

# **New York Transmission Owners**

## **Submission of New York Transmission Owners For Authority to Construct and Operate Electric Transmission Facilities in Multiple Counties in New York**

**Case 13-M-\_\_\_\_\_**

### **Part A Filing**

***Fraser to Coopers Corners 345 kV Reconductoring***

### **Non-Article VII Filing Requirements**

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In accordance with the *Order Adopting Additional Procedures and Rule Changes for Review of Multiple Projects Under Article VII of the Public Service Law* (the “September 2013 Order”), the following information is provided herein:

- (1) copies of all applications submitted to any state, local or federal agency related to the project;
- (2) a list of permits and approvals required for the proposed project and a schedule for submitting such permit applications and filings not provided under No. 1, above;
- (3) a copy of the Environmental Assessment Form (“EAF”) used by the lead agency in making its determination of significance;
- (4) the status of the State Environmental Quality Review Act (“SEQRA”) review and a schedule for the preparation of a Draft Environmental Impact Statement (“DEIS”) for projects where the SEQRA lead agency has issued a Positive Declaration or proposed DEIS submission schedule for projects where a lead agency has yet to issue a determination of significance; and
- (5) a demonstration of how and to what extent the project meets the congestion relief objectives identified by the Commission in Case 12-T-0502.

The filing requirements are addressed in the following five subsections.

**(1) Copies of Applications Submitted to State, Local and Federal Agencies**

With respect to State and regional agencies, NYSEG anticipates that permits and approvals will be required from NYSDEC, NYSDOT, SHPO and NYCDEP. Permits and approvals required from NYSDEC are associated with construction storm water pollution prevention, work within the Catskills Park Preserve, stream crossings, and endangered species review. DEC will also consult with Delaware River Basin Commission (“DRBC”) since the project is located within the Delaware River Watershed. NYSDOT permits will be obtained for work along State highways. A SHPO review is also being performed to assess the presence of potential significant historical, cultural and archaeological resources along the project route.

The project will be completed without permanent impact to Federal wetlands and therefore will be authorized to be performed under United States Army Corps of Engineers Nationwide Permits Nos. 3 and 12. NYSEG also has initiated the process of identifying potential endangered species along the reconductoring route and at the proposed series capacitor bank location to comply with Federal endangered species laws and regulations.

With regard to local approvals, construction of the SC bank adjacent to the Fraser Substation will likely require a Special Use Permit from the Town of Delhi Planning Board.

The proposed 21.8 mile reconductoring of the FCC-33 line will be performed in the Town of Delhi, Town of Hamden, Town of Colchester and Town of Rockland. The reconductoring work will not require the construction of new access roads or the addition of any transmission towers. Although it is anticipated that thirteen poles along the route will be repaired and/or replaced, primarily for maintenance purposes, the replacements will be substantially similar to the existing structures and the new structures will not exceed the height of the replaced poles by more than ten feet. Additionally, up to three structures may be raised or replaced as part of the reconductoring but, likewise, none will exceed the height of the replaced structure by more than ten feet. As such, NYSEG does not anticipate local permitting requirements in the municipalities where reconductoring will occur, other than the Town of Delhi. A portion of the reconductoring route passes over the Pepacton Reservoir, which is a source of New York City potable water supply, and therefore consultation with New York City Department of Environmental Protection will be undertaken. Furthermore, approvals from the local and County Highway departments will be obtained, where necessary, for work along local roadways.

Applications and filings submitted to Federal, State and local agencies are provided as Attachment A.

**(2) Permits and Approvals Required and Schedule of Submissions Not Provided in Subsection 1;  
SEQRA Lead Agency Determination of Significance**

Permit applications and filings that have been submitted or that will be submitted by NYSEG for the project are discussed above in subsection 1. A list of State, regional, Federal and local permits and approvals required to complete the NYSEG component of MSSC, along with a schedule of submission milestone dates, is provided as Attachment B.

Although the NYSEG portion of the MSSC project is not subject to Article VII review, NYSEG has sought a Declaratory Ruling from the Commission that the reconductoring of FCC-33 constitutes an exempt “replacement of existing with like facilities” pursuant to PSL Section 121 and that the project is not subject to 16 NYCRR Part 102 reporting requirements. NYSEG’s Petition for Declaratory Ruling was filed with the Commission on September 13, 2013 (Case No. 13-M-0418) and no ruling has been issued as of the date of this filing. A copy of the Petition for Declaratory Ruling is included here as Attachment C.

The rules also require the non-Article VII project sponsor to identify the SEQRA lead agency, when one has been identified at the date of filing, and to provide that lead agency’s SEQRA determination of significance. With respect to the NYSEG portion of the MSSC project, it is anticipated that an involved agency will declare

its intent to serve as SEQRA lead agency after receipt and review of the Environmental Assessment Form (“EAF”).

### **(3) Copy of the Environmental Assessment Form**

A copy of the EAF submitted to NYSDEC is included as Attachment D. As indicated above, a SEQRA lead agency has yet to be named and therefore there has been no determination of significance.

### **(4) Status of SEQRA Review and Schedule for Preparation of DEIS for Positive Declarations**

With respect to the status of SEQRA review, NYSEG submitted to NYSDEC an EAF for its component of MSSC. No determination of significance has been made as of the filing date and NYSEG anticipates that the lead agency may issue a Negative Declaration, obviating the need for the preparation of a DEIS. Nevertheless, if the lead agency were to issue a Positive Declaration for the NYSEG portion of the MSSC, the proposed schedule for the preparation of a DEIS is as follows:

- October 1, 2013 - involved agency issues Notice of Intent to Serve as SEQRA Lead Agency
- November 1, 2013 - expiration of 30-day period to establish lead agency
- November 20, 2013 - lead agency issues Positive Declaration
- November 21, 2013 - Draft Scoping Document submitted to lead agency
- January 21, 2014 - expiration of 60-day period for lead agency to issue Final Scoping Document
- February 21, 2014 - Draft Environmental Impact Statement submitted to lead agency

This schedule is only an estimate and assumes, conservatively, that the lead agency (i) will not be established in less than 30 days, (ii) will require the full 20 days to make a determination of significance, and (iii) will require the full 60 days allotted to issue a Final Scoping Document. Accordingly, it is possible that the DEIS could be submitted before February 21, 2014, since many of the environmental studies likely required to prepare the DEIS are underway or have been completed.

### **(5) Demonstration of How the Project Meets Congestion Relief Goals of Case 12-T-0502**

The proposed rules require the sponsor to demonstrate how and to what extent the project meets the congestion relief objectives identified by the Commission in Case 12-T-0502. Those objectives include,

among others, “increas[ing] transfer capacity through the congested transmission corridor, which includes the Central East and UPNY/SENY interfaces”.

To avoid redundancy, a thorough explanation of how and to what extent the project meets the congestion relief objectives is provided in Exhibit E-4 of the Edic to Pleasant Valley 345kV Transmission Line and Second Oakdale to Fraser 345kV Transmission Line Article VII application. That exhibit should be deemed to be incorporated here by reference.

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