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January 16, 2015

Hon. Kathleen H. Burgess
Secretary
State of New York Public Service Commission
Three Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

Subject: New York Power Authority Environmental Management and Construction Plan
Phase One for the Marcy South Series Compensation Project, Case 13-T-0515
(formerly Case 70126)

Dear Secretary Burgess:

Enclosed please find for filing four (4) hard copies of the Environmental Management and Construction Plan ("EM&CP") Phase One for the Marcy South Series Compensation Project ("MSSC").

The public notice of this filing was published in newspapers of general circulation pursuant to 16 NYCRR § 85-2.10(c). Affidavits of publication will be filed when received from the newspapers. The filing is accompanied by proof of service to all parties on the service list. The public notice is also included in this submittal.

Correspondence concerning the EM&CP should be directed to the following persons:

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If you have any questions regarding this application, please call me at (914)390-8026.

Hon. Kathleen H. Burgess
January 16, 2015
Page 2

Respectfully submitted,



Mark K. Malone
Director
Project Development and Licensing

Enclosures
cc: Attached Service List

PUBLIC NOTICE

NEW YORK POWER AUTHORITY SUBMITS ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN TO THE NEW YORK STATE PUBLIC SERVICE COMMISSION FOR PHASE ONE OF THE MARCY SOUTH SERIES COMPENSATION PROJECT

PLEASE TAKE NOTICE that on January 16, 2015, the New York Power Authority (“NYPA”) will submit to the New York State Public Service Commission (“PSC”) an Environmental Management and Construction Plan (“EM&CP”) for Phase One of the Marcy South Series Compensation Project (“MSSC”). The EM&CP provides details on the location of the project, the manner in which it will be constructed, the environmental impacts of construction, and the environmental protection measures that will be implemented during construction to minimize environmental impacts. As described below, NYPA intends to submit the EM&CP in two phases.

This notice describes the project, the locations where the EM&CP will be available, how comments on the EM&CP may be made, and persons who may be contacted for additional information.

The Project

The MSSC involves the installation of (1) 915 MVAR series capacitor bank (“SC bank”) and (1) 315 MVAR SC bank on New York State Electric & Gas (“NYSEG”) -owned property at the Fraser substation located in Delhi, New York. The 915 MVAR SC bank will be connected to the Marcy-Coopers Corner (UCC2-41) line and the 315 MVAR SC bank will be connected to the Edic-Fraser (EF24-40) line. The SC banks will increase the power transfer capability along the transmission lines. NYPA will install the SC banks entirely within existing NYSEG property in the northeast corner of the Fraser substation adjacent to the existing NYPA maintained transmission corridor.

NYPA filed an application with the PSC on January 17, 2014 for an amendment to the original Certificate of Environmental Compatibility and Public Need (Case 13-T-0515, formerly case 70126) to install the SC banks on the NYPA transmission lines. The PSC issued an Order approving the amendment on October 27, 2014 and directed NYPA to submit an EM&CP to the PSC for approval.

The EM&CP will be submitted in two phases. EM&CP Phase One will contain the project schedule, provide details on the location of the project, and the tree clearing procedure.

EM&CP Phase Two, to be submitted at a later date, will contain the manner in which the project will be constructed, the environmental impacts of construction, and the environmental protection measures that will be implemented during construction to minimize and mitigate environmental impacts, including the Storm Water Pollution Prevention Plan (“SWPPP”).

Availability of the EM&CP

Copies of the EM&CP Phase One will be made available for public inspection at the following library:

Cannon Free Library
40 Elm Street
Delhi, New York 13753

The EM&CP will also be available on the NYS PSC's website, www.dps.ny.gov, case 13-T-0515.

Comments on the EM&CP

Anyone wishing to make comments on any matter or objection regarding the proposed EM&CP Phase One should, within 30 days of the filing of the EM&CP, submit written comments to:

Honorable Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350
secretary@dps.ny.gov

Refer to:

Case No. 13-T-0515
New York Power Authority
Marcy South Series Compensation Project
Environmental Management and Construction Plan

And

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For more information

Anyone who would like additional information about the location or project should contact:

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Manager, Intergovernmental Affairs
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(518) 433-6741
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**MARCY SOUTH SERIES COMPENSATION
ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN
PHASE ONE SUBMITTAL**

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(4) Copies

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Albany, NY 12205
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**MARCY SOUTH SERIES COMPENSATION
ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN
PHASE ONE SUBMITTAL**

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**Marcy South Series Compensation
Environmental Management and Construction Plan
Phase One Submittal**

Introduction

On January 17, 2014, the New York Power Authority (“NYPA”) filed an application, pursuant to §121(3) of the Public Service Law (“PSL”), with the New York State Public Service Commission (“PSC”) to amend the NYPA’s Marcy South transmission line Certificate of Environmental Compatibility and Public Need (“Certificate”) granted by the Commission in case 70126. The Certificate was originally issued on January 30, 1985, authorizing construction of 207 miles of 345 kV transmission facilities and the expansion of six substations. NYPA’s amendment application was for the installation of Series Capacitor Banks (“SC Banks”) onto existing NYPA transmission lines on utility-owned property. This was called the Marcy South Series Compensation Project (“MSSC”), a joint transmission venture between NYPA and New York State Electric & Gas Corporation (“NYSEG”).¹ The MSSC, as described in the amendment application, was developed as part of a long-term transmission study and improves power transfer capability over those existing transmission lines.

