State of New York
Public Service Commission
Case 18-T-0561

Application of Niagara Mohawk Power Corporation d/b/a National Grid for a Certificate of Environmental Compatibility and Public Need for its Gardenville – Dunkirk Lines 141/142, Northern Section Rebuild Project in Erie County, New York

Niagara Mohawk Power Corporation

d/b/a

nationalgrid

# Environmental Management and Construction Plan for the Gardenville – Dunkirk 141/142 Northern Section Rebuild Project

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# I. GENERAL DESCRIPTION OF THE PROJECT

## A. Introduction

On August 30, 2018, National Grid ("National Grid" or "Applicant") filed with the New York State Public Service Commission ("Commission") application documents, pursuant to Article VII of the Public Service Law ("PSL") and the Commission's regulations thereunder, for a Certificate of Environmental Compatibility and Public Need ("Certificate") authorizing the rebuild of two existing 115 kV transmission lines, the Gardenville-Dunkirk 141 and 142 lines, from the North Angola Substation to existing structure 4 (just south of the Gardenville Substation), for a distance of approximately 20.31 miles, in the Village of Angola, Town of Evans, Town of Hamburg, Village of Blasdell, City of Lackawanna, and the Town of West Seneca, all in Erie County (the "Project").

On February 11, 2020, the Applicant filed a Joint Proposal ("Joint Proposal") reflecting the terms of settlement of outstanding issues in this proceeding by the Applicant and other settling parties. On May 14, 2020, the Commission issued the Certificate in an Order Adopting Joint Proposal ("Order") in this proceeding.

This Environmental Management & Construction Plan ("EM&CP") is being submitted by the Applicant in compliance with the Order and is intended to describe the environmental protection measures to be implemented during construction of the Project

This EM&CP provides a general description of the Project (Section I), lists each Condition of the Order as set forth in Appendix D to the Joint Proposal with a National Grid Response (Section II), and responds to and complies with the Specifications for the Development of Environmental Management and Construction Plan as set forth in Appendix E to the Joint Proposal (Section III).

Upon Commission approval of this EM&CP, the Applicant will construct the Project in full Compliance with the Order and this EM&CP document.

## B. Description and Facility Location

### General Project Description

The Project is the reconstruction of the northern section of the Gardenville – Dunkirk 141/142, 115 kV lines that presently run approximately 20.31 miles between the North Angola substation and existing Structure 4, which is located approximately 0.35 miles south of the existing Gardenville Substation (the "Project"). The Project also includes work on the 34.5 kV lines that are impacted by the proposed 141/142 Lines; specifically the Existing 856 Line, the Existing 610 Line, and the Existing 610 Tap to Slade Road Substation 207.

The proposed 141/142 Lines are designed to operate at a nominal system voltage of 115 kV alternating current. Their voltage of initial operation will also be 115 kV. The proposed 856 Line, proposed 610 Line, and proposed 610 Tap are designed to operate at a nominal system voltage of 34.5 kV alternating current. Their voltage of initial operation will also be 34.5 kV.

As described in further detail below and outlined in Exhibit 2 of the Application, the Project consists of six distinct Segments.

The conductor type for the proposed 141/142 Lines will be three-phase non-specular 795 ACSR "Drake". There are several areas where the Existing 141/142 Lines utilize 795 ACSR "Coot" conductors on towers that will remain in place; in those areas the "Coot" conductors will remain. The conductor type for the Proposed 856, 610, and 610 Tap Lines, in the areas that will be rebuilt, will be non-specular 336.4 ACSR "Linnet". There are several areas where the Existing 856, 610, and 610 Tap will not be rebuilt; in those areas, the existing conductor will remain.

The shieldwire types proposed on the 141/142 Line structures will be one optical ground wire (OPGW) and one 159 ACSR "Guinea" Shieldwire. The ACSR shieldwire is sized to achieve a balanced fault-current with the proposed OPGW. The specific OPGW size and parameters will be determined during final design. The OPGW and ACSR shieldwire will be installed for the full length of the Project. No shieldwire will be installed on the Proposed 34.5 kV Lines.

Grounding on the proposed 141/142 Lines will be provided in one of two ways. In instances where structures are set on reinforced concrete foundations, the grounding will be accomplished using

driven ground rods set a minimum of three feet from the exterior concrete of the foundation and bonded to a grounding plate located near the base of the structure. Steel pole direct embed structures will be placed in corrugated metal pipe that is bonded to the structure grounding plate located near the ground line of the structure. Each structure will be tested for conformance with National Grid Standards and where the ground resistance of the grounding system exceeds allowable limits, supplemental grounding measures will be employed (e.g. by installing additional ground rods or buried counterpoise). In instances where aerial ground wire and OPGW cannot be continuous (primarily where the line must cross under another line) the use of buried wire grounding systems and an underhung All-Dielectric Self-Supporting ("ADSS") cable will be considered.

Insulator design for the proposed 115kV lines will be toughened glass ball and socket disc insulators. In all suspension applications, regardless of structure type, insulator strings will consist of ten discs. Structures located at critical crossings such as highways, railroads, and navigable water crossings will utilize double insulator strings. Dead-end and angle structures may require the use of two parallel strings of ten ball and socket insulators if it is determined that a single insulator string is not able to withstand the conductor loadings at that location. Idler strings (suspension insulator strings installed to carry the dead-end loops) will be installed where the line angles are greater than 50 degrees. Where required, restrained porcelain strut insulator assemblies will be utilized to mitigate the effects of conductor blow-out and to maintain the appropriate clearance between the conductor and the grounded surfaces of the structure. Porcelain post type insulators will be utilized on switching devices associated with the Project. The color of the insulators proposed for the Project is transparent green for the ball and socket disc insulators, and gray for the post type and strut type insulators.

Insulator design for the proposed 34.5kV lines associated with this Project will be toughened glass or porcelain ball and socket disc insulators or porcelain vertical post insulators, depending on structure type. For all 34.5kV wood pole structure types, suspension applications where the line runs tangent, or has light line angles, insulators will be porcelain vertical post insulators rated for 34.5kV. For dead-end structures, or suspension structures where the line angle is greater than 10°, porcelain ball and socket disc insulator strings consisting of 3 discs per string will be used. For the section of the 34.5kV line that is proposed to be installed on triple-circuit steel pole structures with the Proposed 141/142 Lines, both suspension and dead-end structures will utilize toughened glass ball and socket disc insulators and each insulator string will have 4 discs per

string. Dead-end structures may require the use of two parallel strings of 4 ball and socket insulators if it is determined that a single insulator string is not able to withstand the conductor loadings at that location. The color of the insulators proposed for the proposed 34.5kV lines is transparent green for the toughened glass insulators, and gray for all other applications.

Several different structure types will be used for the Project. Of the 260 existing 115kV structures, approximately 95% will be replaced. The approximately 5% of the structures which will remain in place are all newer and have many years of service remaining. The primary structure type, for the proposed 141/142 Lines will be double or triple circuit galvanized steel tubular single poles. The galvanized steel will have a grayish finish. In Segments 1, the primary structure type will be triple circuit galvanized steel tubular single pole structures for the proposed 141/142 Lines, with the proposed 856 Line underbuilt. In Segment 2 and a portion of Segment 3, the primary structure type will be triple circuit galvanized steel tubular single pole structures for the proposed 141/142 Lines, with the proposed 610 Line underbuilt. In instances where existing Taps need to be re-established from the proposed 141/142 Lines, single circuit phase over phase galvanized steel single pole structures, and single circuit 3 pole galvanized steel pole structures will be utilized. New structures which will be installed to support switches will be galvanized steel, single circuit poles with the phases configured in a vertical arrangement. Typically, it is assumed that replacement structures will generally be located between 5 to 10 feet ahead or back of the existing structure locations (1:1 replacements, offset or on the same centerline), resulting in the average span length to be approximately 425 feet.

All single pole, single circuit structure types carrying the proposed 34.5kV lines will be constructed of wood, a material which typically maintains a brownish color. Of the approximately 370 34.5 kV structures which parallel the Existing 141/142 Lines, approximately 10% will be relocated and replaced to support the construction of the proposed 141/142 Lines. Typical tangent structures for the proposed 34.5kV lines will have a single or double cross-arm and the phases will be configured in a horizontal arrangement. Single wood pole, phase-overphase structures will be utilized in certain locations. Approximately 70% of the 34.5kV structures will be removed, and the proposed 34.5kV lines, primarily the proposed 610 and 856 Lines, are proposed to be underbuilt onto the triple-circuit steel pole structures mentioned above. In areas where the sub-transmission will be constructed on wood pole structures (Segment 5), the average span length is proposed to be approximately 225 feet, whereas in areas where the subtransmission line will be constructed

as underbuilt on the triple circuit steel poles, the average span length will match that of the proposed 141/142 Lines.

**Specific Facility Components and Location**

The Project is located in the Village of Angola, Town of Evans, Town of Hamburg, Village of Blasdell, City of Lackawanna, and the Town of West Seneca, all in Erie County. The Existing 141/142 Lines originate at the Gardenville Substation and terminate at the Dunkirk Substation. They share the same double circuit steel towers, heading generally southwest for approximately 45 miles. The Project will encompass the section of the Existing 141/142 Lines from the North Angola Substation to existing Structure 4. There are several adjacent facilities that are also impacted by this Project: the Existing 856 Line; Existing 610 Line; and the Existing 610 Tap. Work on those lines will be completed in conjunction with the 141/142 Rebuild. The Existing 856 Line is a 34.5kV circuit that extends from the North Angola substation to the Shaleton Substation and runs parallel to the Existing 141/142 Lines for the entire length of Segment 1 (with the exception of a loop in – loop out portion of the 856 Line that serves the Erie County Water Authority – Sturgeon Point). The Existing 610 Line is a 34.5kV circuit that extends from the Ridge Substation to the Shaleton Station. The entire length of the Existing 610 Line is approximately 8.35 miles. However, only approximately 4.70 miles of the Existing 610 Line is impacted by the proposed 141/142 Rebuild. The 610 Tap to Slade Road 207 Substation originates in the vicinity of structure 76 on the 610 Line and terminates at the Slade Road 207 Substation. The entire length of the 610 Tap is approximately 3.50 miles, but only approximately 2.05 miles of this tap is impacted by the Project. The Project is broken down into six (6) segments:

- Segment 1 – North Angola (Mile 0.00) to Structure 153 (Mile 8.00)
- Segment 2 – Structure 153 (Mile 8.00) to Structure 112 (Mile 11.60)
- Segment 3 – Structure 112 (Mile 11.60) to Structure 64 (Mile 15.36)
- Segment 4 Existing – Structures 64 (Mile 15.36) to Structure 46 (Mile 16.90) (1.46 miles in length)
- Segment 4 Bypass – Structure 64 (Mile 15.36) to Structure 46 (Mile 16.90) (1.54 miles in length)
- Segment 5 – Structure 46 (Mile 16.90) to Structure 19 (Mile 18.95)

- Segment 6 – Structure 19 (Mile 18.95) to Structure 4 (Mile 20.31)

**Segment 1 – North Angola to Structure 153**

From the North Angola Substation to Structure 153, the existing ROW consists of National Grid fee-owned parcels that have varying widths between 45 feet and 200 feet. From Structure 248A to Structure 246, there is also a 30-foot easement on the east side of the ROW. Segment 1 contains the Existing 141/142 Lines and the Existing 856 Line, as well as four distribution lines that are located on this ROW. Any relocation needed for the distribution lines by the Project will not be considered part of this project. There are also three substations that are fed from the Existing 141/142 Lines: the North Angola Substation (where this segment begins); the Delamater Substation; and the Lakeview Substation. The Existing 141 Line feeds the Shaleton Station (in the vicinity of the end of Segment 1).

In Segment 1, the proposed 141/142 Lines will be re-built generally 38' laterally east of the Existing 141/142 Lines onto new galvanized steel triple circuit, single pole structures, to be triple-circuited with the Existing 856 Line, with the exception of the section of line between the North Angola Station – Structure 248A and approximately structures 186-174. Triple circuiting is being proposed in an effort to minimize the need to acquire additional right-of way (ROW) and easements from the adjacent densely populated residential areas along the western side of the ROW and to mitigate environmental impacts and other physical constraints (i.e. varying terrain within the corridor) by constructing on one centerline versus two centerlines.

**Segment 2 – Structure 153 to Structure 112**

In Segment 2, the width of the existing fee owned ROW varies between 60 feet and 125 feet and runs parallel to the CSX Railroad. The centerline of the Existing 141/142 Lines within Segment 2 is generally located 50 feet from the west edge of the Existing ROW. The Existing 610 Line runs parallel to the Existing 141/142 Lines and is typically located on the east side of the ROW. Between Structure 115 and 111 however, the Existing 610 Line crosses under the Existing 141/142 Lines and the Existing 141/142 Lines are located on the east side with the Existing 610 Line located on the west side of the Existing ROW. The Cloverbank Substation is the only substation within this segment and is fed from both of the 141/142 Lines. There are three

distribution feeders, overhead and underground, that parallel the Existing 141/142 Lines on this segment of the ROW as well, none of which will be impacted by the Project.

In Segment 2, it is proposed to relocate the Existing 141/142 at an offset of approximately 38 feet towards the east side of the ROW by rebuilding the proposed 141/142 Lines, and the proposed 610 Lines on new galvanized steel single pole triple circuit structures. The Existing 141/142 Lines will be removed. Also, the Existing 610 Line will be removed during construction of the proposed 141/142 and 610 Lines. In this segment, the Applicant proposes to acquire a Railroad License Agreement on the east side of the ROW to bring the ROW in conformance with National Grid's current Transmission Right of Way Management Program (TROWMP). The ROW is relatively flat across the corridor hence constructing triple single circuit structures will have minimal environmental and construction impacts but will reduce the need to acquire easements and danger tree rights on the west side of the ROW.

**Segment 3 – Structure 112 to Structure 64**

In Segment 3, the Existing 141/142 Lines are generally located on a combination of fee-owned and easement ROW of varying widths of 40 feet to 125 feet. The location of the Existing 141/142 Lines varies on the Existing ROW and the land use transitions from residential to industrial. The Existing 610 Line is also located on this ROW from Structure 112 to Structure 81 within this segment.

In Segment 3, the proposed 141/142 Lines will be constructed primarily on galvanized steel double or triple circuit, single pole structures on the same centerline (+/- 5') as the existing centerline. The galvanized steel triple circuit single pole structures will be installed from approximately Structure 111 to Structure 96 supporting the proposed 141/142 Lines and 610 Line. The galvanized steel double circuit single pole structures will be installed from approximately Structure 95 to 64 supporting the proposed 141/142 Lines (from Structure 96 to Structure 81 [where it exits the ROW], no work is proposed on Existing Line 610). In addition, it is proposed to reuse existing structures 92-91, 83-81, and 79-78 since they are newer, are in good condition, and will support the new conductor and/or shieldwire and OPGW. Additional Easements may be needed to bring the ROW into conformance with National Grid's TROWMP.

As part of the work to be performed on Segment 3 and at the request of a customer (Metalico Buffalo Shredding and Recovery), National Grid will install steel pole structures for the customer taps (which will ultimately be connected to a customer constructed and owned substation) similar to the single circuit steel deadend pulloff structure 0°-75° and single circuit deadend pulloff steel pole structure (3-poles) shown in the Application (Figure 5-4). While final configurations and pole heights will be determined in final design, it is anticipated that the Metalico tap structures will be shorter than structure 67 (the general location on the ROW where the tap structures will be constructed).

**Segment 4 – Structure 64 to Structure 46**

*Segment 4 Existing – Structure 64 (Mile 15.36) to Structure 46 (Mile 16.90) (1.46 miles in length)*

Segment 4 Existing runs generally east to west. The Existing 141/142 Lines are supported by double circuit steel towers. The existing fee-owned ROW is generally 90 feet, except for the area of Structures 64 to 59, which encompass areas of fee-owned parcels, easements, and Railroad License Agreements. The Existing 610 Tap is located parallel to the north of the Existing 141/142 Lines from Structure 62 to 46, as well as the 145/146 Taps to Substation 55 from Structures 60 to 57. The centerline of the Existing 141/142 Lines is generally 16.75 feet from the southern edge of the Existing ROW.

*Segment 4 Bypass – Structure 64 (Mile 15.36) to Structure 46 (Mile 16.90) (1.54 miles in length)*

Segment 4 Bypass includes the portion of the proposed 141/142 lines which would be constructed on a different ROW than the Existing 141/142 Lines. It is proposed to construct the new 141/142 Lines on the ROW adjacent to the 149/150 115 kV Lines for the entire length of Segment 4 Bypass, as well as the 145/146 115 kV Lines from Mile 15.62 to Mile 16.43. The existing ROW in this segment is generally composed of fee-owned parcels of 75 feet to 200 feet wide from Mile 15.44 to Mile 16.90, and a combination of fee-owned parcels, easements, and Railroad License Agreements from Mile 15.36 to Mile 15.44. While additional easement and license areas will be needed to incorporate the proposed 141/142 Lines into this ROW, to do so will have less impact than expanding Segment 4 Existing.

In Segment 4-Existing and Segment 4-Bypass, the proposed 141/142 Lines are proposed to be constructed on a separate ROW from the Existing 141/142 Lines. The proposed 141/142 lines will be constructed adjacent to the 149/150 115 kV Lines for the entire length of Segment 4-Bypass and adjacent to the 145/146 115 kV Lines for a short section. The proposed 141/142 Lines will be constructed generally 60' laterally north of the 149/150 Lines through the entirety of Segment 4-Bypass on galvanized steel double circuit, single pole structures. Approximately 34 to 60 feet of additional easement width will be needed to bring the ROW width in conformance with National Grid's TROWMP. Existing Structures 64 to 46 in Segment 4-Existing will be removed in their entirety.

**Segment 5 – Structure 46 to Structure 19**

In Segment 5, the Existing 141/142 Lines are located primarily on a fee-owned corridor of 190 to 305 feet wide and is the most southerly circuit on the existing ROW. The Existing 610 Tap is generally located approximately 61.75 feet to the north, and the 149/150 Lines are typically located between 123.33 feet to 148.33 feet to the north of the Existing 141/142 Lines.

In Segment 5, in general, the proposed 141/142 Lines will be rebuilt along the same centerline as the Existing 610 Tap on galvanized steel double circuit, single pole structures. The proposed 610 Tap will be re-built 34' laterally to the east of the proposed 141/142 Lines onto single wood pole 34.5 kV structures. Between Existing 141/142 Lines Structures 30-26, the Existing 610 Tap structures (610 Tap Structures 33-29) will be repurposed as the proposed 141/142 lines and the Existing 141/142 structures will be repurposed as the proposed 610 Tap. New easements will be acquired as needed to conform to the current TROWMP.

**Segment 6 – Structure 19 to Structure 4**

Segment 6 contains multiple transmission circuits within different sections of this Segment. Segment 6 consists of National Grid fee-owned parcels of varying widths of 200 to 512

In Segment 6, the proposed 141/142 Lines will be constructed 45' laterally to the west to Existing Structure 8 on galvanized steel double circuit, single pole structures. For Structures 7 to 4, it is proposed to reuse existing towers and conductors. Specifically, from Structures 7 to 5, it is proposed to repurpose existing retired-in-place (RIP) towers and conductors as the proposed

141/142 Line. The rebuilding of the proposed 141/142 Lines will terminate at Existing Structure 4. Structure 4 to the Gardenville Substation section is being rebuilt as part of the Gardenville Substation Rebuild Project.

## C. Project Schedule

Upon receipt of all required permits, approvals and easements or other land rights, and following completion of all required notifications and receipt of a "Notice to Proceed with Construction", National Grid will be prepared to start work on the Project. A preconstruction meeting will be held at least 2 weeks prior to the start of construction to review the EM&CP and Certificate Ordering Clauses, National Grid's health and safety requirements and the Project schedule.

Construction of the Project will generally involve the following activities and proceed in the order identified below:

- Survey stakeout
- Installation of Stormwater Pollution Prevention Plan (SWPPP) erosion and sediment controls and traffic signage;
- ROW Clearing / Vegetation Management;
- Site grading and installation of access roads and work pads;
- Culvert installations and drainage improvements;
- Foundation installation;
- Structure installation;
- Wire stringing;
- Structure removal; and
- Clean-up and restoration, including any plantings.

A detailed construction schedule will not be finalized until contracts have been awarded to all contractors. It is anticipated that construction will take approximately 18 months. A tentative Project schedule follows in Table C-1.

**Table C-1: Project Schedule**

| Activity | Start Date | Finish Date |
|---|---|---|
| EM&CP Approval | 8/30/2021 | 2/28/2022 |
| Construction Contract Bid Event | 9/13/2021 | 2/11/2022 |
| Marshalling Yard Improvement / Materials Management | 5/12/2022 | 12/30/2022 |
| Material Delivery | 7/04/2022 | 6/30/2023 |
| Construction Contract Award | 5/11/2022 | 5/11/2022 |
| Surveying and stakeout | 8/1/2022 | 12/24/2024 |
| Installation of erosion and sediment control measures | 8/1/2022 | 5/27/2023 |
| ROW Clearing / Vegetation management | 8/8/2022 | 5/30/2024 |
| Mobilization | 5/12/2022 | 8/5/2022 |
| Site grading and installation of access roads and work pads | 9/12/2022 | 12/24/2025 |
| Construction Start | 9/12/2022 | 5/29/2026 |
| Culvert installations and drainage improvements | 9/12/2022 | 5/30/2025 |
| Foundation installation | 10/3/2022 | 12/31/2025 |
| Structure installation | 12/05/2022 | 3/27/2026 |
| Wire stringing | 1/09/2023 | 5/29/2026 |
| Structure removal | 3/13/2023 | 9/25/2026 |
| In-Service | 9/12/2022 | 5/29/2026 |
| Clean-up and final restoration | 6/1/2026 | 9/30/2027 |

# II. CERTIFICATE CONDITIONS AND NATIONAL GRID RESPONSES

## A. Conditions of The Order

**CONDITION 1.** The Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Secretary to the Commission (the "Secretary") either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate. Failure to comply with this condition shall invalidate the Certificate.

***NG Response:*** *National Grid acknowledges this Certificate Condition.*

**CONDITION 2.** If the Certificate Holder decides not to commence construction of any portion of the Facility, it shall so notify the Secretary in writing within 30 days of making such decision and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files with the Secretary.

***NG Response:*** *National Grid acknowledges this Certificate Condition.*

**CONDITION 3.** If construction of the Project hereby certified is not commenced within 18 months after the Certificate Holder files a verified statement that it accepts and will comply with the Certificate, the Certificate may be vacated with notice to the Certificate Holder.

***NG Response:*** *National Grid acknowledges this Certificate Condition.*

**CONDITION 4.** Except for deadlines established by statute, the Secretary may extend any deadlines established by this order for good cause shown.

***NG Response:*** *National Grid acknowledges this Certificate Condition.*

**CONDITION 5.** The Certificate Holder shall construct the Facility in a manner that conforms to the then-current Building Code of New York State and all applicable standards of the American National Standards Institute ("ANSI") including, without limitation, the National Electrical Safety Code ("NESC"), Institute of Electrical and Electronics Engineers ("IEEE") Standard IEEE C2-2012, 2017, and any stricter standards adopted by the Certificate Holder.

***NG Response:*** *National Grid will comply.*

**CONDITION 6.**

a. The Certificate Holder shall coordinate all work performed at state and municipal road and highway crossings with the appropriate state and municipal officials and shall obtain the required authorization for such work, subject to the Commission's continuing jurisdiction as appropriate.

b. The Certificate Holder shall coordinate with the appropriate municipal agencies and police departments for traffic management of roads under municipal jurisdiction.

c) A copy of each such authorization shall be provided to the Secretary by the Certificate Holder before commencement of construction across the affected municipal road or highway.

***NG Response:*** *National Grid will comply. National Grid will coordinate all work activities within highway boundaries with the appropriate state and municipal agencies and police departments. Maintenance and Protection of Traffic Plans (MPT plans) developed for the Project are provided in Appendix X. Highway Work Permits for local, county and NYSDOT jurisdictional road crossings will be obtained and copies of all such work permits will be provided to DPS staff and filed with the Secretary prior to working within the respective highway boundary. Table J-1 in Appendix J provides a list of all highway permits required for this Project.*

**CONDITION 7.** If the Certificate Holder believes that any action taken, or determination made, by a State or municipal agency in connection with this Certificate is unreasonable or unreasonably delayed, the Certificate Holder may petition the Commission, upon reasonable notice to that agency, to seek a resolution of any such unreasonable or unreasonably delayed requirement. Such agency may respond to the petition, within five (5) business days, to address the reasonableness of any requirement or delay.

***NG Response:*** *National Grid acknowledges this Certificate Condition.*

## B. Public Health and Safety

**CONDITION 8.** The Certificate Holder shall design, engineer and construct the Project such that its operation shall comply with the electric and magnetic field standards established by the Commission in Opinion No. 78-13, issued June 19, 1978, and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990.

***NG Response:*** *National Grid will comply.*

**CONDITION 9.** The Certificate Holder shall engineer and construct the Facility to be fully compatible with the operation and maintenance of nearby electric, gas, telecommunication, water, sewer, and related facilities; details of such other facilities and measures to protect the integrity, operation and maintenance of those facilities shall be presented in the Project's Environmental Management & Construction Plan ("EM&CP"). The Facility shall be designed and constructed to avoid adverse effects on the cathodic protection system and physical conditions of existing structures and any fuel gas pipelines.

