



**Lockport-Batavia Line #112  
Rebuild Project**

**Appendix H**

**Agency Correspondence**

**Part 4 of 8**

**New York State Department of Environmental  
Conservation**

Transportation  
Land Development  
Energy

September 15, 2020

NYSDEC Region 8 Office  
Division of Environmental Permits  
6274 East Avon-Lima road  
Avon, NY 14414-9519

(delivery via: email [dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov))

**Re:** Niagara Mohawk Power Corporation (d/b/a National Grid)  
**Site Name:** Lockport-Batavia #112 Rebuild Project  
**Municipality/County:** City of Lockport, and the Towns of Lockport, Royalton, Alabama, Niagara and Genesee Counties, NY

To Whom It May Concern:

On behalf of Niagara Mohawk Power Corporation (d/b/a National Grid), Fisher Associates is requesting NYSDEC Region 8 concurrence that the proposed activity is unlikely to result in the “take” of any species listed as endangered or threatened species subject to regulation under 6CRR-NY 182.9 for the proposed Lockport-Batavia #112 Rebuild Project (Project) located in the City of Lockport and the Towns of Lockport, Royalton and Alabama, in Niagara and Genesee Counties, New York (see attached *Project Locus Map*).

Project Description

The Project consists of replacing structures, replacing, or tightening the line, within the existing right-of-way (ROW) of the National Grid Lockport-Batavia Line #112 115kV Overhead Transmission Line. Additionally, a portion of the existing ROW located in the Tonawanda Wildlife Management Area (TWMA) to a manmade berm and along Lewiston Road (see attached electronic shapefiles of the *Project ROW*).

The Project is mostly within the existing ROW from the National Grid Lockport Substation (Structure 1.1) in the City of Lockport, Niagara County to just east of Wright Road (Structure 213) in the Town of Alabama, Genesee County. The Project has been broken down into segments for the ease of discussing and referring to (see attached *Project Locus Map*). Segments 1, 2 and 3 are within Niagara County and under NYSDEC Region 9 jurisdiction. While Segment 4 Existing, Segment 4 Relocation, and Segments 5, 6 and 7 are within Genesee County and fall under NYSDEC Region 8 jurisdiction. There is currently no proposed work within Segment 6. A separate consultation request is being submitted to each respective office.

Additional Agency Coordination:

A review of the Project site was conducted through the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) and the USFWS Official Species List from April 9, 2020 indicated that there were no federally listed endangered or threatened species within the Project vicinity (see attached *Additional Agency Consultations*).

In accordance with the New York Natural Heritage Program (NHP) guidelines, the NYSDEC Environmental Resource Mapper was reviewed for potential rare or state-listed plants or



animals, or significant natural communities. A project specific consultation was requested and a response letter was received on May 5, 2020 (see attached *Additional Agency Consultations*).

Per the NHP response letter, 12 species listed by NYS as Endangered, Threatened or of Special Concern have been documented at or near Segment 4 Existing, Segment 4 Relocation, Segment 5 and Segment 7 (within Genesee County – NYSDEC Region 8). Also, three (3) animal species and one (1) plant species that are considered rare in NYS have been documents near the vicinity of the Project within Genesee County. Additionally, Segment 3, Segment 4 Existing, Segment 4 Relocation, Segment 5 and Segment 7 are also within a state-significant Raptor Winter Concentration Area. As noted above, there is currently no proposed work within Segment 6. Below is a description of each species and reasoning why it is anticipated that the Project will not likely to result in the “take” of that species.

NHP List of Rare, Threatened, or Endangered Animals and Plants for NYSDEC Region 8		
Species Name	NYS Status	Description
<b>Northern Harrier</b> <i>Circus hudsonius</i>	Threatened	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation, 5, and 7, however it is noted that it does not breed at the site. Habitat is not expected to be negatively impacted from the Project since a majority of the construction and disturbance will occur within the existing ROW, on a manmade berm and along a roadside. They prey on small rodents and birds that are unlikely to be impacted from construction.
<b>Pier-billed Grebe</b> <i>Podilymbus podiceps</i>	Threatened	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation, 5, and 7 and has been known to breed at or near the site. They are small water birds that are generally found in permanent ponds with some dense vegetation. The Project is unlikely to have a negative impact to this species because a majority of the structures and ROW are on upland or berms. The Line crosses or is near marsh areas in Segment 4 (TWMA), however with the relocation of this segment this will allow less future disturbance of this species and habitat.
<b>Black Tern</b> <i>Chlidonias niger</i>	Endangered	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation and 5, and has been known to breed at or near the site. They are small semi-colonial waterbirds that nest on inland marshes, ponds, rivers and lakes. The Project is unlikely to have a negative impact to this species because a majority of the structures and ROW are on upland or berms. The Line crosses or is near marsh areas in Segment 4 (TWMA), however with the relocation of this segment this will allow less future disturbance for this species.



NHP List of Rare, Threatened, or Endangered Animals and Plants for NYSDEC Region 8		
Species Name	NYS Status	Description
<b>Least Bittern</b> <i>Ixibrychus exillis</i>	Threatened	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation and 5, and has been known to breed at or near the site. They can occur in freshwater marshes with tall emergent vegetation. The Project is unlikely to have a negative impact to this species because a majority of the structures and ROW are on upland or berms. The Line crosses or is near marsh areas in Segment 4 (TWMA), however with the relocation of this segment this will allow less future disturbance for this species.
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i>	Threatened	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation and 5, and has a breeding nest within 100-yards of Segment 4 Relocation. The Segment 4 Relocation ROW will be along the south side of Lewiston Road and mostly within the existing utility and roadside ROW. Their maybe a need for minor brush and tree trimming in order to establish the ROW. No trees with bald eagle nest will be disturbed.
<b>Short-eared Owl</b> <i>Asio flammeus</i>	Endangered	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation and 5, and has been observed breeding and non-breeding within 300-yards of these segments. It has also been observed as non-breeding within Segment 7. They are widely distributed between marshes and open grasslands. The Project is unlikely to impact this owl's habitat because the land-cover type will remain the same. Only structures and the existing overhead transmission line will be worked on. The existing ROW (through marshes and grasslands) will remain the same and it is unlikely that ground cover removal will be necessary for construction (grass cover will remain, no bare ground necessary for maintenance work).
<b>Henslow's Sarrow</b> <i>Ammodramus henslowii</i>	Threatened	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation and 5, and has been observed breeding within 0.5-miles of the Project. These are found in localized pockets in NYS generally in weedy fields and meadows. Areas that this bird maybe found within the Project are commonly disturbed since construction will occur within the existing ROW. Areas surrounding the ROW that are fields or meadows are generally disturbed for cutting hay.





