures 279 and 280 (Proposed Structures 239 and 240) in Brewerton (Segment 7). Structure 239 is the closest proposed transmission structure located approximately 190 feet north-northeast of the pipeline. Based upon the separating distance between the pipeline and closest proposed structures, the development of the Project is not anticipated to have any interference with the pipelines.

214. Additional underground pipelines are perpendicular to the Project ROW, usually at roadways, which are not anticipated to be impacted by the Project. Also, there were no above-ground valve stations, or other above ground sections of the pipeline observed. The Applicant will coordinate with the pipeline operator as part of the EM&CP to prevent interference with the pipelines.

215. The Project is not expected to result in any interference with radio, television, or cell reception and therefore no mitigation is required. The Applicant will comply with applicable provisions of the NESC related to the appropriate spacing between the proposed transmission lines and communication facilities. The Applicant will document any reports of possible interference along the Project ROW and take appropriate follow-up actions.

216. During the final design of the proposed facilities and the development of the Project EM&CP, National Grid will contact potential third party underground communication cable operators to confirm the placement of their facilities within the ROW and appropriate offsets to maintain. National Grid will also work with the facility owners to determine if AC mitigation is necessary and for facilities that have been identified as requiring AC mitigation, this information will be provided in the EM&CP as determined necessary. In addition, with the assistance of Dig Safely New York, National Grid will conduct ground surveys for all existing underground facilities, including communication cables, to confirm placement of all underground facilities to ensure their location is accurately depicted on construction drawings, to ensure appropriate clearances and to verify that appropriate interference protections are in place.

217. Based on its review of the Record Evidence, the Signatory Parties have determined that no impacts to the operations communication systems are anticipated from the from the Project.

12. ***Electric and Magnetic Fields***

218. The Applicant's preconstruction Electric and Magnetic Field ("EMF") Report, which was filed with the Commission on May 12, 2025 (Exhibit 27 of the Evidentiary Record),

modeled both existing and proposed transmission lines associated with the Project at 1 m (3.28 ft.) above grade for fifty-three (53) representative overhead transmission line ROW cross sections. All modeling was performed for winter normal conductor ratings, in accordance with the Commission's September 11, 1990, "Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities," ("PSC Interim Policy") as well as radio noise, and audible noise associated with the Project.

219. Under the PSC Interim Policy, the peak field at the edge of the ROW as measured at one (1) meter above ground when the circuit phase currents are equal to the winter normal conductor rating shall not exceed 200 milligauss ("mG").

220. The calculations in the EMF Report demonstrate that modeled post-Project magnetic field ("MF") values for each representative cross section comply with the Commission edge-of-ROW MF interim standard of 200 mG that modeled post-Project EF values for each representative cross section will comply with the NYSPSC edge-of-ROW EF interim standard of 200 mG. *See* Exhibit 27 of the Evidentiary Record. In addition, the EMF calculations demonstrate that modeled post-Project electric field ("EF") levels for all representative ROW cross sections will comply with the NYSPSC edge-of-ROW EF interim standard of 1.6 kV/m.

13. ***Marshalling Yards***

221. The Applicant has identified three (3) laydown yards, which will be utilized for the Project. The first laydown yard, known as the Bert Howard Marshalling Yard, is located at 35 Bert Howard Road, Hastings, Oswego County, New York. The second laydown yard, known as the Coffin Marshalling Yard, is located on County Route 48, Sandy Creek, Oswego County, New York. The third laydown yard, known as the Coffin II Marshalling Yard, is located on Ridge Road (County Route 22), Sandy Creek, Oswego County, New York. *See* Appendix 35 to the Joint Proposal.

222. The Bert Howard Marshalling Yard is a NYSDEC permitted sand and gravel mine (Mine #71030) with 9.57 acres of active mining and a 45.61-acre life of mine. The proposed marshalling yard activities will take place on an undisturbed section of the life-of-mine and outside of currently authorized permit term area and overlaps with agricultural land. National Grid has secured a lease with the property owner for use of the property as a marshalling yard, and the property owner is consulting with NYSDEC to determine if a modification is necessary of its

Mined Land Reclamation Permit. National Grid has also coordinated with NYSAGM for use of this yard.

