

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

Pipeline 34 Replacement Project

City of Oswego and Town of Scriba, Oswego County, New York

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- Attachment A. Plan and Profile Drawings
- Attachment B. Agency Correspondence
- Attachment C. Invasive Species Survey
- Attachment D. Wetland Delineation Report
- Attachment E. Phase I Archeological Survey
- Attachment F. EM&CS&P Certification and Checklist
- Attachment G. Copy of Local Laws the Applicant Request that the Commission Refuse to Apply
- Attachment H. Public Outreach Plan
- Attachment I. Stormwater Pollution Prevention Plan
- Attachment J. Frac-out Plan

LIST OF ACRONYMS

<u>Abbreviation</u>	<u>Meaning</u>
ASME	American Society of Mechanical Engineers
CRIS	Cultural Resources Investigation System
ECDA	External Corrosion Damage Assessment
EDR	Environmental Design & Research
EM&CS&P	Environmental Management and Construction Standards and Practices
ECL	Environmental Conservation Law
FEMA	Federal Emergency Management Agency
GIS	Geographic Information Systems
GRS	Gas Regulator Station
HASP	Health and Safety Plan
HDD	Horizontal Directional Drill
ILI	In-Line Inspection
IPAC	Information, Planning, and Consultation System
KV	Kilovolt
LOD	Limits of Disturbance
MAOP	Maximum Allowable Operating Pressure
NWI	National Wetland Inventory
NRCS	Natural Resource Conservation Survey
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
NYSDPS	New York State Department of Public Service
NYSM	New York State Museum
NYSOPRHP	New York State Office of Parks, Recreation and Historic Preservation
NYSORPTS	New York State Office of Real Property Tax Service
PCB	Polychlorinated Biphenyl
PHSMA	Pipeline and Hazardous Materials Safety Administration
PSC	Public Service Commission
PSI	Pounds Per Square Inch
PSIG	Pound-Force Per Square Inch Gauge
PSL	Public Service Law
ROW	Right-Of-Way
SASS	Scenic Area of Statewide Significance
SCFH	Standard Cubic Feet Per Hour
SPDES	State Pollutant Discharge Elimination System
S/NRHP	State/National Register of Historic Places

SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

1.0 PROJECT DESCRIPTION

Niagara Mohawk Power Corporation d/b/a National Grid (National Grid, the Company, or the Applicant) proposes to construct a new section of natural gas transmission pipeline (the Project) within the Company's Central New York gas service territory in the City of Oswego and Town of Scriba, Oswego County, New York. The new section of pipeline will replace a section of an existing pipeline (gas transmission Pipeline 34) that was identified to have been manufactured using the lap weld process. The Project constitutes a major gas transmission facility pursuant to Article VII of the New York State Public Service Law (PSL), and the proposed construction is subject to Article VII licensing certification approval by the State of New York Public Service Commission (PSC). The Project is subject to Article VII because it is a gas transmission facility of greater than 125 pounds per square inch (psi), will be less than 10 miles long, and will have a diameter greater than 6 inches.

1.1 PROJECT LOCATION

The Project is located entirely within Oswego County, and will run in a generally north to south direction, from the 364 Walnut Street Gas Regulator Station (GRS) 211 in the City of Oswego, to Dutch Ridge Road in the Town of Scriba, totaling approximately 3 miles in length. The location of the Project and Project facilities are shown on Figures 1.1 and 1.2. Design drawings of the proposed project facilities are provided in Attachment A.

National Grid will maintain a 20 foot-wide (10 feet on either side) permanent easement right-of-way (ROW) for the replacement section of Pipeline 34. This ROW will be located along existing Niagara Mohawk Power Corporation rights-of-way, and will be expanded to accommodate the replacement section of Pipeline 34 via acquisition of easements, fee title and a permit (a CSX railroad right of occupancy permit). In addition, temporary easements will be obtained for necessary construction working space, storage areas, and marshalling yards. The Project ROW, along with the temporary easement space, is referred to as the "Project Area" in this Application and represents the limits of temporary and permanent disturbance for the Project.

The Project's proposed route begins at the Walnut and Burkle Street GRS 211 and runs parallel to the existing ROW for gas transmission Pipeline 51 for the entire 3 mile replacement section of Pipeline 34. The new pipeline will then run along the westerly edge of Walnut Street for approximately 300 feet before entering privately-owned land. From there, the pipeline will travel south across privately-owned and County-owned land, including beneath a CSX railroad track and around the Legends Softball Complex, for approximately 1.6 miles to Churchill Road. The pipeline will then continue south from Churchill Road solely on private land, ending adjacent to the northern edge of Dutch Ridge Road.

1.2 GENERAL DESCRIPTION OF PROJECT FACILITIES

In total, the existing Pipeline 34 is approximately 11.3 miles long and runs north-south from the City of Oswego to the City of Fulton. The piping to be replaced begins at the Walnut Street GRS 211 in the City of Oswego and runs south to Dutch Ridge Road in the Town of Scriba. The proposed Project includes the replacement of approximately 3 miles of existing 8-inch diameter pipeline with new 10-inch diameter steel gas transmission pipeline and the installation of anodes, grounding grids, three (3) new valves, and all related appurtenances. The valve sites will be constructed at Walnut Street GRS 211, at Churchill Road, and at Dutch Ridge Road. Locations and construction details are identified in Attachment A. The existing 3 miles of 8-inch diameter pipeline is proposed to be retired in place. The existing Pipeline 34 has a maximum allowable operating pressure (MAOP) of 300 pound-force per square inch gauge (PSIG), which will be maintained in the portion of the pipeline being replaced. In addition to the new section of pipeline, a new receiver (and associated valves) for in-line inspection (ILI) will be added at the Walnut Street GRS 211. In parallel to the Project, the following unrelated construction will be performed in and around the same area as the Project:

1. Installation of a new ILI receiver (and associated valves) for gas transmission Pipeline 51 inside the Walnut and Burkle GRS 211
2. New interconnect valve site with new valves for gas transmission Pipelines 51 and 55
3. New ILI launcher for gas transmission Pipeline 55 in the vicinity of the Pipeline 51/55 interconnect and the Project marshalling yard on Walnut Street
4. Sub-transmission electric pole guy wire movements in the Pipeline 34 ROW

Table 1.1 provides certain specific information required by Part 85 of the PSC Regulations (16 NYCRR Part 85).

Table 1.1: Project Information

Subpart of 16 NYCRR §85-1.2(a)	Project Information Required	Project Details
85-1.2(a)(1)	Construction date	National Grid anticipates beginning construction in winter/spring 2019, with an approximate six-month construction timeframe.
85-1.2(a)(2)(i)	Pipeline length & diameter	Pipeline 34 is approximately 11.3 miles along, but only an approximately 3 mile section of the pipeline will be replaced for the Project. The replacement section of pipe will have a diameter of 10-inches (the current pipeline is 8-inches in diameter) and a wall thickness of 0.5 inches.
85-1.2(a)(2)(ii)	Pipeline burial depth	The pipeline is proposed to be buried at a minimum depth of 36 inches. Beneath agricultural fields, the pipeline will have a minimum depth of 48 inches, as per New York State Department of Agriculture and Market (NYSDAM) Standards. Pipeline under roads will be buried at a minimum depth of 60 inches. Depth under the railroad will exceed 25-feet, as required by CSX. Any necessary reduction in minimum depth will be implemented according to 16 NYCRR Part 255.327.
85-1.2(a)(2)(iii)	MAOP	The MAOP of the pipeline will be 300 PSIG.
85-1.2(a)(2)(iv)	ROW width	Permanent pipeline easement ROW width will be 20 feet total; 10 feet on each side of the new pipeline. Temporary width for the Project to accommodate construction will vary between 36 and 65 feet. Additionally, the inactive agricultural field on the east side of the railroad tracks will be included within the limits of disturbance (LOD) to facilitate construction for the horizontal directional drilling (HDD). This area is approximately 9.36 acres in size. There will also be three staging yards used during construction.
85-1.2(a)(2)(v)	Width of area to be cleared	There are existing cleared parallel ROWs for Pipelines 34 and 51 with an average total width of 30 feet. A cleared corridor approximately 60 feet in width will be required for construction. After construction, a 20-foot wide corridor therein will be maintained permanently and the rest will be allowed to naturally revegetate.
85-1.2(a)(2)(vi)	Known underground utilities crossed or paralleled	Locations of existing underground facilities are shown in Attachment A.
85-1.2(a)(2)(vii)	Name or permit # of wells connected to gas pipeline	Pipeline 34 will not connect to any gas wells.
85-1.2(a)(2)(viii)	Point where pipeline connects to another pipeline	Inside of the Project Area, Pipeline 34 interconnects with Pipeline 51 at GRS 211. See Attachment A.
85-1.2(a)(2)(ix)	Existing or proposed access roads	The new section of pipeline will be constructed, operated, and maintained using existing public roads for access. Existing public roads will be used as access points to the ROW with travel extending along the ROW to work locations. See Attachment A.
85-1.2(a)(2)(x)	Compressor Station	The Project will not require any new or expanded compressor stations.
85-1.2(a)(2)(xi)	Municipalities in which pipeline is located	As depicted on Figures 1.1 and 1.2, the Project Area is located in the City of Oswego and Town of Scriba, both in Oswego County. Approximately 1.6 miles of the pipeline is located in the City of Oswego north of Churchill Road, and approximately 1.4 miles of the pipeline will be located in the Town of Scriba south of Churchill Road.