NHP List of Rare, Threatened, or Endangered Animals and Plants for NYSDEC Region 8		
Species Name	NYS Status	Description
<b>Sedge Wren</b> <i>Cistothorus platensis</i>	Threatened	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation, 5, and 7, and has been observed breeding within Segment 7. The Sedge Wren breeds in wet meadows or hayfields. Areas that this bird maybe found within the Project are commonly disturbed since construction will occur within the existing ROW. Areas surrounding the ROW that are fields or meadows are generally disturbed for cutting hay. Some brush cutting may occur within the Project ROW, however generally ground cover (grass) will remain (grass cover will remain, no bare ground necessary for maintenance work).
<b>King Rail</b> <i>Rallus elegans</i>	Threatened	This species is listed as potentially occurring within Segments 4 Existing, 4 Relocation and 5, and has been observed breeding within 0.5-miles of the Project. They are a secretive wetland/marsh dwelling species. The Project is unlikely to have a negative impact to this species because a majority of the structures and ROW are on upland or berms. The existing ROW crosses or is near marsh areas in Segment 4 (TWMA), however with the relocation of this segment outside of the TWMA and along a roadside there will be less future disturbance of habitat for this species.
<b>Black Bullhead</b> <i>Ameiurus melas</i>	Rare Fish	This species was documented in Segment 4 Relocation area where Lewiston Road meets Feeder Road in 2012. This species tends to inhabit muddy ditches, streams and ponds. This area is along a roadside and is constantly disturbed. It is unlikely that any permanent disturbance to ditches, streams or ponds in this area is necessary. Timber matting is generally used when crossing streams and ditches.
<b>Ruddy Duck</b> <i>Oxyura jamaicensis</i>	Rare Bird (Game Species)	This species was documented within 200-yards northwest of Segment 4 Relocation in 2001 in an emergent marsh. The Segment 4 Relocation is located along the southern side of Lewiston Road within the existing utility and road ROW. It is unlikely that construction within the existing utility and roadside ROW will cause a negative disturbance to this duck species living in ponds and marshes on the north side of the road.
<b>Prothonotary Warbler</b> <i>Protonotaria citrea</i>	Rare Bird (Protected)	This species was documented within 0.5-miles southwest of Segment 4 Existing and Relocation in 2018 in the marshes of TWMA, and flooded woodlands. These species general inhabit flooded hardwood forest. Construction of the Project is not



NHP List of Rare, Threatened, or Endangered Animals and Plants for NYSDEC Region 8		
Species Name	NYS Status	Description
		likely to impact this species because construction will be limited to the existing maintained ROW (mostly in upland areas). The Segment 4 Relocation area will be located along Lewiston Road mostly within the existing utility and roadside ROW. Some brush and tree cutting maybe necessary in this area to establish the ROW, however this area is not a flooded woodland.
<b>Heart-leaved Plantain</b> <i>Plantago cordata</i>	Rare Plant	This species was documented within 0.4-miles southwest of Segment 5 in 1999. This plant was observed within a mud bottomed stream in the TWMA. Construction within Segment 5 is limited to the existing ROW. Stream crossings are temporary and generally are conducted with a temporary timber mat bridge.

Based on the Project description and activities, we are asking for NYSDEC Region 8 concurrence that the proposed activity is unlikely to result in the take of any species listed as endangered or threatened subject to regulation under 6CRR-NY 182.9 and that no further coordination is required.

Thank you in advance for your assistance. If you have any questions please feel free to contact me via email at [NDutcher@fisherassoc.com](mailto:NDutcher@fisherassoc.com) or at (585) 944-0706.

Respectfully,

Nicole Dutcher, WPIT  
Environmental Scientist  
Fisher Associates

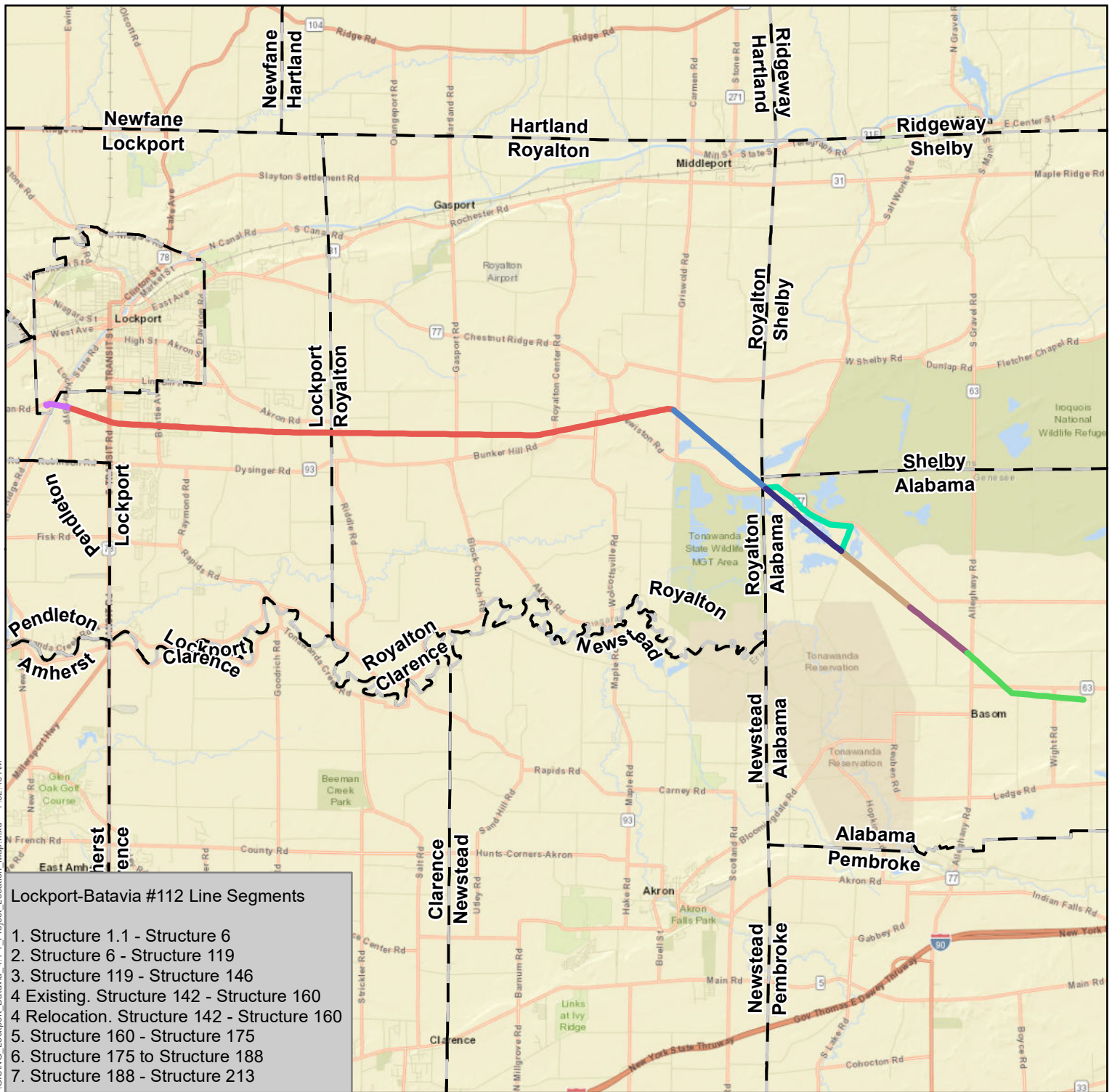
cc: Mary Bitka, National Grid  
Sean Milne, Fisher Associates