223. The Coffin Marshalling Yard is a NYSDEC permitted sand and gravel mine (Mine #70445) with 19.8 acres of active mining and a 57-acre life-of-mine. The proposed marshalling yard activities will take place on a previously undisturbed section of the life-of-mine. National Grid is in the process of negotiating a lease with the property owner for use of the property as a marshalling yard, and the property owner is working with NYSDEC to obtain any necessary modification of its Mined Land Reclamation Permit.

224. The Coffin II Marshalling Yard is proposed to be located on the western portion of the property located on the west side of County Route 22 (Ridge Road) in the Town of Sandy Creek, Oswego County. The proposed marshalling yard will be located closet to the Penn Central Railroad. In total, National Grid will use 40.6 acres of the 46.6-acre property. Currently, the property consists of vacant land with a variety of agricultural fields, wooded land, and inactive sand mine. There is no mining permit on the property. National Grid is in the process of negotiating a lease with the Coffin II Marshalling Yard owner for use of the property as a marshalling yard.

225. National Grid completed additional wetland delineations for the proposed marshalling yards. As noted in paragraph 141 above, prior to the commencement of construction, National Grid will consult NYSDEC staff and DPS Staff to confirm the status of NYSDEC's applicable freshwater wetland jurisdiction.

226. In addition, National Grid submitted a consultation request to SHPO on April 9, 2025 for the Bert Howard Marshalling Yard. SHPO issued a "no effect" for archeological and historic concerns on May 9, 2025 for the property. *See* Appendix 35 to the Joint Proposal. SHPO issued a letter of "no effect" for archeological and historic concerns at the Coffin Marshalling Yard on May 9, 2025. *See* Appendix 35 to the Joint Proposal. National Grid submitted a consultation request to SHPO in December, 2025 for the Coffin II Marshalling Yard. SHPO issued a letter of "no effect" for archaeological and historic concerns on January 2, 2026.

227. In addition, based on a review of the NYSDEC Environmental Resources Mapper, the site is not within proximity to any state-listed, rare, threatened, or endangered species. The USFWS iPAC tool identified the Tricolored Bat, monarch butterfly, and two (2) federally-

endangered species including the Northern Long-eared Bat and Bog Buck Moth in the area of the Bert Howard Marshalling Yard. The USFWS species determination generated a "May effect" for the Northern Long-eared Bat and Tricolored Bat on January 29, 2026 and a "No effect" determination for the Bog Buck Moth Bat on January 30, 2026. *See* Appendix 35 to the Joint Proposal. The USFWS iPAc tool was also reviewed in relation to the Coffin Marshalling Yard. It identified the monarch butterfly, and two (2) federally-endangered species including the Northern Long-eared Bat and Bog Buck Moth. The USFWS species determination generated a "Not Likely to Adversely Affect" for the Northern Long-eared Bat and a "May affect" determination for the Bog Buck Moth on January 30, 2026. Further consultation with the USFWS New York Ecological Field Service Office resulted in a "no effect" for the Bog Buck Moth. The USFWS iPac tool identified the monarch butterfly (*Danaus plexippus*, *candidate species and proposed threatened species*), and two federally-endangered species including the Northern Long-eared Bat (*Myotis septentrionalis*) and Bog Buck Moth (*Hemileuca maia menyanthevora*) in the vicinity of the Coffin II Marshalling Yard. The USFWS species determination keys generated a "Not Likely to Adversely Affect" ("NLAA") determination for the Northern Long-eared Bat and a "No affect" determination for the Bog Buck Moth on September 30, 2025.

228. Erosion and sediment controls will be installed prior to the construction of the marshalling yards in accordance with NYSDEC Standards and Specifications for Erosion and Sediment Control. National Grid will prepare SWPPPs for each marshalling yard and file them for approval by the NYSDEC prior to the start of any site preparation and installing fabric and stone on the yard.

229. The marshalling yards will be equipped with appropriate fencing (i.e., chain link) and other security measures, such as on-site personnel and cameras. Signage will be at the entrance. Lighting will be installed around the fenced area, as well as construction related signage on the fence and at the site entrance.

230. Site management practices for the laydown yards will be consistent with the Certificate Conditions. National Grid has reviewed the local laws potentially applicable to this proposed laydown yard and confirmed that Project activities can and will be conducted in accordance with local requirements for a public utility facility.