***NG Response:*** *National Grid will comply. The EM&CP Plan and Profile Drawings show the relative locations of all known utilities. National Grid's contractor will be required to verify, locate, and mark, or have marked, all overhead and underground utilities within the bounds of the designated working areas. In addition, special precautions, as detailed below, will be taken to prevent damage to other facilities and ensure the safety of workers in all locations where the Facility crosses or parallels other existing overhead or underground utilities. All known overhead utilities that will be crossed or paralleled by the Facility and underground utilities located within the Facility's ROW have been identified and are shown on the EM&CP Plan and Profile Drawings provided in Appendix A.*

*<u>Overhead Electric Facilities</u>*

*When crossing an existing overhead electric line, the following specifications will apply:*

- *The utility responsible for the up-keep and maintenance of the overhead electric line will be contacted and consulted concerning the proposed crossing*
- *The responsible utility will be consulted concerning "safe minimum clearance" for construction machinery.*

- *Any guy wires, ground lines and other surface or subsurface supports or facilities will be located and marked prior to the initiation of construction.*
- *Depending on the voltage of the electric line to be crossed, and the existing weather and topography conditions, the new Facility and the construction equipment installing it may need to be temporarily grounded. This activity will be performed in compliance with the National Electrical Safety Code ("NESC") as applicable to electric transmission line construction.*
- *National Grid will selectively employ temporary protective measures such as guard structures to protect underbuilt overhead facilities. A drawing that shows the typical temporary guard structures that will be used for this Project can be found in Appendix AC. The exact location and specific nature of such guard structures or other similar devices shall be determined based on coordination between the National Grid Construction Inspector and Environmental Monitor and may be subject to EM&CP change as described in Condition 27.*

*In instances where the Facility parallels existing overhead electric facilities, the following additional specifications will apply:*

- *A Safety inspector will be designated. The Safety Inspector will be in the chain of command for the project and will have "stop work authority."*
- *The Safety Inspector will:*
    - *Supervise grounding equipment and materials:*
    - *Provide safety training of all individuals expected to work in or visit the Project area adjacent to electric lines;*
    - *Ensure compliance with minimum clearance requirements for machinery and personnel, and;*
    - *Require all workers and others on-site to wear insulated boots, gloves and other protective equipment where circumstances warrant.*
- *If voltage levels so warrant, no ungrounded vehicle will be allowed within 200 feet of the parallel electric line.*

- *Fuel trucks will have sufficient ground cables and clamps to complete an electrical bond with every vehicle to be refueled.*

*Underground Utility Crossings*

*When constructing in close proximity to underground utilities, construction of the Facility will be performed in accordance with 16 NYCRR Section 255.3-25. In addition, the following specifications will apply;*

- *The proposed Project area will be inspected for the presence of existing underground utility facilities to be crossed or paralleled.*
- *Owners of the underground facilities will be notified in accordance with the requirements of 16 NYCRR Part 753 (Protection of Underground Facilities) so that their facilities will be clearly marked prior to construction.*
- *Owners of the underground facilities to be crossed will be given reasonable opportunity to be present during excavation and construction.*

*No construction-related traffic will be allowed to cross a gas pipeline until the owner of the pipeline has approved the proposed crossing location and method of crossing. If necessary, physical barriers (such as snow fence) will be installed to prevent equipment and vehicles from crossing over gas pipelines in unauthorized locations. No materials will be staged over gas pipelines.*

**CONDITION 10.** The Certificate Holder shall keep local fire department and emergency management teams apprised of on-site hazardous chemicals and waste. All such chemicals and waste shall be secured in a locked and controlled area.

***NG Response:*** *National Grid will comply. A list of typical chemicals and waste anticipated for the Project as well as National Grid's spill reporting and cleanup procedures are provided in Appendix V. A list of emergency contact personnel and local hospitals along with a map showing the location of the nearest hospitals are provided in Appendix K.*

**CONDITION 11.** The Certificate Holder shall notify the New York State Department of Environmental Conservation ("NYSDEC") of any fuel or chemical spill it is required to report in accordance with NYSDEC regulations and guidance and shall notify New York State Department of Public Service ("DPS") staff ("Staff") as soon as possible thereafter.

***NG Response:*** *National Grid will comply. National Grid's Environmental Guidance Documents EG-501NYN for Release Notification and EG-502NY for Spill and Release Cleanup are provided in Appendix V. These Guidelines address immediate incident response activities, reporting instructions, notifications and general cleanup procedures. On-site and off-site reporting requirements are also summarized in Section III.B.14a and 14b of this EM&CP. All spills or releases of oil or any other chemical to the environment in any quantity must be reported to National Grid's Western Regional Control Center (WRCC) at (716) 831-7325.*

**CONDITION 12.** The Certificate Holder shall take appropriate measures to minimize fugitive dust and airborne debris from construction activity. Exposed soils and roadways shall be wetted as needed during extended dry periods to minimize dust generation. To the extent practicable, water for dust control shall come from municipal water supplies/sources.

***NG Response:*** *National Grid will comply.*

**CONDITION 13.** The Certificate Holder shall ensure that parking for Project construction workers' personal vehicles shall be in designated areas which do not interfere with normal traffic or cause a safety hazard. These parking areas shall be designated in the EM&CP.

***NG Response:*** *National Grid will comply. Construction worker parking has been designated at the Project marshalling yards. Drawings showing the location of the marshalling yards are provided in Appendix A.*

**CONDITION 14.** Direct vehicular disturbance to properties shall be minimized by accessing the Project right-of-way ("ROW") from existing roadways or approved off-ROW access roads identified in the EM&CP.

***NG Response:*** *National Grid will comply.*

**CONDITION 15.** For each road crossing and location where construction vehicles will access the Project ROW frequently from local roadways, the Certificate Holder shall implement a Maintenance and Protection of Traffic ("MPT") plan that identifies procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway right-of-way. The MPT plan shall address temporary signage, lane closures, placement of temporary barriers and traffic diversion.

a) All signage utilized shall comply with the New York State Department of Transportation ("NYSDOT") Manual of Uniform Traffic Control Devices. Placement of signs shall be determined in consultation with the jurisdictional agency.

b) Flagmen shall be present at all times when equipment is crossing any road, when equipment is being loaded or unloaded, and where two-lane traffic has been reduced to one lane. All flagging operations shall comply with 17 NYCRR Part 131.

***NG Response:*** *National Grid will comply. MPT plans developed in accordance with the NYSDOT MUTCD Manual for each road crossing are provided in Appendix X. Highway Work Permits for local, county, and NYSDOT jurisdictional road crossings will be obtained prior to working within the respective road ROWs and copies of such work permits will be provided to DPS Staff and filed with the Secretary. Table J-1 in Appendix J provides a list of all highway permits required for this Project.*

**CONDITION 16**. The Certificate Holder shall have the right to require that any person seeking to access the Project area first be appropriately trained in environmental protection and safety.

***NG Response:*** *National Grid will establish a "sticker training" program that requires all individuals who access the Project area to be first trained in environmental protection and safety and receive a sticker that must be worn on their hardhat.*

**CONDITION 17.** Should blasting be needed for the Project, a blasting plan will be provided in the EM&CP.

***NG Response:*** *There is presently no blasting anticipated for this Project. If blasting becomes necessary, National Grid will submit a plan to DPS staff for review and approval as a change to the EM&CP.*

### C. Environmental Management and Construction Plan

**CONDITION 18.** Except where this Certificate requires otherwise, the terms of the Certificate and the environmental protection measures contained in the Application shall be incorporated into the EM&CP. Applicable provisions of the Certificate, EM&CP, and orders approving the EM&CP shall be accommodated in any design, construction, ownership, or maintenance activities associated with the Project. The EM&CP shall not be inconsistent with the Certificate Holder's then-effective *Transmission Right-of-Way Management Program* adopted by the Commission pursuant to 16 NYCRR Part 84 ("TROWMP"), except where a conflict with a provision of the Certificate would be created.

***NG Response:*** *National Grid will comply.*

**CONDITION 19.** Prior to filing the EM&CP, the Certificate Holder shall contact the NYSDEC, NYS Natural Heritage Program and the United States Fish and Wildlife Service ("USFWS") to check for any updates or changes of known threatened or endangered plant or animal species listed in New York, (collectively, "T&E" species) or habitat or Significant Natural Communities in the Project area. After the Certificate Holder learns of any updates regarding T&E species, it will inform DPS Staff of such updates. The Certificate Holder may meet its obligation to inform DPS of such an update by including it in the EM&CP.

***NG Response:*** *National Grid has complied. The New York Natural Heritage Program (NYNHP) was contacted for follow-up consultation on February 25, 2020, for updates or changes to known rare, threatened, and endangered (RTE) species or habitat or Significant Natural Communities in the Project area. A copy of the response letter dated March 16, 2020, is provided in Appendix H. The only new species reported at that time differing from previous consultation on the Project was wafer ash (Ptelea trifoliata var. trifoliata), a State-listed endangered plant documented 0.35 miles west of the Project area. Updates to NYNHP databases were requested on January 14, 2021, and a response was received on March 9, 2021. No new species were identified from prior consultations received. See Appendix H for agency consultations. On November 2, 2020, and*

*July 18, 2021, National Grid accessed the USFWS Information for Planning and Consultation (IPaC) system for updated official species lists. The official species lists for these same dates were received and are included in Appendix H. No new species were reported. More information about each of the above species is provided in Appendix S.*

**CONDITION 20.** The Certificate Holder shall include NYSDEC's letter of acknowledgement and the MS4 approvals required to implement the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities in the EM&CP.

***NG Response:*** *The NYSDEC's letter of acknowledgement and MS4 approvals can be found in the approved SWPPP which is included as Appendix G of this document.*

**CONDITION 21.** Deviations from the certified centerline, design height, location, number of structures, and structure types shall be allowed for appropriate environmental or engineering reasons, except where a conflict with a provision of the Certificate would be created. An explanation for the proposed deviation and supporting documentation shall be provided in the EM&CP.

***NG Response****: There are no deviations from the certified centerline as described in the Joint Proposal for this Project and no new structure types are being introduced to the Project.*

**CONDITION 22.** The Certificate Holder shall not commence construction of any portion of the Project, the preparation of the site for the construction of any portion of the Project, or any proceedings under the Eminent Domain Procedure Law ("EDPL") to acquire permanent ROW, temporary ROW, or off-ROW access with respect to any portion of the Project until the Commission has approved the EM&CP for such portion of the Project. To calculate the three-year period for acquisition of property pursuant to the EDPL, the date of Commission approval of the EM&CP covering the affected parcel shall be regarded as the date on which this Article VII proceeding was completed. The following activities do not constitute the construction of any portion of the Project or the preparation of the site for the construction of any portion of the Project: (a) surveying, soils testing and such other activities as are necessary for preparation of the final design plans for the Project (including, without limitation, mowing, clearing and matting associated

with preparation of the final design plans for the Project); (b) receiving Project construction materials or construction equipment at a marshaling yard; and (c) routine mowing of the existing ROW pursuant to the Certificate Holder's then-effective TROWMP. Notwithstanding the foregoing provisions of this paragraph, National Grid is hereby authorized to prepare the marshalling yards described in Exhibit 23 of the Evidentiary Record for use as marshalling yards for the Project, and to use them for such purpose pending evidence of landowner concurrence and zoning conformance. The Certificate Holder shall provide DPS Staff 5 days' notice of its commencement of preparation of such marshaling yards.

***NG Response**: National Grid will comply. If and to the extent National Grid needs to acquire permanent ROW, temporary ROW, or off-ROW access for the Project and cannot secure such property rights through voluntary negotiations with property owners, National Grid will seek such rights pursuant to the Eminent Domain Procedure Law. National Grid will not commence such proceeding until the Commission has approved the EM&CP for the relevant portion of the Project.*

**CONDITION 23.** The Certificate Holder shall file an electronic copy of its proposed EM&CP with the Secretary and, unless otherwise directed by the Secretary, serve one electronic copy on each of: the staff of the Deputy Permit Administrator, Major Projects Bureau of the NYSDEC Central Office in Albany, the Natural Resources Supervisor of the Region 9 office of the NYSDEC, the staff of the New York State Department of Agriculture & Markets ("NYSDAM"), the staff of the Region 5 office of the NYSDOT; any other New York State agency that requests the document; and any party on the service list who requests the document. Within seven days after the Certificate Holder files the proposed EM&CP with the Secretary, it shall deliver four hard copies to DPS Staff, one hard copy to the staff of the NYSDEC Central Office in Albany and another hard copy to the Region 9 office of the NYSDEC. The Certificate Holder also shall place one electronic copy or one hard copy for inspection by the public in a convenient location in each municipality in which construction will take place, which location for a given municipality may be a repository (*e.g.*, library) in such municipality identified in the Service List for the Application. The Certificate Holder will also make the EM&CP accessible on its Project website by way of either direct PDF download(s) or a web link to the DPS website page(s) where the EM&CP is available.

***NG Response:** National Grid will comply.*

**CONDITION 24.** Contemporaneously with filing and serving the proposed EM&CP, the Certificate Holder shall disseminate, in the manner specified below, a written notice, in language reasonably understandable to the average person, that the proposed EM&CP has been filed (the "EM&CP Filing Notice").

a) The Certificate Holder shall serve a copy of the EM&CP Filing Notice on all parties to this proceeding (except those upon whom the foregoing paragraph requires the Certificate Holder to serve a copy of the proposed EM&CP) and on all persons required to be served with the Application by statute or regulation.

b) The Certificate Holder shall deliver by first class mail a copy of the EM&CP Filing Notice to the owners of all properties that abut the ROW and all properties on which property rights are required.

c) The Certificate Holder shall include a copy of the EM&CP Filing Notice in the proposed EM&CP.

d) The Certificate Holder shall publish a copy of the EM&CP Filing Notice in a newspaper or newspapers of general circulation near the Facility.

e) The EM&CP Filing Notice delivered to the owners of properties on which property rights are to be acquired shall be accompanied by a description of the type of property rights required for the Project with respect to such property (*e.g.*, fee, easement, lease, etc.).

***NG Response:*** *National Grid will comply. A copy of the typical written notice of National Grid's filing of the EM&CP with the Commission (the "EM&CP Filing Notice") is provided in Appendix I.*

**CONDITION 25.** The EM&CP Filing Notice shall contain, at a minimum, the following:

a) a statement that the proposed EM&CP has been filed;

b) a general description of the certified Facility and of the content of the proposed EM&CP;

c) a listing of the locations and the websites where the Certificate Holder and DPS have made the proposed EM&CP available for public inspection;

d) a statement that any person desiring additional information about a specific geographical location or specific subject may request it from the Certificate Holder;

e) the name, address, and telephone numbers of an appropriate Certificate Holder representative;

f) the e-mail address and postal address of the Secretary and the DPS website; and

g) a statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within thirty-eight (38) days of the date the proposed EM&CP was filed with the Commission, or within thirty-eight (38) days of the date of the newspaper publication of a copy of the EM&CP Filing Notice, whichever is later.

***NG Response:*** *National Grid will comply. A copy of the typical written notice of National Grid's filing of the EM&CP with the Commission (the "EM&CP Filing Notice") is provided in Appendix I.*

**CONDITION 26.** A certificate of service indicating upon whom all the EM&CP Filing Notices were served shall be filed with the Secretary within three (3) business days after the time the proposed EM&CP is filed, and shall be a condition precedent to approval of the EM&CP. When available, proof of publication of the newspaper notice(s) of filing the proposed EM&CP, including a copy of such notice, shall be filed with the Secretary.

***NG Response:*** *National Grid will comply.*

**CONDITION 27.** After the EM&CP has been approved by the Commission:

a) The Certificate Holder shall report any changes it proposes to DPS Staff. DPS Staff will refer any proposed changes that will not result in any increase in adverse environmental impacts or are not directly related to contested issues decided during the proceeding to the Chief of Environmental Certification and Compliance ("EC&C") Section of the Office of Electric, Gas and Water for approval. DPS Staff will refer all other proposed changes to the Commission for approval.

b) Upon being advised that DPS Staff will refer a proposed change to the Commission, the Certificate Holder shall notify all parties as well as property owners or lessees whose property is affected by the proposed change. The notice shall: (1) describe the original conditions and the requested change; (2) state that documents supporting the request are available for inspection at specified locations, (3) state that persons may comment by

writing or calling (followed by written confirmation) to the Commission within twenty-one (21) days of the notification date, and (4) provide the Secretary's email address, phone number, and mailing address. Any delay in receipt of written confirmation will not delay Commission action on the proposed change.

c) The Certificate Holder shall not execute any proposed change until it receives written approval from the Chief of EC&C or the Commission, except in emergency situations threatening personal injury, property damage, or severe adverse environmental impact, or as specified in the approved EM&CP.

***NG Response**: National Grid will comply. A sample copy of the EM&CP Notice of Change Form is provided in Appendix P.*

## D. Notices and Public Complaints

**CONDITION 28.** The Certificate Holder shall make available to the public a toll-free or local phone number of an agent or employee who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public about the construction of the Project. That number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with: (i) the number to be called at any time in case of emergency, (ii) the phone number and email address of the Secretary, and (iii) the phone number of the Commission's Environmental Compliance Section.

***NG Response**: National Grid will comply. Public concerns or complaints regarding the construction of the Project can be conveyed to National Grid via the toll-free telephone number (844) 324-3588. A Project Contacts list is provided in Appendix K of this EM&CP document which is filed with the Commission and made available for public review at each of the locations listed in the EM&CP Filing Notice.*

**CONDITION 29.** The Certificate Holder's Project website shall provide a means for the public to communicate to the Certificate Holder about the Project (*e.g.*, to register complaints or ask questions) through either a direct link to a complaint form or email or by providing the contact information (phone and/or email address) of a representative of the Certificate Holder who can respond to communications that include questions and concerns about the Project from members of the public.

***NG Response**: National Grid will comply.*

**CONDITION 30.** The Certificate Holder shall report to DPS Staff every complaint that cannot be resolved, and describe the actions taken to address the complaint, within ten (10) business days after receipt of the complaint.

***NG Response**: National Grid will comply.*

**CONDITION 31.**

a) No less than two weeks before commencing site preparation, the Certificate Holder shall notify the public of the anticipated date that site preparation will commence, as follows:

   (1) provide notice to local officials, Erie County Department of Homeland Security & Emergency Services – Emergency Services Communications, and emergency personnel along the entire Facility route;

   (2) provide notice to local media for dissemination; and

   (3) provide notice for display in the repositories identified in the Service List of the Application, the Certificate Holder's Project website, and other public places (such as general stores, post offices, community centers and conspicuous community bulletin boards).

b) The notice or notices under this paragraph shall be written in language reasonably understandable to the average person and shall contain:

   (1) a map of the Project;

   (2) a brief description of the Project;

   (3) the anticipated date for start of site preparation and estimated date for Project completion (inclusive of restoration);

   (4) the name, mailing address, local or toll-free telephone number, and email address of an employee or agent of the Certificate Holder who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public about the construction of the Project; and,

(5) a statement that the Project is under the jurisdiction of the New York State Public Service Commission, which is responsible for enforcing compliance with environmental and construction conditions, and which may be contacted at an address, email, and telephone number to be provided in the notice.

c) Upon distribution, a copy of the form of the notice or notices under this paragraph shall be submitted to the Secretary.

d) The Certificate Holder shall notify all persons who own properties that are crossed by or abut the Project ROW, and all persons who are non-owner residents on such properties, of the planned construction activities and anticipated schedule affecting the abutting properties at least fourteen (14) days, but no more than forty-five (45) days (or longer on the specific request of the Certificate Holder agreed to by DPS Staff), prior to the commencement of construction. The Certificate Holder shall deliver such notice by first class mail or, for any one or more non-owner residents, the Certificate Holder, at its option, may instead affix the notices to the doors of the residences. The Certificate Holder shall provide a copy of the generic form of such notice to the Secretary prior to the commencement of construction.

***NG Response**: National Grid will comply.*

**CONDITION 32.** For the duration of Project construction, the Certificate Holder shall post and maintain on its Project website a schedule that includes at least general-level information for the public about Project activities scheduled to occur during the upcoming two week period.

***NG Response**: National Grid will comply.*

**CONDITION 33.** The Certificate Holder shall provide all contractors providing services for construction of the Project ("Contractors") with complete copies of the Certificate, the approved EM&CP, the order(s) approving the EM&CP, updated construction drawings, any site-specific plans, the State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharge from Construction Activity (Permit No. GP-0-20-001)** ("SPDES General Permit"), any permit issued pursuant to Section 404 of the Federal Clean Water Act and the Section 401 Water Quality Certification. To the extent that the listed documents are available before contracts for

construction services are executed, such copies shall be provided to the Contractors prior to the execution of such contracts. ***Note: The Certificate referenced the now expired SPDES General Permit and the current permit number is referenced here.*

***NG Response**: National Grid will comply.*

**CONDITION 34.** The Certificate Holder shall notify all Contractors that the Commission may seek to recover penalties for violation of the Certificate and other orders issued in this proceeding, not only from the Certificate Holder, but also from its Contractors, and that Contractors also may be liable for other fines, penalties and environmental damage.

***NG Response**: National Grid will comply.*

**CONDITION 35.** The Certificate Holder shall inform the Secretary in writing at least five days before commencing construction of the Facility.

***NG Response**: National Grid will comply.*

**CONDITION 36.** The Certificate Holder shall provide DPS Staff and the NYSDEC with weekly status reports summarizing construction of the Facility and indicating construction activities and locations scheduled for the next week.

***NG Response**: National Grid will comply.*

**CONDITION 37.** Within ten (10) days after the Facility is fully constructed and placed in service, the Certificate Holder shall notify the Secretary in writing of that fact.

***NG Response**: National Grid will comply.*

**CONDITION 38.** Within ten days of the completion of final restoration of the Facility, the Certificate Holder shall notify the Secretary in writing that all restoration has been completed in compliance with this Certificate and the order(s) approving the EM&CP.

***NG Response**: National Grid will comply. Final restoration will be deemed complete upon the SWPPP inspector's determination that a uniform perennial vegetative cover with a density of 80% has been achieved over all disturbed areas.*

### E. Row Construction, Operation, Maintenance and Restoration

**CONDITION 39.**

a) At least two (2) weeks prior to the start of construction of the Project, the Certificate Holder shall hold a preconstruction meeting to which it shall invite its contractors, DPS Staff, NYSDAM, NYSDOT, and the NYSDEC. An agenda, the location, and an attendee list shall be agreed upon between DPS Staff and the Certificate Holder. Notification of the meeting shall be provided to all attendees at least 10 days prior to the meeting date.

b) Maps showing designated travel routes, construction worker parking and access road locations and a general project schedule will be available at the meeting for the attendees.

c) The Certificate Holder shall supply draft minutes from this meeting to a representative of DPS Staff, NYSDAM, NYSDOT, and the NYSDEC for corrections or comments, and thereafter the Certificate Holder shall issue the finalized meeting minutes to all attendees.

d) If, for any reason, the Contractors cannot finish the construction of the Project, and one or more new contractors are needed, there shall be another preconstruction meeting with the same format as outlined above.

***NG Response**: National Grid will comply.*

**CONDITION 40.** The Certificate Holder shall confine construction and subsequent maintenance to the Project ROW or as otherwise certified and to additional work areas as detailed in the EM&CP.

