Article VII Application for a Certificate of Environmental Compatibility and Public Need

PL-E18 Pipeline ILI Enable

(Mohawk River and I890 HDD)

Towns of Glenville and Rotterdam

Schenectady County, New York

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ACRONYMS

Abbreviation	Meaning
APE	Area of Potential Effect
BCA	Bird Conservation Area
CEA	Critical Environmental Areas
CWA	Clean Water Act
CJWG	Climate Justice Working Group
CRIS	Cultural Resources Investigation System
CRM	Cultural Resources Management
DAC	Disadvantaged Communities
ECDA	External Corrosion Direct Assessment
EM&CS&P	Environmental Management and Construction Standards and Practices
ECL	Environmental Conservation Law
EEANY	Environmental Energy Alliance of New York
EI	Environmental Inspector
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Controls
FEMA	Federal Emergency Management Agency
GIS	Geographic Information Systems
GRS	Gas Regulator Station
HASP	Health and Safety Plan
HCA	High Consequence Areas
HDD	Horizontal Directional Drill
IBA	Important Bird Areas
ILI	Inline Inspection
IMP	Integrity Management Plan
IPAC	Information, Planning, and Consultation System
kV	Kilovolt
LOD	Limit of Disturbance
MAOP	Maximum Allowable Operating Pressure
NWI	National Wetland Inventory
NRCS	Natural Resource Conservation Survey
NRHP	National Register of Historic Places
NYS	New York State
NYNHP	New York Natural Heritage Program
NYSDEC	New York State Department of Environmental Conservation

NYSDOT	New York State Department of Transportation
NYSHPO	New York State Historic Preservation Office
NYSDPS	New York State Department of Public Service
NYSM	New York State Museum
NYSOPRHP	New York State Office of Parks, Recreation and Historic Preservation
NYSORPTS	New York State Office of Real Property Tax Service
PEJA	Potential Environmental Justice Area
PEM	Palustrine Emergent Wetland
PFO	Palustrine Forested Wetland
PHMSA	Pipeline and Hazardous Materials Safety Administration
PRISM	Partnership for Regional Invasive Species Management
PSC	Public Service Commission
PSI	Pounds Per Square Inch
PSIG	Pound-Force Per Square Inch Gauge
PSL	Public Service Law
PSS	Palustrine Scrub-Shrub Wetland
PUB	Palustrine Unconsolidated Bottom Wetland
RRC	Riverfront Recreation/Commercial
ROW	Right-of-Way
SASS	Scenic Area of Statewide Significance
SEQR	State Environmental Quality Review
SPDES	State Pollutant Discharge Elimination System
SRHP	State Register of Historic Places
SSA	Sole Source Aquifers
S/NRHP	State/National Register of Historic Places
STP	Shovel Test Pit
SWPPP	Stormwater Pollution Prevention Plan
TROWMP	Transmission Right-of-Way Management Program
UNY	Upstate New York
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

1.0 PROJECT DESCRIPTION

Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Applicant) is proposing to replace approximately 1.1 miles of natural gas transmission pipeline within the Applicant's Upstate New York (UNY) gas service territory in the Towns of Glenville and Rotterdam, Schenectady County, New York. The proposed PL-E18 Pipeline ILI Enable Project (the Project) will begin approximately 500 feet north of the Mohawk River off of New York State (NYS) Route 5 (Amsterdam Road) in the Town of Glenville and end approximately 1,500 feet southwest of National Grid's Rotterdam Substation located off Gordon Road in the Town of Rotterdam. The existing portion of Pipeline E18 within the Project limits will be decommissioned and abandoned in place after installation of the replacement pipeline.

The Project constitutes a major utility transmission facility pursuant to Article VII (Article VII) of the New York State Public Service Law (PSL) and requires a Certificate of Environmental Compatibility and Public Need (Certificate) from the State of New York Public Service Commission (PSC). The Project is subject to subdivision three of PSL Section 121-a of Article VII because it will be a gas transmission facility of greater than 125 pounds per square inch (PSI), will be less than 10 miles long, and will have a diameter greater than 6 inches.

1.1 Project Location

The Project is located within the Towns of Glenville and Rotterdam in Schenectady County, New York. The proposed pipeline will run generally in a north to southwest direction, totaling approximately 5,650 feet (1.1 miles) in length. The proposed location of the Project is shown on Figures 1 and 2. Plan and Profile Drawings of the proposed facilities are provided in Attachment A.

National Grid proposes to maintain an existing 20 foot-wide (10 feet on each side) right-of-way (ROW) for the replacement Pipeline E18. The ROW is primarily located along existing land owned by the Applicant and permanent easements on private property and road ROWs. The Project will also cross under CSX railroad lines, Interstate 890 (I-890), and other existing utilities. In addition, temporary easements will be obtained for necessary construction working space, access roads, and marshalling yards. The proposed Project ROW (along with the temporary easement space), access roads, and the marshalling yards comprise what will hereafter be referred to as the "Project Area."

The Project will predominantly parallel National Grid's Rotterdam – Lasher Road and Rotterdam-Luther Forest 115 kilovolt (kV) line to the north of the Mohawk River, and the Rotterdam-Altamont and Rotterdam-Curry Road 115 kV and Rotterdam-Lynn Street 34.5 kV to the south of the Mohawk River. The proposed pipeline and related workspace will be collocated in the existing cleared corridor associated with the identified electric transmission lines, CSX corridor, and general operational area for the Rotterdam Substation.

The Applicant's proposed route for the Project is as follows:

The Project commences approximately 1,260 feet southwest of NYS Route 5 (Amsterdam Road) in the Town of Glenville. The proposed pipeline will be installed via direct burial trenching for approximately 45 feet in an easterly direction from the tie-in location to the Horizontal Directional Drilling (HDD) bore pit, located approximately 450 feet north of the bank of the Mohawk River.

Thence, the proposed pipeline will be installed via HDD techniques for approximately 2,900 feet in a south-southeasterly direction, crossing under the Mohawk River and I-890. The HDD will terminate approximately 275 feet west of the I-890 edge of pavement in the Town of Rotterdam between I-890 and the CSX railroad.

Thence, the proposed pipeline will continue south for approximately 60 feet via direct burial trenching. A second HDD will be progressed west for approximately 1,380 feet under the CSX railroad, terminating approximately 330 feet south of the Rotterdam Substation and approximately 2,300 feet west of the bank of the Mohawk River in the Town of Rotterdam.

Thence, the pipeline will be installed via direct burial trenching techniques for approximately 1,270 feet, terminating approximately 1,280 feet north of Gordon Road.

1.2 General Description of Project Facilities

In total, the replacement Pipeline E18 installation will be approximately 5,650 feet (1.1 miles). The pipeline will begin approximately 1,260 feet southwest of NYS Route 5 (Amsterdam Road) in the Town of Glenville and will end approximately 1,500 feet southwest of National Grid's Rotterdam Substation. The Project includes the installation of a 20-inch diameter E18 replacement pipeline and the installation of anodes, grounding grids, one main line valve station, one remote blowdown, and related appurtenances. The replacement pipeline will have a maximum allowable operating pressure (MAOP) of 490 pound-force per square inch gauge (PSIG). In addition, robotic launch points will be installed at the valve site location. The existing pipeline that will be replaced consists of a combination of parallel 16-inch, single 20-inch and single 24-inch diameter pipeline. The proposed pipeline will connect to an existing 20-inch diameter pipeline on either side.

Table 1.1 below provides information required by Subpart 85-1 of the PSC Regulations (16 New York Codes, Rules, and Regulations (NYCRR) Subpart 85-1).

Table 1.1: Project Information

Subpart of 16 NYCRR §85-1.2(a)	Project Information Required	Project Details
85-1.2(a)(1)	Construction date	National Grid anticipates beginning construction in the Spring 2026, with an approximate 4-month active construction timeframe. National Grid proposes to construct this Project in the following phases: Phase 1 - Will begin Spring 2026. Construction activities during Phase I will include tree clearing, erosion and sediment controls (ESC) installation, and pipeline construction. Phase 2 - Pipeline construction in Spring and Summer 2026. Phase 3 - Completion of construction and restoration in Fall 2026.
85-1.2(a)(2)(i)	Pipeline Length & Diameter	Pipeline E18 will be approximately 1.1 miles in length. The installed pipe will have a diameter of 20-inches, and the wall thickness will be 0.375 inch for

Subpart of 16 NYCRR §85-1.2(a)	Project Information Required	Project Details
		the direct burial segment and 0.5 inch for the HDD segment.
85-1.2(a)(2)(ii)	Pipeline Burial Depth	The pipeline is proposed to be buried at a minimum depth of 36 inches including in wetlands. Pipeline under roads and waterbodies will be buried at a minimum depth of 60 inches. Depth under railroads will comply with applicable design criteria. HDD depths will vary and are indicated in Attachment A (Plan and Profile Drawings). Any necessary reduction in minimum depth will be implemented according to 16 NYCRR Part 255.327.
85-1.2(a)(2)(iii)	Maximum Allowable Operating Pressure (MAOP)	The MAOP of the pipeline will be 490 PSIG.
85-1.2(a)(2)(iv)	Right-of-Way (ROW) Width	Permanent pipeline easement ROW width will be 20 feet total; 10 feet on each side of the centerline of the pipeline. Temporary width for the Project to accommodate construction will vary in width but will remain within National Grid's existing ROW. Marshalling yards for construction will remain within the Project's limit of disturbance (LOD).
85-1.2(a)(2)(v)	Width of Area to be Cleared	Most of the Project is collocated within ROW that has already been cleared. Where the proposed pipeline route deviates from the existing, cleared ROW near the CSX crossing, the pipeline will be installed via HDD and the entry and exit bore pit locations are already cleared. Similarly, the entry and exit bore pit locations for the HDD under the Mohawk River and I-890 are already cleared. The Applicant does not anticipate tree clearing since a majority of the Project is within existing, cleared ROW and any trees within the workspaces will be avoided with HDD. Further, the Applicant anticipates that any trees near the Mohawk River will not be impacted since the pipeline will be installed underneath the trees via HDD. Tree clearing will occur on the Rotterdam side of the Project near the entrance to the electric substation owned by the Applicant. After construction, a 20-foot-wide cleared corridor centered on the pipeline will be maintained permanently.
85-1.2(a)(2)(vi)	Known Underground Utilities Crossed or Paralleled	All known utilities and facilities are included on the Plan and Profile Drawings (Attachment A). Known future underground utilities that the Project will cross and parallel (i.e., Champlain Hudson Power

Subpart of 16 NYCRR §85-1.2(a)	Project Information Required	Project Details
		Express) are included on the Plan and Profile Drawings. The Project does not cross or parallel sanitary or storm sewer systems, gas, fiber optic, telephone, electric, or water lines.
85-1.2(a)(2)(vii)	Name or Permit No. of Wells Connected to Gas Pipeline	Pipeline E18 will not connect to any gas wells.
85-1.2(a)(2)(viii)	Point where pipeline connects to another pipeline	The Project will reconnect to the existing 20-inch nominal diameter Pipeline E18 on each side, as shown on the Plan and Profile Drawings.
85-1.2(a)(2)(ix)	Existing or Proposed Access Roads	See Table 1.2 below.
85-1.2(a)(2)(x)	Compressor Station	No compressor stations will be constructed as part of this Project.
85-1.2(a)(2)(xi)	Municipalities in which Pipeline is Located	As depicted on Figures 1 and 2, the Project is located within the Towns of Glenville and Rotterdam, Schenectady County, New York.

1.3 Construction Techniques

The proposed replacement pipeline will be 20-inch diameter, 0.375-inch wall thickness coated steel pipe installed via direct bury. For all areas of pipeline installed via HDD, the proposed pipeline will be a 20-inch, 0.500-inch wall thickness coated steel pipe. In addition, one above-ground main line valve site with a remote blowdown pipe will be constructed. National Grid and/or approved contractors will design and procure all materials for the Project. The Project will be installed by National Grid and/or approved contractors, and all contractor activities will be monitored by National Grid.

All entry points to the Project Area will be from existing public roads and off-ROW access identified on the Plan and Profile Drawings and in Table 1.2 below. Access to the northern portion of the Project will be from National Grid's existing Rotterdam-Lasher Road and Rotterdam-Luther Forest 115 kV transmission lines ROW off NYS Route 5 (Amsterdam Road). Additionally, the Applicant may access the northern portion of the Project from the existing road within Maalwyck Park in the Town of Glenville. Access to the southern portion of the Project will be from the existing access roads to National Grid's Rotterdam Substation off Schermerhorn Road and Gordon Road. Construction vehicles and equipment will then travel down the ROW to work locations.

Table 1.2: Access to the ROW

Connecting Road	Existing Conditions	Use Type
NYS Route 5 (Amsterdam Road)	Maintained Electric ROW	Construction Access - New Temporary Construction Entrance
Maalwyck Park Road	Existing Gravel Road	Construction Access
Schermerhorn Road	Paved Road/Maintained ROW	Construction Access
Gordon Road	Paved Road	Construction Access
National Grid Rotterdam Substation Access Road	Existing Gravel Road	Construction Access

The Project will be located within existing easement areas, however, temporary easement areas will be utilized for construction of the Project. Within the Project Area, clearing of vegetation will occur within the temporary and permanent construction easement areas as necessary. Standard forestry equipment will be utilized to remove existing vegetation from work areas and the proposed location of the pipeline trench. Shrubs and brush will be either chipped and ground on-site or disposed of at an approved off-site location. The Applicant does not anticipate that extensive tree clearing will be required for the Project since the majority of the Project is within existing, cleared ROW and any trees within the workspaces will be avoided by HDD. Tree clearing will occur on the Rotterdam side near the entrance to the existing electric substation owned by the Applicant. Any off-site location proposed to be utilized for off-site chip disposal will be sent to New York State Department of Public Service (NYSDPS) Staff for approval.

The pipeline will be constructed using both open trench and trenchless methods as detailed below. Trench excavation depth for the Project will vary based on the National Grid requirements per location type. In general, based on requirements for 20-inch pipe, the excavations will be approximately 56-60 inches deep to allow for 36 inches of soil cover. No excavations are anticipated in roadways. Excavations will be deeper where necessary to allow for welding.

Topsoil will be segregated and windrowed when installing the pipeline and will be reused for restoration in those areas. No subsoil will be stored within any forested or scrub-shrub wetland areas. Excavated soils will be kept as close to the trench as possible given safety requirements; excavated material which is suitable for use as padding and backfill will be placed back into the trench.

Trenchless methods (HDD) will be used for crossing under the Mohawk River, I-890, and the CSX railroad as detailed in Table 1.3 below. Utilizing trenchless technology equipment, a path is drilled through the soil. The drilling depth is detailed in the Plan and Profile Drawings in Attachment A. Subsequently, the gas pipe is pulled through the void which has been drilled.

Table 1.3: Trenchless Crossing Locations

Trenchless Method	Approximate Length (feet)	Roads and Railroads Avoiding	Resources Avoiding
Mohawk River and Interstate 890 (HDD)	2,900	Interstate 890	Mohawk River
CSX Railroad (HDD)	1,380	CSX Railroad	Wetland 2023-W101 and Stream 2024-SC-1

One main line valve and associated remote blowdown piping will be constructed approximately 330 feet south of the Rotterdam Substation at pipeline Station No. 48+50 (42.825262, -74.000483).