1.3 CONSTRUCTION TECHNIQUES

The Project will be constructed with 0.5-inch wall, 10-inch diameter, coated steel pipe. In addition, three (3) above-ground valve sites will be constructed. National Grid and/or approved contractors will design and procure all materials for the Project. The Project will be installed by National Grid and/or approved contractors, and all contractor activities will be monitored by National Grid. The section of existing Pipeline 34 to be replaced is proposed to be retired in place. A small section of the existing pipeline will be removed to allow tie-in welds, as required, to facilitate the installation of the new piping. National Grid procedures and policies (e.g., Environmental Gas Policy SHE02001 and related environmental guidance documents) require wipe samples to be collected to test for the presence of polychlorinated biphenyls (PCBs), and the pipe to be tested for standing liquids before it can be retired in place. If liquids are present, applicable National Grid procedures and policies will be adhered to remove liquids so that the pipe can be retired or removed. Removal of the existing pipeline may be required depending on results of PCB wipe testing if other means, such as cleaning or the use of flowable fill, are deemed not practical.

All entry points to the Project Area will be from existing public roads, specifically, Walnut Street at the northern Project limit, Dutch Ridge Road at the southern Project limit, and at the approximate Project midway point from Churchill Road. After entering the Project Area, construction vehicles and equipment will subsequently travel down the ROW to work locations.

Within the Project Area, clearing of trees and vegetation will occur within the temporary construction and permanent easement areas. Standard forestry equipment will be used to remove existing vegetation from work areas and the proposed location of the pipeline trench. Approximately 20-30 feet of the Project Area is within existing, cleared easement. Thus, National Grid will not need to remove trees within this area. Vegetation removal and tree clearing will be required in the remainder of the Project Area. National Grid will chip tree slash, shrubs, and non-merchantable timber. Chipped tree slash, shrubs, and non-merchantable timber will hauled off-site for re-use and/or disposal. All merchantable timber will be kept and stored at an off-site location. Stumps will remain in place within the temporary easement of delineated wetland areas. Any location proposed for off-site timber storage will be submitted to New York State Department of Public Service (NYSDPS) Staff for approval.

Open trench methods will be used for construction except where described below. Trench excavation depth for the Project will vary based on the National Grid requirements per location type. In general, based on requirements for 10-inch pipe, the excavations will be approximately 52-60 inches deep to allow for 36 inches of soil cover. Under roadways, excavations will be approximately 76-84 inches deep. Excavations at the tie-in

locations will be deeper to allow for welding. Pipelines beneath agricultural fields require a minimum of 48 inches of cover, and consequently the excavations in such areas will be approximately 56-64 inches deep. Topsoil will be segregated and windrowed when installing the new pipeline within wetland and agricultural areas, and will be reused for restoration in those areas. Subsoil will either be removed and replaced or stored on mats within emergent wetland when working in wetland areas. No subsoil will be stored within any forested or scrub-shrub wetland areas. Excavated soils will be kept as close to the trench as possible given safety requirements; excavated material which is suitable for use as padding and backfill will be placed back into the trench.

Construction will be open cut within a portion of Burkle Street and Walnut Street from GRS 211 to the end of Walnut Street, approximately 300 feet. National Grid intends to purchase the portion of Burkle Street adjacent to GRS 211 to construct a mainline valve, a bypass, and associated piping on Pipeline 34. The Churchill Road crossing will be constructed using the open trench method. Depending upon contractor preference, conventional boring methods may be employed as an alternate method to cross Churchill Road. The road will be properly marked in coordination with the Town of Scriba and/or the City of Oswego. Road plates will be used, or only half of the road will be open trenched at a time. There will be no excavation of Dutch Hill Road because the Project terminates at its northern edge. The pipeline will be buried at a minimum depth of 5 feet in roadways. Each disturbed road will be restored to pre-existing conditions following completion of pipeline installation.

When necessary, trenchless construction methods will be used. HDD will be used for crossing under the CSX railroad bed and adjacent state-regulated Wetland OE10. An HDD rig will drill a path through the soil. Subsequently, the gas pipe will be pulled through the void drilled. The approximate length of the HDD under the railroad and wetland will be 500-600 feet. The HDD rig and support equipment will be staged on the eastern side of the CSX railroad bed, within an inactive agricultural field. Upon completion of drilling and reaming operations, it is anticipated that the HDD rig will be remobilized to the western side of the railroad to facilitate installation of pipe under the railroad bed. The pipeline drill string will be staged and fabricated within the inactive agricultural field on the eastern side of the CSX railroad.

As noted above, the field adjacent to the railroad tracks on the eastern side is an inactive agricultural field. There is no evidence of recent haying operations or row crop planting. During construction, timber matting and/or topsoil stripping and windrowing will be utilized to preserve the existing agricultural soils within work areas in the inactive agricultural field. Topsoil will be stripped over the proposed pipeline ditch. Excavated subsoil will be separated from topsoil such that no soil mixing occurs. The subsoil will be replaced following the excavation. Following completion of construction activities within the inactive agricultural field, stripped topsoil will be restored. Because the field is no longer being farmed, no soil de-compaction is proposed within this area.

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

Trucks for moving soils, workers, supplies, and equipment will also be used throughout the Project Area. Multiple means of ground protection, such as matting and temporary gravel, will be used to minimize the impact of vehicular and equipment traffic in the Project Area. Contractors will not use matted travel lanes in upland areas unless saturated conditions occur. However, as stated previously, matting may be used when crossing the inactive agricultural field. If matting is not used, the topsoil will be stripped and windrowed. Timber mats will be installed at any wetland crossings.

Three primary staging yards will be used for Project construction. These will be located at Walnut Street, at the Legends Softball Complex at Churchill Road, and at an area north of Dutch Ridge Road. The largest yard will be located in the Legends Softball Complex. This yard will be approximately 30,000 square feet. The Legends Softball Complex is centrally located within the Project Area, with existing parking and disturbed areas, and will be the main staging yard. Construction trailers will be located at this complex, along with equipment and materials storage. The other two yards will be used primarily for equipment and materials storage including pipes, valves, fittings, and pipe fabrication equipment.

Project contractors, under the direct supervision of an environmental monitor (EM), will ensure that the Project is constructed in compliance with all Article VII Certificate conditions and any other applicable permit conditions. The EM will be on-site on a full-time basis during construction and restoration activities. The EM will observe, document, and report on the compliance status of all construction and restoration activities.

During final restoration, all disturbed areas will be restored to grade as identified on the construction drawings. All paved and graveled areas will be restored to pre-existing conditions. Once complete, the portion of existing Pipeline 34 being replaced will be cut, capped, cleared, and retired in-place, pending PCB sample results. Direct tie-in welds will connect the new section of pipe to the existing pipeline.

The entire replacement pipeline will be hydrostatically tested after installation. Water for the hydrostatic testing will be obtained from municipal fire hydrants or hauled in from an outside source. Discharge of hydrostatic test water will be at a controlled rate within a well vegetated upland area. The EM will regularly monitor the water discharge.

1.4 SAFETY

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

All work will be performed in accordance with NYCRR Title 16 Part 753 for proper excavation and mark-out of subsurface facilities. In compliance with New York State Industrial Code Rule 53, contractors are required to identify and mark all utilities within the proposed construction areas at least 48 hours prior to beginning subsurface construction. Prior to excavation, a survey of surface and subsurface facilities will be performed. All known utilities and facilities (including telephone, electric, gas, storm drain, sewer, traffic control, and water lines) will be included on the final design drawings. In the event that an unknown utility is encountered during construction, contractors will be directed to notify the appropriate agencies.

Due to the presence of overhead electrical transmission facilities in the northern section of the Project Area (the Varick Bristol Hill #202 34.5 kilovolt (kV) sub-transmission line, the South Oswego to Nine Mile Point #1 115 kV transmission line, and the South Oswego to Indeck #6 115 kV transmission line), additional construction practices will be adhered to. Digging will be necessary underneath portions of each of these lines. Installation of “goal posts” and on-site spotters will be used when construction activities are occurring around each electrical transmission line. A full-time electrically qualified spotter will also be monitoring the construction. In addition, National Grid requires construction personnel to attend training on electrical hazards.

Limited crossing of Pipeline 51 and existing Pipeline 34 will be permissible, if necessary, with the use of an air bridge or without an air bridge if determined to be safe by National Grid Gas Engineering.

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

2.0 PROJECT NEED

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

2.1 MARKET FOR GAS

As per the current operating model, the 8-inch section of Pipeline 34 to be replaced is flowing 410,000 standard cubic feet per hour (SCFH). Based on the average usage of a residential customer of 0.05 dekatherms per hour, this flow translates to approximately 8,200 customers. This gas transmission pipeline serves the following:

1. An aluminum rolling plant (Novelis)
2. State University of New York (SUNY) Oswego
3. Several municipalities, including portions of the cities of Oswego and Fulton, and portions of the towns of Oswego, Scriba, Hannibal and Minetto.

As a reliable and convenient source of energy, natural gas provides a number of benefits for the consumer. Natural gas provides an efficient energy source that burns cleaner than other fossil fuels. The delivery of natural gas through pipelines directly to the consumer removes the threat of spills and contamination that often result from above-ground storage tanks used for fuel oil.

2.2 SERVICE AREA

Pipeline 34 services the Oswego Area and currently provides gas to approximately 8,200 customers, as calculated above.

2.3 REPLACEMENT

The purpose of the Project is to replace approximately 3 miles of 8-inch steel pipe initially constructed in 1951. While performing an External Corrosion Damage Assessment (ECDA) of a parallel pipeline (Pipeline 51), a majority of this approximately 3-mile (8 inch diameter) section of Pipeline 34 was identified to be lap welded pipe.