D. The Availability and Impact of Alternatives

231. The Application and exhibits agreed upon by the Signatory Parties to be admitted as Record Evidence in this proceeding describe the availability and impact of alternatives to the Project and are briefly summarized below. Based on their review of the evidence and considering all factors, the Signatory Parties have determined that the Project as described in Appendix B is preferable to any of the alternatives considered. The selected route has been designed to minimize impacts to environmental resources, wildlife, traffic, local residences and businesses, recreational uses and resources, etc.

1. Alternate Routes

232. As stated in Exhibit 3, the Applicant considered alternatives to rebuilding its existing Black River to Clay 115 kV transmission line to address the need described in Application Exhibit E-4 – Engineering Justification (Exhibit 13 of the Evidentiary Record and referred to herein as Exhibit E-4; *see* Appendix A). Considering the specific purpose and need for the Project and the fact that the Existing Lines has been located on an Existing ROW for approximately 96 years, alternatives that would typically be reasonable for a proposed new transmission facility, specifically on a proposed new ROW, would not be reasonable for this Project.

233. National Grid performed a screening level analysis of two (2) route alternatives for a 3.64 mile portion of the 25-mile 115 kV LHH – Clay portion of the Project. This 3.64-mile section of the Existing Route to be potentially re-routed is near Brewerton, New York. The first alternative route (Alternative A) would re-route about 0.88 miles of the Existing Route; the second alternative route (Alternative B) would re-route the entire 3.64-mile section of the Existing Route.

234. The area under consideration for Alternative A and Alternative B (the Proposed Alternative Routes) consists of privately owned agricultural fields, forested lands, and some residential properties in the Brewerton (Town of Cicero) and Town of Clay in Onondaga County, and the Town of Hastings in Oswego County. Together, the Existing Route, Alternative A, and Alternative B constitute the three (3) routes screened as Alternatives for the Project.

235. This alternatives analysis found each alternative to be inferior to the Project as proposed. The following sections discuss alternative transmission line technologies and structure types, any alternative transmission line routes, potential underground alternatives, alternative

methods for fulfilling the energy requirements of the Project, and the alternative of taking no action or deferring the Project.

236. The Project ROW is approximately 60.9 miles. National Grid owns a combination of fee and easement rights over the length of the Project. The goal and the intent of the Project is to rebuild on the existing centerline to the extent practicable unless that resulted in impacts that could be avoided with an alternate route or alignment without causing significant impacts.

2. The No-Action Alternative

237. The no action alternative does not serve the need to rebuild the Project to accommodate renewable energy generation projects, which is the essence of this and other projects being proposed as part of the goals sought to be achieved by the Commission under the CLCPA. Therefore, National Grid does not consider the no action alternative an effective alternative to the Project.

3. Alternative Configurations, Technology and Transmission Line Components

238. National Grid considered one (1) possible alternative transmission technology: use of direct current ("DC") electric transmission. To install a new DC transmission line between the Black River and Clay Substations, both of which were designed to handle only AC circuits, National Grid would need to build two (2) new power conversion facilities and interconnect one (1) to each substation. Because of the relatively short ROW distance between the substations, the installation of a DC circuit and associated conversion facilities would be cost prohibitive. The resulting alternative would be a short distance DC transmission line that would be difficult to incorporate into an AC system. Additionally, the other substations currently connected to the Black River – Clay line would require either a different source or significant modification and expansion to become DC-to-AC conversion facilities. Accordingly, the DC alternative was not considered further for the replacement of the Existing Lines.

239. National Grid evaluated system performance for a variety of outage conditions. These outage conditions are defined by national, regional, and local standards such as the NERC Transmission System Planning Performance Requirements TPL-001-5. Consideration of the potential alternatives determined that the ROW requirements to rebuild the existing circuits and

acquire the necessary rights to build a third circuit would be more impactful and more expensive than simply rebuilding the two (2) existing circuits on separate single circuit structures.

240. As part of the design of this project, National Grid has considered the use of the exclusion to the NERC Transmission System Planning Performance Requirements TPL-001-5 definition of what constitutes a multiple circuit tower. Testing of DCT outages can be excluded if the circuits share a common structure for one (1) mile or less. National Grid has incorporated up to one (1) mile of double circuit structures into the design of this Project to address areas where construction of two (2) single circuit structures would be challenging due to environmental conditions, ROW availability or other limitations identified during engineering and design.