Standard equipment will be used for the excavation and pipeline installation. If it is necessary to travel over the active gas transmission pipeline mains, construction equipment will be evaluated so as to not exceed the allowable stress on live mains for active pipelines. If equipment is deemed too heavy to travel over the existing mains, the equipment will either be restricted from traversing the mains, or adequate protection in the form of air bridges (construction mats with an air gap under the mats and over the pipeline) will be used to cross the mains. For pipe handling, the contractors will use a variety of equipment including excavators, cranes, 4x4 tractors with job specific trailers, and side booms. HDDs on the Project will require a drill rig, reclaimers, pumps, and vacuum trucks.

Trucks for moving soil, workers, supplies, and equipment will also be used throughout the Project Area. Multiple means of ground protection, such as matting and temporary gravel, will be used to minimize the impact of vehicular and equipment traffic in the Project Area. Contractors will not use matted travel lanes in upland areas unless saturated conditions occur or if potential compliance issues with the Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Certification occur. Construction mats will be installed at any wetland crossings.

Marshalling areas for equipment and materials storage, vehicular parking, construction trailers and other similar uses will remain within the Project's LOD. No additional off-site marshalling yards are proposed for the Project. The marshalling areas will be cleared as necessary during Project clearing operations and minimal improvements may be required.

Project contractors, under the direct supervision of an environmental inspector (EI), will ensure that the Project is constructed in compliance with all Article VII Certificate Conditions, applicable Environmental Management and Construction Standards and Practices (EM&CS&P) requirements and other permit conditions. The EI will be on-site on a full-time basis during construction and restoration activities and will observe, document, and report on the compliance status of all construction and restoration activities. In addition, a Winter Construction and Monitoring Plan (Attachment J) has been developed detailing the additional construction procedures the Applicant and its contractors will adhere to for winter construction.

The pipe, trench, trucks, and other equipment will be located within any acquired permanent and/or temporary easements. As stated above, approval from NYSDPS Staff for off-site disposal areas for trees and chips will be acquired prior to construction, if necessary. During final

restoration, cleared disturbed areas will be restored to pre-construction grade, unless identified otherwise on the construction drawings. All paved and graveled areas will be restored in kind. Once complete, direct tie-in welds will connect the new section of pipe to the existing pipelines.

The portion of existing Pipeline 18 being replaced will be cut, capped, cleared, and retired in-place, pending PCB sample results. The entire pipeline will be hydrostatically tested after installation. Water for the hydrostatic testing will be obtained from municipal fire hydrants or hauled in from an outside source. Discharge of hydrostatic test water will be at a controlled rate, within a well vegetated upland area. Proposed dewatering areas are shown on Sheets C-102, C-104, and C-108 of the Plan and Profile Drawings (Attachment A). The EI will regularly monitor the water discharge to ensure compliance with the SWPPP.

1.4 Safety

The proposed pipeline will be designed, constructed, operated, and maintained in compliance with National Grid Policies and Procedures.

All work will be performed in accordance with NYCRR Title 16 Part 753 for proper excavation and mark-out of subsurface facilities. In compliance with New York State Industrial Code Rule 53, contractors are required to have all utilities within the proposed construction areas identified and marked at least 48 hours prior to beginning subsurface construction. Prior to excavation, a survey of surface and subsurface facilities will be performed. All known utilities and facilities are included on the Plan and Profile Drawings (Attachment A). Additionally, known future underground utilities that the Project will cross and parallel (i.e., Champlain Hudson Power Express) are included on the Plan and Profile Drawings. In the event an unknown utility is encountered during construction, contractors will be directed to notify the appropriate agencies.

Due to the presence of overhead electrical transmission facilities in the Project Area, additional safety-related construction practices will be implemented. Installation of “goal posts,” proper signage posted periodically along the electric ROW warning of the potential overhead electric hazards, and on-site spotters will be employed when construction activities are occurring around each electrical transmission line. In addition, National Grid will require construction personnel to attend training on electrical hazards before working on the Project.

Safety practices will focus on worker and public safety, particularly as they relate to excavation near existing utilities, heavy equipment operation, and work in high traffic areas. Contractors will follow standard industry health and safety practices and will provide a Project-specific Health and Safety Plan (HASP) prior to the commencement of work. All excavation and construction work will be performed in accordance with National Grid’s safety requirements and procedures. With the above-mentioned safety procedures in place, the construction, operation and maintenance of the Project will not present an undue hazard to persons or property along the proposed route.

2.0 PROJECT NEED

This section explains the market for natural gas, the area serviced by the Project, and the need for the Project.

2.1 Market for Gas

As per the current operating model, Pipeline E18 is an approximately 27-mile-long steel United State Department of Transportation (USDOT) transmission main in National Grid's Upstate New York (UNY) region carrying gas between the City of Schenectady, Schenectady County and the Town of Wilton, Saratoga County, New York. The pipeline flows are integral to National Grid's provision of retail gas service to customers in its Eastern region. As a reliable and convenient source of energy, natural gas provides numerous benefits for the consumer. Natural gas provides an efficient energy source that burns cleaner than other fossil fuels.

The Project involves the replacement of approximately 1.1 miles of a combination of parallel 16-inch, single 20-inch and single 24-inch diameter 490 psig gas transmission main with a new 20-inch gas pipeline from south of NYS Route 5 (Amsterdam Road) in the Town of Glenville to the existing National Grid Rotterdam Substation in the Town of Rotterdam. Because the Project, consisting of the replacement of approximately 0.18 mile of Pipeline E18 beneath the Mohawk River and I-890, is already critical to the provision of natural gas to existing customers, a market for the gas exists.

2.2 Purpose and Improvements in System Reliability, Capability, Safety or Benefits of Replacement Line

The purpose of the Project is to replace approximately 1.1 miles of Pipeline E18 beneath the Mohawk River and I-890 to ensure the southernmost extent of Pipeline E18 is inspectable via inline inspection (ILI). A consistent pipe diameter free of obstructions (e.g., plug valves and abrupt changes in direction) is needed for ILI, and both tie-ins at the end of the replacement section are 20-inch diameter pipes. The replacement will result in a continuous approximately 3.5-mile-long segment of 20-inch diameter pipeline from National Grid's gas regulator station (GRS) 445 to GRS 450 that will significantly enhance ILI capabilities. The northern 24 miles of the pipeline is 16-inch diameter and has already been made inspectable via ILI. This southern portion of Pipeline E18 contains multiple sections located in High Consequence Areas (HCAs) and is still covered as part of National Grid's Integrity Management Plan (IMP).

National Grid is committed to maintaining its natural gas transmission and distribution systems to provide safe and reliable service to its natural gas customers. National Grid is required to monitor and inspect its gas transmission infrastructure as mandated by Congress in the Pipeline Safety Improvement Act of 2002. National Grid's IMP identifies and addresses potential issues affecting the physical soundness of its facilities before they become safety or performance issues. Under its IMP, National Grid typically assesses its transmission facilities every seven years, and remediates significant defects discovered during such assessments.

Since 2002, National Grid has inspected the HCA segments of Pipeline E18 in this southern portion using a direct assessment inspection process that has incorporated external corrosion direct assessment (ECDA) for the below grade piping and visual inspection for the above grade piping. ECDA involves a series of above-ground surveys, excavations and direct examinations combined with the use of non-destructive examination (NDE) of the pipeline as required. Direct assessment involves the evaluation of various locations along a pipeline for evidence of corrosion and potential third-party damage. These surveys and direct examinations typically take several months to complete, and provide limited information related to external corrosion and the coating condition of the inspected pipeline. External visual inspections only provide information on potential issues with the pipe only where there is visible coating damage. Neither of these

techniques provide detailed information on pipe degradation issues such as manufacturing/construction defects, internal wall loss, or cracking.

Applicable USDOT Pipeline and Hazardous Materials Safety Administration (PHMSA) and Commission regulations clarify that "[a]n operator must select the method or methods best suited to address the threats identified to the covered segment." 49 CFR §192.921; 16 NYCRR §255.921. National Grid has determined that upgrades to pipeline inspections are required for the safety and reliability of the E18 transmission pipeline, as the current configuration of this section (pipeline diameter changes and plug valves) does not allow for passage of a free-swimming ILI device. Consistent with the gas pipeline industry's commitment and federal regulations, National Grid proposes to upgrade the southern portion of Pipeline E18 to permit the use of ILI for future inspections. ILI involves the internal inspection of pipelines using special tools, sometimes referred to as "smart pigs" which travel within the pipeline and can, among other things, measure pipe wall thickness, identify metal loss, and scan for cracks or crack-like defects. Use of ILI will provide a more complete understanding of the structural integrity of the pipeline, allowing concerns to be addressed before they become safety or performance issues, and ensure compliance with USDOT regulations.

In addition, the Project will replace this portion of an aging pipeline, which was originally constructed in 1964, thus improving system reliability to existing customers as well as allowing for continued system growth.

2.3 Alternatives Routing and Installation Methods

The proposed Project has been located such that impacts to the public have been minimized to the maximum extent practicable. Alternative routes for the proposed pipeline would require alternative pipeline installation methods to be employed.

Installation of the pipeline by direct bury methods only would require significant disturbance to public roads, bridges, and public and private properties. The direct bury method would require trenches to be excavated along the entire proposed pipeline route, resulting in excavation within roads and properties. Additionally, to connect the pipeline to the existing line, segments of the pipeline would be required to be routed along existing bridges to cross the Mohawk River and I-890. This alternative would be significantly longer than the preferred route and would likely result in significant environmental impacts to wetlands and wetland adjacent areas, streams, and threatened and endangered species. While the preferred route uses HDD to go under the Mohawk River, CSX railroad, and I-890, it is also the most direct route paralleling the current pipeline and does not impact state-regulated wetlands or known locations of threatened or endangered species. The currently proposed pipeline route and installation methods will result in minimal impacts to the public and environmental resources.

3.0 EXISTING CONDITIONS

This section describes the specific relationship of the Project to certain existing land features. Existing land uses in the vicinity of the Project Area generally include commercial, public service and utility, recreation and entertainment, residential, and vacant land uses (Figure 3). The Project Area will consist of National Grid fee-owned lands, permanent and temporary easements on private property, and public road ROWs.

3.1 Land Use

This section describes the existing and officially approved planned residential, commercial, community service, industrial, institutional, recreational, and agricultural land uses within the Project Area, in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(i).

Land use classifications were derived from the Geographic Information Systems (GIS) Schenectady County Parcel Data Viewer and Regrid Parcel Data for Schenectady County. Each parcel included in the analysis has an official New York State Office of Real Property Tax Services (NYSORPTS) property classification code. These codes were used to derive four land use types within the Project Area: Vacant, Commercial, Recreation and Entertainment, and Public Service and Utility. The parcel data obtained from the County did not include road corridors or the Mohawk River, which were identified as "No Land Use Data" and do not coincide with the real property classification codes.

No residential, institutional, industrial, community services, or agricultural land uses are located within the Project Area. Table 3.1 identifies land use types along the Project route by location relative to the Mohawk River, which divides the Project Area between the Towns of Glenville and Rotterdam, Schenectady County, New York. The pipeline is located fully within the maintained National Grid ROW; however, properties adjacent to the ROW will be used for temporary access and workspace.

Table 3.1: Existing Land Uses Crossed by the Project

Location	Land Use Type[1]	Acreage within Project Area	Length Crossed by Pipeline (approx. linear feet)
Town of Glenville	Commercial	5.10	0
	No Land Use Data	0.04	0
	Public Services	7.02	547
	Recreation and Entertainment	2.72	0
Mohawk River	No Land Use Data	6.04	746
Town of Rotterdam	No Land Use Data	8.94	1,198
	Public Services	60.23	3,112
	Vacant Land	1.08	47

[1] Land use classifications were derived from the GIS Schenectady County Parcel Data Viewer and Regrid Parcel Data for Schenectady County and are based on public records.

3.1.1 Residential Land Use

3.1.1.1 Existing Residential Land Uses

According to the NYSORPTS, category 200 refers to residential land which includes property that is used for human habitation. Living accommodations such as hotels, motels, and apartments are not included in this category. The Project Area does not cross this land use type; therefore, no residential land will be impacted by construction of the Project.

3.1.1.2 Officially-Approved Residential Land Uses

Current information regarding approved residential land uses was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. No officially approved residential land uses (i.e., those pending construction) are located within or in close proximity to the Project Area.

3.1.2 Community Service Land Uses

3.1.2.1 Existing Community Services Land Uses

According to the NYSORPTS, category 600 refers to community services land uses which include properties used for the well-being of the community. The Project Area does not cross this land use type; therefore, no active community service land will be impacted by construction of the Project.

3.1.2.1 Officially-Approved Community Services Land Uses

Current information regarding approved community services land use was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. No officially approved community service land uses (i.e., those pending construction) are located within or in close proximity to the Project Area.

3.1.3 Public Services and Utility Land Uses

3.1.2.1 Existing Public Services and Utility Land Uses

According to the NYSORPTS, category 800 refers to public services and utility land uses which include properties used to provide services to the general public. Within the Project Area, public services and utilities include land used by National Grid for gas pipelines, electric transmission and distribution lines, electric substations, and public roads and utility ROWs. North of the Mohawk River in the Town of Glenville, the proposed pipeline crosses approximately 547 feet of land classified as public services and utility and includes approximately 7.02 acres within the Project LOD. South of the Mohawk River in the Town of Rotterdam, the proposed pipeline crosses approximately 3,112 feet of land classified as public services and utility and includes 60.23 acres within the Project LOD.

3.1.2.2 Officially-Approved Public Services and Utility Land Uses

Current information regarding approved public services and utility land uses was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. Other than the Champlain Hudson Power Express, no officially-approved, but as of yet undeveloped, public service and utility land uses are located within or in close proximity to the Project Area.

3.1.4 Vacant Land Uses

3.1.4.1 Existing Vacant Land Uses

According to the NYSORPTS, category 300 refers to vacant land or property that is not in use, is in temporary use, or lacks permanent improvement. Areas of vacant land within

the Project Area border the southern edge of the Mohawk River along the Mohawk Hudson Bikeway. South of the Mohawk River in the Town of Rotterdam, the proposed pipeline crosses approximately 47 feet of land classified as vacant land and includes 1.08 acres within the Project LOD.

3.1.4.2 Officially-Approved Vacant Land Uses

Current information regarding vacant land uses was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. No proposed vacant land uses are located within or in close proximity to the Project Area.

3.1.5 Recreation and Entertainment Land Uses

3.1.5.1 Existing Recreation and Entertainment Land Uses

According to the NYSORPTS, category 500 refers to recreation and entertainment land uses for property used by groups for recreation, amusement, or entertainment. Within the Project Area, recreation and entertainment land uses include land associated within and nearby the Maalwyck Park located north of the Mohawk River in the Town of Glenville. Approximately 2.72 acres of this recreation and entertainment area are included in the Project LOD and will be used for temporary access, workspace, and staging. In addition, National Grid will be crossing a limited portion of the Mohawk Hudson Bikeway that is owned by the Town of Rotterdam solely for access purposes. National Grid will obtain an access easement from the Town of Rotterdam for this purpose. The proposed pipeline will not be located within the recreation and entertainment land use areas.

3.1.5.2 Officially-Approved Recreation and Entertainment Land Uses

According Current information regarding recreation and entertainment land uses was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. No proposed recreation and entertainment land uses are located within or in close proximity to the Project Area.

3.1.6 Agricultural Land Uses

3.1.6.1 Existing Agricultural Land Uses

According to the NYSORPTS, category 100 refers to agricultural land uses which includes property used for the production of crops or livestock. The Project Area does not cross this land use type; therefore, no active agricultural land will be impacted by construction of the Project.

3.1.6.2 Officially-Approved Agricultural Land Uses

Current information regarding active agricultural land uses was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. No proposed agricultural land uses are located within or in close proximity to the Project Area.