Lap welding was a common method of pipe manufacturing used during the 1950s. Lap welding is a process in which the overlapping edges of rolled pipe are welded together. Lap welding pipe creates a wider longitudinal weld joint that is sometimes irregular. Lap welded seams are not able to achieve consistent and reliable bonding due to the forging type process. Burst testing studies have shown that the long seam average strength is only 92 percent of the strength of the pipe body. As advances in technology have provided more reliable methods of

pipe manufacture, lap welding is no longer employed. Both the United States Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration and the American Society of Mechanical Engineers (ASME) have recognized the integrity risks associated with lap welded pipe. ASME has created a joint factor for lap welded pipe that is 60 percent of seamless pipe.

The long-term risk associated with leaving the lap welded pipe in service includes increased susceptibility to cracking or failure at the weld due to an inconsistent bond. Another practical risk associated with lap welded pipe is that welding in a new piece of modern pipe will be difficult in the event of damage to the pipe that requires a cut out. This is due to the shape of the lap welded pipe and the unusual width of the seam.

Replacement of the lap-welded section of Pipeline 34 with new seamless pipe or seamed pipe manufactured according to current standards is the best way to mitigate the risk associated with lap welded pipe. The updated technology that will be used for the replacement pipeline will be more durable and less susceptible to environmental conditions, which will result in improved reliability and safety of gas service to customers.

3.0 EXISTING CONDITIONS

This section describes the specific relationship of the Project to certain existing land features. Existing land uses in the vicinity of the Project Area generally include residential, community service, public, recreational, vacant, and agricultural land uses (Figure 3.1). The Project Area will consist of National Grid fee-owned lands, permanent and temporary easements on private property, public ROWs, and a crossing under CSX railroad tracks pursuant to a railroad right of occupancy permit.

3.1 LAND USES

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

Land use classifications were derived from the Office of Oswego County Real Property Tax Service. Each parcel included in the analysis has an official New York State Office of Real Property Tax Services (NYSORPTS) property classification code. These codes were used to derive six land use types within the Project Area. The parcel data obtained from the County did not include road corridors, which were added as Public Service and Utility, and coincide with the real property classification codes.

For the purpose of this Article VII application, six land use types were identified from the parcel dataset for the Project. No commercial, industrial, or institutional land uses are found within the Project Area. Table 3.1 identifies land use types along the Project route by mile segment from Walnut Street in the City of Oswego to Dutch Ridge Road in the Town of Scriba.

Table 3.1: Existing Land Uses Crossed by the Project

Mile Segment	Land Use Type¹	Length Crossed by Pipeline (approx. feet)	Maximum Area within Limits of Disturbance (approx. square feet)
0 - 1	Public Services & Utility	30	8,499
0 - 1	Residential ²	4,380	763,737
0 - 1	Vacant Land	100	5,650
1 - 2	Residential	363	34,471
1 - 2	Vacant Land	1,914	204,992
1 - 2	Community Services	1,651	167,296

Mile Segment	Land Use Type	Length Crossed by Pipeline (approx. feet)	Maximum Area within Limits of Disturbance (approx. square feet)
1 - 2	Public Services & Utility	1,227	147,675
1 - 2	Recreation & Entertainment	67	7,710
2 - 3	Recreation & Entertainment	989	97,368
2 - 3	Vacant Land	4,761	497,168
2 - 3	Residential	14	14,041

¹Does not include locations where Pipeline is within public ROW on Walnut Street (784 feet) and Churchill Road crossing (59 feet).

² Includes parcel adjacent to rail road crossing which is currently classified as residential but contains an inactive agricultural field

3.1.1 RESIDENTIAL LAND USES

3.1.1.1 Existing Residential Land Uses

Under Code 200 of the NYSORPTS property classification codes, residential land use refers to property used for human habitation. Most of the residential properties are located within the first 1.5 miles of the Project in the City of Oswego. Single family, year-round residences occur primarily along the streets adjacent to the pipeline, such as Walnut Street and Dutch Ridge Road. The Project crosses approximately 4,757 feet of residential land.

3.1.1.2 Officially-Approved Residential Land Uses

Current information regarding approved residential land uses was obtained from the City Engineering Office of the City of Oswego and the Town of Scriba Planning Department. No officially-approved residential land uses (i.e., those pending construction) are located along, or in close proximity to, the Project Area.

3.1.2 COMMUNITY SERVICES LAND USES

3.1.2.1 Existing Community Services Land Uses

Under Code 600 of the NYSPRPTS property classification codes, community services land uses refer to property used for the well-being of the community. Within the Project Area, this is the Legends Softball Complex. Approximately 1,651 feet of the Project Area crosses land classified as community services.

3.1.2.2 Officially-Approved Community Services Land Uses

Current information regarding approved community services land uses was obtained from the City Engineering Office of the City of Oswego and the Town of Scriba Planning Department. No officially-approved, but not yet developed, community service land uses are located within or in close proximity to the Project Area.

3.1.3 PUBLIC SERVICES AND UTILITY LAND USES

3.1.3.1 Existing Public Services and Utility Land Uses

Under Code 800 of the NYSPRPTS property classification codes, public services and utility land uses refer to property being used to provide services to the general public. Within the Project Area, public services and utilities include land used by Time Warner Cable, public roads, and utility ROWs. Approximately 2,100 feet of the Project Area crosses land classified as public services and utilities.

3.1.3.2 Officially-Approved Public Services and Utility Land Uses

Current information regarding approved public services and utility land uses was obtained from the City Engineering Office of the City of Oswego and the Town of Scriba Planning Department. No officially-approved, but as of yet undeveloped, public service and utility land uses are located within or in close proximity to the Project Area.

3.1.4 VACANT LAND USES

3.1.4.1 Existing Vacant Land Uses

Under Code 300 of the NYSPRPTS property classification codes, vacant land use refers to property that is not in use, is in temporary use, or lacks permanent improvement. Within the Project Area, vacant land uses include vacant residential land, vacant rural land, and vacant commercial property owned by the Port of Oswego Authority along the CSX railroad to the north of Churchill Road. The Project Area crosses approximately 6,775 feet of vacant land. The largest area of vacant land along the route of the Project is rural vacant land located in the southern portion of the Project Area, north of Dutch Ridge Road.

3.1.4.2 Officially-Approved Vacant Land Uses

Current information regarding vacant land uses was obtained from the City Engineering Office of the City of Oswego and the Town of Scriba Planning Department. No proposed vacant land uses are located within or in close proximity to the Project Area.

3.1.5 RECREATION AND ENTERTAINMENT LAND USES

3.1.5.1 Existing Recreation and Entertainment Land Uses

Under Code 500 of the NYSORPTS property classification codes, recreation and entertainment land uses refer to property used by groups for recreation, amusement, or entertainment. Recreation and entertainment land uses occur in the central portion of the Project Area and include approximately 1,056 feet of recreation and entertainment property, consisting of land used for a camping park.

3.1.5.2 Officially-Approved Recreation and Entertainment Land Uses

Current information regarding recreation and entertainment land uses was obtained from the City Engineering Office of the City of Oswego and the Town of Scriba Planning Department. No officially approved but undeveloped recreation and entertainment land uses are located within or in close proximity to the Project Area.

3.1.6 AGRICULTURAL LAND USES

3.1.6.1 Existing Agricultural Land Uses

Under Code 100 of the NYSORPTS property classification codes, agricultural land uses refer to property used for the production of crops or livestock. The Project Area does not cross this land use type. There is an open field to the east of the railroad crossing that is considered an inactive agricultural field (currently classified as residential). This field is where the HDD under the railroad and adjacent wetland will terminate. Specific agricultural practices will be utilized to maintain the agricultural resources of the area including matting and/or topsoil stripping and windrowing, as well as subsoil segregation. Because this land has gone out of production, no decompaction of soils is proposed within this area. No active agricultural land will be impacted by construction of the Project.

3.1.6.2 Officially-Approved Agricultural Land Uses

Current information regarding agricultural land uses was obtained from the City Engineering Office of the City of Oswego and the Town of Scriba Planning Department. No land is officially being proposed for agricultural use within or in close proximity to the Project Area.

3.2 ECOSYSTEM RESOURCES

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

Information on ecosystem resources was obtained through a combination of publicly available information, agency consultations, and data collected through field surveys conducted by Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR). Initial data were obtained from federal and state agencies through requests for information. This material, combined with review of available on-line resources, was consulted prior to initiating the field surveys. Available information included the following:

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

The Project Area evaluated during field studies is shown in Figure 3.2.

3.2.1 HIGHLY ERODIBLE SOILS

Soils data within the Project Area were acquired through the USDA NRCS Web Soil Survey (2017) (Figure 3.3). These data were reviewed to identify the soil type(s), slope(s), and limitations with respect to soil erodibility along the route of the pipeline. No soils classified as highly erodible by the NRCS occur within the Project Area. In general, all soils within the Project Area have a low to moderately low susceptibility to erosion.

3.2.2 WETLANDS

Wetland surveys within the Project Area were conducted by EDR ecologists in October 2017. A preliminary desktop analysis of the Project Area was completed prior to performing on-site delineations. The desktop analysis was performed using NWI mapping, NYSDEC Freshwater Wetland mapping, USGS topography mapping, soils data, and aerial photography.

NWI mapping indicated the presence of one wetland partially within and directly adjacent to the Project Area (Figure 3.4). The total acreage of NWI mapped wetlands within the Project Area is 0.73 acres, total wetland size is 1.73 acres. NWI mapping indicated that forested/scrub-shrub wetlands are the dominant wetland community of the NWI wetland.

Review of NYSDEC Freshwater Wetlands mapping indicated that one state-regulated wetland overlaps the Project Area (see Figure 3.4). This wetland is NYSDEC Freshwater Wetland OE-10 and is designated by the NYSDEC as Class I wetland. Total size of NYSDEC OE-10 is 40.5 acres, of which 0.06-acres occur within the Project Area. Considering the 100-foot buffer required for NYSDEC wetlands, 0.73 acres of the wetland and buffer are within the Project Area.