***NG Response**: National Grid will comply. The Facility ROW and all proposed additional work areas are shown on the EM&CP Plan and Profile Drawings provided in Appendix A.*

**CONDITION 41.** Each construction activity shall be described in detail in the EM&CP.

***NG Response**: Several distinct construction activities will progress in a coordinated and orderly manner from one point to another along the entire length of the Project. A description of those activities follows.*

***Surveying and Staking***

*Prior to conducting any construction activities, surveying activities will be conducted to identify and delineate both edges of the Project ROW, on and off-ROW access, work pads and wire pulling sites, streams and wetland boundaries. The limits of the above mentioned features and all other areas of disturbance are shown on the EM&CP Plan and Profile Drawings in Appendix A.*

***Installation of Erosion and Sediment Control Measures***

*Erosion and sediment control measures (silt fence, stabilized construction entrances, silt sock, etc.) will be installed prior to conducting any activities that result in ground disturbance. All erosion and sediment control measures are shown on the EM&CP Plan and Profile Drawings in Appendix A and in the proposed SWPPP document in Appendix G.*

***Preparation of Marshalling Yards and Delivery of Materials***

*National Grid has leased three sites to serve as the primary marshalling yards for the Project. The sites are located at 9579 Southern Blvd., Angola, NY, 1864 Eden Evans Center Rd., Evans, NY, and 300 Commerce Drive, Lackawanna, NY. All are shown on drawings in Appendix A. All of the sites were formerly used for commercial operations and require no significant improvements prior to receiving materials. National Grid consulted with the respective towns regarding the use of the sites for marshalling yards and all determined that no permitting or site plan approval is necessary. In addition, no SWPPP is required for any of the sites since ground disturbance will be less that one acre at each of the sites. Material delivery is expected to start July 2022.*

***ROW Clearing / Vegetation Management***

*Within the Existing ROW and any newly acquired Operational (Gross) Easement, trees and shrubs will be mowed or cleared to provide unimpeded and safe access to proposed structure work sites. Shrubs and low growing vegetation will be retained if they do not interfere with construction activities or the operational integrity of the line. Certain trees located adjacent to the*

*Existing ROW and any newly acquired Operational Easements that are determined to pose a reliability hazard to the transmission line facility (danger trees) will be side trimmed or removed. In areas where residential landscape plantings occur, each tree has been evaluated for removal based on species, growth rate and location on the ROW and trees to be removed are shown on the EM&CP Drawings. All cut material will be either chipped or removed from the Project ROW except in some wetland areas where vegetation may be dropped and lopped to minimize disturbance. No cut or chipped material will be left on the Project ROW in residential or commercial areas.*

*The specific clearing and vegetation management techniques as well as the slash disposal techniques to be used are shown on a site-by-site basis on the EM&CP Plan and Profile Drawings in Appendix A.*

*Upon the completion of construction, the Existing ROW together with any newly acquired Operational Easements will be maintained under the Company's ROW management policies and the then-effective Transmission Right-of-Way Management Program (TROWMP) adopted by the Commission pursuant to 16 NYCRR Part 84 except where a conflict with a provision of the Certificate would be created. Management of the ROW will result in the same herbaceous and shrub cover type that presently occurs on the Existing ROW.*

***Access Roads***

*Beginning at the point of entry at each public highway, access roads allow for the movement of men and equipment to work locations along the Project ROW. In order to construct this Project, it will be necessary to gain access with heavy equipment to all of the proposed structure locations as well as to existing structures that are scheduled for removal. The type of heavy equipment necessary to install steel pole structures with concrete foundations makes it necessary to have a stable improved road surface to every structure location. This will be accomplished by improving existing gravel access roads (Gravel-Type 1), constructing new permanent gravel access roads (Gravel – Type 1, Type 2 and Type 3), constructing new permanent porous pavement roads (Porous Pavement or "Geoweb") or using temporary timber mats (Matting).*

*Gravel and Porous Pavement roads are typically prescribed for upland, nonagricultural areas where a permanent road is desired for future inspection and maintenance of the new transmission facility. Porous Pavement roads are prescribed where the construction of traditional gravel roads*

*creates runoff concerns. The use of a "geoweb" in the Porous Pavement design allows for the transfer of vehicle weight thereby minimizing soil compaction and creating an underlying gravel reservoir that will provide storage of water reducing runoff rates and volumes.*

*Temporary timber mat roads will be used primarily in sensitive areas such as wetlands, residential areas and areas of active agriculture. The Contractor may choose to use temporary timber mat roads for other applications based on time of year, site conditions and cost. In some instances, such as where a long stretch of road crosses a small protrusion or finger of a federal wetland, National Grid may choose to construct a permanent road instead of temporary matting and conduct wetland mitigation to compensate for any loss of wetland function and benefit. In addition, in some limited instances where construction activities are minimal, the number of trips across a sensitive area can be minimized and construction can be limited to times of dry or frozen soil conditions, the use of Low Ground Pressure Equipment may be prescribed in-lieu of temporary timber mat roads.*

*In areas where the existing lines traverse commercial/industrial areas, existing paved and gravel surfaces, parking lots and travel lanes that offer good access to the structure locations will be used to the fullest extent practicable to minimize disturbance during construction. Minor improvements to the existing surfaces will be made as necessary and all areas will be restored to pre-existing conditions.*

*In areas designated as "Improve As Necessary", temporary gravel access may be used by the Contractor on an as-needed basis. Upon completion of construction, all temporary gravel access roads will be removed or restored to a permeable condition.*

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

*Mitigation measures such as the use of temporary timber mats or low ground pressure equipment will be prescribed on a site-by-site basis in environmentally sensitive areas such as wetlands, streams, areas of active agriculture and residential areas. In addition, erosion and sediment control measures designed to maintain and protect soil and water resources both during and after construction will be prescribed for all areas where soil disturbance occurs.*

*The location and type of all access roads, both on and off-ROW, and all mitigation measures and erosion and sediment control measures are shown on the EM&CP Plan and Profile Drawings in Appendix A.*

***Culvert Installations and Drainage Improvements***

*Culverts will be installed, existing culverts replaced, and drainage improvements will be made as necessary along all segments of the Project. The locations of all installations and improvements are shown on the EM&CP Drawings in Appendix A and details of said improvements are provided (as necessary) and referenced to drawings in Appendices Y and/or Z.*

***Direct Embedded Foundations***

*Direct embed foundations will be used on steel pole structures to the greatest extent practicable with reinforced concrete caisson or alternate foundation types employed where direct embed foundations are not feasible. All new wood pole structures will be direct embedded.*

*A direct embedded foundation consists of setting the steel pole into a 12 gauge corrugated metal pipe (commonly referred to as a culvert) and backfilling. The hole for the installation is typically prepared by auguring. Upon setting the steel pole within the metal pipe, crushed stone backfill will be placed in the space remaining between the pole and the inside surface of the pipe and tamped at no greater than twelve inch intervals. The purpose of the corrugated metal pipe is to provide a grounding system for the structure as well as to provide a foundation of suitable character to support the structure loadings. Diameters of these culverts will range from 3.0 to 4 feet depending upon the diameter of the steel or wood pole. Culvert diameters are listed for each direct embed structure, as appropriate, in Appendix A.*

***Concrete Caisson Foundations***

*Concrete caisson foundations will be used for all triple circuit, double circuit and single circuit dead-end structures and for structures with major line angle. Concrete caisson foundations consist of a permanent steel casing, reinforcing steel cage, and an anchor bolt assembly to support the pole. Reinforced concrete foundations will be constructed by drilling a vertical shaft, installing a permanent casing, lifting a steel reinforcement cage into place via a crane, placing steel anchor bolts and ensuring alignment is correct Once the steel reinforcing steel and anchor bolt cluster are properly placed within the permanent casing concrete will be poured and finished. Soil conditions may dictate the need for a temporary casing to be utilized. Concrete foundation construction typically involves the excavation of a 6 to 14 foot diameter hole to accommodate a 5 to 13 foot diameter pier foundation. Holes are typically excavated to a depth of 20 to 40 feet to accommodate a vertical caisson form for the anchor bolt assembly and concrete foundation. Pier foundations may be excavated with a large drilling machine, a tire-mounted backhoe, or track excavator.*

*Where concrete foundations must be located in wetlands, excavated topsoil and subsoil will be segregated and temporarily stockpiled on construction matting or geo-textile fabric. Once the culvert form is placed in the excavated hole, native soil backfill will be placed around the foundation and the segregated topsoil will be spread over the disturbed areas and mulched. Excess soil will be permanently removed from the wetland and spread in appropriate upland areas within the Project ROW and seeded and mulched to prevent erosion.*

*If it appears that the initial excavation of a pier area or the pouring of concrete into the caisson form will result in a discharge of water, specific dewatering procedures will be employed. Water will be pumped from the excavation into an upland containment area to the maximum extent practical. The containment area will be constructed of straw bales and geo-textile fabric and will be consistent with the EM&CP erosion and sediment control criteria. Prior to pumping, an energy dissipation device will be deployed at the discharge point to reduce the force of the water and thereby limit the potential for erosion of upland soils. The water will then be allowed to infiltrate back into the ground or filter through and/or overtop the straw bale dike. In areas where dewatering is necessary but pumping into an upland area is not possible, the dewatering operation shall discharge into a temporary straw bale/silt fence barrier or filter bag to settle suspended silt material and the discharge shall be monitored by the Environmental Monitor to*

*ensure that no sediment is discharged into a wetland area. Direct dewatering discharges to wetlands, streams and waterbodies are prohibited.*

*After the concrete has been poured and cured and the steel poles have been set, disturbed areas will be finish-graded, seeded appropriately for summer or winter conditions, and mulched. In wetland areas where grades have the potential to cause erosion, annual rye seed will be cast over disturbed soils to provide rapid germination of vegetation and prevent the introduction of undesirable upland or invasive plant species in wetlands.*

***Structure Installation***

*The Project consists of rebuilding the Existing 141/142 Lines and portions of 856 and 610 Sub-T Lines. The primary structure type for the Proposed 141/142 Lines will be double or triple circuit galvanized steel tubular single poles with davit arms. To minimize outage impacts to the project the majority of the 141/142 Lines are off-set 38' from the existing centerline. In segments where Sub-T lines are present within the 38' offset, triple circuit structures are proposed. Where ROW constraint will not allow a 38' offset, double or triple circuit is proposed on centerline to be constructed with one circuit out of service at a time. Typically, it is assumed that replacement structures will be located between 5 to 10 feet ahead or back of the existing structure locations (1:1 replacements, offset or on the same centerline), resulting in the average span length to be approximately 425 feet.*

*All single pole, single circuit structure types carrying the proposed 34.5kV lines will be constructed of wood. Of the approximately 370 34.5 kV structures which parallel the Existing 141/142 Lines, approximately 10% will be relocated and replaced to support the construction of the Proposed 141/142 Lines. Typical tangent structures for the proposed 34.5kV lines will have a single or double cross-arm and the phases will be configured in a horizontal arrangement. Single wood pole, phase-over-phase structures will be utilized in certain locations. Approximately 70% of the 34.5kV structures will be removed, and the proposed 34.5kV lines, primarily the proposed 610 and 856 Lines, are to be underbuilt onto the triple-circuit steel pole structures mentioned above. In areas where the sub-transmission will be constructed on wood pole structures (Segment 5), the average span length is proposed to be approximately 225 feet, whereas in areas where the sub-transmission line will be constructed as underbuilt on the triple circuit steel poles, the average span length will match that of the Proposed 141/142 Lines.*

*Structure installation on reinforced concrete caisson foundations will be lifted into place on the anchor bolt clusters with a crane and built out according to structure type. The method of installation (either whole or by pole segment) will be dependent on the equipment mobilized to the specific structure site. Once the steel pole is fully assembled, insulators and the appropriate hardware will be affixed to the structure to support the conductor and shield wire.*

*Steel pole structures being set in direct embed foundations will typically be installed by placing the bottom steel pole section or sections (depending on weight and clearances to adjacent circuits) into the corrugated metal pipe, installing ¾-inch crushed stone (tamped at 12-inch) intervals, then assembling the upper portion of the steel pole structure and installing the necessary hardware to attach the conductor and shield wire.*

*Sub-T wood poles will be set in an augered hole, typically 10% the length of the pole + 2 feet and backfilled with ¾-inch crushed stone (tamped at 12-inch intervals). The pole is set and framed then the insulators and hardware attached to support the new conductor.*

*The primary construction activities at each new structure location will be foundation installation, structure fabrication and structure erection. These major activities as well as all other minor activities associated with the erection of each structure will take place within designated work areas on the Project ROW. The location, size and shape of the work area for each structure is shown on the EM&CP Plan and Profile drawings in Appendix A.*

***Wire Stringing***

*Following the erection of the transmission structures and installation of the insulator assemblies, the conductor and shield wire will be installed. Conductor, shield wire, and fiber optic ground wire (OPGW) will be installed using stringing blocks (pulleys), wire pulling ropes, and wire stringing equipment. Once the stringing blocks have been attached to the insulator assemblies and shield wire attachments, a pulling rope or lead line will be installed. The installation of the lead line can be walked through sensitive areas such as wetlands and vegetative buffer zones with minimum disruption, driven from structure to structure then run through the pulling blocks, by helicopter or by drone. Conductors will be pulled through stringing blocks with the lead line by the tensioning equipment that is staged at appropriate structure locations. Once the conductor, shield wire, or OPGW has been installed, wire pulling equipment will be used to sag the wire to obtain the specified tension.*

*During wire stringing, temporary guard structures will be placed at all highway, railroad, hiking trail, navigable waterway crossings, and near existing utility lines to ensure public safety and the continued operation of other utility equipment.*

*Wire stringing sites will be designated at selected structure locations on the Project ROW. In some areas it may be necessary to acquire temporary property rights beyond the Project ROW in order to allow for the proper set-up and operation of the mechanized pulling equipment and conductor reels. Wetlands and other sensitive environmental areas will be avoided to the extent possible. If avoidance is not possible, temporary timber mats or other appropriate protective measures will be implemented.*

*All wire stringing sites are identified on the EM&CP Plan and Profile Drawings in Appendix A and listed in Appendix N.*

***Structure Removal***

*The removal of existing structures will take place on all of the Project segments consisting of lattice steel and wood pole structures.*

*Lattice steel structures will be cut off at 18 inches below grade in all areas except agricultural fields where they will be cutoff at least 48 inches below grade. All concrete will also be removed to the depths specified above. The scrap steel will be transported to the nearest ROW street crossing location that is accessible by truck for pickup. Scrap steel will be tested for lead paint in accordance with standard National Grid procedures. Steel with excessive levels of metal-containing paints will be placed in open roll-offs and delivered to an approved recycling facility. Special precautions and/or special handling are not required; however, the recycling facility will be notified in writing that the steel is coated with metal-containing paint. National Grid's Investment Recovery department will facilitate the reuse or recycling of all steel or metal components to be removed, including conductor, cable, wire, etc., as well as the old insulators. Concrete waste will be removed from the ROW and transported to a concrete salvage facility, if available, or it will be transported to a licensed construction and demolition (C&D) disposal facility or solid waste landfill.*

*Wood pole structures will be pulled from the ground and transported to the nearest road crossing that is accessible by truck for subsequent pick up and transport for disposal to a licensed landfill or incinerator. In sensitive areas such as wetlands or near stream banks where pulling the pole*

*would cause significant ground disturbance, the pole butt may be cut flush with the ground and left in place. All steel or metal components, including conductor, cable, wire, etc., as well as the old insulators will be collected for reuse or recycling as directed by National Grid's Investment Recovery department.*

*For structure removal, existing access roads will be utilized wherever possible and will be improved only as necessary to provide safe and effective equipment access to each structure location where removal is scheduled. For the most part, access for structure removal will be on the same access used for the installation of the new structures. On Segments where structures are only being removed and not installed, it is anticipated that the scheduling of work for dry and/or frozen conditions and the use of smaller low ground pressure equipment will minimize the need for most if not all road improvements. Where necessary, timber matting or other lighter matting will be prescribed to prevent significant rutting and soil disturbance.*

*Except in wetlands, all holes or cavities created by the removal of old facilities will be filled to the same level as the adjacent area plus 6 to 12 inches of additional soil to allow for settling and all disturbed areas will be seeded and mulched.*

***Clean-up and Restoration***

*Clean-up and restoration activities will be conducted as required along the entire Project ROW. Clean-up and restoration activities include, but are not limited to, the removal of all equipment and construction debris from the Project ROW; removal of temporary erosion controls and matting; the restoration of wetlands and stream banks; re-grading of disturbed areas; temporary or permanent seeding and mulching; reseeding or restoration of agricultural fields; and removal of temporary access roads and stream or wetland crossings. The specific restoration measures to be implemented will depend on the location and site-specific condition of the Project ROW.*

**CONDITION 42.** Before construction begins in any area, the Certificate Holder shall, in such area: (a) delineate both edges of the Project ROW, as certified; (b) stake and/or flag all off-ROW access roads and all work pads and pulling pads; (c) mark wetland and state-regulated adjacent area boundaries based on approved plans; and (d) notify DPS Staff when the above-described field stakeout is completed in such area.

***NG Response**: National Grid will comply.*

**CONDITION 43.** Construction activities on the Project shall be confined to the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. If, due to safety or continuous operation requirements, construction activities are required to occur on Sundays or after 7:00 p.m., the Certificate Holder shall notify DPS Staff and the affected municipality. Such notice shall be given at least 24 hours in advance unless the construction activities are required for safety reasons that arise less than 24 hours in advance.

***NG Response**: National Grid will comply.*

**CONDITION 44.** In connection with the ROW vegetation clearing, the Certificate Holder shall:

a) comply with the provisions of 6 NYCRR Part 192, Forest Insect and Disease Control, and Section 9-1303 of the New York State Environmental Conservation Law ("ECL") and any quarantine orders issued thereunder;

b) note on the EM&CP drawings the clearing and disposal techniques;

c) not create a maximum wood chip depth greater than three (3) inches, except for chip roads or invasive species control, nor store or dispose chips in wetlands, within 50 feet of stream banks or floodways or agricultural lands;

d) utilize the wood resource generated by the clearing in accordance with sound environmental techniques; and

e) not fell any danger trees during construction except pursuant to one of the following clauses:

    (i) at least two weeks before Project construction begins, mark any then-known danger trees on land adjacent to either edge of the ROW as certified; after Project construction begins, the Certificate Holder may fell any danger tree so marked, except any tree that DPS Staff informs the Certificate Holder, prior to felling, is not a danger tree; and

    (ii) after the initial phase of tree clearing, including danger trees, in a Project location, the Certificate Holder may fell any additional danger trees that it determines will require removal, provided the Certificate Holder marks and notifies DPS Staff of

such trees; such notice may be given via any means to DPS Staff, such as in person, by telephone, by email, or in a weekly report., DPS Staff, within 48 hours after receiving such notice, shall inform the Certificate Holder that DPS Staff either authorizes the felling of such tree(s) or requires a site inspection to determine whether or not to give such authorization.

***NG Response**: National Grid will comply. All clearing and slash disposal types are identified on the EM&CP Plan and Profile Drawings in Appendix A.*

*The off-site disposal of woody material, chips and stumps will be on an as-needed basis. The off-site disposal of any material will require prior approval by National Grid and DPS Staff.*

**CONDITION 45.** Except for clearing pursuant to the EM&CP, all trees over four inches in diameter breast height or shrubs over four feet in height damaged or destroyed by activities during construction, regardless of where located, shall be replaced within the following year by the Certificate Holder with the equivalent type of trees or shrubs (though not necessarily the same size), except if:

a) equivalent type replacement trees or shrubs would interfere with the proper clearing, construction, operations or maintenance of the certified Project as determined by the Certificate Holder;

b) replacement would be contrary to sound ROW management practices, or to any approved long-range ROW management plan applicable to the Facility; or,

c) the owner of land where the damaged or destroyed trees or shrubs were located declines replacement (or other recorded easement or license holder with the right to control replacement declines replacement).

***NG Response**: National Grid will comply.*

**CONDITION 46.** The EM&CP shall include a plan for removal, re-use, recycling and disposal of all existing equipment (*e.g.*, transformers, wood poles, conductors, etc.). Existing transmission facility components removed or replaced as part of the Project shall be removed from the ROW to appropriate destinations and handled appropriately for re-use as available based on conditions.

To the extent allowed by easements or lease agreements, debris found in the ROW that will interfere with maintenance of the ROW is to be removed during construction. The Certificate Holder shall not bury construction debris in the ROW.

***NG Response**: National Grid will comply. National Grid plans to transport used wood poles to the nearest ROW street crossing location that is accessible by truck for subsequent pick up and disposal to a licensed landfill or incinerator. The steel structures that are to be replaced will be cut and stub angles will be left in place and cut off at least 48 inches below grade in agricultural areas, at least 18 inches below grade in all other areas unless otherwise directed by National Grid's Construction Field Supervisor. The scrap steel will be transported to the nearest ROW street crossing location that is accessible by truck for pickup. To the extent the scrap steel does not contain interior concrete, the scrap steel will be tested for lead paint in accordance with standard National Grid procedures. Steel with excessive levels of metal-containing paints will be placed in open roll-offs and delivered to an approved recycling facility. Special precautions and/or special handling are not required; however, the recycling facility will be notified in writing that the steel is coated with metal-containing paint. National Grid's Investment Recovery department will facilitate the reuse or recycling of all steel or metal components to be removed, including conductor, cable, wire, etc., as well as the old insulators. Any old concrete foundations will be removed to a minimum of 18 inches below ground level (except in agricultural areas, where they will be removed to at least 48 inches below grade). Any other concrete waste will be removed from the ROW and transported to a concrete salvage facility, if available, or it will be transported to a licensed construction and demolition (C&D) disposal facility or solid waste landfill.*

**CONDITION 47.** Neither the Certificate Holder, nor any Contractors in its employ, shall construct any new, or improve any existing, access road unless such road is described in the EM&CP. Should the need arise for additional off-ROW access, the Certificate Holder shall follow the procedures recited in Certificate Condition number 27.

***NG Response**: National Grid will comply. All proposed access roads, including all proposed permanent and temporary off-ROW access roads, are shown on the EM&CP Plan Drawings in Appendix A. Table N-1 in Appendix N provides a summary of all proposed off-ROW access road requirements for the Project along with the type of landowner agreement (permanent or temporary) being sought for each of the proposed roads. Minor access alignment changes may*

*be necessary and will be made by the contractor in the field following proper approvals from National Grid and DPS Staff.*

**CONDITION 48.**

a) The Certificate Holder shall adhere to the NYSDEC's then effective "New York State Standards and Specifications for Erosion and Sediment Control," ("NYSSESC") also known as the "Blue Book", or take such alternative measures as identified in the Stormwater Pollution Prevention Plan ("SWPPP"). The Certificate Holder's proposed SWPPP for the Project shall be submitted with the EM&CP.

b) The Certificate Holder shall ensure that all erosion control devices in areas of disturbance are in place and functional by the end of the work day.

c) Erosion and sediment controls with respect to the Project shall be prescribed on the EM&CP Plan and Profile drawings.

***NG Response:*** *National Grid will comply. A copy of the approved SWPPP is provided in Appendix G of this document.*

**CONDITION 49.** The Certificate Holder shall restore disturbed construction areas to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations unless the EM&CP specifies otherwise. Disturbed pavement, curbs and sidewalks shall be restored to their original preconstruction condition or improved.

***NG Response:*** *National Grid will comply.*

**CONDITON 50.** The Certificate Holder shall be responsible for checking all culverts and assuring that they are not crushed, blocked, or otherwise damaged during construction and restoration of the Project. If a culvert is crushed, blocked or otherwise damaged during construction or restoration of the Project, Certificate Holder shall repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage, aquatic connectivity and stream flow, as applicable. Culvert repairs or replacements shall follow specifications in the EM&CP.

***NG Response:*** *National Grid will comply. Details regarding culvert installations are provided on the EM&CP Drawings in Appendix A and the Culvert Drawings in Appendix Y. See also response to Certificate Condition 41.*

**CONDITION 51.** The Certificate Holder shall, upon completion of construction of the Facility:

a) conduct an assessment of the need for additional restoration work, and landscape improvements, including vegetation planting, earthwork or installed features to screen or landscape the Facility with respect to road crossings, residential areas, and substations;

b) prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate;

c) consult with DPS Staff on the content and execution of its assessment, resultant landscaping plan specifications and materials list that use native plants that are not favored as forage by deer;

d) conduct an assessment of the need for specific drainage improvements or ditch excavation to establish the pre-existing grade or flow line in the ditch; and

e) present draft assessments and plans to DPS Staff for review, and file a final plan with the Secretary within one year after the completion of construction of the Facility.

***NG Response:*** *National Grid will comply.*

**CONDITION 52.** The EM&CP shall include plans to prevent unauthorized access to and along the Project ROW. Plans may include the following:

a) posting signs at the ROW edges in those locations where the ROW intersects public roads;

b) performing outreach to educate and inform the public concerning the risks and impacts of unauthorized access;

c) working with local law enforcement officials in an effort to prevent future trespassing;

d) identifying construction and material details of gates and berms; and/or

e) identifying existing and proposed gate locations on the Plan and Profile drawings. Final determination of locations of gates and berms shall be made during a post-construction assessment of the Facility, in consultation with DPS Staff.

***NG Response:*** *National Grid will comply. The plan to prevent unauthorized access to and along the facility ROW is as follows:*

***NG Response 52a:*** *National Grid will place signs at the intersection of the Facility ROW edges and all public roads to inform the public that unauthorized access is prohibited and that trespassers will be prosecuted.*

***NG Response 52b:*** *Upon the completion of construction, National Grid will place an article in a local newspaper(s) that informs the public that the Project has been completed and provides a public reminder that unauthorized access on the Facility ROW is prohibited. A draft of the portion of the article that will address unauthorized access is provided in Appendix K.*

***NG Response 52c:*** *Upon the completion of construction, National Grid will inform local law enforcement that the Project has been completed and that signs have been placed to inform the public that unauthorized access is prohibited and that trespassers will be prosecuted. National Grid will provide local law enforcement its full cooperation in prosecuting non authorized users and trespassers on the Facility ROW.*

***NG Response 52d and 52e:*** *The location of all existing fences and gates and the location of all proposed fences, gates and barriers to be initially installed on the Facility ROW are shown on the EM&CP Drawings in Appendix A. Construction and material details for those installations are shown in Appendix AD. A post construction assessment of the Facility, in consultation with DPS Staff, shall be conducted to determine if any additional fences, gates or berms are necessary to prevent unauthorized access on the Facility ROW.*

## F. Herbicide Use

**CONDITION 53.** Only herbicides specified in the EM&CP shall be applied during construction of the Project. If the Certificate Holder desires a change to the herbicides specified in the EM&CP for use during construction of the Project, including mix proportions, additives (with the exception of dyes), or method of application, the Certificate Holder shall submit the proposed change for

approval pursuant to Certificate Condition 27 of this Certificate. No change inconsistent with the labeling for such herbicides shall be approved.

***NG Response:*** *National Grid will comply. Procedures for herbicide use and a list of herbicides that may be utilized during clearing and maintenance activities are included in Appendix L.* See also Appendix F. *Herbicide mix "C" (Rodeo, EPA# 62719-324, 53.8% Glyphosate, 50% Water) will be used for stump-treatment within regulated wetlands and associated buffers. Herbicide mix "K" (Rodeo, EPA# 62719-324, 53.8% Glyphosate, 5 gallons in 100 gallons. Water) may also be used within these areas if applied using the backpack low-volume foliar application technique. It is noted that a colored dye may be added to the herbicide mixture to provide a visual indication of which stumps have received herbicide treatment. The dye will be added to the herbicide mixture on site, at a rate of approximately 1 drop per quart. National Grid may add dye to the herbicide to facilitate quality control at the discretion of the Transmission Forester.*

**CONDITION 54.** The Certificate Holder shall comply with the current effective NYSDEC general permit for herbicide applications in State-regulated wetlands and the 100-foot adjacent areas associated with those wetlands.

***NG Response:*** *National Grid will comply.*

**CONDITION 55.** The supervising certified applicator shall be familiar with and understand the applicable provisions of this Certificate and the most recent version of the Certificate Holder's TROWMP.

***NG Response:*** *National Grid will comply.*

**CONDITION 56.** Herbicide application within state-regulated wetlands and the 100 foot adjacent areas shall be performed via low volume foliar spray from backpack sprayer, cut stem and/or stump treatment, and basal bark treatment methods consistent with approved treatment methods in the most recent version of the Certificate Holder's TROWMP.

***NG Response:*** *National Grid will comply.*

## G. Environmental Supervision

**CONDITION 57.** The Certificate Holder shall use at least five (5) inspectors (or fewer if the Certificate Holder elects to use the same individual in more than one role): (a) at least one environmental monitor employed full-time on the Project; (b) at least one construction inspector employed full-time on the Project; (c) at least one safety inspector who will inspect the work site from time to time; and (d) at least one quality assurance inspector who will inspect the work site from time to time. The environmental inspector may be used to perform agricultural inspections, if they become necessary, if the person who performs such inspections is qualified to do so and approved by NYSDAM. The environmental monitor shall have stop work authority over all aspects of the Project.

***NG Response:*** *National Grid will comply. Information regarding the qualifications and responsibilities of the Environmental Monitor, Construction Inspector, Safety Inspector, Quality Assurance Inspector and Agriculture Inspector can be found in Appendix W. It is National Grid's intention to have the full time Environmental Monitor fill the role of Agricultural Inspector since the Project does not traverse any currently active agricultural lands and only approximately 750 feet of potential agricultural lands on the Segment 4 Bypass.*

**CONDITION 58.** During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, the Certificate Holder may temporarily decrease the number of hours worked by inspectors and the extent of their presence at the Project site commensurate with the decline in Project activity; likewise, during periods of relatively high activity on the Project, the number of inspectors and the extent of their presence at the Project site may temporarily increase commensurate with the increase in Project activity.