3.1.7 Commercial Land Uses

3.1.7.1 Existing Commercial Land Uses

According to the NYSORPTS, category 400 refers to commercial land uses which includes property used for the sale of goods and/or services. Within the Project Area, commercial land uses include an undeveloped parcel associated with River Stone Manor, LLC located off Amsterdam Road in the Town of Glenville. Approximately 5.10 acres of this commercial area are included in the Project LOD. The proposed pipeline will not be located within commercial land use areas.

3.1.7.2 Officially-Approved Commercial Land Uses

Current information regarding commercial land uses was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. No proposed commercial land uses are located within or in close proximity to the Project Area.

3.1.8 Industrial Land Uses

3.1.8.1 Existing Industrial Land Uses

According to the NYSORPTS, category 700 refers to industrial land which includes property used for the production and fabrication of durable and nondurable man-made goods. The Project Area does not cross this land use type; therefore, no active industrial land will be impacted by construction of the Project.

3.1.8.2 Officially-Approved Industrial Land Uses

Current information regarding industrial land uses was obtained from the Town of Glenville Planning Board and the Town of Rotterdam Planning Board. No proposed industrial land uses are located within or in close proximity to the Project Area.

3.1.9 Disadvantaged Communities and Environmental Justice Areas

The Project Area does not overlap or abut any disadvantaged communities (DAC), as defined by New York's Climate Justice Working Group (CJWG), or Potential Environmental Justice Areas (PEJAs). Refer to Figures 7 through 9 for mapping of the nearest DAC and PEJAs.

3.1.10 Other Land Uses

The Project Area includes areas not classified under real property classification codes, which have been designated as "no land use data" areas. These areas include road corridors, I-890, and the Mohawk River. The Mohawk River encompasses 6.04 acres of no land use data area and will be crossed by approximately 746 feet of the proposed pipeline. North of the Mohawk River in the Town of Glenville, the Project LOD contains 0.04 acres of no land data areas, however, the proposed pipeline will not be located in this area. South of the Mohawk River in the Town of Rotterdam, the proposed pipeline crosses approximately 1,198 feet of land classified as no land use data area and includes 8.94 acres within the Project LOD.

3.2 Ecosystem Resources

This section provides a description of the ecosystem resources, including highly erodible soils; wetlands; floodplains; streams, springs; wells; unique old-growth forests; active sugarbushes; productive timber stands; trees listed in the Registry of Big Trees in NYS; habitats of rare, threatened, and endangered species; and invasive species within and adjacent to the Project Area, in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(i).

Information on ecosystem resources was obtained through a combination of publicly available information, agency consultations, and data collected through field surveys conducted by National Grid's environmental consultants. Initial data was obtained from federal and state agencies through requests for information. This material, combined with review of available online resources, was consulted prior to initiating the field surveys.

Available information included the following:

- U.S. Geological Survey (USGS) topographic maps.
- U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps.
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) soils mapping.
- New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetland maps.
- Federal Emergency Management Agency (FEMA) National Flood Hazard data.

The area evaluated during field studies is shown in Figure 2.

3.2.1 Highly Erodible Soils

The USDA NRCS Web Soil Survey (USDA, 2024) was used to identify the soil map units located within the Project Area. This data was reviewed to identify the soil type(s), slope(s), and limitations with respect to soil erodibility along the pipeline route. A total of 21 soil map units were identified with information including the drainage class and farmland classification. The Erosion Hazard (Off Road, Off Trail) rating was used to indicate the hazard of soil loss after disturbance activities that expose the soil surface.

All soils within the Project Area were described as having "slight," "moderate," or "severe" erodibility. From the description of the ratings on the Web Soil Survey, a rating of "slight" indicates that erosion is unlikely under ordinary climatic conditions; "moderate" indicates that some erosion is likely and that erosion-control measures may be needed; and "severe" indicates that erosion is likely and that erosion-control measures, including revegetation of bare areas, are advised. Soils within the Project Area listed as "severe" were selected and depicted as those soils with a higher than average vulnerability to erosion. Two soil map units were rated "severe" and are considered highly erodible soils; Arnot-Rock outcrop association, very steep (AZF) and Manlius-Rock outcrop association, steep (MPE). The Project LOD encompasses approximately 13.6 acres of highly erodible soils (see Figure 4). However, the Project will utilize HDD to cross under and avoid the highly erodible soils.

3.2.2 Wetlands

Wetland surveys within the Project Area were conducted by a 3-person scientist crew from VHB consisting of ecologists, environmental scientists, and GPS technicians in Fall 2023, Summer 2024, and Fall 2024. A preliminary desktop analysis of the Project Area was completed prior to performing on-site delineations. The desktop analysis was performed using NWI mapping, NYSDEC Freshwater Wetland mapping, USGS topography mapping, USGS National Hydrography Dataset, soils data and aerial photography.

NWI mapping indicates the presence of five wetlands within the Project LOD. Three NWI mapped wetlands are classified as riverine, one is classified as a palustrine emergent wetland, and one is classified as a palustrine unconsolidated bottom wetland. These five NWI mapped wetlands coincide with VHB delineated features.

Review of NYSDEC mapping through access to the online NYSDEC Environmental Resources Mapper (ERM) indicates there is one NYSDEC freshwater wetland (NYSDEC S-115; Class I) and the corresponding adjacent 100-foot protective upland buffer mapped within the Project Area, which are regulated under Article 24 of the Environmental Conservation Law (ECL) (Figure 5). Starting January 1, 2025, New York's wetland regulations were revised to redefine what qualifies as a wetland of "unusual local importance." Wetland S-115, located partially within an urban area as defined by the United States Census Bureau, now meets the criteria for designation as a wetland of "unusual local importance." Direct surface connection was observed between this state-mapped wetland and one wetland delineated by VHB (2024-W7) within the Project Area. The NYSDEC classification system of freshwater wetlands provides class rankings (I-IV) for wetlands according to their specific ability to provide multiple predetermined functions and values (Class I having the highest rank, descending through to Class IV).

VHB identified and delineated 16 wetlands within the Project Area during wetland and stream delineations. Approximately 2.50 acres of the approximate 91-acre Project Area is identified as wetland. The results of the wetland delineation are detailed in Table 3.2 below, along with the Wetland and Stream Delineation Report included as Attachment D.

Table 3.2: VHB Delineated Wetlands within the Project Area

Wetland ID	Nearest Line/Structure	Cover Type Classification[1] Acreage				Total Acres Delineated	Potential Jurisdictional Status[2]
		PEM	PSS	PFO	PUB		
2023-W3	Rotterdam – Woodlawn 35 Structure 3	X	-	-	-	0.04	N/A
2023-W4	Rotterdam – Lynn St. 34 Structure 20	X	-	-	-	0.82	Proposed Federal Jurisdiction
2023-W5	Rotterdam – New Scotland 19 Structure 6A	X	-	-	-	0.03	N/A
2023-W100	Rotterdam – Altamont 17 Structure 2	X	-	-	-	0.07	N/A
2023-W101	Rotterdam – Lynn St. 34 Structure 2	X	-	-	-	0.26	Proposed Federal Jurisdiction

Wetland ID	Nearest Line/Structure	Cover Type Classification[1] Acreage				Total Acres Delineated	Potential Jurisdictional Status[2]
		PEM	PSS	PFO	PUB		
2023-W201	Rotterdam – Curry Rd. Structure 16	X	-	-	-	0.13	N/A
2023-W202	Rotterdam – Altamont 17 Structure 7	X	-	-	-	0.14	N/A
2023-W203	Rotterdam – Curry Rd. Structure 23	X	-	-	-	0.09	N/A
2024-W1	Rotterdam – Front St. 16 Structure 90	X	-	-	-	0.09	Proposed Federal Jurisdiction
2024-W2	Rotterdam – Bear Swamp E 205 Structure 2	X	-	-	-	0.03	Proposed Federal Jurisdiction
2024-W3	Rotterdam – Front St. 16 Structure 94	X	-	-	-	0.46	Proposed Federal Jurisdiction
2024-W3a	Rotterdam – Front St. 16 Structure 94	X	-	-	-	0.11	Proposed Federal Jurisdiction
2024-W4	Rotterdam – Bear Swamp E 205 Structure 6	X	-	-	-	0.25	Proposed Federal Jurisdiction
2024-W5	Rotterdam – New Scotland 13 Structure 4	X	-	-	-	0.10	N/A
2024-W6	Rotterdam – Front St. 16 Structure 91	X	-	-	-	0.04	N/A
2024-W7	Rotterdam – Bear Swamp E 205 Structure 8	X	X		X	0.22	Proposed Federal and State Jurisdiction

[1]PEM – palustrine emergent; PSS – palustrine scrub-shrub; PFO – palustrine forested; PUB – palustrine unconsolidated bottom
[2]A final determination of jurisdictional status must be made by both NYSDEC and USACE.

The proposed pipeline will not cross any of the delineated wetlands. Impacts to delineated wetlands will be temporary in nature due to construction access and workspace, and no permanent wetland impacts or loss will result from Project construction and operation. Construction matting and/or low-pressure tracked equipment or rubber tires will be used to the extent practicable to minimize disturbance to wetlands. Disturbed wetlands will be restored to pre-existing contours within the timeframes allotted in the EM&CS&P and the SWPPP (Attachment H). Stabilization will involve application of native wetland seed mix and straw or cellulose mulch. Table 3.3 details the anticipated wetland impacts.

Table 3.3: Proposed Wetland Impacts

Wetland ID	Cover Type	Acreage with Project Area	Temporary Impact[1] (acre)	Permanent Impacts (acre)	Impact Type
2023-W3	PEM	0.04	0.04	0.00	Construction Access and Workspace
2023-W4	PEM	0.76	0.76	0.00	Construction Access and Workspace
2023-W5	PEM	0.03	0.03	0.00	Construction Access and Workspace
2023-W100	PEM	0.00	0.00	0.00	None
2023-W101	PEM	0.29	0.29	0.00	Construction Access and Workspace
2023-W201	PEM	0.09	0.09	0.00	Construction Access and Workspace
2023-W202	PEM	0.14	0.14	0.00	Construction Access and Workspace
2023-W203	PEM	0.09	0.09	0.00	Construction Access and Workspace
2024-W1	PEM	0.07	0.07	0.00	Construction Access and Workspace
2024-W2	PEM	0.00	0.00	0.00	None
2024-W3	PEM	0.46	0.46	0.00	Construction Access and Workspace
2024-W3a	PEM	0.00	0.00	0.00	None
2024-W4	PEM	0.16	0.16	0.00	Construction Access and Workspace
2024-W5	PEM	0.10	0.10	0.00	Construction Access and Workspace
2024-W6	PEM	0.04	0.04	0.00	Construction Access and Workspace
2024-W7	PEM, PSS, and PUB	0.23	0.23	0.00	Construction Access and Workspace

[1] To be conservative, the Applicant assumed temporary wetland impacts will encompass the area of the wetland within the proposed LOD.

3.2.3 Streams

Based on available NYSDEC stream classification mapping, two state-mapped streams are within the Project Area, the Mohawk River and the Poentic Kill and Tribs. The Mohawk River

is a NYSDEC Class A stream, and therefore, is protected under Article 15 of the ECL. The Poentic Kill and Tribs (NYSDEC Class C) is mapped as occurring through the southeast portion of the Project Area, however VHB did not observe any channels with discernable beds or banks in this location. Rather, the Poentic Kill and Tribs coincides with VHB delineated Wetland 2024-W7 which is presumed jurisdictional under NYSDEC, and therefore, likely regulated under Article 24 of the ECL. Table 3.4 below provides a detailed summary of all NYSDEC classified priority streams within the Project Area.

The Mohawk River will be crossed via HDD with the pipeline a minimum of 47.9' below the river bottom; therefore, a Stream Activities General Permit (GP-0-20-002) will not be required. The HDD entry bore pit will be located on the northeast side of the Mohawk River in Glenville adjacent to Maalwyck Park, and the HDD exit bore pit will be located on the southwest bank of the Mohawk River in Rotterdam between I-890 and the CSX railroad. The soil from the HDD bore pits will be temporarily staged on site and reused as backfill to return the bore pit to pre-construction condition. Best management practices (BMPs), such as silt fences and site stabilization, will be implemented during HDD to ensure protection of water quality for the Mohawk River. The pipeline will be installed via direct burial trenching where HDD is not occurring. The Applicant has prepared an Inadvertent Return Plan (Attachment I) detailing BMPs to be used during HDD operations to prevent an inadvertent return as well as measures to be taken in the event an inadvertent return occurs.

Table 3.4: NYSDEC Mapped Streams within the Project Area

NYSDEC Stream Name and Regulatory ID Number	NYS Major Drainage Basin	USGS Sub-basin HUC 8 and Name	NYSDEC Classification and Standard	Between Existing Structures
Mohawk River (876-9)	Mohawk River	02020004 (Mohawk)	A	Spier–Rotterdam 1 Structures 256-257
Poentic Kill and Tribs	Mohawk River	02020004 (Mohawk)	C	Rotterdam – Bear Swamp E 205 Structures 9-10

Further, VHB environmental scientists delineated two streams in addition to the Mohawk River within the Project Area during field surveys. Stream 2024-SC-1 will be crossed via HDD methods; therefore no impacts to 2024-SC-1 are anticipated. Stream 2024-SC-2 is located within temporary workspace and access areas. Construction mat bridges will be used to cross the stream and reduce potential impacts. Table 3.5 below details the streams delineated by VHB.

Table 3.5: VHB Delineated Streams within the Project Area

Stream ID	Cowardin Classification	Linear Feet Delineated	Potential Jurisdiction[1]	NYSDEC Classification	Stream Name
2023-TOB-200	Riverine Lower Perennial	962	Federal and State	A	Mohawk River

Stream ID	Cowardin Classification	Linear Feet Delineated	Potential Jurisdiction[1]	NYSDEC Classification	Stream Name
2024-SC-1	Riverine Intermittent	195	Federal	-	Unnamed Tributary
2024-SC-2	Riverine Intermittent	424	Federal	-	Unnamed Tributary
[1] A final determination of jurisdictional status must be made by both NYSDEC and USACE.					

The Project route and associated LOD will cross delineated stream 2024-SC-1 and 2023 TOB-200. Impacts to the Mohawk River (stream 2023-TOB-200) and 2024-SC-1 will be avoided through the use of HDD. Delineated stream 2020-SC-2 crosses through temporary workspace area and under an existing access road. Construction matting and mat bridges will be used to cross stream 2024-SC-2. Impacts to this stream will be temporary and the stream bed and bank will be restored following the completion of pipeline installation. Table 3.6 below details the anticipated stream impacts.

Table 3.6: Proposed Streams Impacts

Stream ID	Linear Feet Within Project Area	Temporary Impact (Linear Feet)	Impact Type
2023-TOB-200	558	0	HDD
2024-SC-1	138	0	HDD
2024-SC-2	312	312	Construction Access and Workspace

3.2.4 Floodplains

New York State GIS Clearinghouse data and the FEMA National Flood Hazard data layer were reviewed to determine the location of floodplains and flood hazard areas within and adjacent to the Project Area. The Project will cross a mapped 100-year floodplain associated with the Mohawk River. Figure 5 shows the location of floodplains in the Project's vicinity. There will be no alteration to flood flows and flood storage volumes as contours will be restored to the pre-construction condition following pipeline instillation. However, the Project will utilize HDD to cross under and avoid the floodplains, and no aboveground pipeline facilities will be placed in the floodplains along the Mohawk River.

3.2.5 Springs

No springs are known to be located in the Project Area and on-ground field surveys of the Project Area confirmed that no wetlands or streams encountered on-site were generated from a spring feature within the landscape.