Information regarding each of the mapped wetland areas that occur within the Project Area are provided on Table 3.2.

Table 3.2: NWI and NYSDEC Mapped Wetlands

Mapped Resource	ID	Classification	Acreage Within Project Area	Total Acreage
NWI-Mapped Wetland	PFO1E	N/A	0.73	1.73
NYSDEC-Mapped Wetland	OE-10	Class 1	0.06	40.5

EDR personnel conducted field delineation of wetlands and streams in the Project Area on October 11 - 13, 2017. The identification of wetland boundaries was based on the methodology described in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987). Determination of wetland boundaries was also guided by the methodologies presented in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0* (United States

Army Corps of Engineers [USACE], 2012). Attention was given to the identification of potential hydrologic connections between wetlands and areas that could influence their jurisdictional status.

Wetland boundaries were defined in the field with sequentially-numbered pink surveyor's flagging and were subsequently mapped using a Trimble GeoExplorer® 6000 Series unit with reported sub-meter accuracy. At each delineated wetland, data were collected from sample plots in representative wetland cover types and recorded on USACE Routine Wetland Determination forms. The data collected at each wetland included dominant vegetation, hydrology indicators, and soils characteristics. The Wetland Delineation Report is included as Appendix D.

EDR ecologists identified a total of twelve (12) wetlands and no streams within the Project Area. Information regarding each of the wetland areas that occur within the Project Area are provided on Table 3.3. Wetlands were categorized as one or more of the following community types: palustrine emergent wetland (PEM), palustrine scrub-shrub wetland (PSS), and palustrine forested wetland (PFO) in accordance with the Cowardin *et al.* (1979) classification system. No palustrine open water (POW) wetlands exist within the Project Area

The proposed gas pipeline route will cross approximately nine (9) of the delineated wetlands. However, there will be no permanent loss of wetlands as a result of result of Project construction and operation. Permanent wetland impacts will include the conversion of forested and shrub-scrub wetland to emergent wetland within the 10-foot wide trench corridor, and in the case of forested wetlands, also within the adjacent 16-foot wide matted area where excavated subsoil will be stored within PEM wetland areas. As indicated in Table 3.4, permanent conversion of forested wetland to emergent wetland will total 1,272 sq. ft. (0.029 acre) and permanent conversion of scrub shrub wetland to emergent wetland will total 2,022 sq. ft. (0.046 acre). Disturbed soils in these areas will be restored to pre-construction contours, as necessary, and stabilized through the application of a native wetland seed mix and straw or cellulose mulch. The extent of temporary and permanent impacts to wetlands resulting from project construction is provided in Table 3.4. Construction matting will be used to minimize disturbance to wetlands. Wetland topsoil will be segregated from subsoil when installing the new pipeline. Wetland topsoil will be windrowed within the trench corridor. Subsoil will be excavated and either removed from wetland boundaries or stored on mats outside the wetland boundary. Subsoil will not be stored within forested wetland areas. Following installation of the new pipeline, padding and backfilling will occur. Subsoil will be replaced, followed by wetland topsoil, which will then be restored to pre-existing contours within the timeframes allotted in the Environmental

Management and Construction Standards and Practices (EM&CS&P) and any other applicable permits. Stabilization will involve application of native wetland seed mix and straw or cellulose mulch.

Table 3.3: Existing Wetlands within the Project Area

Delineation ID ¹	Latitude of Centroid	Longitude of Centroid	Wetland Type Acreage Within Wetland Project Area ²				Total Wetland Acreage Within Wetland Project Area	Stream Present	Federal Jurisdiction ³	State Jurisdiction ⁴
			PFO	PEM	PSS	POW				
A	43.448	-76.487		0.02			0.02	--	Yes	--
B	43.4427	-76.4836		0.04			0.04	--	Yes	--
C	43.4424	-76.4836		0.05			0.05	--	Yes	--
D	43.4406	-76.482		0.07	0.06		0.13	--	Yes	Yes
E	43.4399	-76.4805		0.03			0.03	--	Yes	--
F	43.4386	-76.4783		0.07	0.05		0.11	--	Yes	--
G	43.4374	-76.4769		0.10			0.10	--	Yes	--
H	43.4354	-76.4758	0.18		0.22		0.40	--	Yes	--
J	43.4297	-76.4712	0.08	0.24			0.32	--	Yes	--
L	43.4282	-76.4697		0.05			0.05	--	Yes	--
M	43.4279	-76.4696		0.05			0.05	--	Yes	--
N	43.4227	-76.4679	0.10	0.43	0.10		0.63	--	Yes	--

¹Field ID assigned by EDR. Some wetlands identified in the field are discussed in the Wetland Delineation Report but are located outside of the Project Area and are not addressed in this application.

²Wetland community types are based upon the Cowardin et al. (1979) classification system: PSS = Palustrine Scrub-Shrub, PEM = Palustrine Emergent, POW=Palustrine Open Water, and PFO = Palustrine Forested.

³Based on visual observation of hydrologic connectivity in the field and review of available spatial data. Final jurisdictional determination to be made by the USACE.

⁴Based on existing NYSDEC mapping of freshwater wetlands and streams. Final determination to be made by the NYSDEC.

Table 3.4: Anticipated Wetland Impacts

Wetland ID	Covertypes ¹	Crossing Distance (ft)	Temporary Impact (sq. ft.)	Permanent Shrub Conversion (sq. ft.)	Permanent Forest Conversion (sq. ft.)
Wetland A	PEM	48	392	-	-
Wetland B	PEM	44	416	-	-
Wetland F	PEM	79	773	-	-
Wetland G	PEM	114	1,076	-	-
Wetland H	PSS	260	-	1,913	-
Wetland H	PFO	217	-	-	670
Wetland J	PEM	206	1,654	-	-
Wetland L	PEM	46	434	-	-
Wetland M	PEM	49	471	-	-
Wetland N	PEM	300	2,609	-	-
Wetland N	PSS	47	-	109	-
Wetland N	PFO	158	-	-	602
Total:			7,825 (0.180 acre)	2,022 (0.046 acre)	1,272 (0.029 acre)

¹Wetland community types are based upon the Cowardin et al. (1979) classification system: PSS = Palustrine Scrub-Shrub, PEM = Palustrine Emergent, and PFO = Palustrine Forested.

²Impacts are based on the assumption that soil disturbance/temporary fill and tree stump removal will only occur within a 10-foot corridor around the proposed pipeline. Temporary construction matting will be used to avoid soil disturbance or temporary filling of wetland areas outside of the 10-foot corridor. No soils will be stockpiled within forested wetland areas.

3.2.3 FLOODPLAINS

New York State Geographic Information System (GIS) Clearinghouse data and the FEMA National Flood Hazard data layer were reviewed to determine the location of floodplains and flood hazard areas within and adjacent to the Project Area. Although this review indicated that no mapped floodplains or flood hazard areas occur within the Project Area, three 100-year floodplains occur in the vicinity of the Project Area; two of which are associated with agricultural areas to the east of the Project Area, and one of which is associated with the Oswego River. The southern terminus of the Project Area comes within 60 feet of the nearest 100-year floodplain, as shown in Figure 3.4. The Project Area does not traverse any floodplains. Thus, no alterations to flood storage volumes or flood flows within the floodplains near the Project Area are anticipated as a result of the proposed Project.

3.2.4 STREAMS

Based on a desktop review of NYSDEC stream classification mapping, GIS analysis, and field delineation, no streams occur within the Project Area.

3.2.5 SPRINGS

Based on field surveys and review of the National Hydrology Dataset, no springs are known to be located within the Project Area.

3.2.6 WELLS

Based on field surveys and review of the National Hydrology Dataset, no public wells are known to be located within the Project Area.

3.2.7 UNIQUE OLD GROWTH FOREST

Based on review of available literature on the known locations of old growth forest in New York (New York Old Growth Forest Association, 2002), the closest old growth forest is located approximately 17 miles northeast of the Project Area in Selkirk Shores State Park. Moreover, no areas of old growth forest were observed within or adjacent to the Project Area during field investigations.

3.2.8 ACTIVE SUGARBUSHES

Based on a review of information available from the New York State Maple Producers Association members, no active sugarbushes are known to be located within or adjacent to the Project Area. However, based on a field review, an active sugaring operation was observed in March 2018 at one property shown on Figure 3.4. Approximately 35 tapped trees will be removed as part of the Project.

3.2.9 PRODUCTIVE TIMBER STANDS

Productive timber stands are viable or potential commercial forest stands composed of saplings (0 to 5 inches in diameter), poles (6 to 11 inches in diameter), and/or mature trees (12+ inches in diameter). Much of the ROW within the Project Area has been previously cleared and maintained for portions of National Grid's electric ROW and the ROWs for Pipeline 34 and Pipeline 51. Consequently, this area is either disturbed or characterized by early-mid successional growth. No areas of productive timber stands were observed within the Project Area during ecological and archaeological field investigations.

3.2.10 TREES LISTED IN REGISTRY OF BIG TREES IN NEW YORK STATE

The New York Big Tree Registry does not currently list any documented Big Trees in Oswego County.

3.2.11 HABITATS OF RARE, THREATENED, AND ENDANGERED SPECIES

The USFWS Information, Planning, and Consultation (IPAC) System was reviewed to determine whether any federally-listed or rare species potentially occur within the Project Area (Attachment B). The USFWS New York Ecological Services Field Office online database was also consulted to review the federally-listed species documented in Oswego County and recommendations to avoid impacts to rare species. The northern long-eared bat (*Myotis septentrionalis*) and the bog turtle (*Clemmys muhlenbergii*) were the only federally-listed species identified through this investigation.