***NG Response:*** *National Grid will comply. Any proposed change in the number of hours worked by inspectors or the extent of their presence on the site will be provided to the DPS Staff for review and approval prior to making the change.*

**CONDITION 59.** The environmental monitor(s) and the construction inspector(s) shall be equipped with sufficient documentation and transportation and communication equipment to effectively monitor each Contractor's compliance with the provisions of every order issued in this

proceeding and applicable sections of the PSL, the ECL and regulations issued thereunder, the §401 Water Quality Certification, and the EM&CP.

***NG Response:*** *National Grid will comply.*

**CONDITION 60.** The names and qualifications of the environmental monitor(s) and the construction inspector(s) shall be submitted to DPS Staff at least two weeks prior to the start of construction. The environmental monitor's qualifications shall satisfy those of a "Qualified Inspector" pursuant to the applicable SPDES General Stormwater Permit for construction activity.

***NG Response:*** *National Grid will comply.*

**CONDITION 61.** The Certificate Holder's employees, contractors and subcontractors assigned to the construction of the Project and inspection of such construction work shall be properly trained in their respective responsibilities.

***NG Response:*** *National Grid will comply.*

**CONDITION 62.** The Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL §8) as the Commission's designated representatives in the field. In the event of any emergency resulting from specific construction or maintenance activities that violate or may violate the terms of the Certificate or any other order in this proceeding, such DPS Staff representatives may issue a stop work order for that location or activity.

***NG Response:*** *National Grid will comply.*

**CONDITION 63.** A stop work order shall expire 24 hours after issued unless confirmed by a single Commissioner. If a stop work order is so confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or the whole Commission.

***NG Response:*** *National Grid will comply.*

**CONDITION 64.** Stop work authority will be exercised sparingly and with due regard to potential environmental impacts, economic costs involved, possible impact on construction activities, and whether an applicable statute or regulation is violated. Before exercising such authority, DPS Staff representatives will consult (wherever practicable) with the Certificate Holder's representatives possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved, the matter will be brought immediately to the attention of the Certificate Holder's Project Manager and the DPS Chief of EC&C. In the event that a DPS Staff representative issues a stop work order, neither the Certificate Holder nor the Contractor will be prevented from undertaking any safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop work order or the implementation of measures as described below may be directed at the sole discretion of the DPS Staff representative during these discussions.

a) If a DPS Staff representative discovers a specific activity that represents a significant environmental threat that is or immediately may become a violation of the Certificate or any other order in this proceeding, the DPS Staff representative may -- in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action -- direct the field crews to stop the specific potentially harmful activity immediately. If responsible Certificate Holder personnel are not on site, the DPS Staff representative will immediately thereafter inform the Construction Inspector or Environmental Monitor of the action taken. The stop work order may be lifted by the DPS Staff Representative if the situation prompting its issuance is resolved;

b) If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific corrective measures, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the Certificate Holder or its Contractors to implement the corrective measures identified in the approved EM&CP. The field crews shall comply with the DPS Staff representative's directive immediately. The DPS Staff representative will

immediately thereafter inform the Certificate Holder's Construction Inspector or Environmental Monitor of the action taken.

***NG Response:*** *National Grid will comply.*

**CONDITION 65.** The Certificate Holder shall organize and conduct site-compliance audit inspections for DPS Staff as needed, but not less frequently than once per month during the site preparation, construction, and restoration phases. Such inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP inspector or as agreed to by the Certificate Holder and DPS Staff.

a) The monthly inspections shall include a review of the status of compliance with all conditions contained in the Certificate and any other order issued in this proceeding and with all other legal requirements and commitments, as well as a field review of the Facility site, if necessary. The inspections also shall include:

   (1) review of all complaints received, and their proposed or actual resolutions;

   (2) review of any significant comments, concerns or suggestions made by the public, local governments, or other agencies, and the Certificate Holder's response(s);

   (3) review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and,

   (4) other items the Certificate Holder or DPS Staff considers appropriate.

b) The Certificate Holder shall provide a written record of the results of the inspection, including resolution of issues and additional measures to be taken, to all agencies involved in the inspection audit (and uninvolved agencies requesting copies) and as part of its scheduled construction update reports.

***NG Response:*** *National Grid will comply.*

## H. Roads and Highways

**CONDITION 66.** The Certificate Holder shall delineate on the EM&CP drawings, the locations of proposed temporary roads, proposed permanent roads and existing access roads. Proposed

access road improvements and measures for environmental impact minimization and access control shall be included in the EM&CP.

***NG Response:*** *National Grid will comply. All proposed access roads, including all proposed permanent and temporary off-ROW access roads, are shown on the EM&CP Plan Drawings in Appendix A. Table N-1 in Appendix N provides a summary of all proposed off-ROW access road requirements for the Project along with the type of landowner agreement (permanent or temporary) being sought for each of the proposed roads. Minor access alignment changes may be necessary and will be made by the contractor in the field following proper approvals from National Grid and DPS Staff.*

**CONDITION 67.** The Certificate Holder shall minimize the impact of the construction of the Project on traffic circulation. Traffic control personnel and safety signage shall be employed to ensure safe and adequate traffic flow when secondary roadways are affected by construction.

***NG Response:*** *National Grid will comply.*

**CONDITION 68.** The Certificate Holder shall consult periodically with municipal highway transportation agencies about traffic conditions near the Project site and shall notify each such transportation agency of the approximate date work will begin in its jurisdiction, using access points that take direct access from the highways in that jurisdiction.

***NG Response:*** *National Grid will comply.*

**CONDITION 69.** In preparing the proposed EM&CP, the Certificate Holder shall consult with each transportation department or agency normally having jurisdiction over any roads in the Project vicinity that will be crossed by the certified Project ROW, or used for direct access to the ROW. If the access road takes direct access from, or lies within the limits of, such roads, the Certificate Holder shall notify each relevant transportation department or agency of the approximate date when work will begin.

***NG Response:*** *National Grid will comply.*

**CONDITION 70.** NYSDOT and New York State Thruway Authority (NYSTA) shall have authority to place inspectors on site to monitor and observe the Certificate Holder's activities on state highways, or to request the presence of state or local police to ensure the safety of freeway travelers, at such times and for such periods as NYSDOT or NYSTA deems appropriate. All costs thereof shall be borne by the Certificate Holder.

***NG Response:*** *National Grid will comply.*

**CONDITION 71.** The Certificate Holder shall coordinate with DPS Staff, NYSDOT and NYSTA for all work to be performed in the State highway rights-of-way. Prior to submitting its construction plan for any State highway right-of-way segment, the Certificate Holder shall provide to DPS Staff, NYSDOT and NYSTA, as appropriate, a preliminary design marked to avoid conflict with potential future transportation projects that NYSDOT and NYSTA may seek to undertake in the future and have shall offer to consult with NYSDOT and NYSTA concerning any comments it may offer and shall use reasonable efforts to accommodate any NYSDOT and NYSTA concerns.

***NG Response:*** *National Grid will comply. As identified in Table J-1 in Appendix J, the Project traverses ten highways that are under the jurisdiction of the State. The NYSDOT and NYSTA have reviewed the project plans and confirmed that there are no conflicts with any known future NYSDOT or NYSTA projects. Highway permits will be secured for all crossings and National Grid will comply with all NYSDOT and NYSTA rules and regulations.*

**CONDITION 72.** In preparing the proposed EM&CP, the Certificate Holder shall consult with NYSDOT and NYSTA regarding any State highways and/or related structures in the Project vicinity that will be crossed by the Project or used for direct access to the Project ROW. If the access road takes direct access from, or lies within the limits of, such roads, the Certificate Holder shall notify NYSDOT and NYSTA of the approximate date when work will begin. Work hours in NYSDOT and NYSTA ROW will be under the control of the respective transportation agency or authority.

***NG Response:*** *National Grid will comply.*

**CONDITION 73**. The Certificate Holder shall ensure that:

a) All work within State highway rights-of-way shall be designed and performed according to the traffic and safety standards and other substantive requirements contained in 17 NYCRR Part 131, entitled *Accommodation of Utilities Within State Highway Right-of-Way* and applicable design standards required by law or governmental regulation; and

b) For work within roads other than state highways, if any, the EM&CP shall provide details, including provisions for minimizing the duration and extent of open excavation, if any, traffic disruptions, and work within adjoining public streets and right-of-way.

***NG Response:*** *National Grid will comply with all local, county and state highway traffic and safety standards and requirements. Traffic Management Plans can be found in Appendix X. No open excavations are currently planned within highways or public streets.*

## I. Cultural Resources

**CONDITION 74.** The Certificate Holder shall not undertake construction in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including New York State Office of Parks Recreation & Historic Preservation ("OPRHP") and DPS Staff, have reviewed the results of any additional historic properties and archeological surveys that are required.

***NG Response:*** *National Grid will comply.*

**CONDITION 75.** Should archeological materials be encountered during construction, the Certificate Holder shall stabilize the area and cease all construction activities in the immediate vicinity of the find and protect the find from further damage. Within twenty-four (24) hours of such discovery, the Certificate Holder shall notify and seek to consult with DPS Staff and the OPRHP Field Services Bureau to determine the best course of action. No construction activities shall be permitted in the immediate vicinity of the archeological materials until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.

***NG Response:*** *National Grid will comply.*

**CONDITION 76.** Should human remains or evidence of human burial(s) be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity of the find shall be halted immediately and the remains shall be protected from further disturbance. Within twenty-four (24) hours of any such discovery, the Certificate Holder shall notify and consult with DPS Staff and the OPRHP Field Services Bureau. Treatment and disposition of any human remains that may be discovered shall be managed in a manner consistent with the OPRHP's *Human Remains Discovery Protocol*. All archaeological or remains-related encounters and their handling shall be reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections.

***NG Response:*** *National Grid will comply.*

**CONDITION 77.** The Certificate Holder shall avoid creating adverse impacts on heritage resource sites, archeological sites, and historic structures in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures described in the EM&CP.

***NG Response:*** *National Grid will comply.*

**CONDITION 78.** The Certificate Holder shall have a continuing obligation during the duration of Project construction to respond promptly to complaints of negative archeological impacts and to mitigate any negative archeological impacts through on-site design modifications and off-site mitigation techniques developed in consultation with the OPRHP Field Services Bureau.

***NG Response:*** *National Grid will comply.*

### J. Terrestrial and Wildlife Resources

**CONDITION 79.** In order to identify threatened or endangered (T&E) animal or plant species potentially located in the Project area, the Certificate Holder shall refer to 6 NYCRR Parts 182 and 193. Prior to the commencement of construction, the Certificate Holder shall provide all

personnel with information on any identified T&E animal or plant species potentially located in the Project area, including measures to minimize risks to the species during construction.

***NG Response:*** *National Grid will comply. In accordance with the USFWS New York field office, the USFWS IPaC system was reviewed to determine whether any federally listed T&E species could occur within the Project area. The database includes T&E species listings specific to the Project area and produced one federally listed T&E species, the Northern long-eared bat (NLEB). The USFWS issued a Final 4(d) Rule for the NLEB on January 14, 2016, in order to reduce the likelihood of a take of this species during its most vulnerable periods. In that Rule (effective February 16, 2016) incidental take is prohibited if it occurs within a hibernaculum; if it results from tree removal activities and the activity occurs within 0.25 miles of a known hibernaculum; or if the activity cuts or destroys a known, occupied maternity roost tree and other trees within a 150 foot radius from that maternity roost tree during June through July (pup season). There is potential NLEB summer habitat within the Project area, however, tree clearing will be minimal because the Project occurs in an existing ROW. Additionally, the Project is not within 0.25 miles of a known hibernaculum, nor is it within 150 feet of a known maternity roost tree. Therefore, the Project may affect the NLEB, but complies with the Final 4(d) Rule and no cutting restrictions are proposed. On November 2, 2020, and July 18, 2021, National Grid accessed the USFWS IPaC system for updated official species lists. The official species lists for these same dates were received and are included in Appendix H. No new species were reported.*

*The NYNHP was initially contacted on November 20, 2017, regarding information on rare species records within the Project area. The NYNHP responded on December 1, 2017, with information on State-listed rare, threatened, and endangered (RTE) species. The NYNHP was contacted again on February 25, 2020, for updates or changes to known RTE species, habitat, or Significant Natural Communities in the Project area. The NYNHP responded on March 16, 2020, with information that included: two New York State threatened species, the lake sturgeon and the eastern sand darter; one endangered species, wafer ash; and three records of species that are not currently federally or State-listed as threatened or endangered, but are considered rare (has the heritage conservation status of Imperiled in NYS), the fragile papershell, pink heelsplitter, and kidneyshell. The records of the lake sturgeon and the eastern sand darter show the species to have occurred in Lake Erie, approximately 0.35 miles west of the Project. Because the Project does not traverse or impact Lake Erie in any manner, no impacts to either of these species are expected. The record of the wafer ash occurred approximately 0.35 miles west of the Project area*

*at Woodlawn Beach State Park in the Town of Hamburg. The Project will not traverse or impact Woodlawn Beach State Park in any manner and no impacts to this species are expected. The records of the fragile papershell, pink heelsplitter, and kidneyshell show these species to have occurred 0.35 miles west of the Project area in Lake Erie at Athol Springs. The Project will not traverse or impact Lake Erie at Athol Springs in any manner and no impacts to these species are expected. The fragile papershell also has a historic record, which shows the species to have occurred 0.35 miles north of the Project area in Buffalo Creek in the Town of West Seneca. The Project will not traverse or impact Buffalo Creek in any manner and no impacts to this species are expected. Updates to NYNHP databases were requested on January 14, 2021, and a response was received on March 9, 2021. No new species were identified from prior consultations received. See Appendix H for agency consultations.*

*All workers will be made aware of the potential for these species to occur on the Project ROW and information regarding these species will be placed in the office trailer. Workers will be instructed to immediately stop work and notify the Environmental Monitor if any of these species are thought to be observed.*

**CONDITION 80.** At least two weeks prior to construction activities, the Certificate Holder shall conduct a visual inspection of the Project ROW and surrounding areas visible from the Project ROW to determine if any bald eagle nests are present.

***NG Response:*** *National Grid will comply.*

**CONDITION 81.** If any (i) T&E animal or plant species, or associated habitat (*see* Condition 79) or (ii) Bald Eagle nests (*see* Condition 80) are observed on or from the Project ROW, access roads, marshalling yards, and any other areas during construction of the Project and associated facilities, the Certificate Holder shall:

a) Notify DPS Staff and NYSDEC within 24 hours of observance;

b) To protect the identified species or its potentially occupied habitat, as applicable, from immediate harm, secure the immediate area, to the extent the Certificate Holder has the

necessary property rights, and cease construction in that area until DPS Staff, in consultation with NYSDEC, authorizes activities to resume; and

i. If the Certificate Holder becomes aware of any bald eagle nest on or within 1,320 feet (0.25 miles) of the Project area, the Certificate Holder shall, in addition to subsection (a), above, not approach the nest until authorized by DPS Staff after consultation with NYSDEC. A radius of 1,320 feet from the nest tree shall be marked to the extent the Certificate Holder has property rights to allow such marking, and this area shall be avoided until DPS Staff after consultation with NYSDEC, authorizes activities in the environmentally sensitive area. If there is a visual barrier present (i.e. topography, tree line) that buffers the nest from work activities, the setback requirement may be reduced to 660 feet.

ii. If the Certificate Holder becomes aware of a nest of any other T&E bird species on or within 500 feet of the Project area, the Certificate Holder shall, in addition to subsection (a), above, not approach the nest until authorized by DPS Staff after consultation with NYSDEC. A radius of 500 feet from the nest shall be marked to the extent the Certificate Holder has property rights to allow such marking, and this area shall be avoided until DPS Staff after consultation with NYSDEC, authorizes activities in the environmentally sensitive area.

c) Prior to the recommencement of construction activities in the secured area identified in subsection (b) above, the Certificate Holder shall provide all personnel with pertinent information on the species observed and indicate measures to minimize risks to the species during construction.
d) The environmental inspector shall maintain a record of all observations of state threatened or endangered species during construction.

**NG Response:** National Grid will comply.

**CONDITION 82**. To the extent not inconsistent with these Conditions, the Certificate Holder shall comply with its TROWMP in performing operation and maintenance activities in connection with identifying and protecting T&E species.

***NG Response:*** *National Grid will comply.*

## K. Waterbodies and Wetlands

**CONDITION 83.** The Certificate Holder shall perform all construction, operation or maintenance activities in a manner that avoids then minimizes adverse impacts to streams, waterbodies, wetlands, and the one hundred (100) foot adjacent area associated with any State-regulated wetland (adjacent area). The Certificate Holder shall ensure the provisions to protect wetlands, waterbodies, and adjacent areas are followed as specified in the approved EM&CP:

a) The Certificate Holder shall notify DPS Staff and NYSDEC within 2 hours of observing or being made aware of a discharge to a wetland or waterbody resulting in a violation of New York State Water Quality Standards. In the event that construction results in an alteration to (i.e., lowering) of wetland hydrology, then the breach shall be immediately sealed and no further activity shall take place until DPS Staff and NYSDEC staff are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been approved by DPS Staff in consultation with NYSDEC.

b) Unless otherwise specified in the approved EM&CP all in-stream work is prohibited from October 1st through May 31st in cold water fisheries, and from March 1st through July 31st in warm water fisheries.

c) All work in streams shall be conducted in the dry, using appropriate water handling measures to isolate work areas and direct stream flow around the work area, unless approved otherwise specified in the approved EM&CP.

d) Water resulting from dewatering operations, equipment washing, or other construction related activities shall not be directly discharged into any wetland or waterbody.

e) Bridges shall be installed wherever a new permanent crossing is required for state-regulated streams (Class C(T) or higher and/or navigable), as defined in 6 NYCRR Part 608.1(u) and Part 608.1 (aa). The bridge shall span the bed and banks of the stream. If a bridge is not practicable the approved EM&CP shall provide justification for a non-bridge crossing, or if the installation of a bridge would require major re-configuration of the stream channel and banks, the permanent culvert shall be designed in accordance with the approved EM&CP.

f) When installation of a bridge to span a state-regulated stream is not practicable and a culvert is the only practicable option, it shall be designed as follows:

i. To safely pass the 1% annual (100-year return) chance storm event;

ii. To contain native streambed substrate or equivalent using an open bottom arch, three-sided box culvert, or round/elliptical culvert with at least 20% of the culvert height embedded beneath the existing grade of the stream channel at the downstream invert;

iii. Shall be a minimum width of 1.25 times the width of the stream bed;

iv. The slope shall remain consistent with the slope of the pre-existing channel (upstream and downstream). For slopes greater than 3%, an open bottom culvert shall be used, where practicable; and

v. Shall facilitate downstream and upstream passage of aquatic organisms.

g) Concrete washout areas shall be located a minimum of 100 feet away from any wetland or waterbody. If the minimum setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts to wetlands and waterbodies from concrete washout areas shall be avoided or minimized to the maximum extent practicable.

h) Disturbed streams shall be restored to equal width, depth, gradient, length and character as the pre-existing stream channel and tie in smoothly to the profile of the stream channel upstream and downstream of the disturbance. All disturbed stream banks shall be mulched within (2) days of final grading, stabilized with 100% natural/biodegradable fiber matting, and seeded with an appropriate riparian seed mix specified in the approved EM&CP. In areas where vegetation has been uprooted or grubbed on stream banks, the vegetation shall be replaced with ROW compatible native plantings as site conditions and facility design allow, as appropriate and consistent with the use of the Facility.

i) Immediately upon completion of grading, and as consistent with existing land uses, the area shall be seeded with a seed mix of native plants specified in the approved EM&CP that is appropriate for wetlands and the 100-foot wetland adjacent area. Overall vegetative cover in restored areas shall be monitored until an 80% cover of plants with the appropriate wetland indicator status has been reestablished over all portions of the restored area. If 80% cover of plants with the appropriate wetland indicator status has not been achieved at the end of the second year of monitoring, a Wetland Planting Remedial Plan (WPRP) shall be prepared that evaluates the reasons for the results, including an analysis of poor survival; corrective actions to ensure successful restoration; and a schedule for conducting

remedial work. Once approved by DPS Staff, in consultation with NYSDEC, the WPRP shall be implemented according to an approved schedule.

j) The Certificate Holder shall work with NYSDEC to develop a Wetland Mitigation Plan, if necessary, following NYSDEC's wetland mitigation guidelines and the specifications contained in Appendix F to the Joint Proposal and will submit the Plan within six months of the start of construction for NYSDEC Staff acceptance.

k) Wetland locations, and wetland adjacent areas located within the ROW or crossed by the ROW or any off-ROW access road constructed, improved or maintained for the Project, shall be delineated in the field as indicated on the EM&CP drawings.

l) Marshalling yards and staging areas constructed on previously undisturbed lands shall not be sited within wetlands, state regulated wetland adjacent areas, or within fifty feet of waterbodies or streams.

m) Construction through state-regulated wetlands shall be done with low-ground pressure equipment or on temporary mats or geotextile/gravel access roads and shall be restricted to access roads and work areas set forth in the EM&CP. In the event that temporary matting will be placed in state-regulated wetlands and/or state-regulated adjacent areas, those mats will be removed and wetlands hydrology soils and vegetation will be restored to the extent possible. Where new permanent access roads are to be constructed through wetlands, geotextile fabric or equivalent underlayment shall be used.

n) The Certificate Holder shall use measures to minimize soil compaction in wetlands and waterbodies, including the use of temporary matting, low weight to surface area equipment and constructing when soils are frozen. The EM&CP shall include a plan to restore wetlands and waterbodies, including restoration of pre-construction site conditions and stabilization of disturbed wetlands and waterbodies, within 48 hours or as soon as practicable after final construction.

o) All excess fill materials and spoils shall be completely removed to upland areas greater than 100 feet from wetlands and waterbodies.

p) Equipment shall not be washed in any stream, waterbody, or wetland. No runoff resulting from washing operations shall directly enter into these areas.

q) Excavated soil material resulting from pole structure installation shall not be stored within one hundred (100) feet of wetlands, streams or waterbodies unless it is temporarily

stored on construction mats so the soil is properly contained to prevent runoff into such areas.

r) Vegetation cut in wetlands areas (slash) may be left in place (drop and lop) or removed from wetlands to upland areas. Slash shall not be permanently piled in the wetland areas.

s) Construction vehicle access across protected streams and waterbodies (streams classified as C(T) or higher) shall be limited to existing bridges, culverts or fords and to crossings installed in accordance with the provisions set forth in the EM&CP, except fords are not permitted in protected streams.

t) There shall be no substantial increase in visible contrast in water clarity or variation of flow volume due to construction activities between upstream reaches of work areas and downstream reaches of work areas.

u) Dewatering operations shall discharge into an approved dewatering device (i.e., temporary straw bale/silt fence barrier or filter bag). The dewatering device shall not be placed on or near the top of streambanks or within or adjacent to wetlands unless the EM&CP provides justification and demonstrates that impacts to wetlands and waterbodies shall be minimized to the maximum extent practicable. When dewatering within or next to a wetland, waterbody or stream is so authorized under this Condition and as set forth in the EM&CP, the return water shall not cause a substantial visual contrast from existing upstream conditions.

v) The EM&CP shall include measures to minimize impacts to fish and wildlife during wetland and waterbody construction including, where practicable, returning animals that become trapped within work areas to an appropriate and safe location outside of the work area. If it is determined that it is not practicable to return the animal, the Environmental Monitor shall notify DPS and NYSDEC Staff.