Attachments:  
Project Locus Map  
Additional Agency Consultations

Electronic File Submission:  
Project ROW Shapefiles

## Project Locus Map

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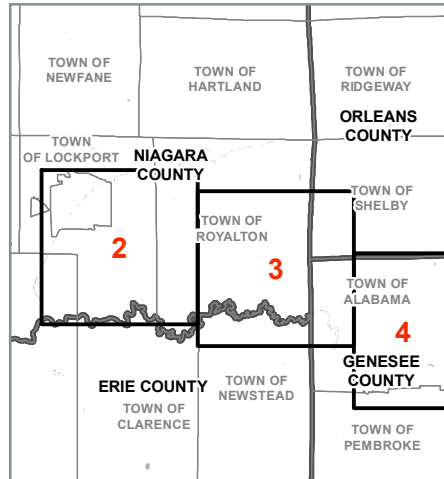
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 Lockport  
 Gasport  
 Medina  
 Akron  
 Oakfield

**Lockport-Batavia #112 Transmission Line**

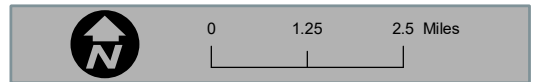
Segment 1	Segment 4 Relocation
Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

Data Sources:  
 United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: MFA  
 Revision Date: 8/31/2020

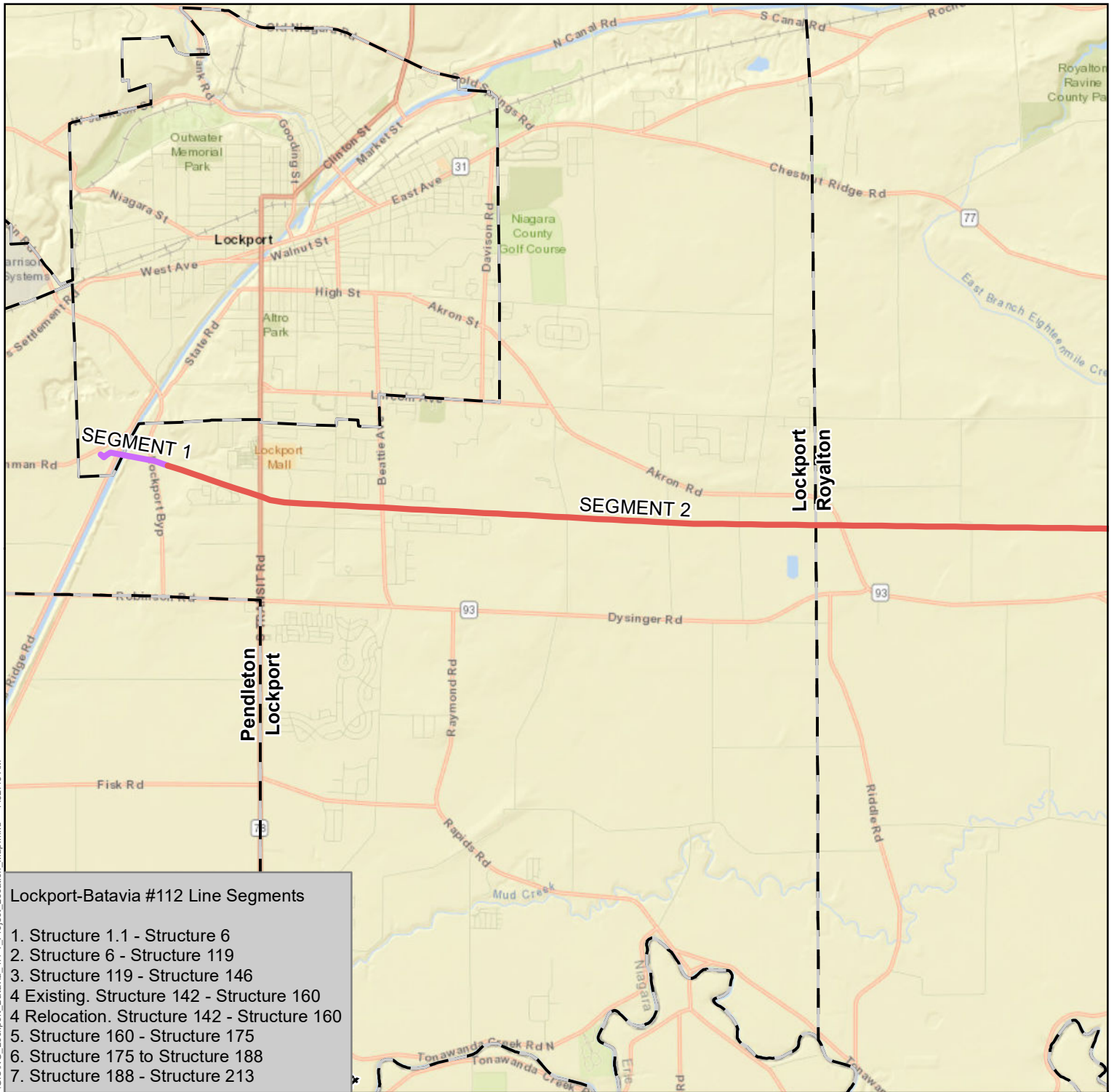


Center of Project Study Limits:  
 43.139915 N, 78.54395 W  
 North American Datum 1983