The USFWS lists the bog turtle as threatened, while New York State lists this species as endangered. The state heritage rank for the bog turtle is S2, indicating that the species is imperiled or highly vulnerable to extirpation. Although historically known to be present in much of the state, extant populations of this species are concentrated in the Hudson River Valley, with some populations also occurring within the Lake Ontario Coastal Plain. Threats to this species include invasive plant species such as purple-loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*), illegal collecting for the pet trade, road mortality, and loss of suitable habitat through succession to woody cover types and alteration of wetland hydrology (New York Natural Heritage Program [NYNHP], 2017). Bog turtles are found in open early successional habitats such as wet meadows, sedge meadows, or open calcareous fens generally dominated by sedges and sphagnum moss. Habitat for this species typically includes cool, shallow, slow-moving water; deep, soft muck soils; and tussock-forming, low-lying herbaceous vegetation. Both nesting and hibernation occur within wetland habitat, with eggs often laid inside the upper part of an unshaded tussock (Gibbs *et al.*, 2007).

None of the wetlands delineated within the Project Area contain fens or wet meadows or other early successional wetland habitats dominated by sedges or rushes. Given the habitat requirements for the bog turtle, it is EDR's opinion that no suitable habitat for this species occurs within the Project Area. Additionally, the most recent correspondence from the NYNHP, dated October 12, 2017, does not identify bog turtles as occurring in the vicinity of the Project Area (see discussion below). This suggests that any bog turtle populations within Oswego County are located outside the Project Area and are unlikely to be impacted by Project-related activities.

The USFWS and New York State list the northern long-eared bat as threatened. The appearance of White Nose Syndrome (WNS) in New York in 2006 has caused a drastic decline in the species, compounded by habitat loss due to human encroachment onto old growth and hardwood forests (NYSDEC, 2016). The sudden decline of this once-common species led to listing of the species as threatened under the

Endangered Species Act in April of 2015. This was followed by a final 4(d) rule in 2016 that provided measures tailored to the current understanding of the conservation needs of the species (USFWS, 2016). Under this rule, in areas affected by WNS, regulatory provisions focus on sensitive life stages at hibernacula and known, occupied maternity roost trees. In accordance with the final 4(d) Rule, incidental take resulting from tree removal is prohibited if it occurs within a 0.25 mile radius of a known northern long-eared bat hibernacula, or within a 150-foot radius from known occupied maternity roost trees during the pup season (June 1 through July 31). According to the NYSDEC, as of 2016, there were no known northern long-eared bat hibernacula or summer maternity roosts in Oswego County. Therefore, no direct impacts to the northern long-eared bat will occur as a result of the Project.

Correspondence received from the NYNHP documented the presence of bald eagles (*Haliaeetus leucocephalus*) in the vicinity of the Project Area (see Attachment B). Although the bald eagle is no longer federally-listed, it is still protected under the Bald and Golden Eagle Protection Act. Additionally, bald eagles are listed by the NYSDEC as threatened in New York. The USFWS recommends maintaining buffers free of tree clearing around any bald eagle nesting sites. However, since the proposed Project is not adjacent to any large lakes, rivers, or reservoirs, it is unlikely that bald eagles nest in the vicinity of the Project Area. No bald eagles or nests were observed adjacent to or within the Project Area during field surveys; therefore, Project-related impacts to this species are not anticipated.

3.2.12 INVASIVE SPECIES

According to the NYSDEC, invasive species are non-native species that can cause harm to the environment or to human health. The NYSDEC has created an *Interim Invasive Species Plant List*, which is used as a tool for prevention, early detection, monitoring, rapid response, control, and eradication of invasive species that are prevalent within the state. EDR ecologists used this list as a guide for conducting invasive species surveys within the Project Area in October 2017. Field staff identified areas where invasive species were prevalent in order to plan for management of those species during construction. During field surveys the following invasive species were found: Japanese knotweed (*Fallopia japonica*), Japanese barberry (*Berberis thunbergii*), purple-loosestrife, common buckthorn (*Rhamnus cathartica*), common reed grass and Morrow's honeysuckle (*Lonicera morrowii*). These species were found throughout the Project Area and on either side of the ROW at varying densities. Results of the invasive plant species survey and mapped areas of occurrence within the Project Area are presented in Attachment C.

National Grid will take all practicable steps to minimize the introduction and spread of invasive species within the construction corridor by performing construction and maintenance activities included in the

EM&CS&P. Additionally, National Grid will utilize an Invasive Species Control Plan, which is based on the Environmental Energy Alliance of New York's manual, *Best Management Practice for Preventing the Transportation of Invasive Species* (2012), to minimize the spread of invasive species throughout the Project Area.

3.3 VISUAL RESOURCE INVENTORY

This section provides a description of visually sensitive resources, including scenic areas, roads, vistas, and overlooks potentially affected by the Project in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(i). The basis for the visual resource inventory was the guidance contained in the NYSDEC *Program Policy Assessing and Mitigating Visual Impacts* (2000). In accordance with this guidance, an officially designated visual resource is one that has been named as such by a governmental agency or entity. To identify such resources in the vicinity of the Project Area, EDR conducted a spatial analysis and consulted the New York State GIS Clearinghouse. Results of this investigation are presented below.

3.3.1 SCENIC AREAS

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

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

Data regarding Wild and Scenic Rivers identified by Congress, pursuant to 16 U.S.C. Section 1271, are available through the National Park Service. Data regarding state-designated Wild, Scenic, and Recreational Rivers are available through the NYSDEC. No state or federally designated rivers are located in the vicinity of the Project Area

3.3.2 SCENIC ROADS

Scenic Roads are designated by the Commissioners of the NYSDEC or the New York State Department of Transportation (NYSDOT) pursuant to Article 49 of the ECL. The closest New York State Scenic Byway is the "The Great Lakes Seaway Trail," a 518-mile system of roads running southwestward along Lake Ontario and Lake Erie. At its closest, the designated Scenic Byway is roughly 1 mile north-northwest of the Project Area. Given this distance, and the fact that the majority of the Project occurs underground (excluding valve locations), it will not have a visual impact on this designated Scenic Byway.

3.3.3 VISTAS AND OVERLOOKS

The NYSDEC Points of Interest data layer was consulted to determine the location of scenic vistas in New York State. The closest vista or overlook is a scenic overlook located in Bear Swamp State Forest, approximately 46 miles south-southeast of the Project Area.

3.4 CULTURAL RESOURCES

This section provides a description of the officially designated cultural resources, including archaeological sites, historic districts, places, and properties in the vicinity of the Project Area in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(i).

The State Historic Preservation Office at the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) was notified about the Project on June 28, 2018.

A Phase I archaeological survey was conducted within the Project Area by EDR on October 9, 2017, and on March 2 and June 13, 2018. Background research and fieldwork for the Phase I survey was conducted under the supervision of a Registered Professional Archaeologist (RPA) in a manner consistent with the New York Archaeological Council's (NYAC) *Standards for Cultural Resources Investigations and the Curation of Archaeological Collections in New York State* (1994). The Phase I report was prepared in accordance with NYSOPRHP's guidance document, *Phase 1 Archaeological Report Format Requirements* (2005). The Phase I report was submitted to the NYSOPRHP via the online Cultural Resources Information System (CRIS) on June 28, 2018, and is included as Attachment E. NYSOPRHP concurred that the Project will have no impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places by letter dated July 12, 2018. A summary of the report is provided below.

3.4.1 ARCHAEOLOGICAL SITES

EDR's review of the NYSOPRHP's online CRIS database and available reports indicate that no archaeological sites listed or determined eligible for listing on the State or National Register of Historic Places (S/NRHP) are located within or adjacent to the Project Area. However, according to CRIS, the entire Project Area is located within an Archaeologically Sensitive area. This designation is based on proximity to previously recorded archaeological sites and does not necessarily mean that archaeological artifacts occur within the Project Area. According to the CRIS database, nine (9) previously recorded archaeological sites occur within 1 mile of the Project Area. They consist of one (1) pre-contact Native American site and eight

(8) historic-period sites. The pre-contact site is a New York State Museum (NYSM) Area (NYSM Area 7370), which currently has an undetermined S/NRHP eligibility and partially overlaps with the Project Area. The boundary of NYSM Area 7370 is based on a report by Parker (1922) of “traces of occupation” along the east side of the Oswego River. This indicates that low density finds of pre-contact artifacts had been reported from the general vicinity, and it is not indicative of a formally delineated archaeological site. The remaining eight (8) historic-period sites occur at least 0.2 mile from the Project Area.

Due to the archaeological sensitivity of the area, a Phase 1B Archaeological Survey was conducted within the Project Area. The Phase 1B archaeological survey included 537 shovel test excavations along and adjacent to the Project Area. No pre-contact Native American, historic-period archaeological sites, or isolated finds were identified during the survey. Therefore, the Project is not anticipated to impact archaeological resources.

3.4.2 HISTORIC ABOVEGROUND STRUCTURES AND DISTRICTS

According to the CRIS database, two (2) building districts and eighty-seven (87) individual structures that have been listed or been determined eligible for listing on the S/NRHP occur within 1 mile of the Project Area. The districts and structures are summarized in Table 3.5. None of the structures or districts occur within the Project Area itself, so there will be no physical impacts to S/NRHP-eligible historic properties. Furthermore, because the gas pipeline will be located underground (excluding valve sites), there will be no visual impacts to the historic settings of these resources. Therefore, the Project will have no direct or indirect impact on historic properties or districts.