***NG Response:*** *National Grid will comply. The EM&CP was developed to minimize impacts to waterbodies and wetlands. Measures to minimize disturbance to and protect waterbodies and wetlands will be implemented throughout all phases of the Project.*

*As part of the EM&CP preparation, all wetland resources, streams and waterbodies, both on and off ROW that could be impacted by the Project were delineated (flagged) in the field and identified on the EM&CP Plan and Profile Drawings. All wetlands, streams and waterbodies will be re-flagged prior to the start of construction to help ensure their protection.*

*A total of sixty-one watercourses were identified within the Project area (consisting of ROW and off-ROW access areas), thirty-two of which are likely regulated by the USACE. Of the sixty-one watercourses, seven are named streams: Eighteen Mile Creek (Segment 1), Pike Creek (Segment 1), Little Sister Creek (Segment 1), Rush Creek (Segment 3), South Branch Smoke Creek (Segment 4 Existing and Segment 4 Bypass), Smoke Creek (Segment 5),and Cazenovia Creek (Segment 6). There are no significant waterbodies (i.e., large ponds, lakes, or reservoirs) located within the Project ROW. South Branch Smoke Creek is listed as impaired on the NYSDEC Waterbody Inventory and Priority Waterbodies List due to nutrients, silt, and sediment from streambank erosion and urban and industrial runoff. Rush Creek is listed as impaired on the NYSDEC Waterbody Inventory and Priority Waterbodies List due to pathogens, oil, and grease from municipal sanitary sewer overflows and urban runoff. Of the sixty-one watercourses within the Project area, one is a Class B(T) stream (Eighteen Mile Creek), one is a Class B stream (Cazenovia Creek), and sixteen are Class C streams, none of which are designated as trout waters. The Project ROW also crosses thirty-five unclassified streams, most of which are drainage channels or ditches that exhibit flow certain times of the year.*

*New permanent culverts will be installed in streams at twelve locations; seven will be at locations where presently there is no culvert, three will be replacement of existing culverts that must be extended for access, and two will be replacement of existing culverts that are damaged. Additionally, nine existing culverts will be protected by placing steel plates in the roadway during construction. These locations as well as all streams and waterbodies traversed by the Project are identified in Table C-2, "Streams and Waterbodies Traversed by the Project." in Appendix C.*

*Wetland resource areas along the Project area were delineated in the field by wetland scientists in August, September, and October 2016; June and October 2017; July and October 2019, October and November 2020, and April 2021. Wetlands were delineated using the methods described in the USACE Wetlands Delineation Manual (1987) and the USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0) (2012). Wetland boundaries were flagged by affixing consecutively numbered pink flagging tape with the words "WETLAND DELINEATION" to vegetation along the wetland boundary. Wetland flag locations were recorded using a sub-meter accurate Global Positioning System (GPS) receiver. Descriptions of field-delineated wetland areas are provided below.*

***Segment 1***

*Forty-seven wetlands were delineated along the portion of the Project area designated as Segment 1. These wetland areas were shallow emergent marshes, scrub-shrub wetlands, and forested wetlands. Plant species present in these wetlands included common reed (Phragmites australis), purple loosestrife (Lythrum salicaria), cattails (Typha spp.), dogwoods (Cornus spp.), reed canary grass (Phalaris arundinacea), green ash (Fraxinus pennsylvanica), and honeysuckles (Lonicera spp.). Soils were Manlius channery silt loam, Farnham channery silt loam, Varysburg gravelly loam, Niagara silt loam, Canandaigua silt loam, Mardin silt loam, Blasdell channery silt loam, Churchville silt loam, Remsen silty clay loam, Canadice silt loam, and Orpark silt loam.*

*Two NYSDEC regulated wetlands (ED-25 and ED-27) occur along Segment 1. Both ED-25 and ED-27 are Class II wetlands. TRC delineated wetland W-ARS-130 corresponds to NYSDEC wetland ED-25 and TRC delineated wetland W-ARS-121 corresponds to NYSDEC wetland ED-27. There are two unmapped NYSDEC wetlands; one corresponds to TRC delineated wetland W-ARS-123 and the other corresponds to W-BTF-103 and a section of W-BTF-102.*

*There are currently thirty-two existing structures (Existing Line 141 and Existing Line 142) located in delineated wetlands on Segment 1. Generally, existing structures on this segment will be rebuilt approximately 38 feet east of their present location. To the extent practicable, new structures will be located outside of wetland areas where the alternative of spanning a wetland exists. There are twenty-five proposed transmission structures and three proposed sub-transmission structures to be located in delineated wetlands on Segment 1.*

*Of the thirty-two existing structures mentioned above, eight structures are located within NYSDEC regulated wetland ED-27 (delineated wetland W-ARS-121), and two structures are located within NYSDEC regulated wetland ED-25 (delineated wetland W-ARS-130). In addition, two existing structures are in the state-regulated 100-foot adjacent area (adjacent area or buffer) of NYSDEC regulated wetland ED-25 (delineated wetland W-ARS-130). There are no structures proposed to be located within NYSDEC regulated wetlands ED-25 or ED-27. There are four structures proposed to be located within the 100-foot adjacent area of NYSDEC regulated wetland ED-25 and eight structures proposed to be located within the 100-foot adjacent area of NYSDEC regulated wetland ED-27. There are two existing structures located within the unmapped NYSDEC wetland portion of W-ARS-123, one existing structure within the unmapped NYSDEC*

*wetland portion of W-BTF-102, and two existing structures within the unmapped NYSDEC wetland at W-BTF-103. In addition, there is one existing structure in the adjacent area of W-BTF-103 and one existing structure in the adjacent area of W-ARS-123. There are no proposed structures to be located within W-BTF-103 or the NYSDEC wetland portions of W-BTF-102. There is one structure proposed to be located within unmapped NYSDEC wetland W-ARS-123. There are two structures to be located within the 100-foot adjacent area of W-ARS-123. There are three structures proposed to be located within the 100-foot adjacent area of W-BTF-103. There is one proposed structure to be located within the 100-foot adjacent area of the NYSDEC regulated section of W-BTF-102.*

*Segment 1 will require the clearing of approximately 0.18 acre of forested wetland. The clearing is associated with the removal of a vegetative strip located along the existing 141/142 Lines, and around the existing structure 163. The clearing is required to provide the clearance necessary replace the structure and to shift the new centerline 40 feet to the southeast.*

***Segment 2***

*Twenty-five wetlands were delineated along the portion of the Project area designated as Segment 2. These wetland areas were shallow emergent marshes, scrub-shrub wetlands, and forested wetlands. Plant species present in these wetlands included cattails, purple loosestrife, common reed, woolgrass (Scirpus cyperinus), green ash, and willows (Salix spp.). Soils were Brockport silty clay loam, Remsen silty clay loam, Churchville silt loam, Canadice silt loam, and Niagara silt loam.*

*There are no NYSDEC regulated wetlands on Segment 2.*

*There are currently ten existing structures and 31 existing sub-transmission structures located in delineated wetlands on Segment 2. Existing structures on this segment will be rebuilt approximately 38 feet east of their present location. Existing sub-transmission structures of this segment will be rebuilt approximately 38 feet to the east of the existing 141/142 Lines. There are twenty-one proposed structures and 3 proposed sub-transmission structures to be located within delineated wetlands on Segment 2.*

*Segment 2 will require the clearing of approximately 1.98 acres of forested wetland. The clearing is associated with the removal of a vegetative strip located along the proposed 141/142 Lines'*

*centerline from proposed structures 114 through 116 and 148 through 152. The clearing is required to provide the clearance necessary to shift the new centerline 40 feet to the southeast.*

***Segment 3***

*Eighteen wetlands were delineated along the portion of the Project area designated as Segment 3. These wetland areas were shallow emergent marshes and scrub-shrub wetlands. Plant species present in these wetlands included cattails, purple loosestrife, common reed, woolgrass, rushes (Juncus spp.), green ash, and willows. Soils were Danley silt loam, Remsen silty clay loam, Churchville silt loam, Canadice silt loam, Niagara silt loam, urban land, and pits and borrow.*

*One NYSDEC regulated wetland (BU-14) occurs along Segment 3, which is a Class I wetland. TRC delineated wetlands W-BTF-110, W-BTF-11 and W-CL-124 correspond to NYSDEC regulated wetland BU-14 along Segment 3. There is one unmapped NYSDEC wetland that corresponds to TRC delineated wetland W-ARS-134.*

*There are currently ten existing structures and seven existing sub-transmission structures located in delineated wetlands on Segment 3. To the extent practicable, new structures will be located outside of wetland areas where the alternative of spanning a wetland exists. There are eight proposed structures and one proposed sub-transmission structure to be located within delineated wetlands on Segment 3.*

*Of the ten existing structures mentioned above, two of the structures are located within NYSDEC regulated wetland BU-14 (delineated wetlands W-BTF-110 and W-BTF-111). There are no existing structures in the state-regulated 100-foot adjacent area of BU-14. There are two proposed structures to be located within the state-regulated 100-foot adjacent area of BU-14. There are three existing structures located within the unmapped NYSDEC wetland W-ARS-134. There are three proposed structures to be located within the unmapped NYSDEC wetland W-ARS-134. In addition, there are three existing structures in the adjacent area of W-ARS-134. There are three proposed structures to be located within the state-regulated 100-foot adjacent area of W-ARS-134.*

*Segment 3 will require the clearing of approximately 1.95 acres of forested wetland. The clearing is associated with the removal of three vegetative strips located along the proposed 141/142 Lines' centerline from proposed structures 102 through 108 and 94 and 95. The clearing is required to provide the clearance necessary to shift the new centerline to the southeast.*

***Segment 4 Existing***

*Six wetlands were delineated along the portion of the Project area designated as Segment 4 Existing. These wetland areas were shallow emergent marshes. Plant species present in these wetlands included cattails, common reed, reed canary grass (Phalaris arundinacea), and swamp smartweed (Polygonum hydropiperoides). Soils were Cosad loamy fine sand, Swormville clay loam, Teel silt loam, Wayland silt loam, and urban land.*

*One NYSDEC regulated wetland (BU-14) occurs along Segment 4 Existing, which is a Class I wetland. TRC delineated wetlands W-DJL-111 and W-CL-123 correspond to NYSDEC regulated wetland BU-14. There is one unmapped NYSDEC wetland that corresponds to delineated wetlands W-DJL-113 and W-BTF-107.*

*There are currently seven existing structures (Existing Line 141 and Existing Line 142) located in delineated wetlands on Segment 4 Existing. Of the seven existing structures mentioned above, three of the structures are located within NYSDEC regulated wetland BU-14. There are no existing structures in the state-regulated 100-foot adjacent area of BU-14. There are four existing structures located within the unmapped NYSDEC wetland W-DJL-113. There are no existing structures in the state-regulated 100-foot adjacent area of W-DJL-113. These structures will all be removed and replaced in Segment 4 Bypass if the Project is constructed as proposed.*

*There is no clearing of forested wetland proposed on Segment 4 Existing.*

***Segment 4 Bypass***

*Seven wetlands were delineated along the portion of the Project ROW area designated as Segment 4 Bypass. These wetland areas were shallow emergent marshes, scrub-shrub wetlands, and forested wetlands. Plant species present in these wetlands included cattails, common reed, reed canary grass, purple loosestrife, common buckthorn (Rhamnus cathartica), willows, and dogwoods. Soils were Canandaigua silt loam, urban land, Swormville clay loam, Teel silt loam, and Udorthents.*

*One NYSDEC regulated wetland (BU-14) occurs along Segment 4 Bypass, which is a Class I wetland. TRC delineated wetland W-MJR-11 corresponds to NYSDEC regulated wetland BU-14. There is one unmapped NYSDEC wetland that corresponds to delineated wetland W-BTF-107.*

*Two structures are proposed to be located within delineated wetlands on Segment 4 Bypass.*

*There are no structures proposed for the proposed Line 141 or Line 142 to be located within NYSDEC regulated wetland BU-14. There is 1 proposed structure to be located within the state-regulated 100-foot adjacent area of BU-14. There is one proposed structure to be located within the unmapped NYSDEC wetland W-BTF-107. There is one proposed structure to be located within the state-regulated 100-foot adjacent area of W-BTF-107.*

*Segment 4 Bypass will require the clearing of approximately 1.05 acres of forested wetland. The clearing is associated with the removal of a vegetative strip located along the proposed Line 141 and Line 142 centerline from proposed structures 49 through 51. The clearing is required to provide the clearance necessary for the proposed centerline.*

***Segment 5***

*Fourteen wetlands were delineated along the portion of the Project area designated as Segment 5. These wetland areas were shallow emergent marshes and scrub-shrub wetlands. Plant species present in these wetlands included cattails, common reed, reed canary grass, purple loosestrife, willows, honeysuckles, and dogwoods. Soils were Canandaigua silt loam, Teel silt loam, Niagara silt loam, Wayland silt loam, Collamer silt loam, and Rhinebeck silt loam.*

*One NYSDEC regulated wetland (BU-16) occurs along Segment 5, which is a Class II wetland. TRC delineated wetland W-ARS-107 corresponds to NYSDEC regulated wetland BU-16. There is one unmapped NYSDEC wetland that corresponds to delineated wetland W-ARS-108.*

*There are currently 12 existing structures and 8 existing sub-transmission structures located in delineated wetlands on Segment 5. Existing structures on this segment will be rebuilt approximately 62 feet west of their present location. There are eleven proposed structures and seventeen proposed sub-transmission structures to be located within delineated wetlands on Segment 5.*

*Of the twelve existing structures mentioned above, one of the structures is located within NYSDEC regulated wetland BU-16 (delineated wetland W-ARS-107). Of the eight sub-transmission structures, one of the structures is located within NYSDEC regulated wetland BU-16 (delineated wetland W-ARS-107). There are no existing structures and one existing sub-transmission structure in the state-regulated 100-foot adjacent area of BU-16. There is one*

*proposed structure and one proposed sub-transmission structure to be located within NYSDEC regulated wetland BU-16. There is one proposed structure and two proposed sub-transmission structures to be located within the state-regulated 100-foot adjacent area of BU-16. There are no existing structures located within the unmapped NYSDEC wetland W-ARS-108. There is one existing structure in the state-regulated 100-foot adjacent area of W-ARS-108. There is one proposed structure to be located within the 100-foot adjacent area of W-ARS-108.*

*There is no clearing of forested wetland proposed on Segment 5.*

***Segment 6***

*Ten wetlands were delineated along the portion of the Project area designated as Segment 6. These wetland areas were shallow emergent marshes. Plant species present in these wetlands included cattails, common reed, purple loosestrife, sedges (Carex spp.), willows, and dogwoods. Soils were Hamlin silt loam, Teel silt loam, Niagara silt loam, Collamer silt loam, Churchville silt loam, Udorthents, and pits and borrows.*

*One NYSDEC regulated wetland (BU-13) occurs along Segment 6, which is a Class I wetland. TRC delineated wetland W-ARS-101 corresponds to NYSDEC regulated wetland BU-13. There is one unmapped NYSDEC wetland that corresponds to delineated wetland W-ARS-102.*

*There are currently five existing structures located in delineated wetlands on Segment 6. Existing structures on this segment will be rebuilt approximately 45 feet east of their present location. There are five structures proposed to be located within delineated wetlands on Segment 6.*

*Of the five existing structures mentioned above, one of the existing structures is located within NYSDEC regulated wetland BU-13. There is one existing structure in the state-regulated 100-foot adjacent area of BU-13. There is one proposed structure to be located within NYSDEC regulated wetland BU-13. There are two existing structures located within the unmapped NYSDEC wetland W-ARS-102. There are two existing structures in the state-regulated 100-foot adjacent area of W-ARS-108. There are two proposed structures to be located within NYSDEC regulated wetland W-ARS-102. There are two proposed structures to be located within the 100-foot adjacent area of ARS-102.*

*There is no clearing of forested wetland proposed in Segment 6.*

*Best Management Practices (BMPs) such as the installation of erosion and sediment control devices to prevent the introduction of sediment into aquatic resources will be carried out from the beginning to the end of construction in accordance with the approved SWPPP provided in Appendix G. All erosion and sediment control devices prescribed by the SWPPP are shown on the EM&CP Plan and Profile Drawings. Upon the completion of construction, all disturbed areas will be restored and seeded and mulched with a conservation seed mix to restore bank stability, habitat and vegetative cover. SWPPP inspections will take place twice every seven days until construction is completed and all disturbed areas have been stabilized and will then continue every 30 days until all disturbed areas have achieved 80% vegetative cover.*

*National Grid will submit a pre-construction notification and application package for authorization to proceed under a Nationwide Permit to the USACE. A conceptual wetland mitigation plan will also be submitted. After consultation with the USACE, National Grid assumes that wetland credits will be purchased from Ducks Unlimited to satisfy the USACE wetland mitigation requirements. National Grid is currently working with the DPS staff and the NYSDEC to prepare an acceptable on-site wetland mitigation plan to satisfy the NYSDEC wetland mitigation requirements. More information regarding the wetland mitigation plan can be found in National Grid's response III.B.21. A conceptual wetland mitigation plan is provided in Appendix R.*

**CONDITION 84.** The Certificate Holder shall inform the United States Army Corps of Engineers ("USACE") of any changes in the design of the Project that have the potential to impact any water resources under USACE jurisdiction and shall provide a copy of such correspondence to the Secretary.

***NG Response:*** *National Grid will comply.*

**CONDITION 85.** NYSDEC Staff field representatives shall be permitted on the Project site. The NYSDEC Staff field representatives will notify the DPS Staff representative and the Certificate Holder's appropriate representative of any activities that violate or may violate either the terms of the Certificate, any permits issued by the NYSDEC, and/or the Environmental Conservation Law.

***NG Response:*** *National Grid will comply.*

## L. Agricultural Resources

**CONDITION 86.** If the Project crosses any agricultural lands, the Certificate Holder shall comply with the New York State Department of Agriculture and Markets' Guidelines for Electric Transmission Right-of-Way Projects.

***NG Response:*** *National Grid will comply. The Project does not traverse any land that is used for active agricultural purposes; however, a short section (± 750 feet) of the Project ROW located east of South Park Ave on Segment 4 Bypass traverses an area classified as vacant land but has been known to be used for hay production in the past. National Grid will comply with the above referenced guidelines on this portion of the Project.*

## M. Petroleum and Hazardous Substances

**CONDITION 87.** The EM&CP shall include Fuel and Chemical Handling Procedures, and a spill response and route emergency plan, including the NYSDEC spill reporting contact number. This plan shall provide proposed methods of handling spills of petroleum products and any hazardous or controlled substance which may be stored or utilized during construction, operation, or maintenance of this Facility.

***NG Response:*** *National Grid will comply. National Grid and its Contractors will implement precautions during the storage, handling and transporting of fuels, oils, chemicals and other potentially harmful substances to avoid spills and releases to the environment. National Grid and its Contractors will take precautions to prevent spillage and will not store, mix, or load these materials beneath trees or within 100 feet of any wetlands, river, stream, or other body of water. Any hazardous substances will be transported, stored and handled as recommended by suppliers and/or manufacturers and in compliance with all applicable federal or state regulations. Specific procedures for the handling of petroleum and chemicals are put forth in Responses III.B.14a and III.B.14b of this EM&CP.*

*Typical chemicals and waste anticipated for the Project are identified in Table V-1 in Appendix V along with copies of National Grid's spill reporting and cleanup procedures. A list of emergency contact personnel and area hospitals and a map showing the location of the nearest hospitals are provided in Appendix K.*

**CONDITION 88.** All Certificate Holder and Contractor vehicles working on the Project shall have a spill kit that is appropriate for the volume of fuel carried by the vehicle.

***NG Response:*** *National Grid will comply.*

**CONDITION 89.** The Certificate Holder's contractor will retain a qualified spill response company for the duration of the Project and provide that company with maps showing access roads, marshalling yards, and other information that will facilitate response to a spill location.

***NG Response:*** *National Grid will comply.*

**CONDITION 90.** Equipment refueling, maintenance, and repair shall be conducted a minimum of 100 feet away from any wetland or waterbody, to the maximum extent practicable, unless otherwise specified in the EM&CP, which shall specify protective measures against spills.

***NG Response:*** *National Grid will comply. Procedures for refueling are found in NG's Response to Condition III.B.14a.*

**CONDITION 91.** Stationary fuel tanks and hazardous chemical storage shall be a minimum of 300 feet from streams, waterbodies and wetlands unless (i) the approved EM&CP provides justification, including that impacts have been avoided or minimized to the maximum extent practicable or (ii) adequate secondary containment (containing at least 110% of the volume stored) is otherwise provided, in which case storage can occur within 100 feet of such resources.

***NG Response:*** *National Grid will comply. There are currently no plans for stationary fuel tanks or hazardous chemical storage within 300 feet of streams or wetlands. NG will notify DPS Staff of any changes.*

### N. Contractors and Contractor Supplies / Materials

**CONDITION 92.** If an OSHA Recordable accident occurs in connection with work on the Project, the Certificate Holder shall report any such accident to DPS Staff as soon as possible. A copy of the accident report, if any, shall be provided to DPS Staff after it has been finalized.

***NG Response:*** *National Grid will comply.*

**CONDITION 93.** The Certificate Holder shall provide DPS Staff with a copy of any police report and any insurance claim filed in connection with any theft of Project-related materials, as well as a list of the stolen items.

***NG Response:*** *National Grid will comply.*

**CONDITION 94.** A field review shall be conducted by the Certificate Holder to determine compliance with its design on a monthly basis and prepare a written report of the Company's findings on whether the Project is being constructed in accordance with the EM&CP design for the Project. The Certificate Holder shall provide a copy of each such report to DPS Staff within three (3) business days after the Certificate Holder receives the report. The Certificate Holder shall notify DPS Staff of when the field reviews will occur.

***NG Response:*** *National Grid will comply.*

**CONDITION 95.** If the Contractor installs materials, structures, or components that do not conform to the specifications for same described in the EM&CP, the Certificate Holder shall, after becoming aware of such incident, prepare and deliver to the Chief of EC&C a summary report detailing the incident, the steps to be taken to rectify the mistake, the material and labor costs associated with rectifying the incident, and the manner in which such costs will be accounted for separately from other Project costs.

***NG Response:*** *National Grid will comply.*

**CONDITION 96.** The Certificate Holder shall develop a quality control plan ("Quality Control Plan") for inclusion in the EM&CP describing how it will ensure that the major transmission line components it purchases for the Project conform to the specification for such components described in such EM&CP. At a minimum, the Quality Control Plan shall include: (i) the qualifications of the individual(s) who will conduct audits under the Quality Control Plan ("Quality Control Audits"); and (ii) the frequency with which the Quality Control Audits will be performed.

***NG Response:*** *National Grid will comply. A copy of the Quality Control Plan is provided in Appendix U.*

**CONDITION 97.** Manufacturer recommendations for materials storage will be followed and materials will be stored in an orderly fashion, secured and protected from damage.

***NG Response:*** *National Grid will comply.*

**CONDITION 98.** To better ensure a safe working environment for all persons at each Project work site, the Certificate Holder shall require its contractors or subcontractors, before any person who is authorized by the Certificate Holder to be present at the site that day, or any representative of a regulatory agency present on official business, commences performing or observing Project activities, to give such person an on-site tailboard safety briefing. The Certificate Holder shall ensure that: (a) any document that a person participating in a tailboard safety briefing is required to sign at such briefing is legible; and (b) the person conducting the briefing shall use his/her best efforts to give accurate and complete responses to all requests by such persons for clarification of the scope of work, construction methodology, and other pertinent personal safety information. If a person participating in a tailboard safety briefing who signed such a document desires a copy thereof, he/she shall request it in writing and the Certificate Holder shall provide a copy thereof to the requester within 48 hours of the request.

***NG Response:*** *National Grid will comply.*

## O. Invasive Species

**CONDITION 99.** The Certificate Holder shall prepare an Invasive Species Control Plan in consultation with NYSDEC which shall ensure compliance with 6 NYCRR Part 575. The Certificate Holder shall seek NYSDEC's acceptance of such plan as part of NYSDEC's comments on the EM&CP pursuant to Condition 25(g). The Certificate Holder shall implement said Invasive Species Control Plan as part of the approved EM&CP.

***NG Response:*** *National Grid will comply. A copy of a draft Invasive Species Management Plan developed in consultation with DPS Staff, NYSDAM and NYSDEC is provided in Appendix M.*

## P. Water Quality Certification

**CONDITION 100.** Concurrent with Commission approval of the EM&CP for this Project, the Chief of EC&C, pursuant to §401 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1341, and PSL Article VII, will execute an appropriate certification that the Project will comply with the applicable requirements of §§301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended, and will assure compliance with applicable New York State water quality standards, limitations, criteria and other requirements set forth in 6 NYCRR §608.9(a), Parts 701 through 704, and Part 750.

***NG Response:*** *A copy of the proposed 401 Water Quality Certification can be found in Appendix AF.*

**CONDITION 101.** A final Storm Water Pollution Prevention Plan (SWPPP) shall be prepared as part of the State Pollutant Discharge Elimination System General Permit for Construction Activities and in accordance with the 2016 New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), or the most recent version of the Blue Book.

***NG Response:*** *National Grid will comply.*

**CONDITION 102.** All erosion control fabric or netting used for slope or soil stabilization must be 100% biodegradable natural product, excluding geotextiles used for road construction and temporary erosion control devices such as silt fence and silt sock.

***NG Response:*** *National Grid will comply.*

# III. SPECIFICATIONS FOR THE DEVELOPMENT OF ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN

**Section A** of the Specifications for the Development of Environmental Management and Construction Plan (Specifications) addresses the development of the plan and profile drawings, and maps portion of the Environmental Management and Construction Plan (EM&CP).

**Section B** addresses the description and statement of objectives, techniques, procedures, and requirements, i.e. the textual portion of the EM&CP. A table of contents will be included for the EM&CP and each section, appendix or exhibit containing ten or more pages.

If any particular requirement of the Specifications is not applicable, so indicate and briefly explain.

### A. EM&CP Plan and Profile Drawings And Maps

The EM&CP maps, charts, photostrip maps, and illustrations shall include, but need not be limited to, the following information:

#### 1. Plan and Profile Details

A Line[1] Profile (at an appropriate scale) and plan drawings (scale minimum 1 inch = 200 feet)[2] showing:

a) The boundaries of any new, existing, and/or expanded right-of-way (ROW)[3] or road boundaries, and where cables are to be constructed overhead or underground; plus,

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1 The lowest conductor of an overhead design shall be shown in relation to ground at the maximum permissible conductor temperature for which the line is designed to operate, i.e., normally the short-time emergency loading temperature. If a lesser conductor temperature is used for the line profile, the maximum sag increase between the conductor temperature and the maximum conductor temperature shall be indicated for each ruling span. For underground project design, show relation of project to final surface grade, indicating design depth-of-cover.

2 Contour lines (preferably at 5-foot intervals) are desirable on the photostrip map if they can be added without obscuring the required information.

3 The term “right-of-way” in these *Specifications* includes property, whether owned in fee or easement, to be used for substations, disposal sites, underground terminals, storage yards, and other associated facilities. Where such

areas contiguous to the ROW or street within which the Certificate Holders will obtain additional rights.

b) The location of each Facility structure (showing its height, material, finish and color, and type), structural foundation type (*e.g.*, concrete, direct bury), fence, gate, down-guy anchor, and any counterpoise required for the Facility (typical counterpoise drawings will suffice recognizing that before field testing of installed structures the Certificate Holder may be unable to determine the specific location of all required counterpoise), conductors, insulators, mid-span splices, and static wires and other components attached to Facility structures.

c) Existing utility or non-utility structures on the ROW and indicate those to be removed or relocated (include circuit arrangements where new structures will accommodate existing circuits, indicate methods of removal of existing facilities, and show the new locations, types and configurations of relocated facilities).

d) Any underground utility or non-utility structure.

e) The relationship of the Facility to nearby fence lines; roads; trails; railways; airfields; property lines; hedgerows; surface waters; wetlands; other water bodies; significant habitats; associated facilities; flowing water springs; nearby buildings or structures; major antennas; oil or gas wells, and blowdown valves.

f) The location of any proposed new or expanded switching station, substation, or other terminal or associated utility or non-utility structure (attach plan[4] - plot, grading, drainage, and electrical - and elevation views with architectural details at appropriate scales). Indicate the type of outdoor lighting, including design features to avoid off-site illumination and minimize glare; the color and finish of all structures; the locations of temporary or permanent access roads, parking areas, construction contract limit lines, property lines, designated floodways and flood-hazard area limits, buildings, sheds, relocated structures, and any plans for water service and sewage and waste disposal.

g) The location and boundaries of any areas whether located on- or off- ROW proposed to be used for fabrication, designated equipment parking, staging, access, lay-down, and

properties cannot reasonably be shown on the same plan or photo-strip, maps, or plan drawings used for the transmission line, additional maps or drawings at convenient scales should be used.

