# Attachment 3
# Pre-Construction Notification & Nationwide Permit Application

10 Maxwell Drive, Suite 200
Clifton Park, NY 12065

July 22, 2021

U.S. Army Corps of Engineers
ATTN: Regulatory Branch, Room 16-400
26 Federal Plaza
New York, NY 10278-0090

**Via email:** CENAN.PublicNotice@usace.army.mil

**RE: NY Transco Rock Tavern to Sugarloaf Project**
**USACE Nationwide Permit # 57 - Pre-Construction Notification**
**Towns of New Windsor, Hamptonburgh, Blooming Grove, and Chester**
**Orange County, NY**

Dear Mr. Orzel,

TRC hereby submits this Pre-Construction Notification (PCN) on behalf of New York Transco, LLC (Transco or the Applicant) for approval of the NY Transco's proposed Rock Tavern to Sugarloaf Project (the Project) under the U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP) program. Based on the impacts anticipated, the Project we submit is eligible for coverage under NWP 57-- Electric Utility Line and Telecommunications Activities, which was promulgated by USACE pursuant to Final Rule published in the Federal Register on January 13, 2021 ("NWP-57"). TRC notes that NWP 57 requires a PCN to be filed if wetland impacts are greater than the 0.1-acre threshold. Project impacts to wetlands are below this threshold. However, TRC is submitting this PCN in accordance with NWP 57 General Condition 18 (Endangered Species), which requires a PCN if any listed threatened or endangered species, or critical habitat, might be affected or is in the vicinity of work associated with an activity.

As discussed in greater detail below, the proposed Project includes construction of an overhead 115 kV electric transmission line. As such, a copy of the PCN and NWP verification will be provided by the USACE to the Department of Defense Siting Clearinghouse.

The PCN has been formatted to be consistent with guidance provided by the USACE on March 8, 2021 entitled "Final Regional Conditions, Water Quality Certification, and Coastal Zone Concurrence for 2021 Nationwide Permits in the State of New York," ("the March 2021 NWP Guidance").[1] The Joint Application Form is included herein as Appendix A.

[1] U.S. Army Corps of Engineers. March 8, 2021. Final Regional Conditions, Water Quality Certification, and Coastal Zone Concurrence for 2021 Nationwide Permits in the State of New York. Accessed on: June 17, 2021.

## 1.0 PRE-CONSTRUCTION NOTIFICATION

As required under the March 2021 NWP Guidance, the following information is being provided as part of this PCN:

### 1. Name, address and telephone numbers of the prospective permittee

James Mooney
New York Transco LLC
One Hudson City Centre, 3rd Floor
Hudson, NY 12534
(518) 444-4507
James.Mooney@NYTransco.com

### 2. Location of the Proposed Activity

The Project will be located along utility-owned (Central Hudson Gas & Electric Corporation and Orange and Rockland Utilities) land in the Towns of New Windsor, Hamptonburgh, Blooming Grove, and Chester, Orange County, New York (Figure 1).

### 3. Applicable Nationwide Permit

The proposed activity, which includes electric transmission structure installation, will permanently impact 0.014 acres of USACE-regulated wetland. As such, the Project is consistent with the requirements of and criteria associated with NWP 57.

### 4. Description of Proposed Activity

The Project will be sited and operated within an existing utility right-of-way (ROW) and other utility-owned or controlled land and is planned to be commissioned and in-service by December 31, 2023. This Project supports the NYS Public Service Commission (NYSPSC)-declared AC Transmission Public Policy Transmission Need (AC Transmission PPTN) by contributing to the necessary regional upgrades to move power from upstate to downstate along the Central East and Upstate New York/Southeast New York (UPNY/SENY) major electrical interfaces.[2]

The Project includes the replacement of an existing, 12-mile overhead 115 kV electric transmission line (the SL Line), with a new 115 kV electric transmission line, which will be known as the Rock Tavern to Sugarloaf Line (the RTS Line). The RTS Line will begin at the existing 115 kV Rock Tavern Substation owned by Central Hudson Gas & Electric Corporation (Central Hudson) and located in the Town of New Windsor, Orange County (the 115 kV Rock Tavern Substation) and terminate at Central Hudson's existing 115 kV Sugarloaf Switching Station (the 115 kV Sugarloaf Switching Station) located in the Town of Chester, Orange County. As part of the Project, the 115 kV Sugarloaf Switching Station will be rebuilt as a

[2] Case 12-T-0502 Order Finding Transmission Needs Driven by Public Policy Requirements (Issued Dec. 17, 2015).

substation (the Rebuilt Sugarloaf Substation) to accept the RTS Line. A new 138kV tie line (Line 30) will exit the Rebuilt Sugarloaf Substation and terminate at the existing 138 kV Sugarloaf Switching Station owned by Orange and Rockland Utilities, Inc. (O&R) and located in the Town of Chester, Orange County (the 138 kV Sugarloaf Switching Station). In addition to replacing the SL Line, the existing structures from the 115 kV Rock Tavern Substation to the 115 kV Sugarloaf Switching Station will be replaced. As part of the Project, and to accommodate the Rebuilt Sugarloaf Substation, the first structure outside of the Rebuilt Sugarloaf Substation (Structure 1241) will be replaced. Structure 1241 supports Central Hudson's existing 115 kV SD and SJ lines.