241. As part of its review of Project alternatives, National Grid considered whether complete reconstruction of the Black River – Clay Line as end-to-end UG transmission circuits would meet the identified need. After considering the outlined criteria, a full underground line rebuild option is technically inferior to the overhead solution for the Project and is not the preferred alternative, due to the ratings requirements, constructability issues, land acquisition, higher costs, operational issues, and environmental impacts. Additionally, the underground alternative is substantially more expensive than the overhead option. The underground alternative also will have significant operational issues, including increased complexity, longer restoration times, load hogging issues, and voltage control issues. In this case, the 115 kV underground alternative will be technically inferior to the overhead option.

242. During settlement, the Applicant also considered the placement of structures in close proximity to residential buildings. Originally, the Application proposed that structures 156 and 157 within Segment 6 were to be approximately one (1) foot from the easterly exterior wall of a residential home within the Town of Hastings. Proposed structure 157 is double-circuit steel monopole structure proposed to be installed/erected on the existing transmission circuit's centerline. Proposed structures 156 & 158 are single-circuit monopole davit arm structures vertically configured with varying center-to-center dimensions and heights that are location/site specific. Due to landowner concern and agency feedback, the Applicant determined a shift of the structures was necessary to reduce the impact on the residential property. The Applicant determined that proposed structures 156 and 157 should be shifted approximately ten (10) feet east of existing centerline. This proposed shift results in no additional ROW required as the proposed

ROW will now align with the existing ROW corridor. The details of this shift are illustrated in Exhibit 38 of Appendix A and will be shown in the EM&CP Plan & Profile drawings.

4. Non-Transmission Alternatives

243. National Grid reviewed the potential for a non-transmission alternative to the Project using the Non-Wires Alternatives ("NWAs") Suitability Criteria ("Suitability Criteria") set forth in the November 2018 Supplemental Distributed System Implementation Plan ("SDSIP"). The SDSIP recognizes that NWAs (e.g., energy efficiency, demand response, and distributed generation) "represent opportunities to defer or avoid a subset of traditional 'wires' investments, potentially resulting in cost savings for customers and/or environmental benefits while maintaining reliability and resiliency."[12]

244. As discussed in Exhibit E-4 – Engineering Justification, the proposed Project need is driven by the Accelerated Renewable Energy Growth and Community Benefit Act's requirement that the Commission and New York's utilities plan electric transmission upgrades necessary to meet the clean energy and climate goals established under the CLCPA. In September 2021, the Commission determined that there were several Areas of Concern that were in critical need of Phase 2 local transmission investment under the CLCPA.

245. The Black River – Clay transmission line is an important element of the Watertown/Oswego/Porter Area of Concern identified in the Commission Orders for CLCPA Phase 2 transmission infrastructures upgrades. New generators within the area, including large scale solar and land-based wind have proposed to connect to this network. The purpose of this Project is to rebuild 115 kV elements to increase the amount of energy the circuits can transmit from generation to load or from generation to system on ramps that move the power out of the local area. Any potential outage of this line or the associated line could directly impact the lines' ability to deliver generation in other parts of the region.

246. Reconstruction of the line is necessary and falls within the definition of an Asset Condition project found in the SDSIP: "Planned repair, replacement or enhancement of existing infrastructure to maintain minimum safety and reliability performance" (SDSIP at 45). The need to construct the Project is driven by asset condition issues that could arise due to the assumed

[12] SDSIP at 41.

additional renewable energy generation. Non-wire alternatives cannot address these issues. Therefore, such measures would not be an effective alternative to the project.

247. The Project screening based on NWA Suitability Criteria concluded that there is no feasible NWA alternative for the Project due to project type and urgency of the need to complete the Project. The implementation of NWA measures such as energy efficiency, demand response, or distributed generation could not be developed before the Project implementation is needed, nor would they reduce the cost or scope of the Project. Such measures would not be an effective alternative to the Project. Therefore, this Project will not be considered further for NWA solicitation.

E. Conformance to Long-Range Plans for Expanding the Electric Power Grid and Climate Leadership and Community Protection Act Compliance

248. The CLCPA codified the State's clean energy and environmental goals, including the establishment and reduction of statewide greenhouse gas emission limits. Pursuant to § 7(2) of the CLCPA, the Commission must assess whether its administrative approvals, including the issuance of Article VII Certificates, are inconsistent with or interfere with the attainment of New York State's greenhouse gas emissions limits, as set forth in ECL § 75-105. The Project itself does not directly emit greenhouse gas emissions nor is it associated with electric generation that emits greenhouse gas emissions. Any emissions of greenhouse gases from vehicles or equipment used during the construction or maintenance of the Project would be *de minimis* or negligible. In addition to resolving asset condition issues and to improve reliability, the Project is designed to support achievement of the CLCPA.