**FISHER ASSOCIATES**  
 NATIONAL GRID  
 LOCKPORT-BATAVIA #112 REBUILD PROJECT  
 FIGURE 4.1-1  
 PROJECT LOCUS MAP  
 SHEET 1 OF 4





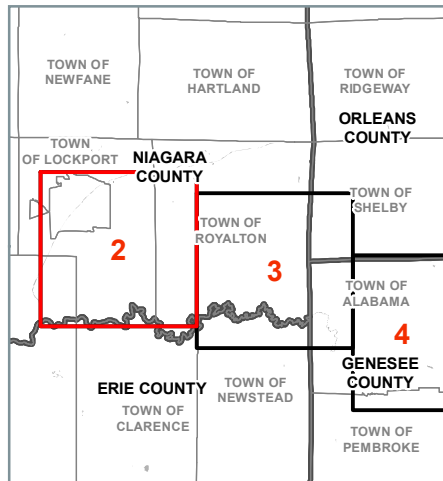
Project USGS Quad(s):  
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 Oakfield

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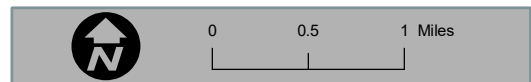
Segment 1	Segment 4 Relocation
Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

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Author: MFA      Revision Date: 8/31/2020

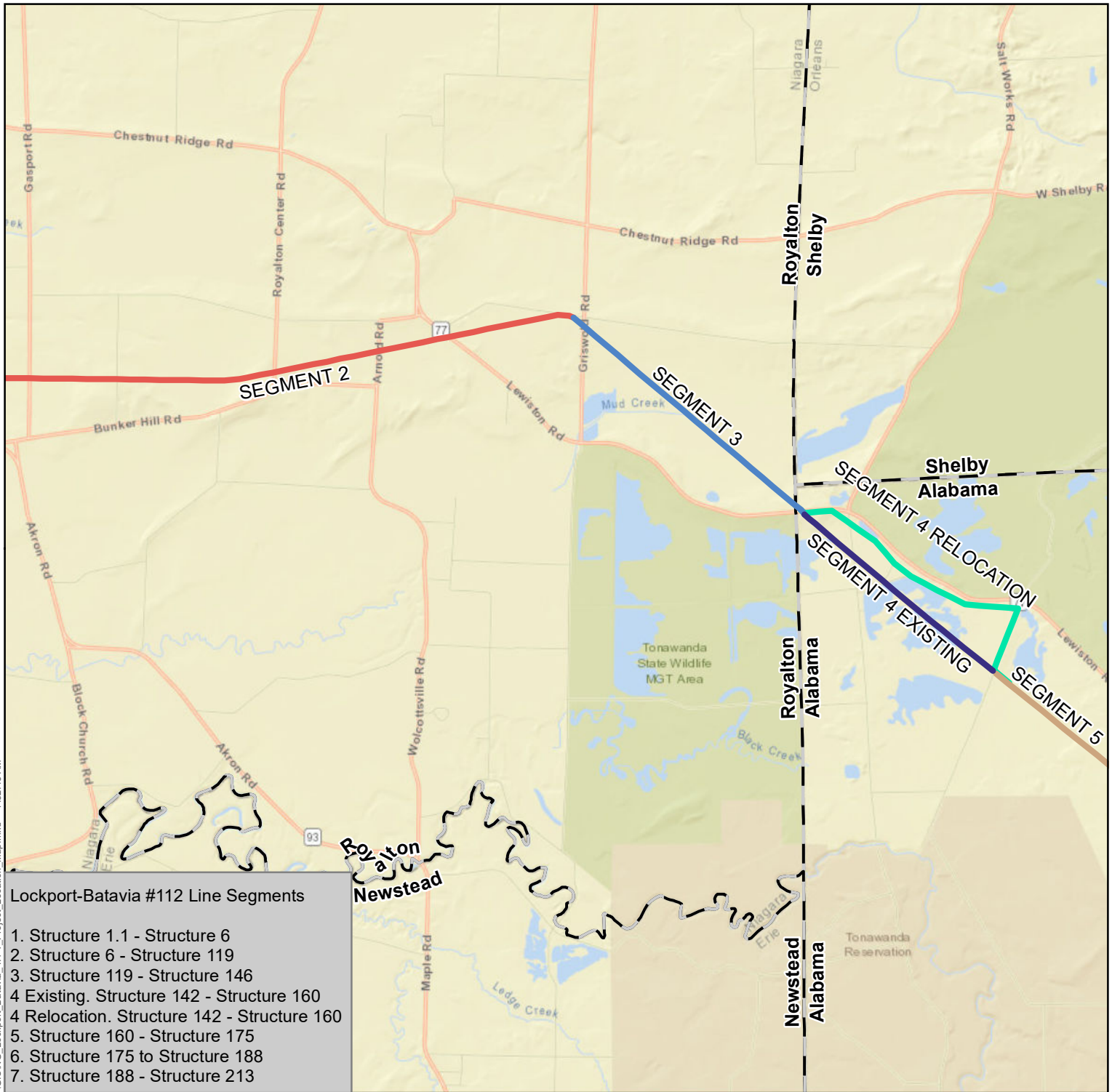


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**FISHER ASSOCIATES**  
 NATIONAL GRID  
**LOCKPORT-BATAVIA #112 REBUILD PROJECT**  
**FIGURE 4.1-1**  
**PROJECT LOCUS MAP**  
**SHEET 2 OF 4**

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- Lockport-Batavia #112 Line Segments**
1. Structure 1.1 - Structure 6
  2. Structure 6 - Structure 119
  3. Structure 119 - Structure 146
  - 4 Existing. Structure 142 - Structure 160
  - 4 Relocation. Structure 142 - Structure 160
  5. Structure 160 - Structure 175
  6. Structure 175 to Structure 188
  7. Structure 188 - Structure 213