The Project will be located entirely within an existing utility-owned ROW and existing utility-owned or controlled land (together, the Project ROW). Once constructed, the Project will be located entirely within Orange County in the Towns of New Windsor, Hamptonburgh, Blooming Grove, and Chester.

The Project is being reviewed by multiple New York State agencies under the New York State Public Service Law Article VII process led by the New York State Public Service Commission. The New York State Department of Environmental Conservation (NYSDEC) has reviewed potential impacts to state-regulated wetlands and their respective 100-foot adjacent area, potential impacts to state regulated streams and waterbodies, and potential impacts to state-listed endangered and threatened species under New York state statutes.[3] The NYSPSC, NYSDEC, and NY Department of Agriculture and Markets have each signed a Joint Proposal with 145 Certificate conditions for the Project under the Article VII proceedings.[4]

In addition, Transco has requested a Section 401 Water Quality Certificate for the Project from the NYSPSC as part of the Article VII certification.

Installation of New Electric Transmission Structures

Proposed work associated with Project construction includes the installation of twelve new structures within field-delineated wetlands. Fifteen existing lattice structures associated with current infrastructure will be removed from wetlands as part of the Project. Any permanent wetland impacts will be limited to new directly embedded structure bases and structure foundations. Direct embedding structures involves excavating a hole that can accommodate the structure to a depth of at least 10% of the structure height plus 2 feet. The annulus may be backfilled with engineered material as needed (i.e., crushed stone, low strength concrete, etc.). Soil conditions will dictate whether casing of the holes (permanent or temporary) is required. Where direct embedding is not practicable, a reinforced drilled shaft concrete foundation will be installed. The concrete foundation construction involves the excavation of a hole to a diameter and a depth sufficient to support the loads applied to the structure, with a typical diameter of 6 to 12 feet. Caisson foundations may be excavated with a large drilling

[3] NYS Environmental Conservation Law (ECL) Article 24, Freshwater Wetland Regulations, regulations at 6 NYCRR 663 and 664; NYS ECL Article 15, Protection of Waters, regulations at 6 NYCRR 608, and NYS ECL Article 11, Endangered Species Regulations, regulations at 6 NCYRR 182.
[4] Joint Proposed filed on June 23, 2021

rig or track excavator. Anchor bolts are used to tie the structure and foundation together. Foundations are identified as drilled shaft or direct embed. Reinforced concrete drilled shaft foundations will be excavated using a track mounted drilling rig. Structures will then be set and assembled on the foundation or placed in the augured hole for direct embed foundations. If existing grades have the potential to cause erosion that can enter a protected resource, staked straw bale or silt fence barriers will be placed between the work activity and the protected resource prior to commencing work. Based on a site-specific subsurface condition (as determined by geotechnical investigations), alternatives to concrete drilled shaft foundations will also be considered. For the purpose of estimating permanent fill, a nominal value of 60 square feet was used for each structure footprint.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the following FIRM panels (effective 8/3/2009) were reviewed 36071C0304E; 36071C0312E; 36071C0314E; 36071C0477E; 36071C0476E; 36071C0478E; 36071C0459E; 36071C0467E, and 36071C0456E; and several floodways, 100-year floodplains, and 500-year floodplains are located on or in proximity to the Project site. Seven of the proposed Project structures (Structures 3084, 3089, 3020, 3011, 3010, 3009, and 3008) are located within either a 100-year or 500-year floodplain (see Figure 4.3-2 of Appendix C or Section 4.3.3 of Appendix J).

If a foundation must be located in a wetland, excavated topsoil and subsoil will be segregated and temporarily stockpiled on construction matting or geo-textile fabric. Once the foundation form is placed in the excavated hole, native soil backfill will be placed around the outside of the foundation form and the segregated topsoil will be spread over the disturbed areas and mulched after the concrete has set. Excess soil will be permanently removed and spread in appropriate upland areas within the Project's ROW, as far from the wetland as practicable, and seeded and mulched to prevent erosion as detailed in the Environmental Management & Construction Plan (EM&CP). Excess soils will be spread at a distance sufficient to prevent transport of the soils into wetlands or the adjacent areas associated with NYSDEC-regulated wetlands.

Removal of Existing Structures

The existing SL Line structures will be removed. Fifteen of the existing SL Line structures are located within wetlands delineated within the Project's Ecological Survey Boundary.[5] The existing structures are lattice steel towers assumed to be on four concrete footings each. In uplands existing concrete foundations will be installed to a depth sufficient to support the loads applied to the structure. In wetlands, footings will be sheared to level with the ground surface. Footings will be left in place so as not to create a void in the wetland. Concrete footings in agricultural lands will be removed to 48 inches below the ground surface. All

[5] The Ecological Survey Boundary includes the Project ROW and surrounding adjacent land and is further described in Appendix C and Appendix J.

portions of the demolished structures and foundations will either be salvaged or hauled off-site for appropriate disposal.

Voids left by removal of structures and/or foundations will be backfilled and compacted. Subsurface portions will be removed to a minimum depth identified above. To the extent that it is practicable, native soil stockpiled during installation of new structure foundations will be used at the surface of all backfilled voids resulting from structure or foundation removal activities. All excess soil not used as backfill or spread on site will be removed from the site.