249. Sulfur hexafluoride (SF_6) is a potent greenhouse gas (GHG), approximately 17,500 times stronger than CO_2. Pursuant to the CLCPA, statewide GHG emissions must be reduced to 40% below 1990 levels by 2030 and 60% of such levels by 2050. ECL § 75-0101(7) and 75-0107; 6 NYCRR Part 496. SF_6 is most frequently used for electric insulation and/or arc-quenching in gas-insulated equipment such as switchgears, switches, circuit switchers, gas-insulated substations, and circuit breakers. Existing regulations require the phaseout of SF_6 containing equipment beginning January 1, 2027 with full phaseout required by January 1, 2033.

250. National Grid does not anticipate using SF_6 for the Project in connection with its proposed Staplin Creek substation. If SF_6 is used, National Grid will comply with all applicable

laws, regulations and guidance related to SF_6 then in effect, which is currently 6 NYCRR Part 495. To the extent the installation of SF_6 in GIE is prohibited by applicable law or regulation that comes into effect before GIE for the Project is placed in service, National Grid may avail itself of any applicable exception, variance or grandfathering provision provided for in such law or regulation relating to SF_6 in GIE.

251. The CLCPA also seeks to equitably reduce Statewide GHG emissions. Section 7(3) of the CLCPA requires that state agencies evaluate the potential impact on GHG emissions and disadvantaged communities "in considering and issuing permits, licenses, and other administrative approvals and decisions," which includes the approval of Article VII Certificates, and prevents such agencies from disproportionally burdening such disadvantaged communities identified pursuant to ECL § 75-0101(5).

252. As part of the CLCPA, State agencies need to consider impacts on Disadvantaged Communities ("DACs") in decision making. The criteria used for determining DACs included multiple indicators that represent environmental burdens, climate risks, population characteristics and health vulnerabilities within communities. Each census tract is scored based on a relative burden, risk, vulnerability, or sensitivity, and based on the combined scores, the top 35% of the census tracts are considered DACs. As discussed in Exhibit 4 to the Application, NYSDEC Potential Environmental Justice Areas ("PEJA") mapping identified eleven (11) distinct census blocks within three miles of the Project that are designated PEJAs with a total population of 6,671 individuals, including three (3) census block groups that the Project crosses. NYSERDA DAC mapping did not identify any DACs within three miles of the Project. NYSDEC PEJA mapping is presented on Figure 4-9 of the Application.

253. The Project is being proposed to support the CLCPA's renewable energy goals by providing upgraded electric transmission infrastructure that will allow renewable energy to be safely and reliably transported to load centers throughout the State. The Project will support increased employment opportunities and new industry resulting from the increased demand and capacity for renewable energy infrastructure. The Project also minimizes impact to the nearby PEJA communities and DACs since it proposes upgrading existing transmission lines primarily within the Existing ROW. The Project's operation will not result in the production of greenhouse

gas or co-pollutant emissions and, since it will further the State's CLCPA renewable energy goals, it will help to reduce overall GHG emissions in the State.

254. As discussed in Exhibit E-4, the proposed Project need is driven by the Accelerated Renewable Energy Growth and Community Benefit Act's requirement that the Commission and New York's utilities plan electric transmission upgrades necessary to meet the clean energy and climate goals established under the CLCPA. This Project is an element of the Watertown/Oswego/Porter Area of Concern identified in the Commission Orders for CLCPA Phase 2 transmission infrastructure upgrades.[13] The elements that are the subject of this filing are an important portion of this network. Historically, the main purpose of this network was to serve customer load. Recently new generators, primarily large scale solar and land-based wind, have proposed to connect to this network.

255. The Project conforms to the requirements of the NYISO, is consistent with New York's long-range plans as required by PSL § 126.1(e)(2) and will serve the interests of electric system economy and reliability.

256. The Application shows that the Commission's grant of the Certificate will not be inconsistent with, and will not interfere with, the attainment of the statewide greenhouse gas emissions limits in Article 75 of the ECL established by Section 2 of the CLCPA.