The Environmental Protection Agency (EPA) defines Sole Source Aquifers (SSAs) as aquifers that supply at least 50 percent of the drinking water for its service area or aquifers where there

are no reasonably available alternative drinking water sources should the aquifer become contaminated (EPA, 2016). The Project is located within the EPA's Schenectady-Niskayuna SSA. Since the Project is not federally funded, the Project is not subject to federal review or approval for work within a SSA designated area.

Primary aquifers are defined in the NYSDEC Division of Water's Technical and Operational Guidance Series as "highly productive aquifers presently utilized as sources of water supply by major municipal water supply systems" (NYSDEC 2017a). The Project is located within a primary aquifer.

A principal aquifer is defined as an aquifer that has the potential to be used as a source of potable water for the region but is not intensely used at the present time (USGS 2016). The Project is within an unconfined principal aquifer.

The Great Flats Aquifer is the public water supply source for the City of Schenectady, Village of Scotia, and the Towns of Glenville, Niskayuna, and Rotterdam. The Schenectady County Aquifer Protection Zones Map (Figure 6; Schenectady County Planning Department 2000) shows that the Project crosses Zone II – Primary Recharge Zone, Zone III – General Aquifer Recharge Zone, and Zone IV – Tributary Watershed Zone. The Schenectady County Intermunicipal Watershed Rules and Regulations are detailed in §142.2 of the New York State Public Health Law which describes applicable regulations for development in Zones II, III, and IV.

The Applicant will consult with the Schenectady County Intermunicipal Watershed Board (Watershed Board) to determine if the Project will impact the quality and quantity of groundwater in the Great Flats Aquifer. Based on previous coordination with the Watershed Board on similar pipeline projects in the Great Flats Aquifer, the Applicant does not anticipate that this Project will pose a threat to the quality and/or quantity of groundwater in the aquifer.

During the Watershed Board's review of the Applicant's 2002 proposed pipeline project which also crossed the Mohawk River via HDD in the Towns of Rotterdam and Glenville, the Watershed Board found that construction of the Applicant's pipeline would not have an adverse impact on water quality within the Great Flats Aquifer. Additionally, during review of the 2002 pipeline project under Article VII (Case 01-T-1160), concerns about introducing trichloroethane (TCE) into the Great Flats Aquifer were investigated. NYSDEC found that there was little potential for TCE to contaminate the aquifer during construction due to the shallow depth at which the pipeline would be buried. Accordingly, the Watershed Board issued recommendations for practical steps to ensure that water quality was protected during construction of the 2002 proposed project.

Therefore, the Applicant will implement BMPs to protect water quality in the Great Flats Aquifer throughout construction of the proposed Project. Further, the Applicant will provide the Groundwater Management Planner for the Watershed Board with a work plan detailing precautionary measures to be implemented in Zones II, III, and IV including using petroleum-free HDD drilling muds, implementing standard erosion and sedimentation controls, and adhering to petroleum storage and use practices. Additionally, the Applicant will coordinate all construction activities in the aquifer with the Groundwater Management Planner including pre-construction notification.

The Project will comply with all state water quality standards (6 NYCRR Part 703) and will implement appropriate BMPs to ensure the protection of water quality.

3.2.6 Wells

NYSDEC regulates the following well types:

- Oil, gas, and solution salt mining wells;
- Wells associated with underground storage of hydrocarbons in caverns or reservoirs; and
- Stratigraphic geothermal and brine disposal wells greater than 500 feet deep.

NYSDEC also maintains a database of registered water wells. Review of the NYSDEC's DECInfo Locator online map did not identify any oil, gas, regulated wells, or water wells within or immediately adjacent to the Project Area. The nearest well to the Project is a residential water well located on the southern side of Gordon Road, approximately 1,200 feet from the proposed pipeline. No oil, gas, or other regulated wells are located within 1 mile of the Project.

3.2.7 Unique Old Growth Forest

No old growth forests were observed in or in the vicinity of the Project Area during the wetland delineation effort. Based on review of available literature on the known locations of old growth forest in New York (New York Old Growth Forest Association, 2002), no old growth forests are recorded within or in the vicinity of the Project Area.

3.2.8 Active Sugarbushes

Based on a review of information available from the New York State Maple Producers Association members, no active sugarbush areas are known to be located within the Project Area.

3.2.9 Productive Timber Stands

Productive timber stands are viable or potential commercial forest stands composed of saplings (0 to 5 inches in diameter), poles (6 to 11 inches in diameter), and/or mature trees (12+ inches in diameter). Much of the ROW within the Project Area has been previously cleared and maintained for portions of National Grid's electric ROW and the ROW for the existing Pipeline E18. Consequently, this area is either disturbed or is characterized by early-mid successional growth. No areas of productive timber stands were observed within the Project Area during field surveys.

3.2.10 Trees Listed in Registry of Big Trees in New York State

The New York Big Tree Registry does not identify any trees located within Schenectady County, New York.

3.2.11 Habitats of Rare, Threatened, and Endangered Species

The USFWS's Information for Planning and Consultation (IPaC) system was utilized in determining the presence of any federally listed plants or animals. The results of the IPaC

search showed the potential presence of the federally endangered northern long-eared bat (*Myotis septentrionalis*), the proposed endangered tri-colored bat (*Perimyotis subflavus*), and the proposed threatened monarch butterfly (*Danaus Plexippus*). Consultation with the USFWS is occurring via the USACE through Section 7 Consultation. Refer to Attachment B for a copy of the IPaC report.

Vegetation clearing necessary for construction targets woody vegetation, with few impacts on herbaceous cover primarily related to temporary access roads and work areas. Herbaceous vegetation, including pollinator species upon which the monarch butterfly relies, typically regrows quickly following the removal of construction mats or other temporary road material; therefore, any adverse impacts to the monarch butterfly due to vegetation clearing would be temporary. The Project will adhere to the conservation measures outlined in the Nationwide Candidate Conservation Agreement with Assurances (CCAA) for the monarch butterfly.

Desktop review of publicly available data indicates that the Project Area is not located within an area of potential rare plants or animals and is not located in an area with significant natural communities. The New York State Natural Heritage Program (NYNHP) Nature Explorer results show the potential presence of four New York State listed threatened or endangered plants less than 0.5-mile from the Project Area. There are three New York State listed endangered plants including the northern wild comfrey (*Andersonglossum boreale*), side oats grama (*Bouteloua curtipendula var. curtipendula*), and tall hairy lettuce (*Lactuca hirsute*). The one New York State listed threatened plant is listed as the brown bog sedge (*Carex buxbaumii*).

The northern wild comfrey is commonly found along forest, wood, and thicket borders. Though rare, the species may be found in upland deciduous woods and roadsides, and prefers sandy, rocky, circumneutral, and calcareous soils. Ecological communities where northern wild comfrey may be present include beech-maple mesic forests, limestone woodlands, successional northern hardwoods, and unpaved roads/paths. Areas adjacent to the Project Area contain roadsides and deciduous woods which may provide habitat for this species to occur.

The side oats grama commonly appears with dry limestone-derived soils and can be found in open habitats, riverside bluffs, shale cliffs and barrens, cedar glades, limestone pavements, abandoned sandpits and pastures, and railroad and powerline corridors. Ecological communities where side oats gamma may be present include alvar pavement grasslands, calcareous cliff communities, calcareous red cedar barrens, calcareous talus slope woodlands, limestone woodlands, northern white cedar rocky summits, red cedar rocky summits, and shale cliff and talus communities. The Project Area contains Hamlin silt loam soils, which are derived from limestone, and railroad and powerline corridors which may provide habitat for this species to occur.

Tall hairy lettuce can be found in sandy, open sites such as dry woods, inland dunes, sand plains, and roadsides. Ecological communities where tall hairy lettuce may be present include pitch pine-scrub oak barrens, roadcut cliffs/slopes, sand mines, and successional northern sandplain grasslands. Areas adjacent to the Project Area contain forested/wooded areas and roadsides which may provide habitat for this species to occur.

The brown bog sedge prefers calcareous habitats but can be variable. This species is commonly found in wetland communities such as peat-bogs, marshes, fens, and wet

meadows along with river edges, lake shores, and vernal ponds. Ecological communities where brown bog sedge may be present include calcareous shoreline outcrops, cobble shores, inland calcareous lake shores, marl fens, red maple-tamarack peat swamps, rich graminoid fens, rich hemlock-hardwood peat swamp, rich shrub fens, rich sloping fens, riverside ice meadows, sedge meadows, and vernal pools. The Project Area contains Mohawk River shoreline which may provide habitat for this species to occur.

However, since the Project is located within an existing maintained ROW that has been previously cleared, it is unlikely that these threatened and endangered plants will occur onsite. Further, the pipeline will be installed via HDD underneath the Mohawk River and impacts to wetland habitats will be avoided. Construction matting will be used during construction in wetland areas to protect from impacts to the wetland and wetland habitats. The Applicant will consult with NYNHP to confirm if impacts to the threatened and endangered plants are anticipated.

A Bird Conservation Area (BCA), Thacher State Park, is located approximately 12 miles away from the southern portion of the Project Area. An Audubon Important Bird Area (IBA), Albany Pine Bush Reserve, is located approximately 6.3 miles southeast of the Project.

National Grid minimizes potential migratory bird impacts to the maximum extent practicable when selecting a route. The proposed pipeline and associated workspace will be mostly collocated in the existing cleared corridor associated with National Grid's electric transmission ROW which minimizes impacts to forested cover types. Where the proposed pipeline route deviates from the existing cleared ROW near the CSX crossing, the pipeline will be installed via HDD and the entry and exit bore pit locations are already cleared. Similarly, the entry and exit bore pit locations for the HDD under the Mohawk River and I-890 are already cleared. Tree clearing will be necessary near the Applicant's substation in the Town of Rotterdam to allow for installation and maintenance of the pipeline. While there are trees near the Mohawk River, the Applicant anticipates that the required line-of-sight for HDD can be maintained without tree clearing. Further, the Applicant anticipates that any trees near the Mohawk River will not be impacted since the pipeline will be installed underneath the trees via HDD. Thus, the Applicant does not anticipate that tree clearing will be required for the Project and impacts to migrating birds will be minimal.

3.2.12 Invasive Species

Invasive species are defined in New York State ECL §9-1703 as "…a species that is nonnative to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health." Lists of prohibited and regulated species were developed by the NYSDEC using the species assessment and listing process outlined in the NYSDEC 2010 report "A Regulatory System for Non-native Species." The report recommended a regulatory system for preventing the importation and/or release of non-native species. The recommended system created the first-ever official lists of invasive species for New York State that would apply to all species of animals and plants.

During the field survey effort in July 2024, the Project ROW was surveyed for the presence and abundance of invasive species listed on both the NYSDEC Prohibited and Regulated Invasive Plants (6 NYCRR Part 575) and also the Capital/Mohawk Partnership for Regional Invasive Species Management (PRISM) lists. PRISMs coordinate invasive species management functions including coordinating partner efforts, recruiting and training citizen

volunteers, identifying and delivering education and outreach, establishing early detection and monitoring networks and implementing direct eradication and control efforts. There are eight PRISMs within New York State, each of which is made up of resource managers, non-governmental organizations, industry, resource users, citizens and other state agencies and stakeholders. The PRISMs were enacted under Title 17, ECL §9-1705(5)(g). Schenectady County is included in the Capital/Mohawk PRISM.

Each invasive species observed within the Project ROW was recorded and classified according to the following categories:

- S = Sparse (1–5% aerial coverage)
- M = Moderate (5–25%)
- A = Abundant (>25%)

Species of high concern identified by state agencies that occur on the Project ROW include purple loosestrife (*Lythrum salicaria*), common reed grass (*Phragmites australis*), multiflora rose (*Rosa multiflora*), honeysuckle (*Lonicera* spp.), mugwort (*Artemisia vulgaris*), common buckthorn (*Rhamnus cathartica*), Canada thistle (*Cirsium arvense*), spotted knapweed (*Centaurea stoebe*), Autumn olive (*Elaeagnus umbellata*), black locust (*Robinia pseudoacacia),* Norway maple *(Acer platanoides),* and oriental bittersweet (*Celastrus orbiculatus*). All of these species are on the Capital/Mohawk PRISM's Tier 4 – Local Control List. For the purposes of this Project, a tiered approach to invasive species identification has been developed which involves categorizing each patch of invasive species into three tiers of concern.

A description of each tier is provided below:

- Tier I — Areas with no invasive plant species currently present or areas that have invasive plant species present in sparse abundance. These areas do not contain species of high concern.
- Tier II — Areas with one invasive plant species of moderate abundance levels with various amounts of other invasive plant species present in sparse abundance or areas with one invasive plant species present in abundant levels with various amount of other invasive plant species present in sparse to moderate amounts. These areas do not contain species of high concern.
- Tier III — Areas with two or more invasive plant species present in moderate and sparse abundance and/or contained or are suspected to contain species of high concern (as noted above).

The Invasive Species Survey provided in Attachment C presents the results of the invasive species survey conducted for the Project including each invasive species identified and its location along the ROW. Invasive plant species were identified in moderate to abundant concentrations throughout the Project Area. To prevent the spread of invasive plant species, equipment, tools, and materials will be cleaned before entering and existing the Project Area. Additionally, National Grid will comply with the BMPs identified in the Environment Energy Alliance of New York (EEANY) Invasive Species Management Plan, provided in the Project SWPPP (Attachment H).

3.3 Visual Resources Inventory

3.3.1 Scenic Areas

Scenic Areas of Statewide Significance (SASS) are designated by the New York Secretary of State pursuant to Article 42 of the Executive Law and include coastal regions with aesthetic significance. There are no SASS locations in the vicinity of the Project Area.

Scenic Districts are designated by the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) pursuant to Article 49 of the ECL. There are no Scenic Districts in the vicinity of the Project Area.

Critical Environmental Areas (CEA) are defined under subdivision 6 NYCRR §617.14(g) of the State Environmental Quality Review (SEQR) regulations. CEAs have been designated by local or state agencies to recognize a specific geographical area that is:

- A benefit or threat to human health;
- An exceptional or unique natural setting;
- An exceptional or unique social, historic, archaeological, recreational, or educational value; or
- An inherent ecological, geological, or hydrological feature sensitive to change that may be adversely affected by any physical disturbance.

The southern portions of the Project Area are located within the Aquifer Area Overlay Zone, which was selected for recognition by the Town of Rotterdam to conserve, protect, and improve the area. Since the overlay zone is specific to the aquifer, it is assumed that the feature is a benefit to human health or an inherent ecological, geological, or hydrological feature sensitive to change that may be adversely affected by any physical disturbance.

Data regarding Wild and Scenic Rivers identified by Congress, pursuant to 16 U.S. Code Section 1271, is available through the National Park Service. Data regarding State-designated Wild, Scenic, and Recreational Rivers is available through NYSDEC. There are no Wild and Scenic Rivers located in the vicinity of the Project Area.

3.3.2 Scenic Roads

Scenic Roads are designated by the Commissioners of the NYSDEC or the New York State Department of Transportation (NYSDOT) pursuant to Article 49 of the ECL. The nearest Scenic Road to the Project Area is known as the Revolutionary Trail, which is a 158-mile scenic byway that runs east-to-west from the capital of Albany to the shores of Lake Ontario. Within this region, the Revolutionary Trail on NYS Route 5 parallels the Mohawk River. Visual impacts to the Revolutionary Trail are not expected due to the Project being underground and not visible. Further, the Project Area is within an existing ROW; therefore, construction and operation of the Project will not result in any change of character relative to the current condition.