Access Roads and Work Pads

Off-ROW roads will be utilized where available to avoid or minimize potential impacts to environmentally sensitive areas. Access roads will typically be 16 feet wide, some roads may be wider for steep areas or at sharp bends in the road, to accommodate large construction equipment. Stabilized construction entrances will be installed adjacent to public roadways. There are four types of access roads proposed for the Project (Type 1, 2, 3, and 4); of these four, Type 4 will be used within aquatic resources. Types 1, 2, and 3 will be located in uplands:

Type 1: Existing Access Road – Improvement Required: These are existing access roads, some of which may need repair or improvement to allow passage of equipment needed for construction activities. Improvements may include:

- adding gravel or crushed stone to fill depressions or washed-out areas except in federally regulated wetlands, where the area will be matted;
- reclaiming existing stormwater structures, such as drainage ditches, swales, etc.; and
- repairing or replacing existing culverts to correct issues associated with poor drainage or rutting.

Type 2: Existing Access Road – Minor Work Required: Type 2 roads are existing roads, such as agricultural roads and those through upland areas, that will generally be used as-is because they are built to withstand the particular loading and volume of traffic that will occur during construction. Minor work that may be required could include gravel amendments or minor grading.

Type 3: New Access Road: Type 3 roads are new access roads that will be constructed in upland areas where work related to certain structure types, including structures with concrete foundations, requires somewhat heavier equipment. These roads can either be existing roads that require improvements to Type 3 specifications, or newly constructed roads using the same specifications. As appropriate, drainage and erosion control measures will be installed during construction of the Type 3 roads. After temporary use during construction, all Type 3 roads will be scarified and seeded in accordance with revegetation details in the EM&CP.

Type 4: Temporary Access Road – Matting: These are matted access roads that will be used in sensitive areas such as wetlands or upland areas where future access for maintenance activities is not required. Type 4 roads will be improved for construction use through the placement of construction mats or other measures, such as corduroy or brush mats. After construction the mats will be removed and the wetland area restored, as appropriate and detailed in the EM&CP.

Work pads will be required at each new structure and at existing structures to be removed to level the surface for construction equipment. Work pads have been designed to minimize impacts to the extent practicable to environmental resources, such as wetlands. Work pad sizes are estimated as follows:

- Tangent structures – 100 ft. x 130 ft. (13,000 sq. ft)
- 1-pole dead-end structures – 100 ft. x 140 ft. (14,000 sq. ft)
- 2-pole dead-end structures – 100 ft. x 145 ft. (14,500 sq. ft)
- 3-pole dead-end structures – 100 ft. x 150 ft. (15,000 sq. ft.)
- Work pads for demolition of existing lattice towers are estimated to be 100 ft. x 55 ft. (5,500 sq. ft.)
- Wire Pulling – 200 ft. x 75 ft. (15,000 sq. ft)

Temporary wetland and stream impacts will be caused by the temporary use of matting for work pads, wire pulling sites, and access roads within wetland boundaries. Temporary wood construction matting will typically be utilized for work areas within wetlands and will be removed after construction is complete. Based on wetland site conditions, and as an alternative to wood matting, a temporary work pad may be placed on geo-textile fabric to provide a level, stable work area or roadway. Work pads will also be used for the removal of the existing lattice structures within wetlands.

Laydown Areas

One laydown yard has been identified for the Project (the Andrews Lane Laydown Yard). The laydown yard is located at 43 Andrews Lane within the Town of Chester, Orange County, New York. The Laydown Yard will be primarily utilized for temporarily locating construction-related facilities. Equipment and materials will be staged in the Laydown Yard to prepare for use during construction activities. Staged equipment may include tree clearing machinery, earth moving equipment, drill rigs, cranes, bucket trucks, stringing equipment, and construction vehicles. Construction office trailers (including associated electric and telephone service), portable sanitary facilities, pole components, anchor bolt cages, hardware kits, conductor, and other transmission line and substation equipment and materials will also be staged at the Laydown Yard. The Laydown Yard will also be used for equipment and vehicle maintenance and cleaning, Project staff personal vehicle parking, and may be used for temporary soil stockpiles or for temporary storage of frac tanks. The Laydown Yard has been designed to be capable of accommodating delivery vehicles. Material will be removed from the Laydown Yard as required for staging on the Project's right-of-way (ROW) for

construction. Materials and equipment will be delivered and stored in an orderly fashion to maintain Project housekeeping and safety. No wetland or stream resources were identified within the proposed Andrews Lane Laydown Yard.

Vegetation Management

The Project will be located primarily within existing, maintained ROW and utility-owned or controlled properties at each existing substation. Transco has designed the Project to minimize the tree clearing required. Nevertheless, minor tree removal will be needed to expand the existing, cleared portion of the ROW—to the existing ROW boundaries—to construct and safely operate the Project's transmission line. The Project will require approximately 9.79 acres of tree clearing to accommodate the transmission line and Rebuilt Sugarloaf Substation (see Appendix B). Of the 9.79 acres, approximately 0.15 acres will occur within delineated wetland areas. Construction mats will be placed within the designated clearing locations as necessary to support the clearing equipment and minimize ground disturbance and impacts to sensitive resources, including aquatic resources. Where possible, clearing work will be completed by hand. Mechanical work will be necessary in some locations to cut the vegetation and/or remove it from the site for proper disposal. When work with equipment is necessary, it will be done from construction mats to minimize impacts to soils and other non-target vegetation.