On October 27, 2014, the PSC issued an order (“PSC Order”) granting NYPA an amendment to the Certificate in case 13-T-0515 (formerly Case 70126).² The PSC Order requires NYPA to submit an Environmental Management and Construction Plan (“EM&CP”) to the PSC for approval. As described in the PSC Order, NYPA will install two (2) SC Banks on land owned by NYSEG adjacent to the existing Fraser substation located in Delhi, Delaware County, New York. The SC Banks will connect to the existing NYPA Marcy-Coopers Corner (UCC2-41) 345 kV line and the Edic-Fraser (EF24-40) 345 kV line.

The PSC Order noted that NYPA, as part of its application, complete a thorough review of potential project impacts including federally listed threatened and endangered species and candidate species for the project area. Further, the PSC Order stated “[t]hat research did not identify any rare, threatened or endangered species; however the Northern Long-Eared bat (*Myotis septentrionalis* or “NLEB”) is a candidate that may be listed under the Endangered

¹ Case 12-E-0503 Order authorizing NYSEG and requesting NYPA to proceed with the MSSC and to use their best efforts to undertake and complete them by June 1, 2016 (issued November 4, 2013).

² Case 13-T-0515 Order Granting Amendment of Certificate of Environmental Compatibility and Public Need (issued and effective October 27, 2014).

**Marcy South Series Compensation
Environmental Management and Construction Plan
Phase One Submittal**

Species Act (“ESA”) in late 2014.³ Because of the potential for the NLEB to be listed under the ESA, NYPA has phased its EM&CP to allow for the removal of trees during the NLEB’s hibernation season. There are environmental benefits to the phased approach and this submittal is the EM&CP Phase One.

EM&CP Outline

Phase One of the EM&CP, provided below contains the project schedule and a tree clearing procedure. NYPA is currently in the preliminary design phase of the MSSC project and is voluntarily undertaking conservation measures in anticipation of the listing of the NLEB under the ESA. Phase Two of the EM&CP, to be submitted at a later date, will contain details on the project construction, environmental protection measures (Best Management Practices), the Stormwater Pollution Prevention Plan and a noise mitigation plan.

Project Location

The MSSC is located off of Hamden Hill Road, in Delhi, New York.

Overall Project Schedule

The following table outlines the major project milestones identified by the Engineering, Procurement and Construction (EPC) contractor.

Activity	Start	Finish
Engineering Design	November 2014	October 2015
Procurement	January 2015	February 2016
Construction	August 2015	June 2016

³ Id., p. 3.

**Marcy South Series Compensation
Environmental Management and Construction Plan
Phase One Submittal**

Phase One Schedule

The following table outlines activities and dates anticipated for Phase One of the EM&CP.

Public Notice	January 8, 2015 January 15, 2015
Phase One Submittal to PSC/Service List	January 16, 2015
PSC Approval	February 26, 2015
Tree Clearing	March 2015

Background – Northern Long Eared Bat

As discussed and provided in the amendment application, there are no federally listed threatened, endangered, or candidate species known to occur within the project area. However, as stated in the PSC Order, the NLEB is a candidate species that may be listed in late 2014.⁴ All of New York State is currently identified within the NLEB’s range. Pending the potential listing, the USFWS has developed a guidance document to assist project proponents in possible conservation options that may help protect the species.⁵ Although there are no requirements to avoid or minimize impacts to a proposed species unless it becomes listed, the USFWS guidance document provides advisory recommendations.

Unequivocally, the most severe threat to the decline of the NLEB is White Nose Syndrome. However, the USFWS has also identified a series of common actions that could affect the species. For instance, permanent or temporary removal of forested habitat may have an adverse effect by reducing suitable habitat available for roosting, foraging, or travel. Therefore, potential impacts to the NLEB in New York State can be minimized or avoided if tree removal is done during the winter months, when the bats are in hibernation and not in trees. Specifically, potential disturbance of the NLEB can be avoided if trees are removed prior to April 1.

⁴ Id. As of this submission, the U.S. Fish & Wildlife Service (“USFWS”) has not issued a final order regarding the NLEB. A final decision on the proposed listing is due on April 2, 2015.