Table 3.5: Aboveground Historic Structures within 1 Mile of the Project Area (Listed or Eligible)

Property Name	Property Number	S/NRHP-Eligibility	Type/Description	Distance from Project Centerline
Districts				
New York State Barge Canal Historic District	14NR06559/00104.000641	Listed	Route of the New York State Barge Canal across New York	0.3 mile west
Washington Square Historic District	08NR05932/07540.000658	Listed	Historic district in the City of Oswego	0.9 mile northwest
Individual Properties				
RICHARDSON-BATES HOUSE - 135 EAST THIRD ST	90NR02148/07540.000003	Listed	Building	0.9 mile northwest
Riverside Cemetery	94NR00731	Listed	Cemetery	0.1 mile west
JOHN B. AND LYDIA EDWARDS HOUSE - 144 EAST THIRD ST	01NR01867/07540.000327	Listed	Building	0.9 mile northwest
Littlefield, Hamilton and Rhoda, House	02NR01891	Listed	Building	1.0 mile northwest
CLARKE, EDWIN W. AND CHARLOTTE, HOUSE - 80 EAST MOHAWK ST	02NR01892/07540.000342	Listed	Building	0.8 mile northwest
Brosemer Brewery-Seaway	08NR05947/07540.000486	Listed	Building	0.8 mile west

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Property Name	Property Number	S/NRHP-Eligibility	Type/Description	Distance from Project Centerline
Supply Building				
MCWHORTER-FARRELL HOUSE - 69 EAST MOHAWK ST	07540.000007	Eligible	Building	0.9 mile northwest
BRENEMAN MILL (OSWEGO MILLS) COMPLEX/Demolished - 215-221 EAST FIRST ST	07540.000267	Eligible	Building	1.0 mile northwest
LADIES HOME OF OSWEGO - 43 EAST UTICA ST	07540.000274	Listed	Building	0.9 mile northwest
BIN 4-43418-0 - CANAL HOUSE RD	07540.000293	Eligible	Building	0.9 mile northwest
28 EAST UTICA ST	07540.000344	Eligible	Building	0.9 mile northwest
300 Cherry St	07540.000389	Eligible	Building	0.5 mile northwest
55 East Mohawk St	07540.000394	Eligible	Building	0.9 mile northwest
68 East Mohawk St	07540.000395	Eligible	Building	0.9 mile northwest
79 East Mohawk St	07540.000396	Eligible	Building	0.9 mile northwest
82-84 East Mohawk St	07540.000397	Eligible	Building	0.9 mile northwest
83 East Mohawk St	07540.000398	Eligible	Building	0.9 mile northwest
49 East Utica St	07540.000406	Listed	Building	0.9 mile northwest
52 East Utica St	07540.000407	Eligible	Building	0.9 mile northwest
76 East Utica St	07540.000408	Eligible	Building	0.8 mile northwest
77 East Utica St	07540.000409	Eligible	Building	0.8 mile northwest
113 East Third St	07540.000416	Listed	Building	1.0 mile northwest
115 East Third St	07540.000417	Listed	Building	1.0 mile northwest
117 East Third St	07540.000419	Listed	Building	1.0 mile northwest
118 East Third St	07540.000420	Listed	Building	1.0 mile northwest
119 East Third St	07540.000421	Listed	Building	1.0 mile northwest
120 East Third St	07540.000422	Listed	Building	1.0 mile northwest
121 East Third St	07540.000423	Listed	Building	1.0 mile northwest
123 East Third St	07540.000424	Listed	Building	1.0 mile northwest
124 East Third St	07540.000425	Listed	Building	1.0 mile northwest
non-contributing - 128 East Third St	07540.000426	Listed	Building	1.0 mile northwest
130 East Third St	07540.000427	Listed	Building	1.0 mile northwest
132 East Third St	07540.000428	Listed	Building	1.0 mile northwest
138 East Third St	07540.000429	Listed	Building	0.9 mile northwest
165 East Third St	07540.000430	Eligible	Building	0.8 mile northwest
St. Paul's Academy - 115 East Fifth St	07540.000436	Eligible	Building	0.9 mile northwest
141 East 5th Street 13126	07540.000437	Eligible	Building	0.9 mile northwest
245 East Fifth St	07540.000438	Eligible	Building	0.6 mile northwest
146 East Sixth St	07540.000439	Eligible	Building	0.8 mile northwest
Grace Evangelical Lutheran Church - 201 East Sixth St	07540.000440	Eligible	Building	0.6 mile northwest
129 East Seventh St	07540.000441	Eligible	Building	0.8 mile northwest
133 East Seventh St	07540.000442	Eligible	Building	0.8 mile northwest
137 East Seventh St	07540.000443	Eligible	Building	0.8 mile northwest
139 East Seventh St	07540.000444	Eligible	Building	0.8 mile northwest
143 East Seventh St	07540.000445	Eligible	Building	0.8 mile northwest
147-149 East Seventh St	07540.000446	Eligible	Building	0.8 mile northwest
165 East Seventh St	07540.000447	Eligible	Building	0.7 mile northwest
183 East Seventh St	07540.000448	Eligible	Building	0.6 mile northwest
191 East Seventh St	07540.000449	Eligible	Building	0.6 mile northwest
Coe House - 125 East Eighth St	07540.000450	Eligible	Building	0.8 mile northwest
12 Ellen St	07540.000452	Eligible	Building	0.8 mile west
10 Merrick St	07540.000458	Eligible	Building	0.9 mile northwest
204 Syracuse Ave	07540.000464	Eligible	Building	0.7 mile northwest

Article VII Application

Pipeline 34 Replacement Project

Property Name	Property Number	S/NRHP-Eligibility	Type/Description	Distance from Project Centerline
206 Syracuse Ave	07540.000465	Eligible	Building	0.7 mile northwest
205-207 Syracuse Ave	07540.000466	Eligible	Building	0.7 mile northwest
28 Varick St	07540.000468	Eligible	Building	1.0 mile west
Niagara Mohawk Site - 411 West First St	07540.000485	Eligible	Building	0.9 mile west
High Dam - 571 West First St	07540.000487	Eligible	Building	0.5 mile west
Oswego Country Club - 610 West First St	07540.000488	Eligible	Building	0.5 mile west
136 East Third St	07540.000591	Listed	Building	0.9 mile northwest
137 East Third St	07540.000592	Listed	Building	0.9 mile northwest
139 East Third St	07540.000593	Listed	Building	0.9 mile northwest
172 Conway Terr	07540.000544	Eligible	Building	0.8 mile northwest
174 Conway Terr	07540.000545	Eligible	Building	0.8 mile northwest
176 Conway Terr	07540.000546	Eligible	Building	0.8 mile northwest
178 Conway Terr	07540.000547	Eligible	Building	0.8 mile north
180 Conway Terr	07540.000548	Eligible	Building	0.8 mile north
182 Conway Terr	07540.000549	Eligible	Building	0.8 mile north
183 Conway Terr	07540.000550	Eligible	Building	0.8 mile north
184 Conway Terr	07540.000551	Eligible	Building	0.8 mile north
185 Conway Terr	07540.000552	Eligible	Building	0.8 mile north
186 Conway Terr	07540.000553	Eligible	Building	0.8 mile north
187 Conway Terr	07540.000554	Eligible	Building	0.8 mile north
188 Conway Terr	07540.000555	Eligible	Building	0.8 mile north
189 Conway Terr	07540.000556	Eligible	Building	0.8 mile north
190 Conway Terr	07540.000557	Eligible	Building	0.8 mile north
191 Conway Terr	07540.000558	Eligible	Building	0.8 mile north
192 Conway Terr	07540.000559	Eligible	Building	0.8 mile north
193 Conway Terr	07540.000560	Eligible	Building	0.8 mile north
195 Conway Terr	07540.000561	Eligible	Building	0.8 mile north
197 Conway Terr	07540.000562	Eligible	Building	0.8 mile north
199 Conway Terr	07540.000563	Eligible	Building	0.8 mile north
201 Conway Terr	07540.000564	Eligible	Building	0.8 mile north
NYS Canal Corporation - Oswego Canal	07540.000663	Listed	Building	0.9 mile west
Leto Island/Powerhouse Rd Bridge - Oswego Canal	07540.000664	Listed	Building	0.9 mile west
O-7 Lockhouse - Oswego Canal	07540.000665	Listed	Building	0.9 mile west
New York State Barge Canal: Varick Dam - Oswego Canal	07540.000666	Listed	Building	0.7 mile west

3.5 PROPERTY BOUNDARIES

This section identifies the property boundaries, fences, walls, and hedgerows that occur within the Project Area in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(ii). Property boundary data were mapped based on data received from local Tax Assessors from the City of Oswego and the Town of Scriba. Given that the proposed Project involves the replacement of an existing 3-mile section of Pipeline 34, all properties crossed by the existing pipeline currently have easements for the gas line. The Applicant has identified a total of 11 land parcels that are crossed by the ROW of the replacement pipeline (see Table 3.6). National Grid will acquire new easements for the Project. All easements will be acquired prior to initiating construction of the Project.

Table 3.6: Properties Crossed by the Proposed Project Area

Tax Assessor's Map Identification Number or Other Identifier
Burkle Street, City of Oswego
147.00-04-05.01
147.00-04-04
166.00-02-37
166.00-02-29.02
147.00-04-03.2
147.00-04-01
128.23-02-01.1
146.43-01-01.11
146.68-01-01
147.45-01-01

3.6 ADJACENT DWELLINGS

This section identifies dwellings within 150 feet of the centerline of the Project in accordance with the requirements of 16 NYCRR §85-1.3(a)(2)(iii). For the purpose of this assessment, dwellings are considered to be any residential-type structure that is presumed to be inhabited on a regular basis. A spatial analysis was conducted to determine the proximity of all existing dwellings within 150 feet of the Project centerline. Aerial imagery (2015) in combination with local tax assessors' maps were used to identify structures. Table 3.7 includes data describing the relative location of dwellings along the route. Figure 3.5 depicts the proposed centerline and identifies dwellings within 150 feet of the proposed centerline.