Restoration

To facilitate revegetation of saplings, shrubs, and herbaceous species, tree roots and other rooted materials will not be removed or grubbed from wetlands. This will allow native species the opportunity to continue to contribute functions and values that existed prior to construction of the Project. Additionally, any disturbed soils within wetlands will be stabilized with an appropriate native wetland species mix (e.g., Ernst Wetland Mix (OBL-FACW Perennial Wetland Mix, OBL Wetland Mix, Specialized Wetland Mix for Shaded OBL-FACW), or equivalent) as detailed in the EM&CP.

Additional details regarding construction methodology, including pre-construction preparation, ROW vegetation clearing and management, access road use and installation, demolition debris, concrete foundation and structure installation, conductor stringing and clipping, clean-up and restoration, material storage yards, marshalling yards, and staging areas, etc., with respect to sensitive environmental resources may be found in Section 4.2 of Appendix J. Construction of the transmission line is scheduled to begin following all required Federal and State approvals and is proposed to begin in the fall of 2022 and end winter of 2023.

Altogether, the Project is anticipated to result in a total of 600 square feet/ 0.014 acres of permanent wetland impacts (see Table 1), 3.55 acres of temporary wetland impacts (see Table 4), 0.15 acres of tree removal in wetlands (see Table 3), and 43.48 linear feet of

temporary stream impacts (see Table 5). Impacts will be minimized as described in the following sections.

## 5. Wetland and Waterbody Impacts

A wetland and waterbody delineation of the Project parcels was performed by TRC wetland biologists at the Project Site from July 27, 2020 through August 13, 2020 and refined following a site visit with the NYSDEC on April 27, 2021. The results of the delineation are presented in the Wetland and Waterbody Delineation Report (Appendix C). Tables 3, 4, and 5 below provide additional details about proposed impacts to Project Site wetlands and waterbodies. Figure 2 shows the locations of each wetland and waterbody flag. Figure 3 (Appendix B) shows the proposed structures, existing structures to be removed, proposed access roads and workspaces, and proposed matting. The photograph log within Appendix C is intended to aid in visualization of the Site and delineated features.

*Wetlands*

TRC delineated fifty-four (54) wetlands within the Project's Ecological Survey Boundary (see Figure 2). As described above, permanent impacts assumed to be jurisdictional under USACE criteria include structure installation. Permanent impacts associated with these construction activities are anticipated to occur in wetlands W-NSD-4, W-NSD-24, W-NSD-29, W-NSD-31, W-NSD-35, W-NSD-36, W-NSD-37, W-JJB-1, W-JJB-5, and W-KCF-3 and total 0.014 acres (see Table 1). There are no anticipated permanent impacts to any other wetlands.

**Table 1. Waters of the United States (WOTUS) Permanent Impact Summary Table**

| WOTUS | Classification[1]/ Cover type | Proposed Activity | Structure Number and Structure Type (Suspension/ Strain) | USACE Jurisdictional Wetland Impact Type and Size | Feature Latitude/ Longitude |
|---|---|---|---|---|---|
| W-NSD-4 | PSS | Structure and base installation | Structure 3003 (Suspension) | 60 square feet of structure footprint | 41.462797, -74.195882 |
| W-NSD-24 NYSDEC Wetland ID: MB-43 | PEM/ PSS | Structure and base installation | Structure 3025 (Suspension) | 60 square feet of structure footprint | 41.417963, -74.202047 |
| W-NSD-29 | PEM/ PSS | 2 Structures and base installations | Structure 3031 (Strain); Structure 3033 (Suspension) | 120 square feet of structure footprint | 41.405906, -74.205433 |
| W-NSD-31 NYSDEC Wetland ID: MB-50 | PEM/ PSS | Structure and base installation | Structure 3034 (Strain) | 60 square feet of structure footprint | 41.401319, -74.206726 |

| WOTUS | Classification[1]/ Cover type | Proposed Activity | Structure Number and Structure Type (Suspension/ Strain) | USACE Jurisdictional Wetland Impact Type and Size | Feature Latitude/ Longitude |
|---|---|---|---|---|---|
| W-NSD-35 | PEM | Structure and base installation | Structure 3037 (Strain) | 60 square feet of structure footprint | 41.395762, -74.206726 |
| W-NSD-36 NYSDEC Wetland ID: MB-51 | PEM | Structure and base installation | Structure 3039 (Strain) | 60 square feet of structure footprint | 41.391351, -74.206785 |
| W-NSD-37 | PEM/ PSS | Structure and base installation | Structure 3048 (Strain) | 60 square feet of structure footprint | 41.373458, -74.207912 |
| W-JJB-5 | PEM/ PSS/ PUB | Structure and base installation | Structure 3054 (Suspension) | 60 square feet of structure footprint | 41.360905, -74.208357 |
| W-JJB-1 | PEM/PSS | Structure and base installation | Structure 3064 (Suspension) | 60 square feet of structure footprint | 41.345309, -74.220471 |
| W-KCF-3 | PSS | Structure and base installation | Structure 3084 (Suspension) | 60 square feet of structure footprint | 41.316, -74.253 |
| **Total Impacts** | | | | **600 square feet/ 0.014 acres** | |

[1] *The Classification of Wetlands and Deepwater Habitats of the United States, Second Edition (Federal Geographic Data Committee 2013) Cowardin et al., 2013 categories include: Palustrine Emergent Marsh (PEM), Palustrine Unconsolidated Bottom (PUB), Palustrine Scrub-Shrub (PSS), and Palustrine Forested (PFO).*

Tree clearing areas have been estimated using a review of on-site conditions, field photographs, aerial photography, and LiDAR (Light Detection and Ranging) data. Tree removal areas were overlain on updated wetland maps. Where any portion of the wetland was identified as forested, the entire area of tree removal in that wetland was placed in Table 2, Potential for Tree Removal in Forested Wetlands. Tree removal in wetlands without a PFO component were identified as general tree removal in wetlands. These are listed in Table 3, Potential for Tree Removal in Non-Forested Wetlands. It is possible that some of the areas identified below are associated with the removal of tree limbs rather than the cutting of an entire tree.