3.3.3 Vistas and Overlooks

The NYSDEC Points of Interest data layer was consulted to determine the location of scenic vistas in New York State. There are no scenic vistas within the Project Area.

3.4 Cultural Resources

This section describes the available cultural resource data gathered to date, and steps to be taken in consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) to evaluate potential impacts to the Project regarding archaeological resources assessments in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(i).

These evaluations determine the presence, likely presence, or absence of sensitive resources in the Project's Area of Potential Effect (APE). The APE is defined as those areas that receive direct or indirect impacts from the Project and is influenced by the scale and nature of the Project. The APE for below-ground archaeological resources consists of areas of high archaeological sensitivity and involves direct physical ground disturbance as defined by OPRHP. Cultural resources include archaeological and historic architectural resources that are listed on or are eligible or potentially eligible for listing in the National Register of Historic Places (NRHP).

3.4.1 Existing Cultural Resource Setting

The Project is located on both sides of the Mohawk River in western Schenectady County, New York and is discussed as being split into two boring zones (Northern [Area 1] and Southern [Area 2]) (collectively Project APE). Required cultural resource literature reviews and archaeological sensitivity assessments are determined in consultation with the OPRHP and based on such factors as the Project LOD. The investigators conducting the cultural resource reviews and assessments exceed the Secretary of the Interior's professional qualifications standards in their respective disciplines (36 CFR 61).

3.4.2 Archaeology

3.4.2.1 Phase IA – Previously Recorded Archaeological Sites

Historic properties are culturally significant properties on or eligible for inclusion on the NRHP or State Register of Historic Places (SRHP) and include archaeological sites and aboveground historic sites, structures, and districts. Known historic properties were identified in the vicinity of the Project corridor as described below.

Archaeological site files maintained by the OPRHP and the New York State Museum (NYSM), and available cultural resource management reports, were examined using the Cultural Resource Information System (CRIS). A site file search of the CRIS identified fifteen precontact archaeological sites within a 0.25-mile radius of the Project APE (Table 3.7). Two of these sites have a NYSM number exclusively (NYSM 6837 and NYSM 6479) and one is a NYSM area (6931). Two sites (NYSM 6479; USN 09302.000133) are directly within the Project APE. The first site (NYSM 6479) includes precontact traces of occupation identified by Parker in 1922 and has an Undetermined NRHP eligibility. The second site, named Riverstone Manor Site 2 (USN 09302.000133), a possible Late Archaic camp, is Eligible for the NRHP. Additional Eligible sites include the Riverstone Manor Site 1 (USN 09302.000132), located 250 feet north of the Project APE, and the

McMichaels Precontact Site (USN 09302.000031), located 175 feet east of the Project APE.

Table 3.7: Previously Recorded Sites, NYSM Areas, and NYSM Sites within Approximately 0.25-Mile Radius of the Project APE

USN or Site Number/Name	Site Identifier	Description	NYSM Determination Status	Proximity to the APE
09305.000133/ NYSM 6278	6278	Precontact site identified by Schaeffer in 1949; no other information. See also 09305.000259, GEP Locus 3.	Undetermined	1,500 feet south-east of southern boring zone.
09305.000132/ NYSM 6277	Unnamed site	Precontact site identified by E. J. Sheehan in 1949; no other information.	Undetermined	850 feet south of southern boring zone.
09305.000119/ NYSM 6264	Circle	Precontact site identified by Dean Snow in 1989; no other information.	Undetermined	350 feet south of southern boring zone.
09305.000076/ NYSM 6260	Buried Village	Precontact site identified by E. J. Sheehan in 1949; no other information.	Undetermined	1,800 feet east of southern boring zone (across Mohawk River); 2,100 ft southeast of northern boring zone.
09302.000075/ NYSM 6259	Unnamed site	Precontact site identified by William A. Ritchie in 1949; no other information.	Undetermined	1,900 feet north-east of southern boring zone (across Mohawk River); 2,000 ft southeast of northern boring zone.
09302.000031/ NYSM 955	McMichaels Precontact Site	A multi-component site with Terminal Archaic occupations. Numerous short-term occupants.	Eligible	175 feet east of northern boring zone, along west side of Maalwyck Park.
NYSM 6479	ACP STFU No #	Precontact traces of occupation identified by A.C. Parker in 1922	Undetermined	0 feet – encompasses southern boring zone.
NYSM 6837	Pottery Spring No. 2	Precontact Woodland campsite; no other information.	Undetermined	1,800 feet south of the southern boring zone.
09302.000132	Riverstone Manor Site 1	Likely Late Archaic site which yielded cracked rock, pitted stone and grinding stone; possible roasting platform and living surface approx. 5.5 feet below ground surface.	Eligible	250 ft north of the northern boring zone.

USN or Site Number/Name	Site Identifier	Description	NYSM Determination Status	Proximity to the APE
09302.000133	Riverstone Manor Site 2	Possible Late Archaic camp; artifacts found included cracked rock, pitted stone and grinding stone. Materials found in alluvial soils at depth of 2 feet; however, the alluvial soils extend as much as 5.5 feet in depth.	Eligible	Intersects with the northing boring zone at west end of Maalwyck Park.
09302.000138	Route 5 Terrace Prehistoric Site	Triangular chert preform with an assemblage of chert, quartz, and quartzite flakes. Thought likely to be from Woodland period because of the triangular preform.	Undetermined	250 feet northeast of the northern boring zone.
09305.000257	GEP Locus 1	Precontact site which consisted of one utilized flake and 2 smaller flakes.	Undetermined	600 feet east of southern boring zone.
09305.000259	GEP Locus 3	Precontact site which consisted of fire-cracked rock, chert flakes, and utilized flake. Likely part of 09305.000133/NYSM 6278.	Undetermined	1,600 feet southeast of southern boring zone.
09305.000262	Burt Pre-historic Site	Precontact site with two debitage flakes.	Undetermined	2,000 feet west of southern boring zone.
NYSM 6931	--	--	Undetermined	1,600 feet west of northern boring zone (across Mohawk River).

3.4.2.2 Phase IA – Archaeological Sensitivity Assessment

Both archaeological sensitivity and archaeological potential were assessed for conducting surveys in the Project APE. Archaeological sensitivity was defined following the New York Archaeological Council (NYAC):

> "*Archaeologically sensitive areas contain one or more variables that make them likely locations for evidence of past human activities. Sensitive areas can include places near known prehistoric sites that share the same valley or that occupy a similar landform (e.g., terrace above a river), areas where historic maps or photographs show that a building once stood but is now gone as well as the areas within the former yards around such structures, an environmental*

setting similar to settings that tend to contain cultural resources, and locations where Native Americans and published sources note sacred places, such as cemeteries or spots of spiritual importance (NYAC 1994:9)".

Factors influencing precontact archaeological sensitivity within the Project APE included the following:

- Water sources: wetlands, ponds, streams, lakes, bays and ocean;
- Well-drained soils for habitation;
- Favorable landforms (level, good solar exposure, leeway facing); and
- Known archaeological sites in the vicinity.

Factors influencing historic archaeological sensitivity within the Project APE included:

- Water sources: wetlands, ponds, streams, lakes, bays and ocean;
- Well-drained soils for habitation;
- Proximity to transportation systems (roads, canals, rivers, railroads, etc.); and
- Known archaeological sites in the vicinity.

Archaeological potential is he likelihood of locating intact archeological remains within an area. Factors influencing precontact archaeological potential for the Project APE included alluvial deposits (cap and preserve deposits) and relatively deep soils (features). Factors influencing historic archaeological potential for the Project APE included alluvial deposits (cap and preserve deposits) and Historic fill (cap and preserve deposits).

Both boring zones in the Project APE have a high archeological sensitivity/potential based on containing or being in close proximity to previously identified, Indigenous archeological sites. Archeological testing was recommended for both boring zones because of previously reported Indigenous sites within or close by to the APE. A program of hand-excavated shovel tests was recommended to start; however, it is likely that alluvial soils with archeological potential will extend below the reach of the shovel tests in the northern boring zone, necessitating use of power equipment. In the northern boring zone, 50-centimeter squares reduced interval tests were recommended to help achieve the greatest depth in conjunction with backhoe trenching if deep soils are present. In the southern boring zone, standard 40-centimeter round tests are adequate primarily at the 50-foot intervals with some reduced interval tests to assist in clarifying the stratigraphy or extent of cultural deposits. In addition, further geomorphology study and interpretation of the stratigraphy was recommended in the Project APE.

3.4.2.3 Phase IB – Reconnaissance Surveys and Testing

The Phase IB archaeological survey was performed to determine the presence or absence of archaeological sites in the Project APE. After the fieldwork for this survey was complete, a more precise location for the northern HDD bore was identified and addendum Phase IB archaeological field reconnaissance and monitoring was conducted.

In total, as part of the initial Phase IB field efforts, 110 shovel test pits (STPs) were excavated resulting in the recovery of 12 historic artifacts and two precontact artifacts.

One newly recorded precontact site (Mohawk River Crossing Site) was documented as part of the Phase IB survey efforts.

The Phase IB field survey methods consisted of four different types of STPs in the northern boring area to address the alluvial soils. Four larger tests measuring 1 meter by 0.5 meter at the ground surface were placed 100 meters apart. An additional 73 STPs were placed on a 50-meter grid (incorporating the initial four tests). An additional 13 tests were placed at 25-foot intervals between the other tests to help define potential site boundaries. Finally, two additional corroboration tests were placed at 1-meter intervals from a previously positive test. All tests, except the larger four, were 40 centimeters in diameter. The southern boring area had 18 shovel tests arranged in a 15-meter grid and were 40 centimeters in diameter.

Excavated soil was passed through 0.25-inch hardware mesh and examined for artifacts. The location of each shovel test was plotted on the Project map. The stratigraphy of each test was recorded including the depth, Munsell color, soil description, and artifact content. All precontact cultural material was collected. Significant historic artifacts such as glass, ceramics, food remains, hardware, and miscellaneous items were collected. Only coal, ash, cinder, brick, and modern materials were noted. Collected artifacts were placed in paper or plastic bags, labeled by provenience, and inventoried in a bag list. Provenience information was entered into a database. Artifacts were cleaned, sorted by type, counted, weighed, bagged, and described in a catalog.

The Phase IB Archaeological Field Reconnaissance (Phase IB) report was prepared by Hartgen and summarized the Phase IA research, described the fieldwork methods and results of the Phase IB survey, and provided recommendations (Attachment E). In support of the text, historical maps and photographs were prepared to illustrate the findings. Tables including the artifact inventory were appended. The report also provided recommendations on whether newly identified archaeological sites are eligible or ineligible for inclusion on the NRHP, or if additional Phase II evaluation studies would be required to determine site eligibility. One site, the Mohawk River Crossing Site was considered potentially eligible for inclusion in the NHRP, and avoidance or Phase II evaluation of the site was recommended. This site could be a newly recorded resource or may also be part of the McMichaels Precontact Site (USN 09302.000031) or of the Riverstone Manor Site 2 (USN 09302.0133), both precontact sites with lithic scatters located within a few hundred feet of the site. Additionally, avoidance or matting on the ground surface at the Mohawk River Crossing Site was recommended for protection during Project construction activities.

An Addendum Phase IB Archaeological Monitoring Scope of Work (SOW) was prepared by Hartgen and includes a summary of Project information, applicable guidelines, a definition of the addendum Phase IB Area of Potential effects (approximate HDD Bore location), and methodology for the addendum Phase IB archaeological field reconnaissance and monitoring. The methodology proposed included 40 feet of mechanical trenching, archaeological field reconnaissance, and geomorphological observations which will be conducted within the approximate HDD Bore location. The SOW stated a revised Phase IB report will include the results of the above work (Attachment B).

The Phase IB Archaeological Field Reconnaissance (Phase IB) report was revised by Hartgen to include clarifications and revisions requested by OPRHP and results of the

addendum Phase IB archaeological field reconnaissance and monitoring (Attachment E). The Mohawk River Crossing Site, previously recommended for avoidance or Phase II evaluation, falls outside the Project APE and will be avoided by the Project. The addendum Phase IB archaeological field reconnaissance and monitoring identified alluvial soils that extend deeper than 10 feet below the ground surface based on the results of the backhoe trenching. The alluvium has potential to contain precontact sites or deposits. However, Hartgen archaeologists were present and examined the soils when the HDD set up was excavated and no sites or archaeological deposits were found.

3.4.3 Potential Effects on Cultural Resources

The Phase IA Archaeological Background and Literature Review Survey Report (Phase IA Report) was submitted online to the OPRHP's CRIS on May 2, 2024 (Attachment E). OPRHP concurred with the recommendations presented in the Phase IA Report on May 15, 2024, and requested a single zipped polygon shapefile of all components of the proposed Project APE (Attachment B).

A Phase IB report was submitted to CRIS on September 12, 2024 recommending one site, the Mohawk River Crossing Site for avoidance of Phase II evaluation (Attachment E). In addition, archaeological monitoring and matting of the site were recommended for protection during Project construction. OPRHP responded to the Phase IB report on October 10, 2024, requesting clarifications and revisions to the report. In addition, OPRHP requested that the results of the archaeological monitoring be included with the revised report for review (Attachment B). OPRHP responded to the submission on October 10, 2024, providing concurrence with the SOW and requesting the results of archaeological monitoring be included with the revised Phase IB report (Attachment B).

A revised Phase IB report, including addendum Phase IB archaeological field reconnaissance and monitoring results, was submitted to CRIS on December 6, 2024. The report recommendations state: the newly identified Mohawk River Crossing Site may be eligible for the NRHP under Criterion D, but the site is outside of the Project APE and will be avoided by the Project; no sites or archaeological deposits were found as a result of the addendum Phase IB archaeological field reconnaissance and monitoring; and no additional archaeological resources were encountered during archaeological testing. Therefore, no further archaeological work is recommended for the Project (Attachment E).

3.4.4 Determination of Effect

OPRHP response to the Phase 1B on December 24, 2024, indicating that it is the opinion of the New York SHPO that no historic properties, including archeological and/historic resources, will be affected by this undertaking.

3.5 Property Boundaries

This section identifies the property boundaries, fences, walls, and hedgerows that will be crossed by the Project, in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(ii). Property boundary data was mapped based on data received from Regrid Parcel Data for Schenectady County and the New York State GIS Office Lands and Boundary Units. The CSX Railroad intersects the center of the Project Area in two locations. The two railroad tracks are east of the Rotterdam Substation and west of I-890. There are no other known obstacles such as fences,

walls, or hedgerows within the Project Area. The Applicant has identified a total of eight (8) distinct parcels (with seven (7) identification numbers) crossed by the Project (see Table 3.8), of which, two (2) are owned by National Grid.

Table 3.8: Properties Crossed by the Project Area

Tax Assessor's Map Identification Number	Name	Address
14.-3-46.1*	**National Grid, LLC**	**937 Burdeck Street Rotterdam, NY 13206**
38.-1-2.31*	**National Grid, LLC**	**937 Burdeck Street Rotterdam, NY 12306**
38.-1-20.5/1	**CSX Transportation Inc.**	**500 Water Street (C910) Jacksonville, FL 32202**
38.-3-24	Town of Rotterdam	1100 Sunrise Boulevard Schenectady, NY 12306
38.-3-25	**New York State**	**1250 Broadway New York, NY 10001**
29.-4-28	RSM Propco, LLC	21 Bennetts Rd Suite 101 Setauket, NY 11733
29.-4-30.3	Town of Glenville	18 Glenridge Road Glenville, NY 12302
DOT Parcel	**No Tax Map Identification Number**	

* Parcels are owned by National Grid.
Bold parcels are those being crossed by the proposed pipeline.