[4] Preferably 1" = 50' scale with 2-foot contour lines.

conductor pulling. Indicate any planned fencing, surface improvements, and screening of storage and staging areas.

h) The locations for ready-mix concrete chute washout and any other cleaning activities (e.g., control of invasive species).

***NG Response III.A.1a:*** *The boundaries of any new, existing and/or expanded ROW or road boundaries and where cables are to be constructed overhead or underground plus areas contiguous to the ROW or street within which National Grid will obtain additional rights are shown on the EM&CP Drawings in Appendix A. A description of each Project segment and the additional rights required for that respective segment is provided in Response III.B.1 and in Table B-1 in Appendix B.*

***NG Response III.A.1b:*** *The location of each facility structure, the proposed structure type, height, finish, and foundation type is depicted on the EM&CP Drawings in Appendix A. Appendix AA provides detailed drawings for the proposed structure types and indicates specific dimensions for structure arms and phase spacing along with applicable hardware assemblies associated with each structure. Appendix AA provides detailed hardware assembly drawings associated with the Project and Appendix AC shows examples of proposed fences, gates and temporary guard structures to be installed for the wire-stringing phase at road and underbuilt overhead utility crossings. Each type of structure and configuration showing size, type, and down-guy anchor, as well as conductors, insulators and static wires and other components attached to Project structures are listed at each structure location and on tables on the EM&CP Drawings in Appendix A.*

***NG Response III.A.1c:*** *The locations of existing utility and non-utility structures on the ROW are shown on the EM&CP Drawings in Appendix A. Locations where existing utility and non-utility structures will be removed or relocated are annotated accordingly. The Facility's conductor clearances from existing distribution and communication facilities and from any proposed relocated distribution or communication facilities are also shown on the EM& CP Drawings.*

***NG Response III.A.1d*****:** *All known underground utility and non-utility structures are shown on the EM&CP Drawings in Appendix A. Underground facilities were identified based on observable above ground features, design Dig Safe information and input from adjacent landowners.*

***NG Response III.A.1e:*** *The location of the Facility in relationship to nearby fence lines, roads, railways, airfields, property lines, hedgerows, fresh surface waters, wetlands, other water bodies, significant habitats, associated facilities, flowing water springs, nearby buildings or structures and major antennas is shown on the EM&CP Drawings in Appendix A. There are no oil or gas wells or blowdown valves in the Project area.*

***NG Response III.A1f*****:** *The Project does not involve the construction of any new substations or the expansion of any existing substations. However, to facilitate the rebuild of the 141/142 Lines, temporary sub-transmission facilities will be installed in leu of a mobile substation to supply (feed) Station 207. The temporary facilities will be installed near the existing Slade Rd. Station 207 as shown on the EM&CP drawings in Appendix A. These temporary facilities include a mobile circuit switcher and transformer that will tap the 115kV 149 line that is adjacent to the station. They will be located just to the south of the station in an expanded fenced-in area. After the 610 Tap is rebuilt, these facilities will be removed.*

***NG Response III.A1g:*** *The location of three off-ROW marshalling yards as well as the boundaries of all other areas proposed to be used for fabrication, designated equipment parking, staging, access, lay-down, and conductor pulling and splicing along with any planned fencing and surface improvements are shown on the EM&CP Drawings in Appendix A. There is no screening planned for any storage area, staging area or marshalling yard.*

***NG Response III.A.1h:*** *Concrete washout stations will be established within the bounds of the construction work areas with the final locations determined and approved by the Construction Inspector or appropriate designee and the Environmental Monitor. Concrete washout stations shall not be located in state or federal wetlands, state regulated 100-foot adjacent areas or within 100 feet of streams, wetlands or waterbodies unless 100-foot separation is not possible. Concrete washouts within 100 feet of streams, wetlands or waterbodies must be approved by the Environmental Monitor and DPS and the double containment concrete washout specification must be used. No wet or fresh concrete leachate or washings from trucks dispensing ready-mix cement mixtures will be allowed to enter any state or federal wetland, state regulated 100-foot adjacent area or any stream or waterbody. Waste collected at the concrete washouts will be removed from the Project ROW and disposed of at an off-site location approved by DPS staff.*

*The general locations of invasive species cleaning areas are shown on the EM&CP Drawings. The final locations will be determined by the Construction Inspector or appropriate designee and the Environmental Monitor. The proposed locations are based on the results of the invasive species inventory which can be found in Appendix M. Vehicles, equipment and materials (including matting) will be cleaned of any visible soils, vegetation, insects and debris at the stations and the accumulated matter will remain in the invasive infested area of the ROW.*

## 2. Stormwater Pollution Prevention Plan (SWPPP)

a) Include on the plan and profile drawings the acknowledged Storm Water Pollution Prevention Plan (SWPPP) details. Include the locations of soil erosion and sediment control measures developed in accordance with the latest version of the New York Standards and Specifications for Erosion and Sediment Control (e.g., stabilized construction entrances, silt fences, check dams, and sediment traps).

b) Include on the plan and profile drawings the approved SWPPP locations of all permanent stormwater management controls that are required based on site-specific conditions or conditions of the Certificate.

***NG Response III.A.2a and 2b:*** *All erosion and sediment control measures prescribed in the SWPPP along with the locations of all permanent stormwater management controls are shown on the EM&CP Drawings in Appendix A. A copy of the approved and acknowledged SWPPP document is provided in Appendix G. All erosion and sediment control practices are in conformance with the technical standards found in the NYS Standards and Specifications for Erosion and Sediment Control (Blue Book) dated November 2016. The approved SWPPP as presented in Appendix G has also had MS4 review and approval by the Towns of Evans, Hamburg, and West Seneca, the Villages of Angola and Blasdell, and the City of Lackawanna. The MS4 Acceptance Forms can be found in the SWPPP document in Appendix G.*

## 3. Vegetation Clearing and Disposal Methods

Identify on the plan and profile drawings:

a) the locations of sites requiring trimming or clearing of vegetation and the geographic limits of such trimming or clearing;

b) the specific methods for the type and manner of cutting and disposition or disposal method for cut vegetation (e.g., chip; cut and pile; salvage merchantable timber, etc.);

c) the methods for management of vegetation to be cut or removed at each site;

d) any geographical area bounded by distinctly different cover types requiring different cut-vegetation management methods;

e) any geographical area bounded at each end by areas requiring distinctly different cut-vegetation methods due to site conditions such as land use differences, population density, habitat or site protection, soil or terrain conditions, fire hazards, or other factors;

f) different property-owners requesting specific vegetation treatment or disposal methods;

g) areas requiring (off-ROW) danger tree removal; and,

h) the location of any areas where specific vegetation protection measures will be employed and the details of those measures to avoid damage to specimen tree stands of desirable species, important screening trees, or hedgerows.

***NG Response III.A.3a-3h:*** *All areas that require the trimming, clearing or mowing of vegetation as well as the prescribed slash disposal types are shown on the EM&CP Drawings in Appendix A. In general, the right-of-way will be cleared fifty feet (50') on each side of the proposed centerline, all work areas and access roads will be mowed, and danger Trees will be removed along the entire length of the Project. Areas still requiring (off-ROW) danger tree rights are also shown on the EM&CP Drawings. A description of each clearing and slash disposal method can be found in Appendix F and on the Notes Pages of the EM&CP Drawings. Lists of desirable low growing tree and shrub species that may, depending on site specific characteristics and location, be compatible with the Facility can be found in Appendix F.*

*The off-site disposal of woody material, chips and stumps will be on an as-needed basis. The off-site disposal of any material will require prior approval by National Grid and DPS Staff.*

**4. Building and Structure Removal**

Indicate the locations of any buildings or structures to be acquired, demolished, moved, or removed.

***NG Response III.A.4:*** *Table 1 in Appendix O identifies all buildings and structures that presently occupy the Project ROW and those that will have to be removed for construction of the Project. Those buildings and structures that do not have to be removed for the construction of the Project will be evaluated in accordance with National Grid's ROW Encroachment Plan provided in Appendix O for a determination of compatibility and licensing, rectification and licensing, or removal.*

## 5. Waterbodies

a) Indicate the name, water quality classification and location of all rivers and streams, (whether perennial and intermittent) and drainages crossed by, the proposed ROW or any off-ROW access road constructed, improved, or maintained for the Facility. On the plan and profile drawings, indicate:
   i. stream crossing method and delineate any designated streamside "protective or buffer zone" in which construction activities will be restricted to the extent necessary to minimize impacts on rivers and streams;
   ii. the activities to be restricted in such zones; and,
   iii. identify any designated floodways or flood hazard areas to be traversed by the Facility or access roads, or otherwise used for Facility construction or the site of associated facilities.

b) Show the location of all potable water sources, including springs and wells on the ROW or within 100 feet of the ROW or access roads, indicating, on a site-by-site basis, precautionary measures to be taken to protect each water source.

***NG Response III.A.5a:*** *Field-verified aquatic resources and waterbodies and available floodways data in the form of FEMA 100-year floodplains are shown on the EM&CP Drawings in Appendix A. Streams and waterbodies are keyed into Table C-2 in Appendix C where the waterbody name, water quality classification, water index number, GPS coordinates and proposed crossing method, if applicable, are provided in tabular form.*

*All streams are considered to have a one hundred (100) foot buffer zone on each side which will be marked in the field by the Environmental Monitor prior to construction. Activities restricted in streamside buffer zones* ***"Restricted Activities"*** *are as follows:*

*a) Herbicide application within 100 feet of waterbodies and wetlands shall be performed via low volume foliar spray from backpack sprayer, cut stem and/or stump treatment, and basal bark treatment methods consistent with approved treatment methods in the most recent version of the Certificate Holder's TROWMP.*

*b) Concrete washout areas shall be located a minimum of one hundred (100) feet away from any waterbody or wetland. If the minimum setback cannot be achieved, the approved*

*EM&CP shall provide justification and demonstrate that impacts to waterbodies and wetlands from concrete washout areas shall be avoided or minimized to the maximum extent practicable.*

c) *Marshalling yards and staging areas constructed on previously undisturbed lands shall not be sited within wetlands, state regulated wetland adjacent areas, or within fifty feet of waterbodies or streams.*

d) *All excess fill materials and spoils shall be completely removed to upland areas greater than one hundred (100) feet from waterbodies and wetlands.*

e) *Excavated soil material resulting from pole structure installation shall not be stored within one hundred (100) feet of streams, waterbodies or wetlands unless it is temporarily stored on construction mat(s) underlaid with geotextile fabric and surrounded by silt sock so the soil is properly contained to prevent runoff into such areas.*

f) *Stationary fuel tanks and hazardous chemical storage shall be a minimum of 300 feet from streams, waterbodies and wetlands unless (i) the approved EM&CP provides justification, including that impacts have been avoided or minimized to the maximum extent practicable or (ii) adequate secondary containment (containing at least 110% of the volume stored) is otherwise provided, in which case storage can occur within one hundred (100) feet of such resources.*

g) *Contractors will take precautions to prevent spillage of any petroleum or chemicals and will not store, mix, or load these materials within one hundred (100) feet of any waterbodies or wetlands.*

h) *Pumps used for trench dewatering or dam and pump crossings operating within 100 feet of a water body or wetland will be placed in properly sized and temporary secondary containment structures during their use.*

i) *All equipment operating within one hundred (100) feet of a waterbody, wetland, or rare plant or unique natural community will have sufficient spill-containment equipment on board to provide for prompt control and cleanup in the event of a release.*

j) *Equipment refueling, maintenance, and repair shall be conducted a minimum of one hundred (100) feet away from any waterbody or wetland, to the maximum extent practicable, except that the refueling of hand equipment (e.g. chainsaws), cranes and drill rigs may be allowed within 100 feet of wetlands or streams under the following conditions:*

i. Refueling of hand equipment will be allowed within one hundred (100) feet of wetlands or streams when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of hand-held equipment will be initially filled in an upland location greater than one hundred (100) feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Crews shall have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release. Crews will keep the Environmental Monitor informed that this procedure is being used and will immediately repot any spill to the Environmental Monitor.

ii. Refueling of cranes and drill rigs will be allowed within one hundred (100) feet of wetlands or streams when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than one hundred (100) feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. All refueling of cranes or drill rigs within one hundred (100) feet of wetlands or streams will be conducted under the direct supervision of the Environmental Monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within one hundred (100) feet of a wetland or stream shall have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.

***NG Response III.A.5b****: National Grid reviewed resources published by the NYSDEC Bureau of Water Resource Management for known locations of potable water sources to obtain information regarding potable water sources on or near the Facility ROW. Based on this information and field observations, there are no potable water supplies (wells) located on the Facility ROW and no potable water supplies within 100 feet of the Facility ROW. The closest well is located*

*approximately 900 feet southeast of proposed structure 69. The Town of Hamburg, Town of Evans, and Town of West Seneca utilize public water supply systems where purchased surface water is the primary water source type as indicated by the EPA's Safe Drinking Water Information System. Information for the City of Lackawanna was not available.*

**6. Wetlands**

a) All wetlands and wetland 100-foot adjacent areas (adjacent areas) located within the ROW or crossed by the ROW or any off-ROW access road constructed, improved, or maintained for the Facility shall be depicted on EM&CP drawings. The plan and profile drawings shall delineate the wetland "protective or buffer zone" in which construction activities will be restricted to the extent necessary to minimize impacts on wetlands.

b) Indicate the location and type (i.e., identification code for regulated town, state, or federal wetlands) of any wetland (e.g., marsh, meadow, bog, or scrub-shrub or forested swamp) within or adjoining the ROW or any access road, as determined by site investigation and delineation.

c) Indicate type and location of precautionary measures (e.g., mats) to be taken to protect all wetlands, associated drainage patterns, and wetland functions.

***NG Response III.A.6:*** *The location and type of all wetland resources delineated along the ROW and access roads, both on-ROW and off-ROW, are shown on the EM&CP Drawings in Appendix A. The mapped wetland resources are keyed into Tables C-1 and C-3 in Appendix C which summarize the wetland information and provide the details of all activities that will occur in wetlands. The precautionary measures to protect state and federal wetlands during construction are identified in NG's responses to Condition 83 and III.A.5a.*

**7. Land Uses**

**a. <u>Agricultural Areas</u>**

i. Indicate the locations of sites under cultivation or in active agricultural use including rotational pasture, pasture, hayland, and cropland.

ii. Indicate the location of any unique agricultural lands including maple sugarbushes, organic muckland and permanent irrigation systems, as well as

areas used to produce specialty crops such as vegetables, berries, apples, and grapes.

iii. Indicate the location of vulnerable soils in agricultural areas that are more sensitive than other agricultural soils to construction disturbance due to slope, soil wetness, and shallow depth to bedrock.

iv. Indicate the location of all land and water management features including subsurface drainage, surface drainage, diversion terraces, buried water lines, and water supplies.

v. Designate the site-specific techniques to be implemented to minimize or avoid construction-related impacts to agricultural resources.

***NG Response III.A.7.a.i:*** *The Project does not traverse any land that is used for active agricultural purposes; however, a short section (± 750 feet) of the Project ROW located east of South Park Ave on Segment 4 Bypass traverses an area classified as vacant land but has been known to be used for hay production in the past. National Grid will comply with the New York State Department of Agriculture and Markets' Guidelines for Electric Transmission Right-of-Way Projects on this portion of the Project.*

***NG Response III.A.7.a.ii:*** *No unique agricultural lands, maple sugarbushes, organic muckland, permanent irrigation systems or areas used to produce specialty crops were identified along the Project ROW.*

***NG Response III.A.7.a.iii:*** *As discussed in Exhibit 4 of the Article VII document, and consistent with the United States Department of Agriculture Natural Resources Conservation Survey, vulnerable soils are those that are in agricultural areas and that typically have slope of 8% or greater, are poorly drained, or have less than 36" depth to bedrock. While the Project does not cross soils that meet all these criteria, the short section of Project ROW referenced in NG Response III.A.7.a.i. above has historical agricultural use. There are no soils within this short section that meet the other criteria of vulnerable soils. Appendix D includes a figure showing this area, and soils with potential vulnerability in proximity.*

***NG Response III.A.7.a.iv: iv.*** *No land and water management features such as subsurface drainage, surface drainage, diversion terraces, buried water lines, and water supplies have been identified on the Project ROW.*

***NG Response III.A.7.a.v:*** *National Grid will comply with the New York State Department of Agriculture and Markets documents entitled "Guidelines for Electric Transmission Right-of-Way Projects" and "Fertilizing, Lime and Seeding Recommendations for Restoration of Construction Projects on Farmlands in New York State" to minimize or avoid construction related impacts to agricultural resources. The referenced guidelines can be found in Appendix T.*

**b. Sensitive Land Uses and Resources**

Indicate the location and identification of sensitive land uses and resources that may be affected by construction of the Facility or by construction-related traffic (e.g., hospitals, emergency services, sanctuaries, schools, and residential areas).

***NG Response III.A.7.b:*** *The location of sensitive land uses and resources that may be affected by construction of the Facility or by construction-related traffic (e.g., hospitals, emergency services, sanctuaries, schools, and residential areas) are shown and annotated on the EM&CP Drawings in Appendix A. There are no hospitals or emergency services within proximity to the Project. The areas identified include the following:*

| ***Sensitive Land Uses*** | | | |
|---|---|---|---|
| ***Structure Number*** | ***Segment*** | ***Land Use*** | ***Name*** |
| *248A* | *1* | *Residential* | *Mill Street and Gowans Road* |
| *248-247* | *1* | *Residential* | *Mill Street* |
| *234-232* | *1* | *Residential* | *Delamater Road and Church Road* |
| *225-224* | *1* | *Residential* | *Burns Road* |
| *213-210* | *1* | *Residential* | *Derby Road and Sturgeon Point Road* |
| *208-207* | *1* | *Residential* | *Derby Road* |
| *195* | *1* | *Residential* | *Overhead Road* |
| *183-182* | *1* | *Residential* | *North Creek Road* |
| *173* | *1* | *Residential* | *Lakeview Road* |
| *165* | *1* | *Residential* | *Versailles Plank Road and Dover Road* |
| *162-157* | *1* | *Subdivision* | *Margaret Ann Drive and Marina Drive* |

| Sensitive Land Uses | | | |
|---|---|---|---|
| **Structure Number** | **Segment** | **Land Use** | **Name** |
| *155* | *1* | *Subdivision* | *Clifton Heights Neighborhood (Juno Drive)* |
| *154-153* | *1* | *Subdivision* | *Clifton Heights Neighborhood (Pleasant Avenue, Walden Drive)* |
| *144-140* | *2* | *Residential* | *Wanakah Neighborhood (Southcrest Drive)* |
| *139-136* | *2* | *Residential* | *Wanakah Neighborhood(Glendale Avenue, Southcrest Avenue) and Briercliff Neighborhoods (Briercliff Drive)* |
| *136-133* | *2* | *School* | *Cloverbank Elementary School* |
| *133* | *2* | *Residential* | *Morgan Parkway, Mt. Vernon Neighborhood* |
| *132-124* | *2* | *Subdivision* | *Morgan Parkway, Mt. Vernon Neighborhood* |
| *123* | *2* | *Sanctuary* | *Bible Fellowship Church* |
| *122-115* | *2* | *Subdivision* | *Durham Road* |
| *113-112* | *2* | *Residential* | *Durham Road* |
| *108-103* | *3* | *School* | *St. Francis High School* |
| *59-54* | *4 Existing* | *Subdivision* | *Wayside Mobile Home Court, Shamrock Mobile Home Park* |
| *60-53* | *4 Bypass* | *Residential* | *McGurk Avenue, Salem Drive* |
| *54-50* | *4 Existing* | *Subdivision* | *Willet Road and Highview Circle* |
| *53-50* | *4 Bypass* | *Subdivision* | *Willet Road and Salem Drive* |
| *38-37* | *5* | *Residential* | *Majestic Terrace* |

### c. Geologic, Historic, and Scenic or Park Resources

Indicate the locations of geologic, historic, and existing or planned scenic or park resources and specify measures to minimize impacts to these resources (e.g., fencing, signs).

***NG Response III.A.7.c:*** *The locations of geologic, historic, and existing or planned scenic or park resources are shown and annotated on the EM&CP Drawings in Appendix A. Every effort will be made to minimize impacts to these areas and signage and temporary construction fencing will be placed as necessary to ensure public safety. The areas identified include those in the table below.*

| *Geologic, Historic, and Scenic or Park Resources* | | |
|---|---|---|
| *Resource* | *Town* | *Structure Number* |
| *Eden Trailblazers Snowmobile Club trails* | *Evans* | *248-207* |
| *Juno Drive Town Park* | *Hamburg* | *156-155* |
| *Wanakah Country Club* | *Hamburg* | *153-144* |
| *Lakeside Memorial Park & Cemetery* | *Hamburg* | *124-116* |
| *Durham Park* | *Hamburg* | *115-113* |
| *Milestrip Road Park* | *Hamburg* | *75-73* |
| *Conservation/Parkland (West Seneca Comprehensive Plan)* | *West Seneca* | *26-20* |

**d. Recreational**

Indicate the locations where existing or planned recreational use areas, would affect or be affected by the Facility location, construction or other ROW preparation.

***NG Response III.A.7.d:*** *The Project ROW crosses three local bike paths in the Town of Hamburg: Segment 1 along Lakeview Road between Structures 173 to 174, Segment 2 between Structures 133 and 132 along Rogers Road, and Segment 3 between Structures 101 and 100 along Big Tree Road (see Exhibit E-6 – Effects on Transportation for more information). Because there is no structure work proposed in the immediate vicinity of the three bike path crossings, no disruption in the use of these paths is anticipated. Mitigation measures such as the use of traffic control signage and flagmen along public roadways will be utilized to minimize any short-term inconvenience to local traffic in these areas. No areas where existing or planned recreational uses would be affected by the Facility location, construction or ROW preparation were identified.*

**8. Access Roads, Lay-down Areas and Workpads**

Indicate the locations of temporary and permanent on- and off-ROW access roads, lay-down areas and workpads. Provide construction type, material, and dimensions. Indicate provisions for upgrading any existing access roads.

***NG Response III.A.8:*** *The locations and dimensions of all temporary and permanent on and off-ROW access roads, lay-down areas and work pads along with information regarding construction type, material and provisions for upgrading any existing access roads are shown on the EM&CP Drawings in Appendix A. Drawings for the proposed marshalling yards are also provided in Appendix A. The locations of all off-ROW access roads and wire stringing sites are provided in Tables N-1 and N-2 in Appendix N.*

**9. Noise sensitive Areas Sites**

Show the locations of noise-sensitive areas along the proposed ROW.

***NG Response III.A.9:*** *Noise-sensitive areas are generally considered to be residential dwellings, residential developments, commercial businesses and institutional establishments (schools, churches, hospitals) located near the Project ROW. All such areas can be seen on the EM&CP Drawings in Appendix A. In addition, Table 4.9-3 in Appendix E provides a list of all residences/buildings within 100 feet of the Project ROW. Information regarding noise mitigation can be found in Appendix E and in Response III.B.9 of this EM&CP. Notes regarding normal work hours (7:00 am to 6:00 pm Monday through Saturday) have been placed on the plan and profile drawings.*

**10. Ecologically and Environmentally Sensitive Areas**

Indicate the general locations of any known ecologically and environmentally sensitive sites (e.g., archaeological sites; fish and wildlife habitat; rare, threatened, and endangered species or habitats; forest and vegetation; open space; areas of important aesthetic or scenic quality; deer winter yards, etc.), within or nearby the proposed or existing ROW or along the general alignment of any access roads to be constructed, improved or maintained for the Facility. Specify the measures that will be taken to protect these resources (e.g., fencing, flagging, signs “Sensitive Environmental Areas, No Access”).

***NG Response III.A.10a:***

*No areas of known historical, cultural or archaeological significance, unique forest or vegetation, designated open space, important aesthetic or scenic quality, deer wintering yards or other environmentally sensitive areas were identified within or nearby the proposed or existing ROW or*

*along the general alignment of any access roads to be constructed, improved or maintained for the Facility.*

*Several occurrences of state and/or federal, threatened or endangered species have been reported in the vicinity of the Project ROW. None of these species were identified through the consultation process or biological survey as occurring within the Project ROW. They are as follows:*

- *northern long eared bat – Federally listed and State-listed as threatened*
- *lake sturgeon – State-listed as threatened*
- *eastern sand darter – State-listed as threatened*
- *wafer ash – State-listed as endangered*

*Additional species identified during consultations with NYNHP, but not federally or State-listed, include:*

- *fragile papershell – State unlisted / Imperiled in NYS*
- *kidneyshell – State unlisted / Imperiled in NYS*
- *pink heelsplitter – State unlisted / Imperiled in NYS*

*More information about each of the above species is provided in Appendix S and National Grid's response to Condition III.B.10.*

*All workers will be made aware of the potential for these species to occur on the Project ROW. The Environmental Monitor will make observations when construction activities are scheduled for areas exhibiting the potential habitat for these species and will implement protection measures (e.g., work around, avoidance, stop work) should any observations of the target species occur.*

*An evaluation of existing cultural resources was undertaken for the preparation of the Article VII application for this Project. Cultural resources include archaeological and historic architectural resources that are listed on, eligible, or potentially eligible for listing on the National Register of Historic Places (NRHP). Consultation with and examination of files maintained by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) was conducted and TRC conducted a*

*Phase IA and Phase IB archeological study. The results of the Phase IA and Phase IB studies were reviewed by OPRHP, and letters indicating that the Project will have No Effect upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places were issued to National Grid on April 29, 2019, September 11, 2019, October 7, 2019, December 11, 2020, and June 24, 2021, are included in Appendix H.*

*Based on examination of current records, there are no areas of unique forest or vegetation, designated open space, important aesthetic or scenic quality, deer wintering yards identified within or nearby the proposed or existing ROW.*

### 11. Invasive Species of Special Concern

Identify the location(s) of invasive species of special concern and the prescribed method to control the spread and/or eradicate the identified species.

***NG Response III.A.11:*** *An Invasive Species Management Plan (ISMP) prepared in consultation with DPS Staff, NYSDEC and NYSDAM can be found in Appendix M.*

### 12. Herbicide

On the plan and profile drawing notes, indicate areas where herbicides will not be used.