**Table 2. Potential for Tree Removal in Forested Wetlands**

| WOTUS | Classification[1]/ Cover type | Area of Wetland within Survey Area (Acres) | Area of Trees to be Removed (Acres) |
|---|---|---|---|
| W-NSD-2 | PFO | 0.17 | <0.0001 |
| **Total Area of Trees to be Removed in Forested Wetlands** | | | <0.0001 |

**Table 3. Potential for Tree Removal in Non-Forested Wetlands**

| WOTUS | Classification[1]/ Cover type | Area of Wetland within Survey Area (Acres) | Area of Trees to be Removed (Acres) |
|---|---|---|---|
| W-JJB-1 | PEM/PSS | 1.39 | 0.0030 |
| W-KCF-2 | PEM | 0.36 | 0.0002 |
| W-JJB-2 | PEM | 2.61 | 0.0067 |
| W-KCF-3 | PSS | 2.65 | 0.0375 |
| W-NSD-3 | PSS | 0.05 | 0.0005 |
| W-JJB-4 | PEM | 0.10 | 0.0018 |
| W-NSD-4 | PSS | 2.17 | 0.0002 |
| W-JJB-5 | PSS | 1.91 | 0.0016 |
| W-JJB-5 | PUB | 0.28 | 0.0019 |

| WOTUS | Classification[1]/ Cover type | Area of Wetland within Survey Area (Acres) | Area of Trees to be Removed (Acres) |
|---|---|---|---|
| W-JJB-5 | PEM | 0.87 | 0.0213 |
| W-KCF-8 | PEM | 0.22 | 0.0000 |
| W-NSD-9 | PEM | 0.52 | 0.0024 |
| W-NSD-9 | PSS | 2.41 | 0.0043 |
| W-NSD-10 | PEM | 0.25 | 0.0005 |
| W-NSD-13 | PUB | 0.20 | 0.0009 |
| W-NSD-16 | PSS | 0.99 | 0.0005 |
| W-NSD-20 | PEM | 1.79 | 0.0010 |
| W-NSD-24 | PEM | 7.60 | 0.0040 |
| W-NSD-27 | PSS | 0.17 | 0.0005 |
| W-NSD-29 | PSS | 4.07 | 0.0372 |
| W-NSD-29 | PEM | 2.31 | 0.003 |
| W-NSD-31 | PSS | 0.97 | 0.0103 |
| W-NSD-33 | PEM | 0.08 | 0.0017 |
| W-NSD-34 | PEM | 0.33 | 0.0001 |
| W-NSD-36 | PEM | 3.69 | 0.0041 |

| WOTUS | Classification[1]/ Cover type | Area of Wetland within Survey Area (Acres) | Area of Trees to be Removed (Acres) |
|---|---|---|---|
| W-NSD-37 | PSS | 1.60 | 0.0069 |
| W-NSD-37 | PEM | 0.78 | 0.0006 |
| **Total Area of Trees to be Removed in Non-Forested Wetlands** | | | 0.15 |

Temporary wetland impacts associated with the temporary use of matting for access roads, work pads, and wire pulling sites are summarized in Table 4 below.

**Table 4. Temporary Wetlands Impact Summary Table**

| Wetland ID | Classification[1]/ Covertype | Proposed Activity | USACE Jurisdictional Wetland Impact Size, acres | Proposed Impact Latitude, Longitude |
|---|---|---|---|---|
| W-JJB-1 | PEM | Matting | 0.34 | 41.34534, -74.2204; 41.345, -74.220 |
| W-JJB-2 | PSS | Matting | 0.02 | 41.34776, -74.2175 |
| W-JJB-2 | PEM | Matting | 0.20 | 41.34729, -74.2182 |
| W-KCF-3 | PSS | Matting | 0.18 | 41.31597, -74.2533 |
| W-NSD-3 | PSS | Matting | 0.01 | 41.46599, -74.1952 |
| W-NSD-4 | PEM | Matting | 0.04 | 41.46165, -74.1964 |
| W-NSD-4 | PSS | Matting | 0.10 | 41.46288, -74.1959 |
| W-NSD-7 NYSDEC Wetland ID: MB-21 | PEM | Matting | 0.01 | 41.3244, -74.2438 |
| W-NSD-7 NYSDEC Wetland ID: MB-21 | PEM | Matting | 0.03 | 41.45593, -74.1983 |
| W-NSD-8 NYSDEC Wetland ID: MB-21 | PEM | Matting | 0.03 | 41.4551, -74.1989 |
| W-NSD-9 | PSS | Matting | 0.03 | 41.45107, -74.2002 |
| W-NSD-15 NYSDEC Wetland ID: MB-35 | PSS | Matting | 0.04 | 41.44387, -74.2009 |
| W-NSD-15 NYSDEC Wetland ID: MB-35 | PEM | Matting | 0.02 | 41.44403, -74.2009 |
| W-NSD-20 | PEM | Matting | 0.33 | 41.42553, -74.1995 |