3.6 Adjacent Dwellings

This section identifies dwellings within 150 feet of the centerline of the proposed pipeline in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(iii). For the purpose of this assessment, dwellings are considered to be any residential-type structure that is presumed to be inhabited on a regular basis. A GIS analysis determined the proximity of all existing dwellings within 150 feet of the Project centerline. At the time of this Application filing, there are no existing dwellings within 150 feet of the centerline of the pipeline.

4.0 CHECKLIST OF EM&CS&P MEASURES AND TECHNIQUES

This section addresses the checklist of those measures and techniques from the approved EM&CS&P that will be followed to minimize adverse impact associated with the Project in accordance with the requirements of 16 NYCRR §85-1.2(a)(3).

4.1 Measures and Techniques from the Approved EM&CS&P Applicable to the Project

During construction of the Project, National Grid and its contractors will follow the approved standards and practices set forth in the EM&CS&P (revised February 28, 2006) adopted by the Commission on December 7, 2006, in PSC Case No. 06-T-1383. National Grid has certified that it agrees to install and maintain the Project in accordance with the EM&CS&P (Attachment F), as required by PSL Section 121-a(1) and 16 NYCRR Subpart 85-1.1(b). Pursuant to 16 NYCRR

Subpart 85-1.2(a)(3), National Grid has developed a checklist of those measures and techniques from this EM&CS&P, which it has agreed will be followed in an effort to minimize or avoid adverse impacts on sensitive resources potentially affected by the Project to the maximum extent practical.

4.2 Name, Title, and Qualifications of the Company Representatives Directly Responsible for Seeing That All Environmental Requirements Are Fully Met

1. Nate Butera

   National Grid Manager of UNY Environmental Compliance, Licensing, and Permitting

   12 Years of Environmental Monitoring and Permitting Experience

   Bachelor of Technology in Renewable Resources

2. Seth Herman

   National Grid Principal Project Manager

   24 years of Project Management Experience

   Bachelor of Science of Geology

3. Michael Patterson, P.E.

   National Grid Manager of Capital Delivery Project Management and Complex Construction in Upstate New York

   10 years of Engineering and Management Experience

   Master of Science in Civil Engineering

   Professional Engineer, New York State

4. Environmental Inspector (EI)

   To Be Determined

5.0 LIST OF APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS

In accordance with the requirements of 16 NYCRR §85-1.2(c)(2), this section provides a list of applicable State and local laws and regulations issued thereunder, including copies of any local ordinance, law, resolution or other action, any regulation issued thereunder, or any local standard or requirement that, as applied to the Project, the Applicant believes to be unreasonably restrictive in view of the existing technology, factors of cost or economics or the needs of consumers. Copies of those local laws and regulations that the Applicant believes are unreasonably restrictive as applied to the Project are provided as Attachment G.

Public Service Law Section 130 pre-empts state agencies and municipalities from requiring any approval, consent, permit, certificate, or other condition for the construction or operation of an Article VII transmission facility for which a Certificate is issued by the Commission. Therefore, the

Applicant will not apply for local permits or approvals in connection with the construction or operation of the Project. However, to determine what local laws, ordinances, and regulations may pertain to the Project, the Applicant has reviewed copies of the applicable municipal regulations and ordinances that have been made available digitally online. The Project will be located in the Town of Glenville and the Town of Rotterdam, Schenectady County, New York. Both the Towns of Glenville and Rotterdam have codes with provisions including zoning requirements and other requirements related to noise, air pollution, traffic, trees, streets, and sidewalks, building construction and fire prevention, among other provisions. National Grid will have public outreach and information dissemination efforts as outlined in the Outreach and Education Plan for the Project, including with this Application as Attachment K.

Section 126(f) of the PSL requires the Commission to apply the applicable State or local laws and regulations relating to siting of the transmission facilities, except that the Commission may refuse to apply any local law or requirement that, as applied to the proposed facility, is deemed to be unreasonably restrictive in view of existing technology, factors of cost or economics, or the needs of consumers. Therefore, to the extent that any standard or requirement under any applicable local law or regulation prevents or unduly restricts the construction or siting of the proposed Project facilities, the Applicant has provided a statement of justification for such a waiver request in *italicized* text. If a local law or regulation is one with which the Applicant intends to comply, it is described below in plain text (i.e., no italics).

5.1 State

- A Certificate of Environmental Compatibility and Public Need under Article VII of the New York Public Service Law.
- CWA Section 401 Water Quality Certification.
- ECL Article 17 (State Pollutant Discharge Elimination System (SPDES) Permit for Stormwater Discharges from Construction Activities), including any required municipal separate storm sewer system (MS4) acceptance.
- NYSDOT Utility Work Permit for access from highways under State jurisdiction.
- New York Public Lands Law, Article 6, Section 75 and 9 NYCRR Parts 270 and 271 (use and occupancy of underwater lands in New York State).
- 10 NYCRR Part 142.2 Schenectady Aquifer, Schenectady County (Intermunicipal Watershed Rules and Regulations Schenectady Aquifer Protection Zones).
- 21 NYCRR Part 156, Revocable Permits (Canal Corporation Use and Occupancy Permit).

5.2 Local

Table 5.1 below lists the applicable local laws and regulations reviewed for the Project and states if the Applicant will comply or believes the regulation to be unreasonably restrictive. Each law or regulation listed in Table 5.1 is discussed below.

Table 5.1: Municipal Ordinances and Project Compliance

Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
County of Schenectady	
Chapter 85 – Environment: Freshwater Wetlands' Protection, Preservation, and Conservation	Will Comply
Chapter 125 – Schenectady County Sanitary Code, Section 125.11 – Nuisances	Will Comply
Chapter 210 – Parking and Operating Motor Vehicles on Certain County Property	Requests waiver to allow temporary parking on County property when necessary for Project construction
10 NYCRR 142.2 - Schenectady Aquifer, Schenectady County	The procedural requirements of this Chapter are preempted by PSL § 130.
Town of Glenville	
Chapter 99 – Brush, Grass, and Weeds	Requests waiver of brush clearing requirements within the General Business zoning district to allow maintenance in accordance with the Applicant's Transportation Right-of-Way Management Program (TROWMP).
Chapter 101 – Building Construction and Fire Prevention	Will Comply
Chapter 130 – Excavations and Encumbrances	The requirement to obtain a permit from the Town Highway Supervisor is preempted by PSL § 130.
Chapter 151 – Flood Damage Prevention	The procedural requirements of this Chapter are preempted by PSL § 130.
Chapter 156 – Freshwater Wetlands	The procedural requirements of this Chapter are preempted by PSL § 130.
Chapter 195 – Parks and Recreation	The Applicant requests a waiver this Chapter to facilitate access and allow for construction of the Project.
Chapter 232 – Solid Waste	The Applicant requests a waiver to allow for the storage of Project materials during construction.
Chapter 235 – Storm Sewers	Will Comply
Chapter 255 – Vehicles and Traffic	The Applicant requests a waiver to allow for parking on Town roads between the hours of 3:00am and 6:00am between November 15th and April 1st as necessary to facilitate Project construction.

Subject of Ordinance		Applicant Will Comply or Requests PSC Relief
		The Applicant further requests a waiver from the weight limits on Town roads.
Chapter 270 – Zoning		
	Sections 270-10, 270-19, 270-22, 270-23 – Establishment; GB General Business District; PPL Public Park Lands District; RRC Riverfront Recreation/Commercial District	The Applicant requests a waiver to allow for construction of the Project where prohibited by zoning district use regulations.
	Article VII – Intermunicipal Watershed Rules and Regulations	The procedural requirements of this Article are preempted by PSL § 130.
	Section 270-47 – Mining and Excavation	The procedural requirements of this Section are preempted by PSL § 130.
	Section 270-49 – Grading and Site Preparation	The procedural requirements of this Section are preempted by PSL § 130.
	Section 270-53.1 – Contractor's Yards	The Applicant requests a waiver to allow for the storage of Project materials.
	Section 270-63 – Temporary/Mobile Trailers for Commercial Use	The Applicant requests a waiver to allow for the placement and use of temporary trailers during Project construction.
	Section 270-65 – Performance Standards	The Applicant requests a waiver of the noise, vibration, and odor limitations in this Section during Project construction.
	Article IX – Sign Control	The Applicant requests a waiver of this Article to allow for the placement of Project safety related signs. The procedural requirements of this Section are preempted by PSL § 130.
	Article X – Off-Street Parking and Loading	The Applicant requests a waiver to allow parking and loading during Project construction.
	Article XI – Stormwater Management and Erosion Control	The procedural requirements of this Section are preempted by PSL § 130.
	Article XIII – Property Maintenance	Will Comply
	Article XIV – Noise	Will Comply
	Article XV – Nonconforming Uses and Structures	The procedural requirements of this Section are preempted by PSL § 130.

Subject of Ordinance		Applicant Will Comply or Requests PSC Relief
	Article XVI – Site Plan Review	The procedural requirements of this Section are preempted by PSL § 130.
	Article XVII – Conditional Use Permits	The procedural requirements of this Section are preempted by PSL § 130.
	Article XIX – Landscaping	The procedural requirements of this Section are preempted by PSL § 130.
Town of Rotterdam		
Chapter 73 – All-Terrain Vehicles		The Applicant requests a waiver to allow for ATV use during Project construction.
Chapter 89 – Building Code Administration and Code Enforcement Program		Will Comply
Chapter 112 – Electrical Inspections		Will Comply
Chapter 121 – Excavations and Open Wells		Will Comply
Chapter 130 – Fires and Fire Prevention		Will Comply
Chapter 134 – Flood Damage Prevention		The procedural requirements of this Section are preempted by PSL § 130.
Chapter 188 – Noise		The Applicant requests a waiver of the noise limits to allow for Project construction. Mitigation measures will be implemented.
Chapter 194-9 – Riverfront Bike/Hike Trail		The Applicant requests a waiver of the prohibition on motor vehicle use on the Mohawk Hudson Bikeway to allow for access to the Project during construction.
Chapter 244 – Solid Waste, Garbage, Recycling, Brush, Grass and Leaves		Will Comply
Chapter 247 – Streets and Sidewalks		The Applicant requests a waiver to allow for temporary placement of Project materials in streets or sidewalks.
Chapter 265 – Property Maintenance		The Applicant requests a waiver of the noise, vibration, and emission limitations in this Chapter during Project construction.
Chapter 266 – Vehicles and Traffic		The Applicant requests a waiver to allow for parking on Town roads when necessary for Project construction.
Chapter 270 – Zoning		

Subject of Ordinance		Applicant Will Comply or Requests PSC Relief
	Sections 270-17, 270-18, 270-19 – Agricultural District, Permitted Uses, Special Uses, Accessory Uses	The Applicant requests a waiver to allow for construction of the Project where prohibited by zoning district use regulations.
	Sections 270-55, 270-56 – Retail Business District, Permitted Uses, Special Uses	The Applicant requests a waiver to allow for construction of the Project where prohibited by zoning district use regulations.
	Sections 270-73, 270-74 – Light Industrial District, Permitted Uses, Special Uses	The Applicant requests a waiver to allow for construction of the Project where prohibited by zoning district use regulations.
	Section 270-114 - Aquifer Overlay District, Use Requirements and Limitations	The Applicant requests a waiver to allow for construction of the Project where prohibited by zoning district use regulations.
	Sections 270-117, 270-118 – Flood Hazard District, Special Uses, Accessory Uses,	The Applicant requests a waiver to allow for construction of the Project where prohibited by zoning district use regulations.
	Section 270-125 – Floodway Channel District, Permitted Uses	The Applicant requests a waiver to allow for construction of the Project where prohibited by zoning district use regulations.
	Section 270-14 – Public Utilities (including 270-5.3)	Will Comply
	Section 270-15.3 – Erosion and Sediment Control	Will Comply
	Article XXII – Schenectady Intermunicipal Watershed Rules and Regulations	The procedural requirements of this Section are preempted by PSL § 130.
	Article XXVI – Erosion and Sediment Control	The Applicant requests a waiver and will construct the Project in accordance with the SPDES Permit and SWPPP.
	Article XIX – Special Use Permits	The procedural requirements of this Section are preempted by PSL § 130.

5.2.1 County of Schenectady[1]

Chapter 85. Environment: Freshwater Wetlands' Protection, Preservation, and Conservation

Pursuant to § 24-0901 of the New York State Freshwater Wetlands Act, Chapter 85 of the Laws of Schenectady County, the County of Schenectady is authorized to enter into cooperative agreements with NYSDEC for the purpose of preserving and maintaining the freshwater wetlands within the boundaries of Schenectady County.

Chapter 125. Schenectady County Sanitary Code

Section 125.11. Nuisances

This section of the Schenectady County Sanitary Code authorizes the commissioner or public health director to examine all reasonable complaints made by any inhabitant of the health district concerning nuisances. The commissioner or public health director shall order the suppression and removal of nuisances and conditions detrimental to life and health found to exist within the health district.

Chapter 210. Parking and Operating Motor Vehicles on Certain County Property

Chapter 210 of the Laws of Schenectady County regulates parking and operating motor vehicles on certain county property. Section 210.02 prohibits the parking, standing, or stopping of any vehicle at any place within county property except those places where parking, standing or stopping shall be permitted by order of the director of facilities, or his or her designee.

Parking for construction and maintenance vehicles will be temporary for access to facilitate the work. Where the Project is restricted by this section, such restrictions would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking will be temporary in nature. The Applicant requests that the Commission not apply this section.

10 NYCRR Part 142.2. Schenectady Aquifer, Schenectady County

This regulation establishes intermunicipal rules for within the Schenectady Aquifer Protection Zones Map, Plate #1 and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps.

Pursuant to the Schenectady County Aquifer Protection Zones (Plate 1) map, the Project is located in the Well Head Protection Area, Primary Recharge Area, and General Aquifer Recharge Area. The Applicant will comply with the substantive portions of this law. The Applicant will seek coverage from the NYSDEC under the SPDES General Permit (GP-0-25-001) by filing a Notice of Intent prior to commencement of the Project construction. The Applicant's SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. The SWPPP is

[1] The local laws for the County of Schenectady are available online at: https://schenectadycountyny.gov/sites/default/files/2024-05/Complete%20Codification%20Project%20-%202023.pdf.

included as Attachment H. Any requirement to obtain a permit or municipal approval is preempted by PSL § 130.

5.2.2 Town of Glenville[2]

Chapter 99. Brush, Grass, and Weeds

Chapter 99 of the Town of Glenville Code prohibits the uncut growth of grass, weeds, or brush, or any noxious or poisonous plants in excess of 10 inches in height in all zoning districts except Rural Residential and Agricultural, Land Conservation, Public Park Lands and Riverfront Recreation/Commercial.

This Project will be located, in part, within the General Business zoning district. The Applicant requests that the Commission refuse to apply this Local Law because it is unreasonably restrictive in view of factors of cost and economics. During and following construction, vegetation within and/or surrounding the pipeline will be maintained according to industry standards and the Applicant's Transmission Right-Of-Way Management Program (TROWMP).

Chapter 101. Building Construction and Fire Prevention

Chapter 101 of the Town of Glenville Code provides for the administration and enforcement of the New York State Building Code. This Local Law also establishes the office of the Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications, construction inspections and stop work authority.

Chapter 130. Excavations and Encumbrances

Chapter 130 of the Town of Glenville Code requires a permit to dig or excavate or place any barricade or encumbrance upon any Town right-of-way, road, or other public grounds without obtaining a permit from the Town Highway Superintendent.

The Applicant will comply with the substantive portions of this Chapter. The procedural requirements in this Chapter, including the requirement to obtain a permit from the Town Highway Supervisor are preempted under PSL § 130.