***NG Response III.A.12:*** *Herbicides will not be used on properties with negotiated chemical restrictions or in "buffer zones" as described in Response III.B.12b. Certificate Conditions 53-56 include additional restrictions regarding the use of herbicides. Procedures for herbicide use and a list of herbicides that may be utilized during clearing and construction activities can be found in Appendix L.*

## B. Description and Statement of Objectives, Techniques, Procedures and Requirements

The textual portion of the EM&CP for the Facility shall include, but need not be limited to, all of the following information:

## 1. Facility Location and Description

Describe the location and limits of the site or ROW and explain the need for any additional rights. For each structure type, indicate the GSA-595A Federal standard color designation or manufacturer's color specification to be used for painted structures. State any objections raised by Federal, State, or local transportation (highways, waterways, or aviation) officials to the final location or manner of installation of, or access to, the certified Facility. Provide a rationale for the inclusion of any mid-span splice locations proposed.

***NG Response III.B.1:*** *Section IA and IB of this EM&CP document provide a description of the location of the Project and the various Project components. Appendix A provides the EM&CP Drawings which show the location and limits of the Project ROW which is a combination of fee and easement holdings as well as structure locations and areas where additional rights are required. Table B-1 in Appendix B identifies the property rights that are to be acquired for the Project. New easements of the following types will be required as necessary:*

*Operational (Gross) Easement: The perpetual right, privilege and easement to construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, remove any poles or lines of poles or both, supporting structures, cables, cross-arms, overhead and underground wires, guys, guy stubs, insulators, transformers, braces, fittings, foundations, anchors, lateral service lines, communications facilities, and other fixtures and appurtenances, with rights for ingress and egress, clearing and trimming.*

*Danger Tree Easement: The perpetual right to remove trees (all or any portion thereof) which are adjacent to an existing easement area or fee property that, in the opinion of National Grid, may jeopardize the integrity or safe and reliable operation of the National Grid's facilities.*

*Additional ROW in the form of Operational (Gross) Easements will be required as follows:*

- *Segment 1 – CSX Occupancy Agreement, operational easement rights and off right-of-way access easements required to meet current utility standards*
- *Segment 2 – CSX Occupancy Agreement and off right-of-way access easement rights required to meet current utility standards*
- *Segment 3 – CSX Occupancy Agreement, operational easement rights and off right-of-way access easement rights required to meet current utility standards*

- *Segment 4 Bypass – CSX Occupancy Agreement, operational easement rights and off right-of-way access easement rights required to meet current utility standards*
- *Segment 5 – operational easement rights and off right-of-way access easement rights required to meet current utility standards*
- *Segment 6 – off right-of-way access easement rights required to meet current utility standards*

*Danger Tree Easements will be acquired, as needed, on all segments of the Project.*

*Steel structures will be galvanized steel. There will be no painted structures used on this Project.*

*No objections were made by Federal, State, or local transportation officials to the final location, access to, or manner of installation associated with the Facility. The Company coordinated with all relevant agencies and adapted the Facility design to align with all applicable requirements.*

*There are no splice locations proposed on the conductor or shield wire associated with the Project. The placement of fiber optic ground wire (OPGW) splice box locations is detailed in Appendix A. Please note that these are not wire splices in which two ends of wire are compressed with a hardware element to provide continuous mechanical strength but are rather a means to keep the fiber optic elements within the OPGW continuous over the length of each circuit. The locations were selected based on safe wire pulling lengths, line angle, and accessibility.*

**2. Stormwater Pollution Prevention**

a) The information included in the acknowledged SWPPP.

b) In areas of coastal erosion hazard, include plans to demonstrate compliance with the standards for coastal erosion hazard protection as required by 6 NYCRR Part 505 - Coastal Erosion Management.

***NG Response III.B.2.a:*** *A copy of the approved and acknowledged SWPPP document is provided in Appendix G. All erosion and sediment control practices are in conformance with the technical standards found in the NYS Standards and Specifications for Erosion and Sediment Control (Blue Book) dated November 2016.The approved SWPPP as presented in Appendix G has also had MS4 review and approval by the Towns of Evans, Hamburg, and West Seneca, the*

*Villages of Angola and Blasdell and the City of Lackawanna. The MS4 Acceptance Forms can be found in the SWPPP document in Appendix G.*

***NG Response III.B.2.b:*** *The Project is not located in an area designated as coastal erosion hazard.*

**3. Vegetation Clearing and Disposal Methods**

a) Describe the specific methods and rationale for the type and manner of cutting and disposition or disposal methods for cut vegetation.

b) Detail specific measures employed to avoid damage to specimen tree stands of desirable vegetation, rare, threatened and endangered species, important screening trees, and hedgerows.

c) Identify the factors such as the attributes of the site, outcome of landowner negotiations, and attributes of the logs, upon which Certificate Holder's removal of the merchantable logs resulting from clearing the ROW for the Facility will be based.

d) Describe methods of compliance with 6 NYCRR Part 192 – Forest Insect and Disease Control, applicable New York State Department of Environmental Conservation (NYSDEC) quarantine orders, and New York State Department of Agriculture and Markets (NYSDAM) regulations.

***NG Response III.B.3a:*** *All areas that require trimming, clearing or mowing of vegetation as well as the prescribed slash disposal types are shown on the EM&CP Drawings in Appendix A. In general, the right-of-way will be cleared fifty feet (50') on each side of the proposed centerline, all work areas and access roads will be mowed, and danger Trees will be removed along the entire length of the Project. The definitions of each clearing and slash disposal method as well as the rationale for using each of the respective methods can be found in Appendix F and on the Notes Pages for the EM&CP Drawings in Appendix A.*

*The off-site disposal of woody material, chips and stumps will be on an as-needed basis. The off-site disposal of any material will require prior approval by National Grid and DPS Staff.*

***NG Response III.B.3b****: Desirable species consists of typical shrub and low-growing tree species which may be considered to be compatible with the operation of the line. These species will be*

*retained, to the extent practicable, as they occur along the ROW. The appropriate clearing and slash disposal techniques will be selected to maximize the retention of these compatible species. The personnel employed for the clearing operation will be fully informed of these vegetation-retention requirements, and directly supervised by a person or persons capable of identifying all compatible species native to the area of the ROW. Lists of desirable low growing tree and shrub species that may, depending on site specific characteristics and location, be compatible with the Facility can be found in Appendix F.*

*There are no areas of rare, threatened or endangered vegetative species, important screening trees or protected hedgerows identified along the ROW where special protection measures have been prescribed.*

***NG Response III.B.3c**: Factors that are considered in identifying areas of merchantable timber along the Project ROW are described in Definition of Wood Disposal Methods in Appendix F.*

***NG Response III.B.3d:** Removal of any wood from the ROW will be pursuant to the NYSDEC's firewood regulations to protect forests from invasive species found in 6 NYCRR Part 192, and any applicable NYSDEC quarantine orders and/or NYSDAM quarantine regulations. The clearing contractor and crews will be made aware of all applicable rules and regulations at the pre-construction meeting. In addition, clearing crews will be trained to identify the Asian Long Horned Beetle, the Emerald Ash Borer, and any other insects that the NYSDEC identifies as a potential problem. If evidence of the existence of these insects is found, they will be reported immediately to the appropriate NYSDEC regional forester.*

**4. Building and Structure Removal**

Indicate the locations of any buildings or structures to be acquired, demolished, moved, or removed. Provide the rationale for the acquisition and removal of buildings or structures.

***NG Response III.B.4:** Table 1 in Appendix O identifies all buildings and structures that presently occupy the Project ROW and those that will have to be removed for construction of the Project. Those buildings and structures that do not have to be removed for the construction of the Project will be evaluated in accordance with National Grid's ROW Encroachment Plan provided in*

*Appendix O for a determination of compatibility and licensing, rectification and licensing, or removal.*

**5. Waterbodies**

a) Describe the measures to be taken to protect stream bank stability, stream habitat, and water quality including, but not limited to: crossing technique; crossing structure type; timing restrictions for in-stream work; stream bed and bank restoration measures; vegetation restoration measures; and other site-specific measures to minimize impacts, protect resources, and manage Facility construction.

b) Indicate the procedures that were followed to inventory such resources and provide copies of any resulting data sheets and summary reports.

c) Develop a table of waterbodies crossed by the Facility and include: Town (location), Existing Structure Span (mileposts), Stream Name, Field/Map Identification Name, Perennial or Intermittent, New York Stream Classification, Water Index Number, Crossing Method and Length, Fishery Type, GPS coordinates.

***NG Response III.B.5a:*** *The protection of stream bank stability, stream habitat, and water quality are of high priority during the development of the EM&CP and measures to protect and minimize disturbance to streams and waterbodies will be implemented throughout all phases of construction. As part of the EM&CP preparation, all streams and waterbodies, both on and off ROW, were delineated in the field and identified on the EM&CP Drawings. All streams and waterbodies, as well as a 100-foot adjacent area will be re-flagged prior to the start of construction to help ensure their protection. Protection measures and "Restricted Activities" within the 100-foot buffer zone are identified in National Grid's Response III.A.5a. Additional protection measures are described in Condition 83a-v. The measures identified above will be implemented throughout all phases of construction.*

*Best Management Practices (BMPs) such as the installation of erosion and sediment control devices to prevent the introduction of sediment into aquatic resources will be carried out from the beginning to the end of construction in accordance with the Project SWPPP (Appendix G). All erosion and sediment control devices prescribed by the SWPPP are shown on the EM&CP Drawings in Appendix A. SWPPP inspections will take place every seven days to minimize the*

*risk of any water quality violations or stormwater discharges to streams or wetlands except in areas which discharge to a 303(d) waterbody segment as identified in GP-0-20-001, in which case two inspections will occur per seven days for the duration of soil disturbance activities. The two inspections will be separated by at least two full calendar days. Upon the completion of construction, all disturbed areas will be restored and seeded and mulched with a conservation seed mix to restore bank stability and establish vegetative cover. SWPPP inspections will occur until construction is completed and all disturbed areas have been stabilized and will then continue on a monthly basis until all disturbed areas have achieved 80% vegetative cover.*

***NG Response III.B.5b and 5c:*** *Surface waterbodies crossed by and in the vicinity of the proposed Project were identified during the initial review of background information such as USGS topographic maps, NWI maps, NYSDEC stream maps, and aerial photography. Surface waterbodies were then field-verified during both the wetland delineation effort and the preparation of the EM&CP and were delineated and flagged in the field. Field-verified waterbodies are shown on the EM&CP Drawings in Appendix A and keyed into Table C-2 in Appendix C where the Town (location), Existing Structure Span (mileposts), Stream Name, Field/Map Identification Name, Perennial or Intermittent, New York Stream Classification, Water Index Number, Crossing Method and Length, Fishery Type, and GPS coordinates are provided in tabular form. All streams and waterbodies will be re-flagged prior to the start of construction to help ensure their protection.*

## 6. Wetlands

a) For each State-regulated wetland, indicate the following: town (location); existing Structure Span (milepost); wetland field designation; NYSDEC classification code; wetland type; proposed structure located within wetland; total area of temporary disturbance/impact; dead end structures in NYSDEC wetlands; tangent structures in NYSDEC wetlands; total area of permanent disturbance in NYSDEC wetlands (sq. ft.); area crossed by Facility (sq. ft.); conversion of State-regulated forested wetlands (sq. ft.).

b) Describe all activities that will occur within State-regulated wetlands or adjacent areas (e.g., construction, filling, grading, vegetation clearing, and excavation) and assure that the activity is consistent with the weighing standards set forth in 6 NYCRR 663.5(e) and (f). Describe how impacts to wetlands, adjacent areas, associated drainage patterns, and wetland functions will be avoided, and how impacts will be minimized.

c) Describe the precautions or measures to be taken to protect all other wetlands (e.g., town, federal wetlands) associated drainage patterns, and wetland functions.

***NG Response III.B.6a – 6c:*** *A total of 122 wetlands were identified within the Project area, 18 of which are also NYSDEC regulated wetlands. Tables C-1 and C-3 in Appendix C provide the requested information for all the wetlands traversed by the Project. Table C-3 puts forth a summary of all the temporary and permanent wetland impacts associated with State regulated wetlands and adjacent areas.*

*The placement of permanent fill in NYSDEC wetlands and adjacent areas has been minimized to the extent possible and is primarily attributed to the installation of structure foundations and structures. Permanent wetland impacts are also considered to occur where there will be conversion of "forested wetlands" to "shrub wetlands" due to ROW clearing. Temporary impacts are considered to occur in all areas where timber matting is placed for the purposes of access or work pads.*

*All wetlands and the State-regulated 100-foot adjacent area will be re-flagged prior to construction and signage will be placed to ensure worker identification. Wetland protection measures and measures to minimize unavoidable wetland impacts are put forth in Certificate Conditions 83a-v and National Grid's Response III.A.5a.*

*The installation of erosion and sediment control devices to prevent the introduction of sediment into aquatic resources will be carried out from the beginning to the end of construction in accordance with the Project SWPPP (Appendix G). All erosion and sediment control devices prescribed by the SWPPP are shown on the EM&CP Drawings in Appendix A. Upon the completion of construction, all disturbed areas will be restored and seeded and mulched with a conservation seed mix to restore bank stability and establish vegetative cover. SWPPP inspections will take place every 7 days until construction is completed and all disturbed areas have been stabilized except in areas which discharge to a 303(d) waterbody segment as identified in GP-0-20-001, in which case 2 inspections will occur per 7 days for the duration of soil disturbance activities. The two inspections will be separated by at least 2 full calendar days. and will then continue every 30 days until all disturbed areas have achieved 80% vegetative cover.*

*The proposed construction activities will cause minimum impact to State-regulated wetlands and adjacent areas and are consistent with the weighing standards set forth in 6 NYCRR 663.5(e) and (f). The Project consists of reconstructing an existing overhead utility line that is in need of replacement and therefore benefits public health and welfare. Measures taken to minimize impacts include avoidance, where possible, and the prescription of sound construction practices to minimize unavoidable disturbance and impacts.*

## 7. Land Uses

### a) Agricultural Areas

i. Describe programs, policies, and procedures to mitigate agricultural impacts such as soil compaction. Explain how construction plans either avoid or minimize crop production losses and impacts to vulnerable soils.

ii. Indicate specific techniques and references to appropriate agricultural protection measures recommended by NYSDAM.

***NG Response III.B.7.a:*** *The Project does not traverse any land that is used for active agricultural purposes; however, a short section (+ 750 feet) of the Project ROW located east of South Park Ave on Segment 4 Bypass traverses an area classified as vacant land but has been known to be used for hay production in the past. National Grid will comply with the New York State Department of Agriculture and Markets documents entitled "Guidelines for Electric Transmission Right-of-Way Projects" and "Fertilizing, Lime and Seeding Recommendations for Restoration of Construction Projects on Farmlands in New York State" to minimize or avoid construction related impacts to agricultural resources. The referenced guidelines can be found in Appendix T.*

### b) Sensitive Land Uses

Describe the sensitive land uses (e.g., hospitals, emergency services, sanctuaries, schools, residential areas) that may be affected by construction of the Facility or by construction-related traffic and specify measures to minimize the impacts on these land uses.

***NG Response III.B.7.b:*** *The location of sensitive land uses and resources that may be affected by construction of the Facility or by construction-related traffic (e.g., hospitals, emergency services, sanctuaries, schools, and residential areas) are shown and annotated on the EM&CP Drawings in Appendix A. There are no hospitals or emergency services within proximity to the Project. The areas identified include the following:*

| ***Sensitive Land Uses*** | | | |
|---|---|---|---|
| ***Structure Number*** | ***Segment*** | ***Land Use*** | ***Name*** |
| *248A* | *1* | *Residential* | *Mill Street and Gowans Road* |
| *248-247* | *1* | *Residential* | *Mill Street* |
| *234-232* | *1* | *Residential* | *Delamater Road and Church Road* |
| *225-224* | *1* | *Residential* | *Burns Road* |
| *213-210* | *1* | *Residential* | *Derby Road and Sturgeon Point Road* |
| *208-207* | *1* | *Residential* | *Derby Road* |
| *195* | *1* | *Residential* | *Overhead Road* |
| *183-182* | *1* | *Residential* | *North Creek Road* |
| *173* | *1* | *Residential* | *Lakeview Road* |
| *165* | *1* | *Residential* | *Versailles Plank Road and Dover Road* |
| *162-157* | *1* | *Subdivision* | *Margaret Ann Drive and Marina Drive* |
| *155* | *1* | *Subdivision* | *Clifton Heights Neighborhood (Juno Drive)* |
| *154-153* | *1* | *Subdivision* | *Clifton Heights Neighborhood (Pleasant Avenue, Walden Drive)* |
| *144-140* | *2* | *Residential* | *Wanakah Neighborhood (Southcrest Drive)* |
| *139-136* | *2* | *Residential* | *Wanakah Neighborhood (Glendale Avenue, Southcrest Avenue) and Briercliff Neighborhoods (Briercliff Drive)* |
| *136-133* | *2* | *School* | *Cloverbank Elementary School* |
| *133* | *2* | *Residential* | *Morgan Parkway, Mt. Vernon Neighborhood* |
| *132-124* | *2* | *Subdivision* | *Morgan Parkway, Mt. Vernon Neighborhood* |
| *123* | *2* | *Sanctuary* | *Bible Fellowship Church* |
| *122-115* | *2* | *Subdivision* | *Durham Road* |

| *Sensitive Land Uses* | | | |
|---|---|---|---|
| ***Structure Number*** | ***Segment*** | ***Land Use*** | ***Name*** |
| *113-112* | *2* | *Residential* | *Durham Road* |
| *108-103* | *3* | *School* | *St. Francis High School* |
| *59-54* | *4 Existing* | *Subdivision* | *Wayside Mobile Home Court, Shamrock Mobile Home Park* |
| *60-53* | *4 Bypass* | *Residential* | *McGurk Avenue, Salem Drive* |
| *54-50* | *4 Existing* | *Subdivision* | *Willet Road and Highview Circle* |
| *53-50* | *4 Bypass* | *Subdivision* | *Willet Road and Salem Drive* |
| *38-37* | *5* | *Residential* | *Majestic Terrace* |

*It is anticipated that the local community will experience minimal impact associated with the construction of the Facility or by construction-related traffic. All work will be carried out in accordance with Certificate Conditions 8-17 "Public Health and Safety" and Conditions 66-73 "Roads and Highways" in order to ensure public safety and minimal disruption to the public's daily activities. Maintenance and Protection of Traffic Plans (MPT Plans) are provided in Appendix X.*

*Public notices and a process to keep the public informed will be carried out in accordance with Conditions 28-38 "Notices and Public Complaints". Normal work hours have been restricted to 7:00 am to 6:00 pm Monday through Saturday in order to minimize noise impacts to sensitive receptors such as rural residential dwellings, residential developments, commercial businesses and any institutional establishments (schools, churches, hospitals) located near the Project ROW.*

**c) Geologic, Historic and Scenic or Park Resources**

Describe the geologic, historic, and scenic or park resources that may be affected by construction of the Facility or by construction-related traffic and specify measures to minimize impacts on these resources. Indicate the procedures that were followed to identify such resources and specify the measures that will be taken to protect or preserve these resources. Reports prepared to identify and analyze such sites shall be made available to Department of Public Service (DPS) Staff upon request.

***NG Response III.B.7.c:*** *There are no geologic, historic, or scenic or park resources identified that will be impacted by the construction of the Facility.*

*The locations of geologic, historic, and existing or planned scenic or park resources are shown and annotated on the EM&CP Drawings in Appendix A. Every effort will be made to minimize impacts to these areas and signage and temporary construction fencing will be placed as necessary to ensure public safety. The areas are identified in the table below.*

| ***Geologic, Historic, and Scenic or Park Resources*** | | |
|---|---|---|
| ***Resource*** | ***Town*** | ***Structure Number*** |
| *Eden Trailblazers Snowmobile Club trails* | *Evans* | *248-207* |
| *Juno Drive Town Park* | *Hamburg* | *156-155* |
| *Wanakah Country Club* | *Hamburg* | *153-144* |
| *Lakeside Memorial Park & Cemetery* | *Hamburg* | *124-116* |
| *Durham Park* | *Hamburg* | *115-113* |
| *Milestrip Road Park* | *Hamburg* | *75-73* |
| *Fisher Road Park* | *West Seneca* | *26-21* |

**d) <u>Recreation Areas</u>**

Explain how proposed or existing recreation areas will be avoided or accommodated during construction, operation, and maintenance of the Facility.

***NG Response III.B.7.d:*** *No areas where existing or planned recreational uses would be affected by the Facility location, construction or ROW preparation were identified.*

## 8. Access Roads, Lay-down Areas and Workpads

a. Discuss the necessity for access to the ROW, including the areas where temporary or permanent access is required; and the nature of access improvements based on natural features, equipment constraints, and vehicles to be used for construction and maintenance, and the duration of access needs through restoration and the maintenance of the Facility.

b. Discuss the types of access which will be used and the rationale for employing that type of access including consideration of:

i. temporary installations (e.g., corduroy, mat, fill, earthen road, geotextile underlayment, gravel surface, etc.);

ii. permanent installations (e.g., cut and fill earthen road, geotextile under-layment, gravel surface, paved surface, etc.);

iii. use of roads, driveways, farm lanes, rail beds, etc.; and,

iv. other access, e.g. helicopter or barge placement. For each temporary and permanent access type, provide a figure or diagram showing a typical installation (include top view, cross section, and side view with appropriate distances and dimension). Where existing access ways will be used, indicate provisions for upgrading to meet appropriate standards.

c. Indicate the associated drainage and erosion control features to be used for access road construction and maintenance. Provide diagrams and specifications (include plan and side views with appropriate typical dimensions) for each erosion control feature to be used, such as:

i. staked straw bale or check dam (for ditches or stabilization of topsoil);

ii. broad-based dip or berm (for water diversion across the access road);

iii. roadside ditch with turnout and sediment trap;

iv. French drain;

v. diversion ditch (water bar);

vi. culvert (including headwalls, aprons, etc.);

vii. sediment retention basin (for diverting out-fall of culvert or side ditch); and,

viii. silt fencing.

d. Indicate the type(s) of stream crossing method to be used in conjunction with temporary and permanent access road construction. Provide diagrams and specifications (include plan and side view with appropriate dimensions) for each crossing device and rationale for their use. Stream crossing devices may include but not be limited to:

i. timber mat;

ii. culverts including headwalls;

iii. bridges (either temporary or permanent); and,

iv. fords.

e. All diagrams and specifications should include material type and size to be placed in streams and on stream approaches.

f. If access and workpad areas cannot be limited to upland areas, provide justification for any access and workpad areas which are proposed to be located in a wetland or stream or waterbody.

***NG Response III.B.8:*** *For the construction of this Project, National Grid will need to gain access with heavy equipment to all of the proposed and existing structure locations. Providing reliable and readily available permanent access for future maintenance of the Facility is also a consideration in determining the location and type of access roads to be constructed. The type of heavy equipment necessary to install steel pole structures with concrete foundations makes it necessary to have a stable improved road surface to every structure location. This will be accomplished by improving existing gravel access roads (Gravel-Type 1), constructing new permanent gravel access roads (Gravel – Type 1, Type 2 and Type 3), constructing new permanent porous pavement roads (Porous Pavement or "Geoweb" [Shown in Appendix A as Type 4]) or using temporary timber mats (Matting).*

*Gravel and Porous Pavement roads are typically prescribed for upland, nonagricultural areas where a permanent road is desired for future inspection and maintenance of the new transmission facility. Much of the Project has existing access or travel lanes in upland areas that can be improved with gravel in the same location. Porous Pavement roads will be used in lieu of gravel roads in areas that exhibit poor soil characteristics or where the existing location does not allow adequate space for control of runoff. The use of a "geoweb" in the Porous Pavement design allows for the transfer of vehicle weight thereby minimizing soil compaction and creating an underlying gravel reservoir that will provide storage of water reducing runoff rates and volumes.*

*Temporary timber mat roads will be used primarily in sensitive areas such as wetlands, residential areas and areas of active agriculture. The Contractor may choose to use temporary timber mat roads for other applications based on time of year, site conditions and cost. In some instances, such as where a long stretch of road crosses a small protrusion or finger of a federal wetland, National Grid may choose to construct a permanent road instead of temporary matting and*

*conduct wetland mitigation to compensate for any loss of wetland function and benefit. In addition, in some limited instances where construction activities are minimal, the number of trips across a sensitive area can be minimized and construction can be limited to times of dry or frozen soil conditions, the use of Low Ground Pressure Equipment may be prescribed in-lieu of temporary timber mat roads if approved and directed by the Environmental Monitor.*

*In areas where the existing lines traverse commercial/industrial areas, existing paved and gravel surfaces, parking lots and travel lanes that offer good access to the structure locations will be used to the fullest extent practicable to minimize disturbance during construction. Minor improvements to the existing surfaces will be made as necessary and all areas will be restored to pre-existing conditions.*

*In areas designated as "Improve As Necessary", temporary gravel access may be used by the Contractor on an as-needed basis. Upon completion of construction, all temporary gravel access roads will be removed or restored to a permeable condition.*

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

*Mitigation measures such as the use of temporary timber mats or low ground pressure equipment (only as approved and directed by the Environmental Monitor) will be prescribed on a site-by-site basis in environmentally sensitive areas such as wetlands, streams, areas of active agriculture and residential areas. In addition, erosion and sediment control measures designed to maintain and protect soil and water resources both during and after construction will be prescribed for all areas where soil disturbance occurs.*

*The location and type of all access roads as well as the areas where improvements to existing access roads will be made are shown on the EM&CP Drawings in Appendix A. Areas where off-*

*ROW access is proposed are also shown on the drawings and are summarized in Table N-1 in Appendix N. Diagrams and specifications for all types of roads and stream crossing devices are also provided as part of the EM&CP Drawing set in Appendix A. Site specific details for culvert installations and areas requiring grading (>2 feet) are provided in Appendices Y and Z respectively.*

*Stormwater treatment using erosion and sedimentation (E&S) controls will be utilized to control stormwater runoff and to stabilize soil disturbed during the construction of the access roads, laydown areas and work pads. Stormwater runoff will be managed primarily by the use of infiltrating stormwater conveyance swales, water bars or diversion ditches, level spreaders and infiltrating vegetated buffer strips. Since the ROW is currently under an existing detailed vegetation management plan that encourages the growth of herbaceous plant communities, vegetated buffer strips are ideally suited for infiltrating stormwater back into the groundwater table.*

*Stormwater E&S controls will also be installed to prevent soil erosion and sediments from leaving the controlled work area and Project ROW. E&S controls such as staked silt fencing, erosion control socks (coir logs, straw wattles), rolled erosion control products (RECP), turf reinforcement mats (TRM), hydro-seeding, and hydro-mulching will be extensively used throughout the site. Gravel road locations including horizontal and vertical alignments have been engineered to minimize soil disturbance to the extent practicable thus further reducing the risk of erosion and sediment pollution.*

*All erosion and sediment control practices have been designed in conformance with the technical standards found in NYS Standards and Specifications for Erosion and Sediment Control (Blue Book) dated November 2016. All stormwater management measures and E&S controls are shown on the EM&CP Drawings in Appendix A and the details and specifications for each of the prescribed erosion control features are provided in the proposed SWPPP document in Appendix G.*

*To the extent possible, access roads and work pads have been laid out to avoid wetlands, adjacent areas, streams and waterbodies. Work pads and the majority of access in wetlands will be matted and will have only a temporary impact to the resource. The placement of fill in wetlands for access has been kept to a minimum and primarily occurs in areas where existing access is being improved with gravel. Tables C-1 and C-3 in Appendix C identifies those areas where fill*

*will be placed in wetlands for access. Impacts for placing fill in wetlands will be mitigated through a compensatory wetland mitigation plan as described in Appendix R.*

*The location and type of all access roads, both on and off-ROW, and all mitigation measures and erosion and sediment control measures are shown on the EM&CP Plan and Profile Drawings in Appendix A.*

### 9. Noise Sensitive Sites

Specify procedures to be followed to minimize noise impacts related to ROW clearing, and construction and operation of the Facility. Indicate the types of major equipment to be used in construction or Facility operation; sound levels at which that equipment operates; days of the week and hours of the day during which that equipment will normally be operated; any exceptions to these schedules; and any measures to be taken to reduce audible noise levels caused by either construction equipment or Facility operation.