| Wetland ID | Classification[1]/ Covertype | Proposed Activity | USACE Jurisdictional Wetland Impact Size, acres | Proposed Impact Latitude, Longitude |
|---|---|---|---|---|
| W-NSD-22 | PEM | Matting | 0.01 | 41.42164, -74.2009 |
| W-NSD-23 | PEM | Matting | 0.01 | 41.4212, -74.2009 |
| W-NSD-24 NYSDEC Wetland ID: MB-43 | PEM | Matting | 0.49 | 41.41705, -74.2022 |
| W-NSD-24 NYSDEC Wetland ID: MB-43 | PSS | Matting | 0.02 | 41.41819, -74.202 |
| W-NSD-24 NYSDEC Wetland ID: MB-43 | PEM | Matting | 0.08 | 41.416, -74.202 |
| W-NSD-25 NYSDEC Wetland ID: MB-43 | PEM | Matting | 0.01 | 41.41479, -74.2025 |
| W-NSD-25 NYSDEC Wetland ID: MB-43 | PSS | Matting | 0.05 | 41.41453, -74.2027 |
| W-NSD-29 | PSS | Matting | 0.52 | 41.40488, -74.2056 |
| W-NSD-29 | PEM | Matting | 0.14 | 41.40497, -74.2055 |
| W-NSD-29 | PEM | Matting | 0.27 | 41.40714, -74.2049 |
| W-NSD-31 NYSDEC Wetland ID: MB-50 | PSS | Matting | 0.13 | 41.40187, -74.2063 |
| W-NSD-32 NYSDEC Wetland ID: MB-50 | PSS | Matting | 0.04 | 41.40107, -74.2066 |
| W-NSD-33 | PEM | Matting | 0.02 | 41.39877, -74.206; 41.399, -74.206 |
| W-NSD-35 | PEM | Matting | 0.03 | 41.39572, -74.2065 |
| W-NSD-36 NYSDEC Wetland ID: MB-51 | PEM | Matting | 0.05 | 41.39133, -74.2068 |
| W-NSD-37 | PSS | Matting | 0.14 | 41.37365, -74.2078 |
| W-NSD-37 | PEM | Matting | 0.07 | 41.373, -74.208 |
| W-NSD-38 | PEM | Matting | 0.02 | 41.37359, -74.2074 |
| W-NSD-40 | PEM | Matting | 0.03 | 41.458, -74.194 |
| W-NSD-41 | PUB | Matting | 0.01 | 41.351, -74.215 |
| **Total Temporary Wetland Impacts** | | | **3.55 acres** | |

[1] *The Classification of Wetlands and Deepwater Habitats of the United States, Second Edition (Federal Geographic Data Committee 2013) Cowardin et al., 2013 categories include: Palustrine Emergent Marsh (PEM), Palustrine Unconsolidated Bottom (PUB), Palustrine Scrub-Shrub (PSS), and Palustrine Forested (PFO).*

*Waterbodies*

TRC delineated sixteen (16) streams within the Project's Ecological Survey Boundary (see Figure 2). Of the sixteen streams delineated, thirteen (13) perennial NYSDEC Class C streams are mapped and were identified within the Project ROW. As described above, impacts assumed to be jurisdictional under the USACE criteria include temporary access road use. Impacts associated with this construction activity are only anticipated to occur in stream S-NSD-16. There are no anticipated jurisdictional impacts to any other streams. Streams will be bridged with matting when necessary for access roads or work space. In the unlikely event streams cannot be bridged, or impacts are unavoidable with a temporary bridge, a temporary culvert will be installed. Temporary bridges or culverts will be installed in accordance with the NYSDEC specifications and as such are intended to be at least 1.25 times the width of a stream and will not remain in place more than 180 days. Temporary culverts will also be sized appropriately to handle flows from the contributing watershed.

**Table 5. Temporary Stream Impact Summary Table**

| Stream ID | Classification | Proposed Activity | USACE Jurisdictional Stream Impact Size, linear feet | Proposed Impact Latitude, Longitude |
|---|---|---|---|---|
| S-NSD-16 | PEM | (Access) Matting | 43.48 | 41.317922, -74.252270 |

A Stormwater Pollution Prevention Plan (SWPPP) is being prepared for the Project as a component of the State Pollutant Discharge Elimination System (SPDES) General Permit for Discharges from Construction Activity (GP-0-20-001). The SWPPP is being prepared by TRC and Burns and McDonnell in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (SSESC; NYSDEC 2016) and the New York State Stormwater Management Design Manual (NYSDEC 2015). In accordance with GP-0-20-001, documented Site inspections will be performed to ensure that required erosion and sediment control measures as appropriate are in place, properly positioned, and in good condition. These inspections will be continued for the duration of the construction phase, or until earth-disturbing construction activities have been discontinued and acceptable ground cover has been established. The Project is located in areas that are regulated by several Municipal Separate Stormwater System programs (MS4s), therefore, MS4 reviews and approvals are required for this Project by MS4s and will be included as a part of the EM&CP. A Notice of Intent will be submitted to the NYSDEC five days prior to construction.