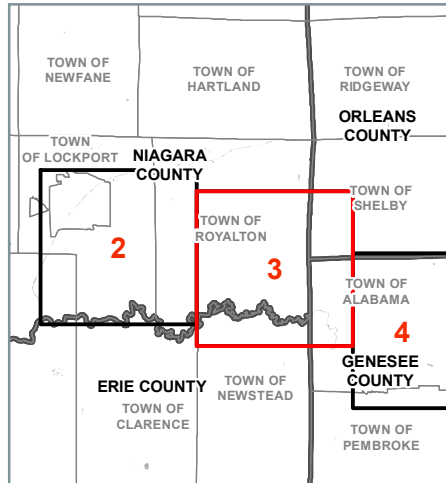
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 Gasport  
 Medina  
 Akron  
 Oakfield

**Lockport-Batavia #112 Transmission Line**

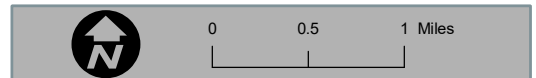
Segment 1	Segment 4 Relocation
Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

Data Sources:  
 United States Geological Survey 24k Topo Quad Map - usgs.gov

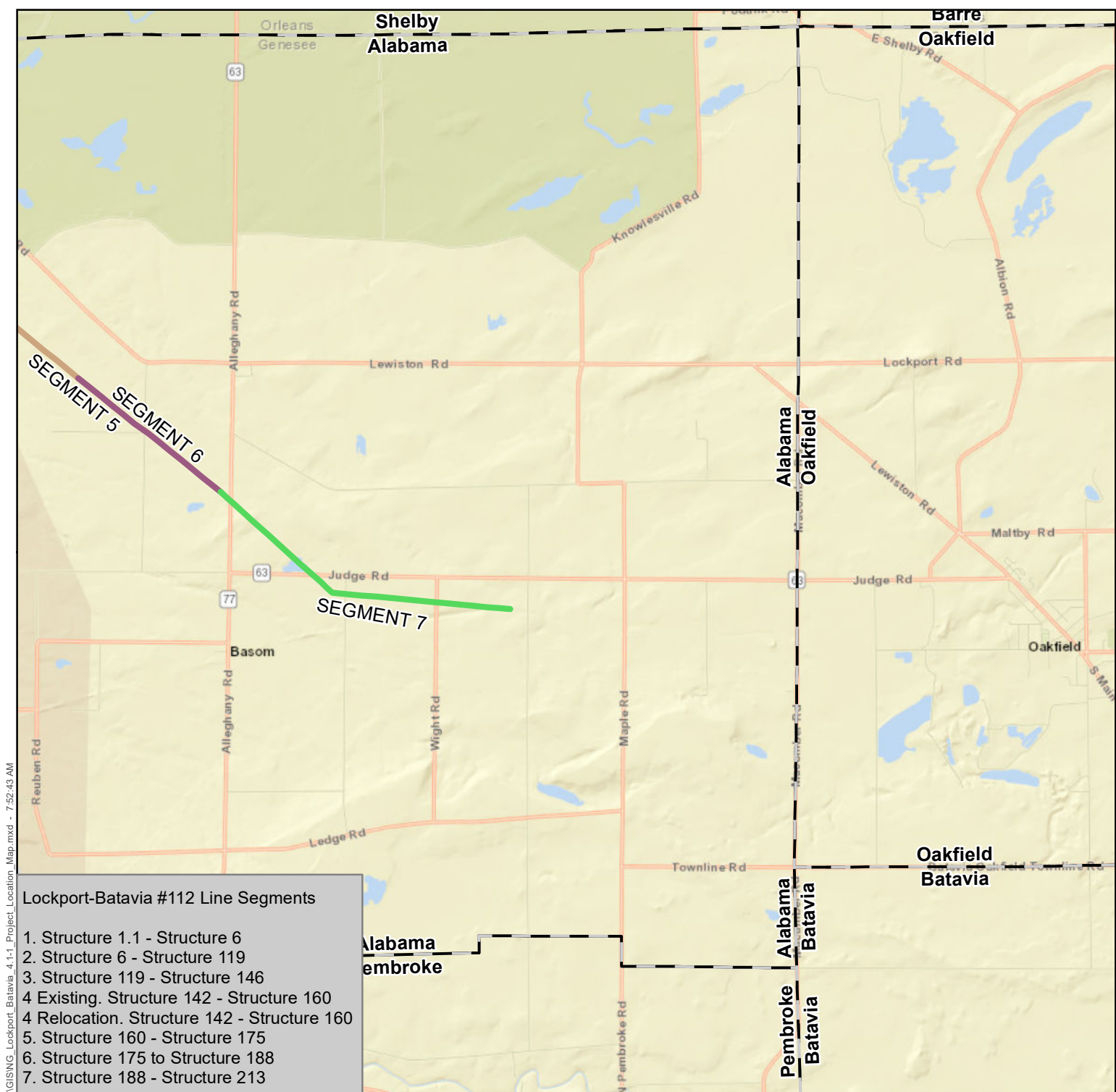
Author: MFA  
 Revision Date: 8/31/2020



Center of Project Study Limits:  
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**FISHER ASSOCIATES**  
 NATIONAL GRID  
 LOCKPORT-BATAVIA #112 REBUILD PROJECT  
 FIGURE 4.1-1  
 PROJECT LOCUS MAP  
 SHEET 3 OF 4



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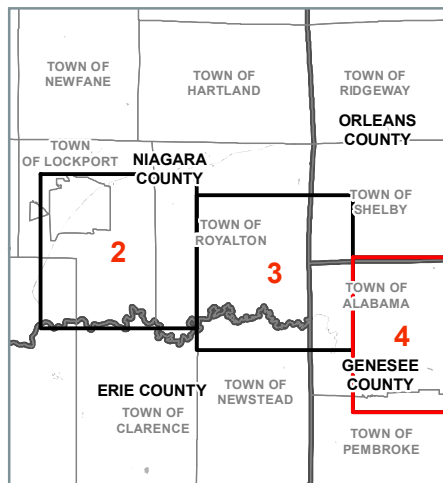
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**Lockport-Batavia #112 Transmission Line**

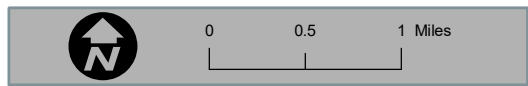
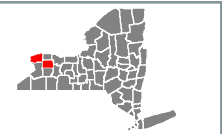
Segment 1	Segment 4 Relocation
Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

Data Sources:  
 United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: MFA  
 Revision Date: 8/31/2020