A total of seven (7) dwellings were identified within 150 feet of the proposed pipeline centerline. All dwellings in the City of Oswego appear to be single-family residences. In the Town of Scriba, two (2) single-family residences were identified. One is a camping facility, which contained many dwellings on the premises, but only one within 150 feet of the proposed project.

Table 3.7: Dwellings within 150 feet of the Centerline of the Pipeline

Tax Assessor's Map Identification Number	City/Town	Number of Dwellings Within 150 Feet	Distance from Pipeline Centerline (feet)
128.74-06-06	Oswego	1	100
128.75-01-08	Oswego	1	60
128.83-01-02	Oswego	1	45
128.83-01-01.2	Oswego	1	70
128.83-01-01.01	Oswego	1	65
147.00-04-01	Scriba	1	130
166.00-02-29.04	Scriba	1	95

4.0 CHECKLIST OF EM&CS&P MEASURES AND TECHNIQUES

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

4.1 MEASURES AND TECHNIQUES FROM THE APPROVED EM&CS&P APPLICABLE TO THE PROJECT

During construction of the Project, National Grid and its contractors will follow the approved standards and practices set forth in the EM&CS&P (revised February 2006) adopted by the Commission on December 6, 2006, in Case 06-T-1383. National Grid has certified that it agrees to install and maintain the Project in accordance with the EM&CS&P (Attachment F). Pursuant to 16 NYCRR Subpart 85-1.2(a)(3), National Grid has developed a checklist of those measures and techniques from this EM&CS&P, which it has agreed will be followed in an effort to minimize or avoid adverse impacts on sensitive resources affected by the Project to the maximum extent practical (Attachment F).

4.2 NAME, TITLE AND QUALIFICATIONS OF THE COMPANY REPRESENTATIVES DIRECTLY RESPONSIBLE FOR SEEING THAT ALL ENVIRONMENTAL REQUIREMENTS ARE FULLY MET

1. Nate Butera
National Grid Senior Environmental Scientist
12 Years of Environmental Monitoring and Permitting Experience
Bachelor of Technology in Renewable Resources

2. Dana Himmel
National Grid Senior Project Manager
14 years of Environmental Remediation/Geology and Project Management Experience
Licensed Professional Geologist
Bachelor of Science in Geology
Masters in Earth and Environmental Science

3. Llewellyn Potter
National Grid Manager of Capital Delivery Project Management and Complex Construction in Upstate New York
8 years of Engineering and Management Experience

Bachelor of Science in Mechanical Engineering

4. Environmental Monitor

TBD

5.0 LIST OF APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS

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

Public Service Law (PSL) Section 130 preempts state agencies and municipalities from requiring any approval, consent, permit, certificate, or other condition for the construction or operation of an Article VII transmission facility for which a Certificate is issued by the Commission. Therefore, the Applicant will not apply for local permits or approvals in connection with the construction or operation of the Project. However, to determine what local laws, ordinances, and regulations may pertain to the Project, the Applicant has reviewed copies of the applicable municipal regulations and ordinances that have been made available digitally online. The Project will be located in the Town of Scriba and the City of Oswego, Oswego County, New York. The Town of Scriba has a site plan review ordinance, while the City of Oswego has a code with provisions including zoning requirements and other requirements related to noise, air pollution, traffic, trees, streets, and sidewalks, among other requirements. National Grid will have public outreach and information dissemination efforts as outlined in the *Outreach and Education Plan* for the Project, included with this application, Attachment H.

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

5.1 STATE

A Certificate of Environmental Compatibility and Public Need under Article VII of the New York Public Service Law.

Permits under the New York ECL for crossing of wetlands and streams by the Project.

A State Pollutant Discharge Elimination System (SPDES) Permit for Stormwater Discharges from Construction Activities pursuant to ECL Article 17.

5.2 LOCAL

5.2.1 COUNTY OF OSWEGO

A Permit for Construction in a County Highway ROW from the County of Oswego Highway Department.

5.2.2 TOWN OF SCRIBA

Local Law #2 of 1996. Site Plan Review Ordinance

Article 4: Site Plan Standards

Section 4.20 – Signs

Section 4.20(A)(4) permits signs necessary for public safety or welfare.

Section 4.26 – Sign Setback Requirements

This Section requires any sign erected after June 30, 1999, to be located outside of the ROW for any private road, public road, or highway within the Town.

Article 5: Supplementary Regulations

Sections 5.10(1) & (2) General Standards

Section 5.10 contains prohibitions on emissions and noise. Section 5.10(1) prohibits excessive smoke, fumes, gas, dust, odor, or any atmospheric pollutant beyond the boundaries of the lot whereon such use is located. Section 5.10(2) limits noise production that is perceptible beyond the boundaries of the lot occupied by the Project. Construction activities on the Project generally shall be scheduled to occur between the hours of 7:00 a.m. and 6:00 p.m. six days per week (Monday through Saturday). National Grid will request approval from DPS if Sunday construction activities must occur. Construction activities will generate only temporary emissions and temporary noise. To the extent these construction activities are

consistent with these local requirements, the Applicant will comply with any applicable substantive provisions of these requirements.

To the extent the Project does not comply with the noise requirements of Section 5.10(1) and (2), the Applicant requests that the Commission refuse to apply the requirements to the Project because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. This request cannot be obviated by design changes to the Project because temporary emissions and temporary noise is unavoidable given the nature of the Project. While the Applicant will implement dust and noise mitigation measures during the course of the Project and will strive to comply with the substantive requirements of this ordinance, on occasion dust and noise may be perceptible beyond the boundaries of the lot where work occurs. The Applicant may incur considerable additional cost if it were required to achieve full compliance with this local requirement, in particular, by adjusting the Project's noise levels or work schedule. The needs of the Applicant's consumers are best met by enabling the Applicant to construct this Project expeditiously so as to have the Project in service at the earliest possible date. These costs and consumer needs outweigh the impact on the City that would result from the Commission's refusal to apply this local law. The request is the minimum necessary.

Section 5.55 Public Utility Facilities

Section 5.55 requires public utility facilities to (a) be surrounded by a fence set back a minimum of fifteen (15) feet from street lines and thirty-five (35) feet from adjoining property lines and one hundred (100) feet from any building on the property, (b) have a maintained landscaped area at least thirty-five (35) feet wide on all sides, and (c) have no open equipment visible from surrounding property. In addition, where practical, low profile equipment is to be used.

The Applicant requests that the Commission refuse to apply Section 5.55, because it is unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. This request cannot be obviated by design changes, because the Project consists of an underground pipeline that cannot reasonably be fenced or landscaped, and the limited aboveground feature (e.g., valve site) cannot be landscaped because herbicide application will be made around it in accordance with the Applicant's Commission-approved practices. Moreover, the Applicant would incur considerable additional cost if it were required to achieve full compliance with this local law by installing fencing and landscaping. These costs and consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply this local law. The request is the minimum necessary.

5.2.3 CITY OF OSWEGO

Chapter 165. Noise

Section 165-4(H)(1) of this Chapter prohibits construction activities which create excessive noise at the property limits of a construction site between the hours of 9:00 p.m. and 7:00 a.m. on any day of the week unless a variance has been applied for and received from the City Engineer as per Section 165-4(H)(2), or the construction activities are directly connected with the abatement of an emergency as per Section 165-4(H)(3). Construction activities on the Project generally shall be scheduled to occur between the hours of 7:00 a.m. and 6:00 p.m. seven days per week (Monday through Sunday). To the extent these construction activities are consistent with these local requirements, the Applicant will comply with applicable substantive provisions of these requirements.

To the extent the Project does not comply with the noise requirements of Section 165-4(H)(1), the Applicant requests that the Commission refuse to apply the requirements to the Project, because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. This request cannot be obviated by design changes to the Project, because noise is unavoidable given the nature of the Project. While the Applicant will implement noise mitigation measures during the course of the Project and will strive to comply with the substantive requirements of this ordinance, on occasion the Applicant will need to continue work uninterrupted in the City after 9:00 p.m. If that appears necessary, the Applicant will give Staff and the City advance notice, which mitigates the adverse impacts of granting this request to the maximum extent practicable. The Applicant may incur considerable additional cost if it were required to achieve full compliance with this local requirement by adjusting the Project's noise levels or work schedule. The needs of the Applicant's consumers are best met by enabling the Applicant to construct the Project expeditiously so as to have the Project in service at the earliest possible date. These costs and consumer needs outweigh the impact on the City that would result from the Commission's refusal to apply this local law. The request is the minimum necessary.

Section 165-5 prohibits any noise which exposes any person to continuous sound levels in excess of 65 decibels (commercial) in any property use zone at any time and between 50 and 65 decibels (residential) depending on the time of day and property use zone. Construction activities on the Project generally shall be scheduled to occur between the hours of 7:00 a.m. and 6:00 p.m. six days per week (Monday through Saturday). To the extent these construction activities are consistent with these local requirements, the Applicant will comply with any applicable substantive provisions of these requirements.

To the extent the Project does not comply with the noise requirements of Section 165-5, the Applicant requests that the Commission refuse to apply the requirements to the Project because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. This request cannot be obviated by design changes to the Project, because the occasional, intermittent production of noise in excess of 50 decibels is unavoidable given the nature of the processes and activities to be conducted in the course of the Project, including motorized equipment engaged in excavation. Moreover, the Applicant would incur considerable additional cost if it were required to achieve full compliance with this local law by removing from the work process all motorized equipment that produces noise in excess of 50 decibels. This occasional, intermittent condition will be present only for the limited period in which the Project construction takes place in the City. These costs and consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply this local law. The request is the minimum necessary.