Chapter 151. Flood Damage Prevention

Chapter 151 of the Town of Glenville Code serves to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. This Chapter requires a floodplain development permit for all construction and development undertaken in areas of special flood hazard within the Town. This Chapter also establishes general standards for construction within areas of special flood hazard.

The Applicant will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP. By complying with the SPDES General Permit and submitting a

[2] The local laws for the Town of Glenville are available online at https://ecode360.com/GL0172.

SWPPP, and the standards of ASCE 24, the Applicant will comply with the substantive provisions of this chapter. The SWPPP is included as Attachment H. The procedural requirements of this chapter, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL § 130.

Chapter 156. Freshwater Wetlands

Pursuant to § 24-0501 of the New York State Freshwater Wetlands Act, Local Law No. 1 of 1976 provides for the protection, preservation and conservation of the freshwater wetlands within the boundaries of the Town of Glenville.

To the extent a permit for impacts to wetlands is required pursuant to this Local Law, this Local Law is preempted by PSL § 130. In addition, as a statutory party charged with ensuring that the Applicant complies with Article 24 of the ECL, NYSDEC will require that any impacts to wetlands are either avoided, minimized, or mitigated to the maximum extent possible.

Chapter 195. Parks and Recreation

Per §195-21 of this Chapter, "The normal time for opening and closing park facilities for general use shall coincide with sunrise and sunset, except for those areas designated for evening recreation by the Town Board and for use by permit, secured in advance, for other areas." Per §195-22 of this Chapter, "Parking of passenger vehicles is limited to regular parking areas especially provided and designated for that purpose only." Per §195-24(A) of this Chapter, "No park facilities, plants, animals, and natural features shall be damaged, disturbed or destroyed." Per §195-24(B) of this Chapter, "No unauthorized construction shall occur."

To the extent any of the restrictions in Chapter 195 apply to the Project, the Applicant requests a partial waiver. The Project will be constructed adjacent to Maalwyck Park, and access through the existing gravel road in the park will be required. Parking on park grounds may also be necessary during construction. The restrictions in this Chapter would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking and access needs will be temporary in nature. Moreover, any impacts to park facilities will be temporary in nature and restored following completion of the Project in accordance with the Article VII Certificate and EM&CS&P. The Applicant requests that the Commission not apply this Chapter.

Chapter 232. Solid Waste

Chapter 232 of the Town of Glenville Code prohibits the use of any lands within the Town as a dump or dumping grounds.

Discarded material will be temporarily stored for the Project during construction in accordance with the Project's Article VII Certificate and EM&CS&P. However, it is anticipated that the Applicant will be required to remove such discarded materials at the completion of construction. In the event that this Chapter could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this

chapter at least during construction because it is unreasonably restrictive in view of existing technology and factors of cost and economics.

Chapter 235. Storm Sewers

Chapter 235 of the Town of Glenville Code regulates non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law.

The Applicant will comply with the substantive portions of this Article. The Applicant will seek coverage from the NYSDEC under the SPDES General Permit (GP-0-25-001) by filing a Notice of Intent prior to commencement of the Project construction. The Applicant, as part of its Notice of Intent to be covered by the SPDES General Permit, will obtain such authorization from the Town of Glenville as a MS4 community. In addition, one of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. The SWPPP is included as Attachment H. Any requirement to obtain a permit or municipal approval is preempted by PSL § 130.

Chapter 255. Vehicles and Traffic

Chapter 255 of the Town of Glenville Code regulates the flow of traffic within the Town of Glenville. This Chapter prohibits the parking of vehicles along Town roads between the hours of 3:00am and 6:00am between November 15th and April 1st. Additionally, parking and standing along certain enumerated Town roads are prohibited at all times. This Chapter further establishes weight limits on certain roads within the Town.

To the extent this Chapter applies to the Project, the Applicant requests a partial waiver. Parking for construction and maintenance vehicles will be temporary for access to facilitate the work. Similarly, construction-related vehicles that exceed maximum weight limits may need to travel along Town roads. Where the Project is restricted by this section, such restrictions would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking will be temporary in nature. The Applicant requests that the Commission not apply this Chapter.

Chapter 270. Zoning

Pursuant to §270-10 of this Chapter and the Town of Glenville's Zoning Map, the Project will be located in the Public Park Lands (PPL), Riverfront Recreation/Commercial (RRC), and General Business (GB) zoning districts.

Pursuant to § 270-19, 270-22, and 270-23 of this Chapter, an underground natural gas pipeline is not listed in the Town's permitted uses as a use allowed by right, a use permitted by site plan review, or a use permitted by conditional use permit which also requires site plan review in the Public Park Lands (PPL), Riverfront Recreation/Commercial (RRC), and General Business (GB) zoning districts. Therefore, the Project is a prohibited use in the Public Park Lands (PPL), Riverfront Recreation/Commercial (RRC), and General Business (GB) zoning districts.

The Applicant requests that the Commission refuse to apply to the Project the use prohibition referenced in the foregoing paragraph because it is unduly restrictive in view of the existing technology and the needs of consumers. The Project's location within the Town of Glenville is a function of the overall integrated Project design and reflects the requirements of constructability, security and public safety. The Applicant has selected its proposed Project route through this town with the objective of minimizing its length in the town by taking a direct route from the town border at the Mohawk River to the Project's northeastern terminus at the Applicant's existing 20-inch natural gas pipeline. This route mitigates, to the maximum extent practicable, any adverse impacts of granting this request. This request cannot be obviated by design changes to the Project and is the minimum necessary because a natural gas pipeline use is not a permitted use, special permit use, or accessory use in any zoning district in this town and the Project cannot be made to conform to the prohibition without it ceasing to be a public utility use altogether.

Chapter 270, Article VII. Intermunicipal Watershed Rules and Regulations

The purpose of the regulations in this Article is to protect the Schenectady (Great Flats) Aquifer and minimize the likelihood of incompatible land uses from locating in the various recharge areas of the aquifer. This Article implements the Intermunicipal Watershed Rules and Regulations for Schenectady Aquifer Protection Zones (10 NYCRR 142.2).

Pursuant to the Schenectady County Aquifer Protection Zones (Plate 1) map, the Project is located in the Well Head Protection Area, Primary Recharge Area, and General Aquifer Recharge Area. The Applicant will comply with the substantive portions of this Article. The Applicant will seek coverage from the NYSDEC under the SPDES General Permit (GP-0-25-001) by filing a Notice of Intent prior to commencement of the Project construction. The Applicant, as part of its Notice of Intent to be covered by the SPDES General Permit, will obtain such authorization from the Town of Glenville as a MS4 community. In addition, one of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. The SWPPP is included as Attachment H. Any requirement to obtain a permit or municipal approval is preempted by PSL § 130.

Chapter 270-47. Mining and Excavation

Section 270-47 regulates permitted mining operations in the Town of Glenville. This Section further establishes application procedures for a Town grading and land disturbance permit.

To the extent this Section applies to the Project, the Applicant requests a waiver. All construction, including grading and excavation activities, will be outlined in the approved EM&CS&P. The Applicant will seek coverage from the NYSDEC under the SPDES General Permit (GP-0-25-001) by filing a Notice of Intent prior to commencement of the Project construction. The Applicant, as part of its Notice of Intent to be covered by the SPDES General Permit, will obtain such authorization from the Town of Glenville as a MS4 community. In addition, one of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. The

SWPPP is included as Attachment H. Any requirement to obtain a permit or municipal approval is preempted by PSL § 130.

Chapter 270-49. Grading and Site Preparation

This Section of the Town of Glenville Code regulates grading and site preparation work to minimize soil erosion and sedimentation and impacts of the same on streams, water bodies, and neighboring properties. This Section further aims to avoid excessive and/or unnecessary tree and vegetation removal. This Section requires a grading and land disturbance permit from the Town for all land alterations, including grading, cutting, filling, removal of trees or removal of any vegetation that is within 100 feet of a stream, surface water or wetland; all land alterations, including grading, cutting, filling, removal of trees or removal of vegetation on a slope of 15 degrees or more; or excavation or filling in excess of 30 cubic yards.

The Applicant requests a waiver from the requirements of this Section. To the extent the Project does not comply with the vegetation and tree clearing requirements of Section 270-49, the Applicant requests that the Commission refuse to apply the requirements to the Project, because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. Consistent with the Applicant's Commission-approved procedures for clearing gas pipeline ROWs, a gas pipeline ROW needs to be maintained in a grassy or herbaceous condition, usually by mowing or other means of periodic clearing of all woody materials, so that cathodic testing and leak patrols can be conducted. Woody vegetation can mask a gas leak from detection during routine aerial patrols. The Applicant will prepare its ROW for the Project in accordance with its current "Clearing and Disposal Procedures for Standard EM&CP". Further, the Applicant will seek coverage from the NYSDEC under the SPDES General Permit (GP-0-25-001) by filing a Notice of Intent prior to commencement of the Project construction. The Applicant, as part of its Notice of Intent to be covered by the SPDES General Permit, will obtain such authorization from the Town of Glenville as a MS4 community. In addition, one of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. The SWPPP is included as Attachment H. Additionally, the Applicant will comply with New York Public Lands Law, Article 6, Section 75, 9 NYCRR Parts 270 and 271 for the use and occupancy of underwater lands in New York State, and 21 NYCRR Part 156 for use and occupancy of Canal Corporation property. Lastly, any requirement to obtain a permit or municipal approval is preempted by PSL § 130.

Chapter 270-53.1. Contractor's Yards

Chapter 270-53.1 of the Town of Glenville Code requires all equipment and materials associated with contractor businesses to be stored either inside an enclosed building, or within an outside storage area that is confined on all sides by either solid fencing or solid walls. This Section prohibits the outdoor storage or holding of construction and demolition materials. This Section also establishes setbacks for outdoor storage areas with walls and/or fences and requires landscaping when abutting a public street or residential property.

To the extent this Section applies to Project laydown yards or active Project construction, the Applicant requests a waiver. The Applicant will remove stored equipment and materials following completion of Project construction as part of its restoration activities.

Chapter 270-63. Temporary/Mobile Trailers for Commercial Use

This Section regulates the placement and usage of trailers for commercial uses. This Section places dimensional and temporal restrictions on the use of temporary trailers.

The Applicant will comply with the applicable substantive provisions of this Section. In the event that this Section is applicable to the Project and a temporary construction trailer is utilized for the Project, the Applicant requests that the Commission not apply this Section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Such restrictions would impede construction progress and should not be required as any use will be temporary and nature.

Chapter 270-65. Performance Standards

Section 270-65 of the Town of Glenville Code prohibits certain nuisance elements, fire and explosion hazards, noise, vibration, glare, odor, discharge or toxic or noxious matter, and other forms of air pollution.

To the extent the Project does not comply with the requirements of Section 270-65, the Applicant requests that the Commission refuse to apply the requirements to the Project, because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. Installation of an underground gas pipeline may cause temporary noise, vibration, and/or odors. This request cannot be obviated by design changes to the Project because temporary emissions, temporary vibrations, and temporary noise are unavoidable given the nature of the Project. While the Applicant will implement mitigation measures during the course of the Project and will strive to comply with the substantive requirements of this Section, on occasion vibration, odors, and noise may be perceptible beyond the boundaries of the lot where work occurs. The Applicant may incur considerable additional cost if it were required to achieve full compliance with this local requirement. The needs of the Applicant's consumers are best met by enabling the Applicant to construct this Project expeditiously so as to have the Project in service at the earliest possible date. These costs and consumer needs outweigh the impact on the Town that would result from the Commission's refusal to apply this Section. The request is the minimum necessary.

Chapter 270, Article IX. Sign Control

This Article regulates sign placement and appearance within the Town of Glenville. A permit from the Town Building Department is required prior to the erection, alteration, or relocation of any sign. This Article further includes dimensional requirements for signage within the Town.

The Applicant requests the Commission refuse to apply the requirements of this Article. The prohibitions are unduly restrictive in view of the needs of the Applicant's consumers. To most effectively warn the general public of dangers associated with gas pipelines and hazardous construction activity, placement of warning signs on structures and near

construction areas is warranted and appropriate. For public safety reasons, sign placement must be determined by the locations where structures are to be installed and where construction activities are to occur. This request is the minimum necessary and cannot be obviated by design changes to the Project. Any adverse impacts of granting this request are mitigated to the maximum extent practicable. Further, the requirement to obtain a permit from the Town Building Department is preempted by PSL § 130.

Chapter 270, Article X. Off-Street Parking and Loading

This Article specifies off-street parking and off-street loading requirements for properties within the Town. This Article further outlines access requirements, including entrance and exit specifications. Off-street loading areas cannot have lighting that reflects upon adjoining properties or streets. Screening is required between residentially zoned or developed properties.

The Applicant requests the Commission not apply this section because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Parking and loading for construction, maintenance and delivery vehicles will be temporary for access to facilitate the work and may include parking on roads or highways near the ROW. Such parking and loading restrictions would impede construction progress or should not be required as such parking will be temporary in nature.

Chapter 270, Article XI. Stormwater Management and Erosion Control

The purpose of Chapter 270, Article XI of the Town of Glenville Code is to safeguard persons, protect property, and prevent damage to the environment. The article guides, regulates and controls the design, construction, use, and maintenance of any development or other land development activity.

The Applicant requests that the Commission not apply this Article because it is unreasonably restrictive in view of existing technology. The location and configuration of the Project within the ROW, are based on engineering design and industry-approved standards adopted specifically for the construction and operation of such facilities, with which the Applicant will comply. The Applicant will qualify for the SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP. The SWPPP is included as Attachment H. The Project will take measures to mitigate erosion during construction and manage stormwater during operation of the substation and transmission lines. Lastly, any need to obtain a municipal permit is preempted by PSL § 130.

Chapter 270, Article XIII. Property Maintenance

Chapter 270, Article XIII of the Town of Glenville Code implements the Property Maintenance Code of the New York State Uniform Fire Prevention and Building Code.

Chapter 270, Article XIV. Noise

Chapter 270, Article XIV of the Town of Glenville Code addresses instances where noise is of such a character, intensity, frequency, or duration that it impacts the enjoyment of property, and on those occasions when noise represents a threat to public health, safety,

and welfare. Notably, Section 270-92(D) exempts "public utilities carrying out their operations" from the noise requirements of this Article.

Chapter 270, Article XV. Nonconforming Uses and Structures

This Article establishes regulations for nonconforming uses and structures within the Town of Glenville.

To the extent any of the Project facilities represent nonconforming uses or structures, the Applicant requests the Commission refuse to apply Article XV to the Project. The location and configuration of the Project within the ROW are based on engineering design and industry approved standards, with which the Applicant will comply. Further, due to the preemptive effect of PSL § 130, all procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply.

Chapter 270, Article XVI. Site Plan Review

Chapter 270, Article XVI of the Town of Glenville Code establishes the procedures for site plan review within the Town.

The Applicant requests that the Commission not apply Article XVI. Due to the preemptive effect of PSL § 130, all procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply. Therefore, the Applicant need not apply for a development permit or undergo site plan review for the Project.

Chapter 270, Article XVII. Conditional Use Permits

Chapter 270, Article XVII of the Town of Glenville Code outlines the procedure for conditional use permit application and review in the Town.

The Applicant requests that the Commission not apply Article XVII. Due to the preemptive effect of PSL § 130, all procedural requirements to obtain any approval, consent, permit, certificate or other condition for the construction or operation of the Project do not apply. Therefore, the Applicant need not apply for a conditional use permit for the Project.