⁵ USFWS 2014. Northern Long-Eared Bat Interim Conference and Planning Guidance, January 6. <http://www.fws.gov/Midwest/endangered/mammals/nlba/index.html> (visited December 2014)

**Marcy South Series Compensation
Environmental Management and Construction Plan
Phase One Submittal**

Provided for reference and taken from the USFWS guidance document, estimated annual NLEB seasonal habitat use time periods for New York State are as follows:

Hibernation Season	Spring Staging Season	Summer Maternity Season	Fall Swarming Season
Oct. 1 – May 1	<i>unavailable</i>	April 1 – Sept. 30	Aug. 1 – Oct. 30

Source: USFWS 2014. NLEB Interim Conference and Planning Guidance, January 6.

Tree Removal

Construction of the SC Banks will require the clearing of approximately 2.5 acres of upland deciduous forest habitat along the edge of the existing maintained NYPA Right-of-Way (ROW). The forest was identified by the consultant as mainly submature; approximately eight (8) inches diameter breast height (dbh) or less. Additionally, NYPA staff forester surveyed the site on January 6, 2015 and confirmed the trees are mostly poor quality red maple and a very small percentage of ash (less than 10%). There was no evidence of Emerald Ash Borer (“EAB”).

NYPA is proposing to clear the wooded area identified in Attachment A prior to April 1, 2015 to avoid potential disturbance of the NLEB during the subsequent summer maternity season. In coordination with NYSEG, the area will be staked and cleared by a qualified tree contractor familiar with working along utility ROW. No work activities will occur in the area identified as a “field observed wetland” in Attachment A. The tree contractor will utilize existing access roads and cut trees by hand with a chainsaw at an appropriate height above the ground. There will be no grading or grubbing during this phase of the project and the stumps will be left in place. It is estimated that tree clearing and removal will take approximately 2 weeks to complete using a crew of 5 individuals. Sample photographs of the wooded area to be cleared are provided in Attachment B.

Tree Disposal

The following disposal techniques will be used to manage timber and slash piles generated during clearing. All trees approximately eight (8) inches dbh and below will be reduced to coarse chips by the use of a chipper. Other equipment that may be used to assist with the chipping process include: a skid steer loader, dump truck, and/or excavator with a grapple

**Marcy South Series Compensation
Environmental Management and Construction Plan
Phase One Submittal**

arm. Chips shall be spread over the immediate area, along the existing access road or as directed by NYPA/NYSEG. No chips will be allowed to enter a watercourse or other areas where they would affect the current land use. No roads, routes or access to the ROW will be blocked or restricted. Under no circumstances will any wood chips, slash or logs be transported outside of the EAB quarantine area.⁶

Site Stabilization

There will be no grading or grubbing during this phase of the project and it is not anticipated that soils will be disturbed. However, the site will be stabilized should areas become disturbed or there is extensive rutting during tree removal. Disturbed areas will be mulched or seeded using acceptable practices.⁷

Work Hours

In accordance with the original approved EM&CP (February 1985), all work activities will be conducted between the hours of 7:00 A.M. and 6:00 P.M., excluding Sundays.

Environmental Monitor

During tree clearing, a qualified environmental monitor will be assigned to the project. The environmental monitor will be responsible for overseeing all activities and compliance with PSC Orders and Conditions.

Minimum Qualifications:

- Sufficient knowledge and experience to manage the environmental compliance
- A four-year degree in forestry or related environmental discipline or a demonstrated equivalent knowledge, in either case including courses in ecological sciences and experience in environmental construction inspection

⁶ Delaware County is part of the quarantine area established by the NYSDEC to limit the spread of the Emerald Ash Borer (EAB)

⁷ DPS 2003, Environmental Management and Construction Standards and Practices for Underground Transmission and Distribution Facilities in New York State. Revised, Interim Feb 2003.

**Marcy South Series Compensation
Environmental Management and Construction Plan
Phase One Submittal**

Conclusion

In anticipation of the USFWS final determination to list the NLEB, NYPA requests expedited review and approval of the EM&CP Phase One submittal. Permitting tree clearing at the designated site identified in Attachment A will potentially avoid disturbance of the NLEB during the summer maternity season.

Attachments

A - Figure

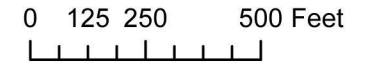
B - Photographs

MSSC Bank
Fraser Substation
Tree Clearing



Legend

- Existing Access Road
- Area to be cleared
- Property Lines
- Field Observed Wetland



Merritt, Michael J
Parcel #: 169.-2-20.1

Merritt, Michael J
Parcel #: 191.-2-2

NYSEG
Parcel #: 191.-2-1

Bolles, George E Bolles, Janet
Parcel #: 191.-2-3

NYSEG Corp
Parcel #: 191.-1-5



**Marcy South Series Compensation
Environmental Management and Construction Plan
Phase 1 Submittal**

Sample Photographs of Trees to be Cleared