Chapter 211. Streets and Sidewalks

Chapter 211 outlines the rules for streets and sidewalks within the City. Section 211-3 prohibits placing any material for building in or upon any street, sidewalk, park, lane, or public ground without written permission. Section 211.28 prohibits the injuring of any grass growing in any park or public grounds of the city, or in any grass plot or border in any street. Section 211-29 prohibits the removal of sod, turf, stone, earth, sand, or gravel from any street, park, or public ground in the City without permission. Section 211-40 prohibits any excavation in or under any street, sidewalk, or public place, or any portion thereof, whether paved or otherwise, in the City without a permit.

Chapter 240. Trees

Chapter 240 sets forth the City's rules and standards for planting, maintenance, and removal of trees. Section 240-6 prohibits the removal of otherwise healthy trees in public space or private property without meeting mitigation requirements as approved by a Tree Advisory Board and ward Councilor. Mitigation shall consist of replacing the tree with a tree or trees of equal size or total diameter measured at four feet from the ground either on the parcel from which the tree was removed or at another mutually agreed-upon location. The Project, consisting of the construction and installation of an underground gas pipeline, will require the cutting and removal of certain trees on public and private property. The Applicant will limit tree

cutting and removal to the greatest extent practicable, and it will endeavor to comply with the requirements of Section 240-6.

To the extent the Project does not comply with the tree removal and mitigation requirements of Chapter 240, the Applicant requests that the Commission refuse to apply the requirements to the Project, because they are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. Installation of an underground gas pipeline will require the cutting and removal of certain trees above the Project's intended trench area as well as adjacent construction work spaces. Consistent with the Applicant's Commission-approved procedures for clearing gas pipeline ROWs, a gas pipeline ROW needs to be maintained in a grassy or herbaceous condition, usually by mowing or other means of periodic clearing of all woody materials, so that cathodic testing and leak patrols can be conducted. Woody vegetation can mask a gas leak from detection during routine aerial patrols. The Applicant will prepare its ROW for the Project in accordance with its current "Clearing and Disposal Procedures for Standard EM&CP".

Chapter 257. Vehicles and Traffic

Article IX. Miscellaneous

257-54 Parking of commercial, farming, and construction vehicles

This chapter sets forth the City's vehicle and traffic regulations. Section 257-54(A) prohibits the overnight parking or any unattended commercial, farm, or construction vehicle or apparatus in such a manner that traffic may be obstructed or of such nature that children may be unduly attracted to it and thereby exposed to injury and unreasonable danger without a permit from the Chief of Police.

Chapter 280. Zoning

Article V. R2 Residential 2 District

280-21 Special Permit Uses

Under Section 280-21, a public utility facility is only permitted in an R2 Residential 2 District after issuance of a special permit. Section 280-11 defines a public utility facility, in relevant part, as "water or gas pipes, mains, valves or structures; . . . and all other facilities, appurtenances and structures necessary for conducting a service by a government or public utility." Portions of the Project would be located in an R2 Residential 2 District in the City.

The Applicant requests that the Commission refuse to apply Chapter 280 to the Project, because the Project is unable to conform to the City's zoning ordinance as a permitted use. It is technologically impossible for the Project to comply with these local laws.

Article XI. IN Industrial district

280-38 Permitted Uses

280-40 Bulk Requirements; Supplemental Regulations

Public utility facilities are a permitted use in an Industrial (IN) District; however, Section 280-40(A) contains area (minimum 10,000 square feet), yard (25 feet front, 12 feet rear [50 feet when abutting a residential district], 12 feet side [50 feet when abutting a residential district] and coverage [35%]), requirements within the IN District, and Section 280-40(C) requires site plan approval. Portions of the Project will be located in the IN District in the City.

The Applicant requests that the Commission refuse to apply Chapter 280-40 to the Project, because the Project is unable to conform to the City's requirements pertaining to area, yard and coverage and the Project is not subject to site plan requirements. These requirements are unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. Moreover, since the gas pipeline will be located underground, application of these requirements would serve no beneficial purpose. These costs and consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply this local law. It is technologically impossible for the Project to comply with these local laws.

Article XII. Special Permits

280-44 Special provisions applicable to excavations and earthmoving operations

Section 280-44 sets forth special provisions applicable to excavations and earthmoving operations which are not incidental to construction of a building.

280-47 Special regulations for public utility substations and facilities

Section 280-47 sets forth special regulations for public utility substations and facilities including requirements that: (A) low profile equipment shall be used where feasible; (B) the facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side,

and rear yards; and (C) a landscaped area at least 15 feet wide shall be maintained in front, rear, and side yards.

The Applicant requests that the Commission refuse to apply Section 280-47 to the Project, because it is unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. Although the Walnut Street GRS 211 and the valve site at Churchill Road will be fenced, the facilities cannot meet the City's fence set back requirements, nor can the facilities be landscaped because herbicide application will be made around it in accordance with the Applicant's Commission-approved practices. This request cannot be obviated by design changes. Moreover, the Applicant would incur considerable additional cost if it were required to achieve full compliance with this local law. These costs and consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply this local law. The request is the minimum necessary.

Article XIII. Site Plan Approval

Section 280-48 requires Planning Board review and approval of all permitted uses requiring site plan approval before a building permit will be issued.

Article XV – Signs

Section 280-58 General Sign Regulations

Section 280-59 Signs in Residential Districts

Section 280-60 Signs in Business and Industrial Districts

Section 280-61 Post Signs

Section 280-62 Building Signs

Section 280-64 Restrictions on Signs for Safety Reasons

Article XV contains numerous restrictions and requirements applicable to signs in the City. The nature of the restrictions and requirements vary, based on the type and location of the sign. To the extent the signs associated with the Project are consistent with these local laws, the Applicant will comply with applicable substantive provisions of these local laws.

To the extent the Project does not comply with the sign requirements in Chapter XV, the Applicant requests that the Commission refuse to apply the requirements contained in Sections 280-58, 280-59, 280-60, 280-61, 280-62, and 280-64 to the Applicant's safety-related signs, because the prohibitions are unduly

restrictive in view of the needs of the Applicant's consumers. To most effectively warn the general public of dangers associated with gas pipelines and hazardous construction activity, placement of warning signs on structures and near construction areas is warranted and appropriate. For public safety reasons, sign placement must be determined by the locations where structures are to be installed and where construction activities are to occur. This request is the minimum necessary and cannot be obviated by design changes to the Project. Any adverse impacts of granting this request are mitigated to the maximum extent practicable.

Article XVII. Supplementary Regulations

Section 280-80 Fences, Hedges, and Walls

In residential districts, fences not exceeding a height of 4 feet in a front yard or six feet in a side or rear yard shall be permitted. In nonresidential districts adjoining residential districts, fences shall not exceed 8 feet in height along the boundary, elsewhere, there is no restriction on the height of fences.

The Applicant requests that the Commission refuse to apply Section 280-80 to the Project, because it is unduly restrictive in view of the existing technology, cost, and the needs of the Applicant's consumers. Although the Walnut Street GRS 211 will be fenced, the 4 or 6 foot height requirements are not sufficient to be protective of the facility and help to ensure public safety. Moreover, the Walnut Street GRS 211 already has a fence that exceeds the height requirements of Section 280-80. This request cannot be obviated by design changes. Moreover, the Applicant would incur considerable additional cost if it were required to achieve full compliance with this local law. These costs and consumer needs outweigh the impact on this municipality that would result from the Commission's refusal to apply this local law. The request is the minimum necessary.

Table 5.2 Municipal Ordinances and Project Compliance¹

Municipality	Subject of Ordinance	Applicant Will Comply or Requests PSC Relief
TOWN OF SCRIBA		
	Local Law #2 of 1996 – Site Plan Review Ordinance	The need for site plan approval is preempted by PSL § 130
	Section 4.20 – Signs	Will Comply
	Section 4.26 – Sign Setback Requirements	Will Comply
	Section 5.10 – General Standards	Requests Partial PSC Refusal to Apply
	Section 5.55 – Public Utility Facilities	Will Comply
CITY OF OSWEGO		
	Chapter 165 – Noise Chapter 165-4(H)(1) – Specific Prohibitions Chapter 165-5 – Noise in Excess of Permissible Sound Levels	Requests Partial PSC Refusal to Apply
	Chapter 211 – Streets and Sidewalks Section 211-3 – Building Materials Section 211-28 – Injuring Grass Section 211-29 – Removing Sod, Stone, Sand, etc. Section 211-40 – Excavation Permit Required	Will Comply with substantive requirements, however, the need for a permit is preempted by PSL § 130
	Chapter 240 – Trees Section 240-6 – Removal and Replacement of Trees	Requests Partial PSC Refusal to Apply
	Chapter 257 – Vehicles and Traffic Section 257-54 – Parking of Commercial, Farming and Construction Vehicles	Will Comply
	Chapter 280 – Zoning Section 280-21 – Special Permit Uses – R2 District	Requests PSC Refusal to Apply
	Section 280-40 – Bulk Requirements IN District	Request PSC Refusal to Apply
	Section 280-44 – Special Permits – Excavation and Earthmoving	Will Comply
	Section 280-47 – Special Regulations for Public Utility Substations and Facilities	Request PSC Refusal to Apply
	Section 280-48 – Site Plan Approval	The need for site plan approval is preempted by PSL § 130
	Section 280-58 – General Sign Regulations Section 280-59 – Signs in Residential Districts Section 280-60 – Signs in Business/Industrial Districts Section 280-61 – Post Signs Section 280-62 – Building Signs Section 280-64 – Restrictions on Signs for Safety Reasons	Requests Partial PSC Refusal to Apply
	Section 280-80 – Fences, Hedges and Walls	Request PSC Refusal to Apply

¹Obtained from *Oswego County Development Regulation Guide* (Oswego, 1999), *Code of the City of Oswego, v61* (Oswego, 2015), and *Scriba Local Law #2 Site Plan Review* (Scriba, 1996).

6.0 REFERENCES

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