Chapter 270, Article XIX. Landscaping

This Article establishes site and landscape design standards as well as maintenance standards for landscaping upkeep.

The Applicant will comply with the substantive provisions of this Article. However, *any requirement to obtain approval of the landscape plan is preempted by PSL § 130. The Applicant will continue to maintain the ROW in compliance with its PSC-approved TROWMP, resulting in shrub and herbaceous vegetative cover that currently exists.*

5.2.3 Town of Rotterdam[3]

Chapter 73. All-Terrain Vehicles

The purpose of Chapter 73 of the Town of Rotterdam Code is to protect the public health, welfare and safety of the residents of the Town of Rotterdam by regulating the operation of all-terrain vehicles and motorized vehicles throughout the Town of Rotterdam. This chapter prohibits the use of all-terrain vehicles on public property and on private property without the permission from the property owners. The chapter also prohibits the operation of ATVs or motor vehicles for sport during the hours of 8:00 p.m. until 9:00 a.m.

To the extent that this Chapter of the Town of Rotterdam Code applies, the Applicant requests that the Commission not apply this Local Law because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Construction of the Project, and subsequent maintenance, may necessitate the use of certain utility terrain vehicles or track vehicles and such use may be outside the parameters specified in this chapter, and may also need to be used on roadways not designated for use as provided in this Local Law.

Chapter 89. Building Code Administration and Code Enforcement Program

This chapter of the Town of Rotterdam Town Code provides for the administration and enforcement of the NYS Uniform Code and Energy Code in the Town of Rotterdam. This chapter also establishes the office of the Code Enforcement Officer and defines their powers and duties, including review and approval of building permit applications, construction inspections and stop work authority.

Chapter 112. Electrical Inspections

Chapter 112 of the Town of Rotterdam Code was enacted to regulate the installation, alteration, or repair of wiring for electric light, heat or power and signal systems operating on 50 volts or more or to install, alter or repair any portable electrical equipment in or on all real property within the Town of Rotterdam. All electric installations must be made in conformity with the National Electric Code, also known as the National Fire Protection Association Pamphlet No. 70, so long as it or they are approved by the New York State Fire Prevention and Building Code Council.

Chapter 121. Excavations and Open Wells

This Chapter regulates the existence of open wells, cesspools, basins, sumps, and other open excavations in the Town of Rotterdam. This Chapter requires such openings to be covered or surrounded by appropriate fencing at all times.

Chapter 130. Fires and Fire Prevention

[3] The local laws of the Town of Rotterdam are available online at https://ecode360.com/RO0175.

Chapter 130 of the Town of Rotterdam Town Code creates fire prevention standards within the Town of Rotterdam. Where the provisions conflict with any provision of the Uniform Code, the Uniform Code shall apply.

Chapter 134. Flood Damage Prevention

The purpose of Chapter 134 of the Town of Rotterdam Town Code is to promote the public health, safety, and general welfare and minimize public and private losses due to flood conditions in specific areas for the Town of Rotterdam, Community Number 360740, which are identified and defined on documents prepared by the Federal Emergency Management Agency.

National Grid will qualify for the SPDES General Permit for Stormwater Discharge for Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP. By complying with the SPDES General Permit and submitting a SWPPP, and the standards of ASCE 24, the Applicant will comply with the substantive provisions of this chapter. The SWPPP is included as Attachment H. The procedural requirements of this chapter, including any requirement to obtain review by the Town of certified drawings from a professional engineer or architect, and any associated fee requirements, are preempted under PSL §130.

Chapter 188. Noise

§ 188-5(D), "Construction, demolition, excavation. Except in the case of an urgent necessity in the interest of public safety and then only with a permit from the Town Building Inspector/Code Enforcement Officer, which permit may be renewed for a period of three days or less while the emergency continues, the erection (including excavating), demolition, alteration or repair of any building shall be prohibited at all times except:

[Amended 9-14-2022 by L.L. No. 6-2022]

1) Between 6:00 a.m. and 9:00 p.m. on any Monday, Tuesday, Wednesday, Thursday and Friday; and
2) Between 7:00 a.m. and 7:00 p.m. on any Saturday and Sunday."

§ 188-5(I), "Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in loud grinding, hammering, sawing and similar noise, which noise can be heard inside any residence, regardless of whether the windows of said residence are open, shall be prohibited at all times except: [Amended 9-14-2022 by L.L. No. 6-2022]

1) Between 6:00 a.m. and 9:00 p.m. on any Monday, Tuesday, Wednesday, Thursday and Friday; and
2) Between 7:00 a.m. and 7:00 p.m. on any Saturday and Sunday."

During the construction phase of the project, there may be intermittent impacts from noises, which will be temporary in nature. A number of processes and activities to be conducted in the course of the Project, including motorized equipment engaged in excavation and erection of structures, make compliance technically impossible or

impracticable. The Applicant will implement noise mitigation measures during the course of the proposed Project; these are identified and detailed in the EM&CS&P. The Applicant will also implement mitigation measures to address other construction impacts. These mitigation measures will likely include certain limitations on work hours. These measures demonstrate that this request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable.

Chapter 194-9. Riverfront Bike/Hike Trail

Chapter 194-9 of the Town of Rotterdam Code prohibits the use of motorized vehicles on the Riverfront Bike/Hike Trail (the Mohawk Hudson Bikeway) between April 1 and November 1 of each year.

To the extent the Applicant will need to operate motor vehicles on the Mohawk Hudson Bikeway for access purposes during construction, the Applicant requests a waiver of Chapter 194-9. Motor vehicle use may be required to bring materials to and from the Project area and to facilitate construction equipment access. The restrictions in this Chapter would impede construction progress, add unnecessary costs to the Project, and should not be required as the access will be temporary in nature. No impacts to the Mohawk Hudson Bikeway are anticipated. The Applicant requests that the Commission not apply this Chapter.

Chapter 244. Solid Waste, Garbage, Recycling, Brush, Grass and Leaves

This chapter of the Town of Rotterdam Code prohibits leaving or depositing any form of solid waste or any kind upon any street, avenue, highway, park or public place within the Town of Rotterdam. The purpose of this chapter is to facilitate the disposal of solid waste, garbage, brush, grass and leaves generated in the town in the most environmentally acceptable manner possible and to facilitate and encourage the recovery of all recyclable materials which can be marketed and used for secondary purposes.

The Applicant will comply with the applicable substantive provisions of this chapter.

Chapter 247. Streets and Sidewalks

Chapter 247 of the Town Code prohibits the placement of any building material or obstruction in any of the public highways, streets or sidewalks of the Town of Rotterdam.

In the event that this chapter could be interpreted as applicable to the Project, the Applicant requests that the Commission not apply this chapter because it is unreasonably restrictive in view of existing technology and factors of cost and economics. Material may be temporarily placed in public highways, streets or sidewalks during Project construction in accordance with the Project's Article VII Certificate.

Chapter 265. Property Maintenance

The purpose of this chapter is to ensure that property within the Town of Rotterdam is maintained in a safe and sanitary conditions so as to not pose a threat to public health and property. The chapter prohibits the outside storage or accumulation of garbage, rubbish, refuse, or debris. Property owners also have a duty to maintain the fences and

planting areas installed on the premises. During the development, improvement or construction of any site for any purpose, the owner shall take appropriate measures to ensure the following: (i) dust, blowing sand, dirt, and sediment shall be controlled as not to pose a nuisance, health, or safety risk to motorists or neighboring property owners, (ii) erosion and siltation shall be confined to the site being developed, and (iii) construction debris/litter shall be confined on the site so as not to impact neighboring properties and roadways.

The Applicant requests that the Commission refuse to apply the requirements to the Project, because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. Installation of an underground gas pipeline may cause temporary noise, vibration, and/or odors. This request cannot be obviated by design changes to the Project because temporary emissions, temporary vibrations, and temporary noise are unavoidable given the nature of the Project. While the Applicant will implement mitigation measures during the course of the Project and will strive to comply with the substantive requirements of this Chapter, on occasion vibration, odors, and noise may be perceptible beyond the boundaries of the lot where work occurs. The Applicant may incur considerable additional cost if it were required to achieve full compliance with this local requirement. The needs of the Applicant's consumers are best met by enabling the Applicant to construct this Project expeditiously so as to have the Project in service at the earliest possible date. These costs and consumer needs outweigh the impact on the Town that would result from the Commission's refusal to apply this Chapter. The request is the minimum necessary.

Chapter 266. Vehicles and Traffic

This chapter of the Town of Rotterdam Town Code provides regulations for the use of roads and parking of vehicles in certain portions of the Town of Rotterdam. The Department of Public Works of the Town of Rotterdam is responsible for installing and maintaining traffic control devices. Article VII of this Chapter provides schedules of regulations for parking throughout the Town of Rotterdam. Schedule XIII of this chapter prohibits parking on certain streets during certain hours and Schedule XV prohibits overnight parking on Carlton Street in the Town of Rotterdam.

To the extent this chapter applies to the Project, the Applicant requests that the Commission not apply such restrictions because they are unreasonably restrictive in view of existing technology and factors of cost and economics. Parking for construction and maintenance vehicles will be temporary for access to facilitate the work. Where the Project is constructed on streets listed in Schedule XIII and XV, such restrictions would impede construction progress, add unnecessary costs to the Project, and should not be required as the parking will be temporary in nature.

Chapter 270. Zoning

Pursuant to § 270-17, 18, and 19 of this Chapter, an underground natural gas pipeline is not listed in the town's permitted uses as a use allowed by right, a special use permitted or denied subject to review under Article XIX of this Chapter, or an accessory use in the Agricultural (A) zoning district. There are no prohibited uses in the Agricultural District (A). However, pursuant to § 270-14 of this Chapter, "This chapter is not intended to restrict the construction or use of underground or overhead lines or of other structures used for public

utility purposes by corporations organized under the laws of the State of New York and subject to the jurisdiction of the Public Service Commission of the State of New York...". Therefore, as the underground natural gas pipeline is a public utility, the Project is not prohibited in the Agricultural District (A).

Pursuant to § 270-56 of this Chapter, a public utility is a special use that may be permitted or denied subject to review under Article XIX of this Chapter in the Retail Business (B-1) zoning district. Pursuant to § 270-73 of this Chapter, a public utility is a special use that may be permitted or denied subject to review under Article XIX of this Chapter in the Light Industrial (I-1) zoning district. Therefore, as the underground natural gas pipeline is a public utility, the Project is allowable in the Retail Business (B-1) and Light Industrial (I-1) zoning districts.

Additionally, pursuant to § 270-114 of this Chapter, the installation construction, placement or replacement of underground storage tanks, pipelines or containers for petroleum products or any other toxic chemical is prohibited in the Aquifer Overlay (AO) special purpose district. Further, pursuant to § 270-117 and 118 of this Chapter, an underground natural gas pipeline is not listed in the Town's permitted uses as a special use permitted or denied subject to review under Article XIX of this Chapter, or as an accessory use in the Flood Hazard (FH) special purpose district. Therefore, the Project is a prohibited use in the Aquifer Overlay (AO) and Flood Hazard (FH) special purpose districts.

The Applicant requests that the Commission refuse to apply to the Project the use prohibitions referenced in the foregoing paragraph because they are unduly restrictive in view of the existing technology and the needs of consumers. The Project's location within the Town of Rotterdam is a function of the overall integrated Project design and reflects the requirements of constructability, security and public safety. The Applicant has selected its proposed Project route through this town with the objective of minimizing its length in the town by taking a direct route from the Project's western beginning at the Applicant's existing 16-inch natural gas pipeline to the town's border at the Mohawk River. The Applicant will take precautions in the Aquifer Overlay district to minimize any potential impacts to the aquifer. This route mitigates, to the maximum extent practicable, any adverse impacts of granting this request. This request cannot be obviated by design changes to the Project and is the minimum necessary because a natural gas pipeline use is not a permitted use, special permit use, or accessory use in any zoning district in this town and the Project cannot be made to conform to the prohibition without it ceasing to be a public utility use altogether

Finally, pursuant to § 270-125 of this Chapter, permitted uses shall be the same as those permitted within the district through which the Floodway Channel District runs in the Floodway Channel (F-1) special use district. The portion of the Project that is located in the Floodway Channel (F-1) district runs through the Retail Business (B-1) district; therefore, as the underground natural gas pipeline is a public utility, the Project is allowable in the Retail Business (B-1) zoning district.

Section 270-14. Public Utilities

Section 270-14 of the Town of Rotterdam Town Code notes that Chapter 270 of the Town Code is not intended to restrict the construction or use of underground or overhead lines or of other structures used for public utility purposes. However, the section requires a

special permit subject to such conditions as the Planning Board may impose in order to preserve and protect the character of the residential districts.

The Applicant will comply with the applicable substantive provisions of this chapter. However, the procedural requirements of this chapter, including review and approval of building permit, are preempted under PSL § 130.

Section 270-5.3 Erosion and Sediment Control

Section 270-15.3 of the Town of Rotterdam Code cross-references and requires compliance with Article XXVI (Section 270-215) of the Code, as discussed above.

Chapter 270, Article XXII Schenectady Intermunicipal Watershed Rules and Regulations.

The purpose of the regulations in this Article is to protect the Schenectady (Great Flats) Aquifer and minimize the likelihood of incompatible land uses from locating in the various recharge areas of the aquifer. This Article implements the Intermunicipal Watershed Rules and Regulations for Schenectady Aquifer Protection Zones (10 NYCRR 142.2).

Pursuant to the Schenectady County Aquifer Protection Zones (Plate 1) map, the Project is located in the Well Head Protection Area, Primary Recharge Area, and General Aquifer Recharge Area. The Applicant will comply with the substantive portions of this Article. The Applicant will seek coverage from the NYSDEC under the SPDES General Permit (GP-0-25-001) by filing a Notice of Intent prior to commencement of the Project construction. The Applicant, as part of its Notice of Intent to be covered by the SPDES General Permit, will obtain such authorization from the Town of Glenville as a MS4 community. In addition, one of the requirements of the SPDES General Permit is the development of a SWPPP in accordance with the requirements set forth in the SPDES General Permit. The SWPPP will address storm water management and temporary soil erosion and sediment controls, as well as spill prevention and control measures. The SWPPP is included as Attachment H. Additionally, the Applicant will comply New York Public Lands Law, Article 6, Section 75, 9 NYCRR Parts 270 and 271 for the use and occupancy of underwater lands in New York State, and 21 NYCRR Part 156 for a revocable permit for use and occupancy of Canal Corporation property. Lastly, any requirement to obtain a permit or municipal approval is preempted by PSL § 130.

Chapter 270, Article XXVI Erosion and Sediment Control

The purpose of Section 270-215 of the Town of Rotterdam Town Code is to safeguard persons, protect property, and prevent damage to the environment. The article guides, regulates and controls the design, construction, use, and maintenance of any development or other land development activity.

The Applicant requests that the Commission not apply this section because it is unreasonably restrictive in view of existing technology. The location of the Project within the ROW is based on engineering design and industry-approved standards adopted specifically for the construction and operation of natural gas pipeline facilities, with which the Applicant will comply. The Applicant will qualify for the SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-25-001) by making the necessary filings with NYSDEC and submitting a SWPPP. The SWPPP is included as Attachment H.

The Project will take measures to mitigate erosion during construction and manage stormwater during operation of the pipeline.

Chapter 270. Article XIX Special Use Permits

Article XIX of the Town of Rotterdam Code outlines application procedures for special use permits as well as standards for granting permits and additional requirements.

The Project is allowed by special use permit in the Retail Business District and Light Industrial District. However, the Applicant need not apply for a special use permit as the procedural requirements of this chapter, including review and approval of special use permits, are preempted under PSL § 130.

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