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**FISHER ASSOCIATES**  
 NATIONAL GRID  
 LOCKPORT-BATAVIA #112 REBUILD PROJECT  
 FIGURE 4.1-1  
 PROJECT LOCUS MAP  
 SHEET 4 OF 4

## **Additional Agency Consultations**

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## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program  
625 Broadway, Fifth Floor, Albany, NY 12233-4757  
P: (518) 402-8935 | F: (518) 402-8925  
[www.dec.ny.gov](http://www.dec.ny.gov)

May 5, 2020

Nicole Dutcher  
Fisher Associates  
180 Charlotte Street  
Rochester, NY 14607

Re: Lockport-Batavia #112 Rebuild Project  
County: Genesee, Niagara Town/City: City of Lockport, Lockport, Royalton, Alabama

Dear Ms. Dutcher:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 8 Office, Division of Environmental Permits, at [dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov) and the NYSDEC Region 9 Office, Division of Environmental Permits at [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov).

Sincerely,



Heidi Krahling  
Environmental Review Specialist  
New York Natural Heritage Program

The following state-listed animals have been documented  
at, or in the vicinity of the project site.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for the Genesee County section of the project, please contact the Permits staff at the NYSDEC Region 8 Office at [dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov), (585) 226-5400. For information about any permit considerations for the Erie County section of your project, please contact the Permits staff at the NYSDEC Region 9 Office at [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov), (716) 851-7165.

Birds

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
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The following species has been documented at Segment 2.

Short-eared Owl	<i>Asio flammeus</i>	Endangered	14568
Nonbreeding at the site			

The following species have been documented at or near Segments 3, 4, 4 Relocation, and 5.

Northern Harrier	<i>Circus hudsonius</i>	Threatened	15013
Nonbreeding at the site			
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Threatened	10651
Breeding at the site			
Black Tern	<i>Chlidonias niger</i>	Endangered	9373
Breeding at the site			
Least Bittern	<i>Ixobrychus exilis</i>	Threatened	6222
Breeding at the site			
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	11597
Breeding within 100 yards of Segment 4 Relocation			
Short-eared Owl	<i>Asio flammeus</i>	Endangered	11106
Breeding and Nonbreeding within 300 yards			
Henslow's Sparrow	<i>Ammodramus henslowii</i>	Threatened	5140
Breeding within 0.5 mile			
Sedge Wren	<i>Cistothorus platensis</i>	Threatened	6231
Breeding within 0.5 mile			
King Rail	<i>Rallus elegans</i>	Threatened	1621
Breeding within 0.5 mile			

Note: This area is also a state-significant Raptor Winter Concentration Area.

## Birds

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
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The following species have been documented at Segment 7 of the project site.

<b>Northern Harrier</b> <i>Nonbreeding at the site</i>			15013
<b>Short-eared Owl</b> <i>Nonbreeding at the site</i>	<i>Asio flammeus</i>	Endangered	15235
<b>Sedge Wren</b> <i>Breeding at the site</i>	<i>Cistothorus platensis</i>	Threatened	14766
<b>Pied-billed Grebe</b> <i>Breeding at the site</i>	<i>Podilymbus podiceps</i>	Threatened	12479

**Note: This area is also a state-significant Raptor Winter Concentration Area.**

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



The following rare plants and rare animals have been  
documented at the project site, or in its vicinity.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are rare in New York and are of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
<b>Fish</b>			
<b>Black Bullhead</b>	<i>Ameiurus melas</i>	Unlisted	Critically Imperiled in NYS

14638	Documented at the corner of Segment 4 Relocation where Lewiston Road meets Feeder Road. 2012-08-20.		
<b>Birds</b>			
<b>Ruddy Duck</b>	<i>Oxyura jamaicensis</i>	Game Species	Critically Imperiled in NYS
	Breeding		
10205	Documented within 200 yards northwest of Segment 4 Relocation. 2001-06-25. The birds were observed in an emergent marsh.		

<b>Prothonotary Warbler</b>	<i>Protonotaria citrea</i>	Protected Bird	Imperiled in NYS
	Breeding		
6538	Documented within 0.5 mile southwest of Segments 3, 4, and 4 Relocation. 2014-06-18. Tonawanda marshes. The birds were found in a flooded woodland dominated by green ash and red maple.		

The following plant is listed as Rare by New York State, and so is a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
<b>Vascular Plants</b>			
<b>Heart-leaved Plantain</b>	<i>Plantago cordata</i>	Rare	Vulnerable in NYS

Documented within 0.4 mile southwest of Segment 5. 1999-05-09: The plants occur along and within a small, mud bottom stream. With the exception of that portion flowing through the wildlife management area the stream is shaded by a mature canopy of hemlock and hardwoods. Those plants observed within the wildlife management area are primarily in the open and exposed to direct sunlight for much of the day.

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-5400 | F: (585) 226-2830  
[www.dec.ny.gov](http://www.dec.ny.gov)

**\*Sent via email\***

January 19, 2021

Ms. Nicole Dutcher  
Fisher Associates  
180 Charlotte Street  
Rochester, New York 14607

Dear Ms. Dutcher:

RE: Endangered and Threatened Species  
Consultation  
Lockport-Batavia # 112 Rebuild Project (Segments 4,  
5 and 7)  
Town of Alabama, Genesee County  
DEC ID No. 0-9999-00232/00001

The New York State Department of Environmental Conservation (DEC) Region 8 office has received and reviewed your letter dated September 15, 2020 and received by DEC on September 16, 2020, requesting concurrence that the proposed activity is unlikely to result in an incidental take of an endangered or threatened species subject to regulation under 6 NYCRR Part 182. Please see the Region 8 DEC comments regarding this project proposal below.

There are multiple threatened and endangered species that breed within the wetlands and grasslands of Tonawanda Wildlife Management Area (WMA), including Black Tern, Least Bittern, Pied-billed Grebe, Sedge Wren, Bald Eagle, and Northern Harrier. Therefore, work on the portion of the line that goes through Tonawanda WMA should avoid the breeding period for grassland and marsh birds which runs from April 23 – August 15<sup>th</sup>. Note, there may be some portions of the area through Tonawanda WMA where the breeding restrictions may not be necessary, but that would need to be discussed with Regional Biologists and a plan developed.