## 6. Applicable Mitigation

As impacts to resources protected by the Clean Water Act defined as Waters of the US (WOTUS) are less than 0.10 acres, compensatory mitigation is neither proposed nor required. Appropriate best management practices and all permit conditions shall be followed to ensure impacts are avoided and/or minimized, such that water quality is maintained.

## 7. Federally and State-Listed Species and/or Habitat Impacts

On behalf of the Applicant, TRC initiated consultation with the U.S. Fish and Wildlife Service (USFWS; consultation Tracking Number: 05E1NY00-2020-SLI-2996). An official species list was requested through the Information for Planning and Consultation (IPaC) online system on February 9, 2021 and an updated species list was obtained on May 21, 2021 to confirm no new species have been observed within the immediate vicinity of the Project. Several federally listed rare, threatened, or endangered (RTE) species were identified with potential to occur in the vicinity of the Project, including the following four species:

- Indiana bat (*Myotis sodalis*) – Federally Endangered
- Northern long-eared bat (*Myotis septentrionalis*) – Federally Threatened
- Bog turtle (*Clemmys muhlenbergii*) – Federally Threatened
- Small whorled pogonia (*Isotria medeoloides*) – Federally Threatened

Indiana bat

The Indiana bat is listed as federally and State-endangered. This species typically overwinters in humid caves or abandoned mines but emerges in summer to migrate to summer habitat, where it utilizes wooded areas for roosting. The roost trees can be alive or dead (snags) trees with crevices, or loose/exfoliating or deeply furrowed bark. Indiana bats forage within areas near the edges of upland forests and along streams, rivers, and other water bodies (see Appendix J).

The first ~4.2 miles of the ROW fall within 2.5 miles of several documented Indiana bat roost trees. Additionally, the southern 10.2 miles of the Project fall within 5 miles of a known Indiana bat/NLEB hibernaculum. This hibernaculum is within approximately 0.4 mile of the Project. Tree clearing will take place between November 1st and March 31st to avoid potential impacts to Indiana bat.

Northern long-eared bat

The northern long-eared bat ("NLEB") is listed as federally and State-threatened. The NLEB overwinters in caves or mines and emerges in spring to utilize tree snags and crevices for maternal roosting to raise young. This species may roost singly or in colonies in cavities, underneath bark, crevices, or hollows of both dead and live trees and/or snags. NLEB primarily forage in forested areas, catching insects from the air or gleaning them from vegetation (see Appendix J).

Approximately 10.2 miles of the southern portion of the Project falls within 5 miles of known NLEB hibernacula. The closest hibernaculum is a known Indiana bat/NLEB hibernaculum approximately 0.4 mile from the Project. Another NLEB hibernaculum is located within 4.5 miles of the Project. Tree clearing for the Project will occur between November 1st and March 31st to avoid potential impacts to the NLEB.

Bog turtle

The bog turtle is listed as federally threatened and State-endangered. The bog turtle is typically found in early successional, spring-fed meadows with calcareous groundwater discharge. Bog turtles are usually found in association with fens, which are wetlands

dominated by herbaceous vegetation and that receive calcareous groundwater discharge through seepage and small streams (rivulets). Other habitats include open-canopy wet meadows, cow pastures, shrub swamps, and forested wetlands with emergent wetland openings. As with fens, these wetlands usually have small rivulets fed by groundwater, deep muck soils, and emergent vegetation with exposure to the sun, especially with abundant sedges. Bog turtles bask under cover or on low hummocks of vegetation, typically but not necessarily formed by tussock sedge (*Carex stricta*). Specific soil types and characteristics (particularly a thick muck surface) are a requirement for burrowing and hibernation (see Appendix J).

This species has been identified within approximately 0.7 miles and 0.9 miles of the Project ROW. A Phase I bog turtle survey was completed in April of 2021. Of the wetlands delineated within the study area, five are representative of suitable bog turtle habitat (see Appendix F). As suitable habitat was identified, Phase 2 presence/probable absence surveys were completed for this species using USFWS methodologies. No bog turtles were observed during the Phase 2 survey (see Appendix G).

Small whorled pogonia

The small whorled pogonia is a federally listed species that is typically found in older hardwood stands of beech, birch, maple, oak, and hickory, with relatively open canopies and open understories. They are also often found on moist, acidic soils. The NYNHP response did not identify known occurrence records for this species within vicinity of the Project. Additionally, the Project is located within an existing utility owned ROW and does not meet the habitat requirements for this species, nor was this species identified during the wetland delineation surveys. Given the specific habitat requirements for this species and the lack of occurrence records by the NYNHP within vicinity of the Project, no further studies are proposed for this species and no impact to the small whorled pogonia from the Project is anticipated (see Appendix J).

USFWS was consulted on March 9, 2021 and a Threatened and Endangered Species Plan was submitted for confirmation of any surveys and/or conservation measures that will be required for the Project (Appendix E). USFWS responded on April 6, 2021 requesting a meeting to review the plan (Appendix D). The meeting was held on May 5, 2021. Consultation with USFWS is ongoing.

## 8. Impact on Cultural Resources

According to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) State Historic Preservation Office (SHPO) Cultural Resource Information System (CRIS) online database, the Project Site is located within an archaeologically sensitive area. There were also several National Register Building Sites or other structures/buildings identified in the CRIS mapper within the Project Site.