F. System Impact Study

257. On April 23, 2025, NYISO staff wrote National Grid that "NYISO agrees with National Grid that this project would not meet the SIS threshold and as such this request is Non-Material." The non-material nature of the modification was presented to the NYISO Electric System Planning Work Group and Transmission Planning Advisory Subcommittee on May 6, 2025, with no comments from either. National Grid filed a letter with copies of relevant communications from NYISO with the Secretary on May 6, 2025 (Exhibit 25 of the Evidentiary Record).

G. State and Local Laws

258. Exhibit 7 identifies, for each local jurisdiction, every substantive local legal provision (ordinance, law, regulation, standard, and requirement) potentially applicable to the

[13] See footnotes 3 and 5, supra.

Project, as well as every such local legal provision that the Applicant requests that the Commission not apply because, as applied to the Project, such local legal provision is unreasonably restrictive in view of the existing technology, factors of costs or economics, or the needs of consumers. Except for those local legal provisions the Applicant specifically requested that the Commission refuse to apply, the Applicant will comply with, and the location of the Project as proposed conforms to, all substantive local legal provisions that are applicable to the Project. Due to the preemptive effect of PSL § 130, procedural requirements to obtain any State or local approval, consent, permit, certificate, or other condition for the construction or operation of the Project do not apply, except for permits or approvals issued or required by NYSDEC pursuant to regulations implementing federal environmental programs.

259. The following are examples of local laws that the Applicant requests the Commission not apply, as well as the corresponding justifications for such requests: (i) time restrictions on construction noise or activities, on the grounds that exceptions may be required for safety or continuous operation requirements; (ii) minimum lot width, frontage, and depth requirements because these requirements have no necessary nexus or relevance when considered in light of the Applicant's contiguous linear ROW lots; (iii) use prohibitions because compliance is technologically impossible; (iv) maximum height requirements also because compliance is technologically impossible; and (v) landscaping or screening requirements and prohibitions on cutting existing vegetation on the grounds that these requirements cannot be reconciled with the Clearing and Slash Disposal Procedures in the EM&CP and the Applicant's TROWMP.

260. Upon issuance of the Certificate, National Grid is permitted to commence demolition work on certain properties identified in Appendix F to this Joint Proposal and in accordance with the procedures and requirements specified therein.

261. The Applicant has served the Application on, met with, or otherwise communicated with the Towns of LeRay, Rutland, Rodman, Worth, and Lorrain, Jefferson County, the Towns of Boylston, Orwell, Albion, Parish, and Hastings, and Village of Central Square, Oswego County, and the Towns of Cicero and Clay, Onondaga County. No local jurisdiction has filed any objection to the Applicant's requests, set forth in Exhibit 7, that the Commission not apply specified local laws. The Signatory Parties agree that the justifications set forth in Exhibit 7 provide sufficient

basis for the Commission to refuse to apply the identified ordinances. None of these municipalities have sought party status or objected to the initial Exhibit 7 filed with the Application.

262. On May 12, 2026, the Applicant served copy of the Application, including supplements and revisions, on officials for the Town of Sandy Creek and Village of Lacona. At the time the Application was filed, the Applicant had not yet determined the location of the marshalling yards for this Project. As noted above, the Applicant has proposed marshalling yards within Town of Sandy Creek and Village of Lacona.

263. The Applicant's public and municipal outreach conducted for the Project is summarized in Appendix C to the Application (Exhibit 17 to the Evidentiary Record). Owners of property abutting and in close proximity to the Project were sent notification letters regarding pre-Application studies in June and July 2023. Owners of properties abutting the geotechnical investigation sites received notification by certified mail regarding the geotechnical activities in the winter of 2024 and 2025. Owners of the directly impacted and abutting properties were sent notification letters regarding the intent to file this Application on or around March 14, 2025. Municipal leaders were also contacted in conjunction with the landowner notifications.

264. In-person meetings were held on July 15, 2024, August 21, 2024, and October 29, 2024 with local officials from municipalities which the Project ROW traverses. Around the time of the filing of the original Application, the Applicant informed officials of such local governments that the Application was being filed and served them with a copy of the Application as required by PSL § 122(2)(i).

H. Public Interest, Convenience, and Necessity

265. The Applicant conducted public outreach and information efforts in support of the Project as described in Paragraphs 261 and 262, above, and Paragraph 269 below.

266. A Public Notice of the filing of the Article VII Application was published twice in the *Palladium Times, Watertown Daily Times*, and *Syracuse Post Standard*, which are newspapers of general circulation, on March 4, and 11, 2025.