Currently, no known eagle nests are located in the immediate vicinity of the proposed work, so Bald Eagle restriction dates do not apply. However, this could change between now and the start of work if new eagle nests are established. Please consult with our Region 8 DEC office closer to the project start date to discuss any changes in restrictive dates.

The Northern Harrier and Short-eared Owl are known to winter in and around Tonawanda WMA and Iroquois National Wildlife Refuge (NWR) within both grassland and emergent habitat. At this point, DEC biologists do not see a need to impose wintering restrictive dates for the vicinity of the line as it passes through Tonawanda WMA, but closer to the project start date, depending on the most recent available information, DEC will make a decision related to the need for onsite monitoring immediately prior to and during the work period.

For the portion of the work in and around John White WMA, work should be completed outside the breeding dates for grassland birds (April 23 – August 15<sup>th</sup>). In this area, work should not take place during the wintering period (November 1 – April 30<sup>th</sup>) due to consistent presence of both Short-eared owl and Northern Harrier in this large grassland area. Wintering restrictive dates could potentially be shortened slightly on either end of this period if surveys show that these species are not currently using the area. This would need to be approved by DEC Region 8 staff. The ideal work period for John White WMA would be August 16<sup>th</sup> through October 30<sup>th</sup>.

In order to make a final determination staff need to see the plans and construction schedules to allow us to better assess the possible impacts of these species. There is potential for a Part 182 permit to be needed if the proposed project cannot follow the restrictive dates set forth in this letter.

Please note that many areas of the proposed project fall within State regulated freshwater wetlands, so an Article 24 permit may be required. An Article 15 Protection of Waters permit may also be required for disturbances to the bed or banks of any protected streams within the project area.

Should you have any questions regarding this letter, please contact Thomas Walker by phone at (585) 226-5402 or email [thomas.walker@dec.ny.gov](mailto:thomas.walker@dec.ny.gov) . Thank you.

Sincerely,

Robert B. Call  
Deputy Regional Permit Administrator

ecc: Thomas Haley, NYSDEC Regional Permit Administrator- Region 8  
Mike Wasilco, NYSDEC Regional Wildlife Manager- Region 8  
Heidi Kennedy, NYSDEC Wildlife Biologist- Region 8  
David Denk, NYSDEC Regional Permit Administrator- Region 9  
Michelle Woznick, NYSDEC Division of Environmental Permits- Region 9



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Division of Fish and Wildlife | Region 8 Bureau of Ecosystem Health  
6274 East Avon-Lima Road | Avon, NY 14414-9516  
Phone: (585) 226-2466 | Fax: (585) 226-2830

## Request for a Wetland Determination or Delineation

To request a wetland delineation or determination on a parcel of property, you must complete this form and submit it with the items listed below to the appropriate DEC office.

**Note:** Wetland field work is often limited to when conditions allow (typically May 1 until November 1) because delineation is based on observance of field indicators of plants, soils, and other ground features.

### 1. Person requesting the service:

Name: Sean Milne  
Mailing address: 180 Charlotte Street  
City: Rochester State: NY Zip: 14607  
Daytime phone: 585-334-1310 x216 Email: SMilne@fisherassoc.com

### 2. Landowner (if different):

Name: Niagara Mohawk Power Corp. (d/b/a National Grid), Nathan Butera  
Mailing address: 300 Erie Blvd West  
City: Syracuse State: NY Zip: 13202  
Daytime phone: 315-748-4365 Email: nathan.butera@nationalgrid.com

**Note:** If the person requesting the delineation or determination is NOT the owner of the parcel of land, you must obtain and attach a letter with the landowner's written permission in order for an agency representative to inspect the property.

### 3. Reason for requesting a field inspection:

- ☐ Purchasing or selling the property.  
☒ Proposing a project to: Lockport-Batavia #112 Article VII Transmission Line Rebuild  
☐ Other (explain): \_\_\_\_\_

### 4. Property location:

Street address of property: See attached maps  
County: Genesee Town: See attached maps  
Wetland Identification Number (e.g., GR-15) if known: See attached maps  
Tax map # \_\_\_\_\_ Tax map # \_\_\_\_\_

#### Attach the following maps:

- ☒ A section of either a county road map or a USGS topographic map with the location of the property highlighted.  
☐ A tax map, plat, or survey map that shows all of the property boundaries.

I hereby request that a Department representative inspect the property indicated above to determine the presence or boundary of any wetlands. If delineation is performed, I agree to have the boundary surveyed and to send three (3) copies of the survey map to the Department for approval if it is deemed necessary for the purpose of any subsequent permit application.

Signature of Requester/Owner

04/09/2024

Date

#### FOR AGENCY USE ONLY

Inquiry #:	Wetland #:	Wetland Class:	USGS Quad Name:	GIS File:
Forward to:			Date:	



Transportation  
Land Development  
Energy

September 15, 2020

NYSDEC Region 9 Office  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2915

(delivery via: email [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov))

**Re:** Niagara Mohawk Power Corporation (d/b/a National Grid)  
**Site Name:** Lockport-Batavia #112 Rebuild Project  
**Municipality/County:** City of Lockport, and the Towns of Lockport, Royalton, Alabama, Niagara and Genesee Counties, NY

To Whom It May Concern:

On behalf of Niagara Mohawk Power Corporation (d/b/a National Grid), Fisher Associates is requesting NYSDEC Region 9 concurrence that the proposed activity is unlikely to result in the “take” of any species listed as endangered or threatened species subject to regulation under 6CRR-NY 182.9 for the proposed Lockport-Batavia #112 Rebuild Project (Project) located in the City of Lockport and the Towns of Lockport, Royalton and Alabama, in Niagara and Genesee Counties, New York (see attached *Project Locus Map*).

Project Description

The Project consists of replacing structures, replacing or tightening the line, within the existing right-of-way (ROW) of the National Grid Lockport-Batavia Line #112 115kV Overhead Transmission Line. Additionally, a portion of the existing ROW located in the Tonawanda Wildlife Management Area (TWMA) to a manmade berm and along Lewiston Road (see attached electronic shapefiles of the *Project ROW*).

The Project is mostly within the existing ROW from the National Grid Lockport Substation (Structure 1.1) in the City of Lockport, Niagara County to just east of Wright Road (Structure 213) in the Town of Alabama, Genesee County. The Project has been broken down into segments for the ease of discussing and referring to (see attached *Project Locus Map*). Segments 1, 2 and 3 are within Niagara County and under NYSDEC Region 9 jurisdiction. While Segment 4 Existing, Segment 4 Relocation, and Segments 5, 6 and 7 are within Genesee County and fall under NYSDEC Region 8 jurisdiction. There is currently no proposed work within Segment 6. A separate consultation request is being submitted to each respective office.