Consultation with SHPO was initiated via CRIS on July 28, 2020, and a response was received from SHPO on August 17, 2020, through the CRIS, requesting a Historic Architecture Survey be conducted for the Project via the Trekker mobile application. On

February 2, 2021, a Historic Architectural Survey and Effects Report was submitted to SHPO (see Appendix I). In response, on May 4, 2021, SHPO responded noting that while it has no concerns with impacts to above ground / architectural resources, it will still require a Phase 1 Archaeological Study for the Project before a finding can be rendered.

On October 28, 2020, SHPO requested a combined Phase IA/IB archaeological survey. A Phase IA report providing the results of such survey was submitted to SHPO for review on May 21, 2021. A total of 10 archaeological sites, recorded within a 0.5-mile radius of the Project area (three prehistoric period sites, six historic period sites, and one contact period site). The Phase IA background research suggests that 44 of the 88 structures on the RTS Line proposed for replacement, and three proposed new tie-in structures, fall within areas of high archaeological assessment. Additionally, approximately 7,425 meters of proposed new or improved access roads are within highly sensitive areas. The remaining build components are considered to have low archaeological sensitivity. These findings suggest a Phase IB be completed for areas of substantial proposed ground disturbance that fall within areas of high archaeological sensitivity (see Appendix H).

On May 27, 2021, SHPO requested a Phase IB archaeological investigation in areas of high archaeological sensitivity where significant construction impacts are planned. The Phase IB investigation is planned for summer 2021. Correspondence with SHPO is included in Attachment D.

The Applicant has committed to immediately notifying the USACE if any previously unknown historic, cultural, or archeological remains and artifacts are discovered during construction of the Project.

**9. Applicability of Wild and Scenic Rivers**

There are no National Wild and Scenic River System, or rivers officially designated by Congress as a “study river” for possible inclusion in the system within the vicinity of the Project ROW (see Appendix J).

**10. Applicability of Section 408**

This activity will not alter or temporarily or permanently occupy or use a USACE federally-authorized civil works project. Therefore, Section 408 is not applicable.

## 2.0 COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION

The proposed Project is not located within the New York coastal area and, therefore, the New York State Department of State (NYSDOS) is not required to issue a Coastal Zone Management (CZM) consistency determination.

## 3.0 CONCLUSIONS

The proposed activity will result in permanent impacts to portions of USACE-regulated wetlands: W-NSD-4, W-NSD-24, W-NSD-29, W-NSD-31. W-NSD-35, W-NSD-36, W-NSD-37, W-JJB-1, W-JJB-5, and W-KCF-3. Wetland or wetland adjacent area impacts are limited to the minimum

necessary to construct the new transmission line. Project permanent impacts are expected to be limited to 0.014 acre of wetland. As such, the Project is consistent with the requirements of NWP #57 - Electric Utility Line and Telecommunications Activities, and no mitigation should be required.

On behalf of the Applicant, TRC is requesting review and approval of the Project as described herein and on the associated figures under the USACE NWP 57.

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (518) 527-2751 or via email at HVaillant@trccompanies.com.

Sincerely,

Heather Vaillant

Heather Vaillant
TRC – Senior Project Manager

cc: Steve Cole-Hatchard, NY Transco

Attachments:

| | |
|---|---|
| Figure 1 | NY Transco Rock Tavern to Sugarloaf Project Location Map |
| Figure 2 | NY Transco Rock Tavern to Sugarloaf Project Delineated Wetlands and Streams |
| Appendix A | Joint Application Form |
| Appendix B | Figure 3: Wetland and Stream Impacts |
| Appendix C | Wetland and Waterbody Delineation Report |
| Appendix D | Agency Correspondence |
| Appendix E | Threatened and Endangered Species Study Plan |
| Appendix F | Phase 1 Bog Turtle Survey Report |
| Appendix G | Phase 2 Bog Turtle Survey Report |
| Appendix H | Phase IA Archaeological Study and Sensitivity Assessment |
| Appendix I | Historic Architecture Survey Report |
| Appendix J | Article VII Application Exhibit 4: Environmental Impact |
| Appendix K | Article VII Application Exhibit 3: Alternatives |

**FIGURE 1**

**FIGURE 2**

# APPENDIX A
# JOINT APPLICATION FORM

# APPENDIX B
# FIGURE 3: WETLAND AND STREAM IMPACTS

# APPENDIX C
# WETLAND AND WATERBODY DELINEATION REPORT

# APPENDIX D
# AGENCY CORRESPONDENCE

# APPENDIX E
# THREATENED AND ENDANGERED SPECIES STUDY PLAN

# APPENDIX F
# PHASE 1 BOG TURTLE SURVEY REPORT

# APPENDIX G
# PHASE 2 BOG TURTLE SURVEY REPORT

# APPENDIX H
# PHASE IA ARCHAEOLOGICAL STUDY AND SENSITIVITY ASSESSMENT

# APPENDIX I
# HISTORIC ARCHITECTURE SURVEY REPORT

# APPENDIX J
# ARTICLE VII APPLICTION
# EXHIBIT 4: ENVIRONMENTAL IMPACT

# APPENDIX K
# ARTICLE VII APPLICTION
# EXHIBIT 3: ALTERNATIVES