267. Local governmental officials in the municipalities that will be affected by the Project were contacted personally notifying them of the Applicant's intention to file the Application. In addition to the outreach set forth above, at the time of the filing of the original

Application, the Applicant informed officials of such local governments that the Application was being filed.

268. A local "hotline" phone number was established for people seeking additional information about the Project: (844) 243-2592. The phone number was included in the Project Fact Sheet, Project website, Project doorhanger, and materials shared in the Open Houses and Public Statement Hearings.

269. On March 14, 2025, owners of properties abutting the proposed Project ROW were sent notification letters regarding the Applicant's intention to file the Article VII Application. This notification included the Project Fact Sheet containing a map of the Project area, the Project's website URL, and the hotline number. Owners of properties abutting the proposed Project ROW received doorhangers explaining the project with contact information. At or around the time of filing of the original Application, all owners of land on which any portion of the Project is to be located were served by first-class mail with notice informing them that the Project may impact their property. Such notice included a description of the Project and an explanation of how one can seek to become a party to the Article VII proceeding. A Certificate of Service of this mailing was filed with the Commission on March 17, 2025.

270. Shortly after filing the Application, flash drives containing the Application were delivered to the following local libraries with a request that they be made available for public inspection: Black River – Sally Ploof Hunter Library, 101 Public Works Drive, Black River, New York 13612; Evan Mills Public Library, 8706 Noble Street, Evan Mills, New York 13637; Rodman Public Library, 12506 School Street, Rodman, New York 13682; Central Square Library, 637 South Main Street, Central Square, New York 13036; Orwell-Cogswell Free Library, 1999 County Route 2, Orwell, New York 13425; and Parish Public Library, 3 Church Street, Parish, New York 13131.

271. National Grid served copies of its May 23, 2025, response to deficiencies on all statutory and active parties and local libraries.

272. Shortly before commencement of construction, the Applicant will notify adjacent landowners and residents of construction commencement and include a safety message and the toll-free number that can be used to obtain additional information.

V. PROPOSED FINDINGS

273. The Signatory Parties agree that the record in this proceeding supports the Proposed Commission Findings set forth in **Appendix C** attached hereto.

VI. PROPOSED CERTIFICATE CONDITIONS

274. The Signatory Parties agree that the Proposed Certificate Conditions set forth in **Appendix D** attached hereto are acceptable and appropriate for the inclusion in a Certificate of Environmental Compatibility and Public Need authorizing construction and operation of the Project.

VII. ENVIRONMENTAL MANAGEMENT & CONSTRUCTION PLAN

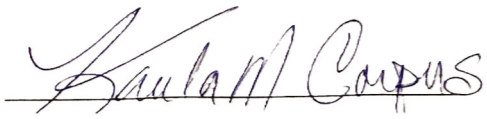
275. The Signatory Parties agree that the Specifications for the Development of the EM&CP set forth in **Appendix E** attached hereto are acceptable and appropriate for application to the Project as described herein.

VIII. WATER QUALITY CERTIFICATION

276. The Signatory Parties agree that the record in this proceeding supports the issuance of a 401 Water Quality Certification, provided that National Grid complies with the applicable federal and state regulations and completes any applicable forms and pre-application requirements pursuant to section 401 of the Federal Water Pollution Control Act and the regulations promulgated thereunder.

[signature pages to follow]

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.



Niagara Mohawk Power Corporation d/b/a National Grid

By: Karla M. Corpus, Esq.
Senior Counsel I

Dated: May 18, 2026

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

Trial Staff of the New York State Department of Public Service

By: Russell King

Dated: 5/18/26

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.

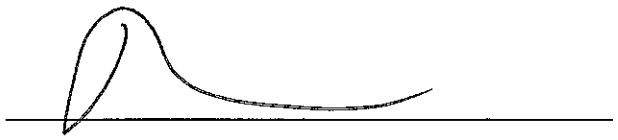


New York State Department Environmental Conservation

By: Sita Crounse

Dated: 5/21/2026

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.



New York State Department of Agriculture & Markets

By: Tara B. Wells, Associate Attorney

Dated: May 26, 2026

IN WITNESS WHEREOF, the Signatory Parties hereto have this day signed and executed this Joint Proposal.



New York State Department of Transportation

By: Stephanie Winkelhake

Dated: 5/12/2026