***NG Response III.B.9:*** *The construction work for the Project will not significantly increase ambient noise levels for appreciable durations and the operation of the new transmission lines will not result in any new permanent or long term significant adverse noise impacts.*
*A discussion of noise related impacts and a presentation of the information requested by this Certificate Condition are provided in Appendix E.*

### 10. Ecological and Environmentally Sensitive Sites

Indicate the procedures that were followed to identify ecological and environmental resources (e.g., archaeological sites; fish and wildlife habitat; rare, threatened, and endangered species or habitats; forest and vegetation; open space; areas of important aesthetic or scenic quality; deer winter yards) and specify the measures that will be taken to protect or preserve these resources. Reports prepared to identify and analyze such sites shall be identified and made available upon request.

***NG Response III.B.10:*** *Section 7 of the Endangered Species Act ("ESA") outlines the procedures for Federal interagency cooperation to protect federally listed endangered and threatened species and designated critical habitats. The U.S. Fish and Wildlife Service (USFWS) provides information*

*and consultation for the protection of federally listed rare species. State-listed rare species are protected under New York State law. The NYNHP provides information on State-listed rare species. Information on federally listed and State-listed rare species was obtained through consultation with both the USFWS and NYNHP.*

*In accordance with the USFWS New York field office, the USFWS IPaC system was reviewed to determine whether any federally listed T&E species could occur within the Project area. The database includes T&E species listings specific to the Project area and produced one federally listed T&E species, the northern long-eared bat. The USFWS issued a Final 4(d) Rule for the Northern Long-eared bat (NLEB) on January 14, 2016 in order to reduce the likelihood of a take of this species during its most vulnerable periods. In that Rule (effective February 16, 2016) incidental take is prohibited if it occurs within a hibernaculum; if it results from tree removal activities and the activity occurs within 0.25 mile of a known hibernaculum; or if the activity cuts or destroys a known, occupied maternity roost tree and other trees within a 150-foot radius from that maternity roost tree during June through July (pup season). There is potential NLEB summer habitat within the Project area, however, tree clearing will be minimal because the Project occurs in an existing ROW. Additionally, the Project is not within 0.25 miles of a known hibernaculum, nor is it within 150 feet of a known maternity roost tree. Therefore, the Project may affect the NLEB, but complies with the Final 4(d) Rule. On November 2, 2020, and July 18, 2021, National Grid accessed the USFWS IPaC system for updated official species lists. The official species lists for these same dates were received and are included in Appendix H. No new species were reported. More information about each of the above species is provided in Appendix S.*

*The NYNHP was initially contacted on November 20, 2017, regarding information on rare species records within the Project area. The NYNHP responded on December 1, 2017 with information on State-listed rare, threatened, and endangered (RTE) species. The NYNHP was contacted again on February 25, 2020, for updates or changes to known RTE species, habitat, or Significant Natural Communities in the Project area. The NYNHP responded on March 16, 2020, with information which included: two New York State threatened species, the lake sturgeon and the eastern sand darter; one endangered species, wafer ash; and three records of species that are not currently federally or State-listed as threatened or endangered, but are considered rare (has the heritage conservation status of Imperiled in NYS), the fragile papershell, pink heelsplitter, and kidneyshell. The records of the lake sturgeon and the eastern sand darter show the species to have occurred in Lake Erie, approximately 0.35 miles west of the Project. Because the Project*

*does not traverse or impact Lake Erie in any manner, no impacts to either of these species are expected. The record of the wafer ash occurred approximately 0.35 west of the Project area at Woodlawn Beach State Park in the Town of Hamburg. The Project will not traverse or impact Woodlawn Beach State Park in any manner and no impacts to this species are expected. The records of the fragile papershell, pink heelsplitter, and kidneyshell show the species to have occurred 0.35 mile west of the Project area in Lake Erie at Athol Springs. The Project will not traverse or impact Lake Erie at Athol Springs in any manner and no impacts to these species are expected. The fragile papershell also has a historic record which shows the species to have occurred 0.35 mile north of the Project area in Buffalo Creek in the Town of West Seneca. The Project will not traverse or impact Buffalo Creek in any manner and no impacts to this species are expected. Updates to NYNHP databases were requested on January 14, 2021, and a response was received on March 9, 2021. No new species were identified from prior consultations received. See Appendix H for agency consultations.*

*All workers will be made aware of the potential for these species to occur on the Project ROW and information regarding these species will be placed in the office trailer. Workers will be instructed to immediately stop work and notify the Environmental Monitor if any of these species are thought to be observed.*

*According to the New York State Department of State, a Significant Coastal Fish and Wildlife Habitat occurs where the Project crosses Eighteen Mile Creek. The Project will not impact the Significant Coastal Fish and Wildlife Habitat at Eighteen Mile Creek, because there will be no in-water work. The area from the northern bank of Eighteen Mile Creek to Structure 182 is a NYSDEC-designated Critical Environmental Area due to its exceptional or unique character. The Project will be limited to the existing ROW within this Critical Environmental Area and therefore will not affect its exceptional or unique character.*

*Based on examination of current records, no areas of unique forest or vegetation, designated open space, important aesthetic or scenic quality, deer wintering yards were identified within or nearby the proposed or existing ROW.*

*An evaluation of existing cultural resources was undertaken by TRC for the preparation of the Article VII application for this Project. Cultural resources include archaeological and historic architectural resources that are listed on, eligible, or potentially eligible for listing on the National*

*Register of Historic Places (NRHP). TRC also conducted a Phase IA and a Phase IB archeological study and a prepared a Historical Architectural Report for the Project. All information was submitted to NYS Office of Parks, Recreation and Historic Preservation (OPRHP) for review and approval and it was determined that the Project will not have an effect on archaeological, cultural or historical resources. Letters of "No effect" from OPRHP dated April 29, 2019, September 11, 2019, October 7, 2019, December 11, 2020, and June 24, 2021, are included in Appendix H.*

**11. Invasive Species of Special Concern**

a) Provide an invasive species prevention and management plan for invasive species of special concern, prepared in consultation with DPS Staff, NYSDEC, and NYSDAM, based on the pre-construction invasive species survey of invasive species within the ROW.
b) The plan shall include measures that will be implemented to minimize the introduction of invasive species of special concern and the spread of existing invasive species of special concern during construction (e.g., soil disturbance, vegetation clearing, transportation of materials and equipment, and landscaping/revegetation).

***NG Response III.B.11:*** *A draft Invasive Species Management Plan prepared in consultation with DPS Staff, NYSDEC and NYSDAM is provided in Appendix M.*

**12. Herbicides**

a. Specify the locations where herbicides are to be applied. Provide a general discussion of the site conditions (e.g., land use, target and non-target vegetation species composition, height, and density) and the choice of herbicide, formulation, application method, and timing.
b. Describe the procedures that will be followed during application to protect non-target vegetation, streams, wetlands, potable waters and other water bodies, and residential areas and recreational users on or near the ROW.

***NG Response III.B.12a:*** *The locations where herbicides are to be applied have been determined by the National Grid Transmission Forester on a site-by-site basis during the EM&CP phase of the Project. National Grid will notify DPS staff and NYSDEC 14 days prior to any herbicide application on the Project. Overall, short-term and long-term herbicide application required to*

*maintain the ROW will be in accordance with the "National Grid Transmission Right-of-Way Management Program" (TROWMP) approved by the NYS Public Service Commission and the Certificate Conditions.*

*In areas requiring tree clearing, the remaining stumps of those species that re-sprout from the stump or root will immediately be treated with herbicide to prevent re-sprouting. All mowed access and work pads (except those in sensitive locations and no-treat buffer zones) will be treated with a cut stubble treatment to prevent the re-sprouting of woody stemmed species. Sites that would normally be treated with herbicide during on-cycle maintenance will be treated with herbicide during construction. Since stump treatment does not produce 100 percent efficacy, it is anticipated that a treatment may be needed to suppress re-sprouting prior to the next regular maintenance cycle. At the completion of the Project, the final walkdown will include the inspection of herbicide efficacy. If required, a follow-up foliar application will be performed on the impacted portion of the right-of-way. If a follow-up application is found to be unnecessary, the ROW will be treated again on the regular maintenance cycle. It is noted that a colored dye may be added to the herbicide mixture to provide a visual indication of which stumps have received herbicide treatment. The dye will be added to the herbicide mixture on site, at a rate of approximately 1 drop per quart. National Grid may add dye to the herbicide to facilitate quality control at the discretion of the Transmission Forester.*

*Certificate Conditions 53-56 also put forth additional restrictions regarding the use of herbicides.*

***NG Response III.B.12b:** Procedures for the application of herbicide provided herein are derived from the approved TROWMP and the Certificate Conditions. The selection of both the type of herbicide and the location where it will be used includes the consideration of establishing buffer zones that are designated to minimize the potential for off-target damage. When it becomes necessary to treat in proximity to aquatic resources such as streams, lakes, rivers, ponds or non-jurisdictional wetlands with standing water, minimum buffer zones for use of non-aquatic herbicides will be as follows:*

- *5 feet for cut stump treatment;*
- *15 feet for low-volume backpack foliar;*
- *25 feet for low-volume hydraulic foliar; and*

- *50 feet for high-volume hydraulic foliar*

*Certain herbicide product label restrictions may be greater than the above specified buffer zones. In such cases, the more restrictive requirements are always followed.*

*Where applicable, herbicides shall not be used within one hundred (100) feet of a potable water supply or within five (5) feet of streams or standing water.*

*Where applicable, herbicide application within any Federal wetland, State-regulated wetland or State-regulated 100-foot adjacent area will be applied in accordance with Certificate Conditions 54 and 56. This allows the Company to use the low-volume hydraulic foliar, low-volume backpack foliar, or the cut-stump treatment methods within regulated wetlands and adjacent buffer zones to control target vegetation. Herbicides with aquatic labeling are approved for use with these three methods.*

*Buffer zones or no treatment zones are also incorporated for sensitive land uses such as active residential, active cropland and orchards, organic farms, active public parks, schools, and public recreation areas including golf courses and athletic fields. For all foliar techniques, a buffer zone of reasonable size, generally twenty-five to one hundred (25-100) feet, is maintained around active residential areas depending on site specific conditions. When herbicide treatment is required within the buffer zones for active residences, the cut and stump treatment methods are used.*

*For active cropland, including active orchards, low-volume hydraulic foliar techniques use buffer zones ranging from zero to twenty-five (0-25) feet. For high-volume hydraulic foliar applications, the buffer zone range is generally increased to one hundred (100) feet based on site specific conditions. The range depends on the density of the brush to be maintained and the potential for the applicator to position the vehicle in such a way to allow the application to be directed away from the crop.*

*Low-volume backpack foliar and cut and stump treatment methods may be used right up to the edge of active cropland and orchards, where site conditions allow. With the backpack method, the applicator will stand and direct the application away from the crop or orchard area.*

*For active parks, schools and athletic fields, the buffer zones for foliar applications range from ten to twenty-five (10-25) feet for low-volume backpack operations to ten to fifty (10-50) feet for low-volume hydraulic, and twenty-five to one hundred (25-100) feet for high-volume hydraulic foliar applications. No work may be conducted on the property of public or private schools or registered day care facilities without advance pre-notification under the NYSDEC pesticide notification regulations. It is noted that there are currently no parks, public or private schools, registered day care facilities or athletic fields where herbicides will be applied.*

*In all cases, greater distances can be prescribed if aesthetic, public or environmental reasons dictate the need to increase the size of a buffer zone. This procedure allows the Forester to prescribe buffer zones that best fit site specific conditions that could influence the herbicide application area such as slope, rock outcrops, soil conditions, densities of vegetative ground cover, proximity to water, height and density of undesirables, wire security zone, type and location of crops, natural buffers, and off-ROW sensitive areas. No increased buffer zone distances were prescribed for this Project.*

### 13. Fugitive Dust Control

Specify appropriate measures that will be used to minimize fugitive dust and airborne debris from construction activity.

***NG Response III.B.13****: National Grid will take appropriate measures to minimize fugitive dust and airborne debris from construction activity. Exposed soils and roadways will be wetted as needed during extended dry periods to minimize dust generation. To the extent practicable, water for dust control shall come from municipal water supplies/sources. If surface waters are used, equipment shall be disinfected afterwards. Dust control will conform to the NYSSESC Standards and Specifications for Dust Control.*

### 14. Petroleum and Chemical Handling Procedures

a) Include a plan for the storage, handling, transportation, and disposal of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances which may be used during, or in connection with, the construction, operation, or maintenance of

the Facility. Address how to avoid spills and improper storage or application in the vicinity of any wetland, river, creek, stream, lake, reservoir, spring, well, or other ecologically sensitive site, or existing recreational area along the ROW and access roads.

b) Include a plan for responding to and remediating the effects of any spill of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances in accordance with applicable State and Federal laws, regulations, and guidance, and include proposed methods of handling spills of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances which may be stored or utilized during the construction and site restoration, operation, and maintenance of the Facility.

***NG Response III.B.14a:*** *National Grid and its Contractors will implement precautions during the storage, handling and transporting of fuels, oils, chemicals and other potentially harmful substances to avoid spills and releases to the environment. National Grid and its Contractors will take precautions to prevent spillage and will not store, mix, or load these materials beneath trees or within one hundred (100) feet of any wetlands, river, stream, or other body of water. Hazardous substances will be transported, stored and handled as recommended by suppliers and/or manufacturers, in compliance with all applicable federal or state regulations.*

*A list of typical chemicals and waste anticipated for the Project is provided in Table V-1 in Appendix V along with National Grid's spill reporting and cleanup procedures. A list of emergency contact personnel and local hospitals along with a map showing the location of the nearest hospitals are provided in Appendix K*.

*Preventive and protective practices for fuel chemical handling will be accomplished through implementation of the following principal restrictions on both contractors and company personnel:*

- *Pumps used for trench dewatering or dam and pump crossings operating within 100 feet of a water body, wetland or rare plant or unique natural community will be placed in properly sized and temporary secondary containment structures during their use.*
- *Extreme caution will be exercised when handling fuel and while refueling to avoid spillage.*
- *Any equipment that must be refueled in the field will be refueled from tanks carried to the work site by truck.*

- *No equipment refueling will be performed within one hundred (100) feet of streams or wetlands except that the refueling of hand equipment (e.g. chainsaws), cranes and drill rigs may be allowed within one hundred (100) feet of wetlands or streams under the following conditions:*
    - *Refueling of hand equipment will be allowed within one hundred (100) feet of wetlands or streams when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of hand-held equipment will be initially filled in an upland location greater than one hundred (100) feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Crews shall have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release. Crews will keep the Environmental Monitor informed that this procedure is being used and will immediately repot any spill to the Environmental Monitor.*
    - *Refueling of cranes and drill rigs will be allowed within one hundred (100) feet of wetlands or streams when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than one hundred (100) feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. All refueling of cranes or drill rigs within one hundred (100) feet of wetlands or streams will be conducted under the direct supervision of the Environmental Monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within one hundred (100) feet of a wetland or stream shall have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.*
- *When there is a need to use portable power equipment such as pumps or generators near wetlands or waterbodies, they will be used and refueled employing basic spill prevention and containment procedures. These procedures will include the placement of the portable*

*power equipment within a portable secondary containment basin large enough to hold the fuel container and the equipment being filled. Fuel- containing vessels used to fuel immobile equipment will not be stored within one hundred (100) feet of a wetland or waterbody following refueling activities.*

- *All equipment operating within one hundred (100) feet of a water body, wetland, or rare plant or unique natural community will have sufficient spill-containment equipment on board to provide for prompt control and cleanup in the event of a release.*
- *Refueling of construction equipment on the ROW farther than one hundred (100) feet from streams or wetlands can only take place if absorbent pads or portable basins are deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment shall have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release. The Environmental Monitor will be informed of all equipment refueling that takes place on the ROW prior to refueling.*
- *All on-site construction vehicles including contractor employee vehicles will be monitored for leaks and will receive regular preventive maintenance to reduce the risk of leakage. Any equipment leaking oil, fuel, or hydraulic fluid will be repaired immediately or removed from the site. In the event of a release, the spill will be promptly cleaned up in accordance with the spill response and clean-up procedures identified in Appendix V.*
- *The Construction Contractor will not wash equipment or machinery in any watercourse, wetland, or rare plant or unique natural community, and will not permit runoff resulting from washing operations to directly enter any watercourses or wetlands.*
- *In the event of a spill or hazardous material release to the environment, reporting, containment, and cleanup procedures outlined in Appendix V must be followed.*

***NG Response III.B.14b:*** *All spills or releases of oil or any other chemical to the environment in any quantity must be reported to National Grid's Western Regional Control Center (WRCC) at (716) 831-7325. National Grid's Environmental Guidance Documents EG-501NYN for Release Notification and EG-502NY for Spill and Release Cleanup are provided in Appendix V. These Guidelines address immediate incident activities, reporting instructions, notifications and general cleanup procedures.*

*All on-site spills will be immediately reported to the Environmental Monitor, who is responsible for obtaining all relevant spill information needed to report the spill to the CRCC and to National Grid's Central Division Environmental Engineer, and for completing the Release Report Form. If the Environmental Monitor cannot be reached within 15-minutes from the time the spill occurred the Construction Contractor will call National Grid's WRCC and Western Division Environmental Engineer and notify the Environmental Monitor as soon thereafter as possible. The Environmental Monitor will also be responsible for keeping a "Spill Tracker" spreadsheet for the purpose of tracking all spills that occur during the course of the Project. An example of the Spill Tracker Spreadsheet that will be used for this Project can be found in Appendix V. DPS staff also will be notified of all reportable spills as soon as possible and will receive a copy of the Spill Tracker spreadsheet on a monthly basis.*

## 15. Environmental Supervision

a) Describe protocols for supervising demolition, vegetation clearing, use of herbicides, construction, and site restoration activities to ensure minimization of environmental impact and compliance with the environmental protection provisions specified by the Certificate.

b) Specify the titles and qualifications of personnel proposed to be responsible for ensuring minimization of environmental impact throughout the demolition, clearing, construction, and restoration phases, and for enforcing compliance with environmental protection provisions of the Certificate and the EM&CP. Indicate the amount of time each supervisor is expected to devote to the project.

c) Specify responsibilities for personnel monitoring all construction activities, such as clearing, sensitive resource protection, site compliance, EM&CP change notices, etc.

d) Explain how all environmental protection provisions will be incorporated into contractual specifications and communicated to those employees or contractors engaged in demolition, clearing, construction, and restoration.

e) Describe the procedures to "stop work" in the event of a Certificate violation.

f) Identify the company's designated contact including 24/7 emergency phone number, for assuring overall compliance with Certificate conditions.

***NG Response III.B.15a, 15b and 15c:*** *Supervision of demolition, vegetation clearing, use of herbicides, SWPPP compliance, and construction, and site restoration activities will be done by the Environmental Monitor, Construction Inspector, and National Grids Western Division Forester, each in their respective roles. Because the Project traverses only ± 700 feet of potential agricultural land, the Environmental Monitor will fill the role of the Agricultural Inspector. The responsibilities and qualifications for the Environmental Monitor, Construction Inspector and Agricultural Monitor are provided in Appendix W.*

*The name and qualifications of the Environmental Monitor and Construction Inspector will be submitted to the Secretary at least two weeks prior to the start of construction.*

***NG Response III.B.15d:*** *The EM&CP document, including the EM&CP Drawings, will be made part of the bid specification package for all contract work and will be reviewed in detail at a pre-construction meeting with all contractors working on the Project.*

***NG Response III.B.15e:*** *The Environmental Monitor, as well as the Construction Inspector, Safety Inspector and Division Forester will have "stop work" authority over all aspects of the Project. Protocol for "stop work" directives are described in Certificate Conditions 62-64.*

***NG Response III.B.15f:*** *The Company's designated contact for assuring overall compliance with Certificate conditions will be the Project Manager assigned to this Project. The name and 24/7 contact number for the Project Manager will be provided to DPS staff at least two weeks prior to starting construction.*

## 16. Clean-up and Restoration

Describe the Certificate Holder's program for ROW clean-up and restoration, including:

a. the removal of any temporary roads; restoration of lay-down or staging areas; the finish grading of any scarified or rutted areas; the removal of waste (e.g. excess concrete), scrap metals, surplus or extraneous materials or equipment used;

b. plans, standards and a schedule for the restoration of vegetative cover; including, but not limited to, specifications to address:

i. design standards for ground cover:

    1. species mixes and application rates by site;

    2. site preparation requirements (soil amendments, stone removal, subsoil treatment, or drainage measures);

    3. acceptable final cover % by cover type;

ii. planting installation specifications and follow-up responsibilities;

iii. a schedule or projected dates of any seeding and/or planting; and,

iv. plans to prevent unauthorized access to and along the ROW.

***NG Response III.B.16****: All temporary roadways, whether gravel or timber mat, will be removed as part of final restoration after all construction for which they served has been completed. All disturbed areas, including temporary roadways, lay-down areas and scarified or rutted areas will be restored, seeded and mulched within fourteen (14) days from the time construction in that area has ended.*

*During construction, the ROW will be kept free of construction debris and to the extent possible. As construction continues, each section of the ROW will be thoroughly cleaned within one week after construction is completed on that particular section. All debris resulting from construction such as piping, fencing, wiring, concrete and any other materials generated will be disposed of at an approved disposal site in compliance with all appropriate environmental regulations. Under no circumstances will any debris be burned or buried either on or off the ROW.*

*The plans, standards and schedule for restoration of the ROW are provided in the SWPPP in Appendix G. SWPPP inspections will take place on a weekly basis until construction is completed and all disturbed areas have been stabilized and will then continue on a monthly basis until all disturbed areas have achieved 80% revegetation. DPS staff will be copied on all SWPPP inspection reports.*

*National Grid's plans for preventing unauthorized access to and along the ROW are provided in Response 52 of this EM&CP. A post construction assessment of the Facility, in consultation with DPS Staff, shall be conducted to determine if any additional fences, gates or berms are necessary to prevent unauthorized access on the Facility ROW.*

*The person responsible for restoration of the ROW and full compliance with all Certificate Conditions will be the Project Manager assigned to this Project. The name and contact number of the Project Manager will be provided to DPS staff at least two weeks prior to starting construction.*

### 17. Visual Impact Mitigation

Provide details of screening or landscape plans prescribed at road crossings and for adjacent property owners. Discuss existing or proposed landscape planting, earthwork, or installed features to screen or landscape substations and other Facility components.

***NG Response III.B.17:*** *There are no screening or landscape plans presently proposed for the Project. In accordance with Certificate Condition 51, within one year after completion of construction, National Grid will prepare a plan for any visual mitigation found necessary and will provide a draft of the plan to DPS staff for review subsequent to submittal of the final plan to the Secretary. The name and title of the preparer of said plan will be provided at that time.*

### 18. ROW Encroachment Plan

Provide detailed plans for identifying and resolving potential encroachments to the existing and proposed ROW.

***NG Response III.B.18:*** *A ROW encroachment plan is provided in Appendix O.*

### 19. Wetland Mitigation Plan

Provide a proposal to address wetlands mitigation, for all permanent impacts to State-regulated wetlands and Federally- regulated wetlands, if prescribed by the Army Corps of Engineers, including, but not limited to, the permanent conversion of forested wetland to scrub-shrub wetland. If such proposal is to prepare a detailed mitigation plan for State regulated wetlands, it shall separately address impacts to each of the wetlands benefits described in ECL § 24-0105(7). Plans shall provide for wetland mitigation in the same watershed to the maximum extent possible.

***NG Response III.B.21:*** *National Grid has been working with the NYSDPS, NYSDEC and the Army Corps of Engineers to develop a wetland mitigation plan for the Project. Meetings were held on July 31, 2020 and December 4, 2020 to discuss the criteria for wetland impact analysis, the quantitative assessment of wetland impacts, mitigation ratios, mitigation strategies and the process for selecting a suitable mitigation site. The presentation from the December 4th meeting is provided in Appendix R as a summary of the impacts identified to date.*

*National Grid is currently in the process of screening potential mitigation sites and has field evaluated six sites as of the date of this filing. National Grid will continue to work with the NYSDPS, NYSDEC and the Army Corps of Engineers to select a mitigation site and finalize a wetland mitigation plan and will, in accordance with Condition 83j, submit the final plan within six months of the start of construction.*