Additional Agency Coordination:

A review of the Project site was conducted through the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) and the USFWS Official Species List from April 9, 2020 indicated that there were no federally listed endangered or threatened species within the Project vicinity (see attached *Additional Agency Consultations*).

In accordance with the New York Natural Heritage Program (NHP) guidelines, the NYSDEC Environmental Resource Mapper was reviewed for potential rare or state-listed plants or



animals, or significant natural communities. A project specific consultation was requested and a response letter was received on May 5, 2020 (see attached *Additional Agency Consultations*).

Per the NHP response letter, nine (9) species listed by NYS as Endangered, Threatened or of Special Concern have been documented within the jurisdiction of NYSDEC Region 9 (Niagara County) for the Project area. Specifically, one (1) species was documented within Segments 2 and 3, and an additional eight (8) species have been documents within only Segment 3. Also, one (1) animal species that is considered rare in NYS has been documented near the vicinity of the Project within Niagara County. Additionally, Segment 3 is noted by NHP to be within a state-significant Raptor Winter Concentration Area. No endangered, threatened, special concern or rare species of plants or animals were documented within Segment 1. Below is a description of each species and reasoning why it is anticipated that the Project will not be likely to result in the “take” of that species.

NHP List of Rare, Threatened, or Endangered Animals and Plants for NYSDEC Region 9		
Species Name	NYS Status	Description
<b>Northern Harrier</b> <i>Circus hudsonius</i>	Threatened	This species is listed as potentially occurring within Segment 3; however, it is noted that it does not breed at the site. Habitat is not expected to be negatively impacted from the Project since most of the construction and disturbance will occur within the existing ROW, on a manmade berm and along a roadside. They prey on small rodents and birds that are unlikely to be impacted from construction.
<b>Pier-billed Grebe</b> <i>Podilymbus podiceps</i>	Threatened	This species is listed as potentially occurring within Segment 3 and has been known to breed at or near the site. They are small water birds that are generally found in permanent ponds with some dense vegetation. The Project is unlikely to have a negative impact to this species because most of the structures and ROW are on upland or berms.
<b>Black Tern</b> <i>Chlidonias niger</i>	Endangered	This species is listed as potentially occurring within Segment 3 and has been known to breed at or near the site. They are small semi-colonial water birds that nest on inland marshes, ponds, rivers and lakes. The Project is unlikely to have a negative impact to this species because most of the structures and ROW are on upland or berms.
<b>Least Bittern</b> <i>Ixibrychus exilis</i>	Threatened	This species is listed as potentially occurring within Segment 3 and has been known to breed at or near the site. They can occur in freshwater marshes with tall emergent vegetation. The Project is unlikely to have a negative impact to this species because most of the structures and ROW are on upland or berms.
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i>	Threatened	This species is listed as potentially occurring within Segment 3 and has a breeding nest within 100-yards of Segment 4 Relocation. The Segment 4 Relocation



NHP List of Rare, Threatened, or Endangered Animals and Plants for NYSDEC Region 9		
Species Name	NYS Status	Description
		ROW will be along the south side of Lewiston Road and mostly within the existing utility and roadside ROW. There may be a need for minor brush and tree trimming in order to establish the ROW. No trees with bald eagle nest will be disturbed.
<b>Short-eared Owl</b> <i>Asio flammeus</i>	Endangered	This species is listed as potentially occurring within Segment 2 but is not breeding in the area. It has also been documented within Segment 3 where it has been observed breeding and non-breeding within 300-yards of the segment. They are widely distributed between marshes and open grasslands. The Project is unlikely to impact this owl's habitat because the land-cover type will remain the same. Only structures and the existing overhead transmission line will be worked on. The existing ROW (through marshes and grasslands) will remain the same and it is unlikely that ground cover removal will be necessary for construction (grass cover will remain, no bare ground necessary for maintenance work).
<b>Henslow's Sarrow</b> <i>Ammodramus henslowii</i>	Threatened	This species is listed as potentially occurring within Segment 3 and has been observed breeding within 0.5-miles of the Project. These are found in localized pockets in NYS generally in weedy fields and meadows. Areas that this bird may be found within the Project are commonly disturbed since construction will occur within the existing ROW. Areas surrounding the ROW that are fields or meadows are generally disturbed for cutting hay.
<b>Sedge Wren</b> <i>Cistothorus platensis</i>	Threatened	This species is listed as potentially occurring within Segments 3. The Sedge Wren breeds in wet meadows or hayfields. Areas that this bird may be found within the Project are commonly disturbed since construction will occur within the existing ROW. Areas surrounding the ROW that are fields or meadows are generally disturbed for cutting hay. Some brush cutting may occur within the Project ROW, however generally ground cover (grass) will remain (grass cover will remain, no bare ground necessary for maintenance work).
<b>King Rail</b> <i>Rallus elegans</i>	Threatened	This species is listed as potentially occurring within Segment 3 and has been observed breeding within 0.5-miles of the Project. They are a secretive wetland/marsh dwelling species. The Project is unlikely to have a negative impact to this species.



NHP List of Rare, Threatened, or Endangered Animals and Plants for NYSDEC Region 9		
Species Name	NYS Status	Description
		because a majority of the structures and ROW are on upland or berms.
<b>Prothonotary Warbler</b> <i>Protonotaria citrea</i>	Rare Bird (Protected)	This species was documented within 0.5-miles southwest of Segment 4 Existing and Relocation in 2018 in the marshes of TWMA, and flooded woodlands. This species generally inhabit flooded hardwood forest. Construction of the Project is not likely to impact this species because construction will be limited to the existing maintained ROW (mostly in upland areas)

Based on the Project description and activities, we are asking for NYSDEC Region 9 concurrence that the proposed activity is unlikely to result in the take of any species listed as endangered or threatened subject to regulation under 6CRR-NY 182.9 and that no further coordination is required.

Thank you in advance for your assistance. If you have any questions please feel free to contact me via email at [NDutcher@fisherassoc.com](mailto:NDutcher@fisherassoc.com) or at (585) 944-0706.

Respectfully,

Nicole Dutcher, WPIT  
Environmental Scientist  
Fisher Associates

cc: Mary Bitka, National Grid  
Sean Milne, Fisher Associates

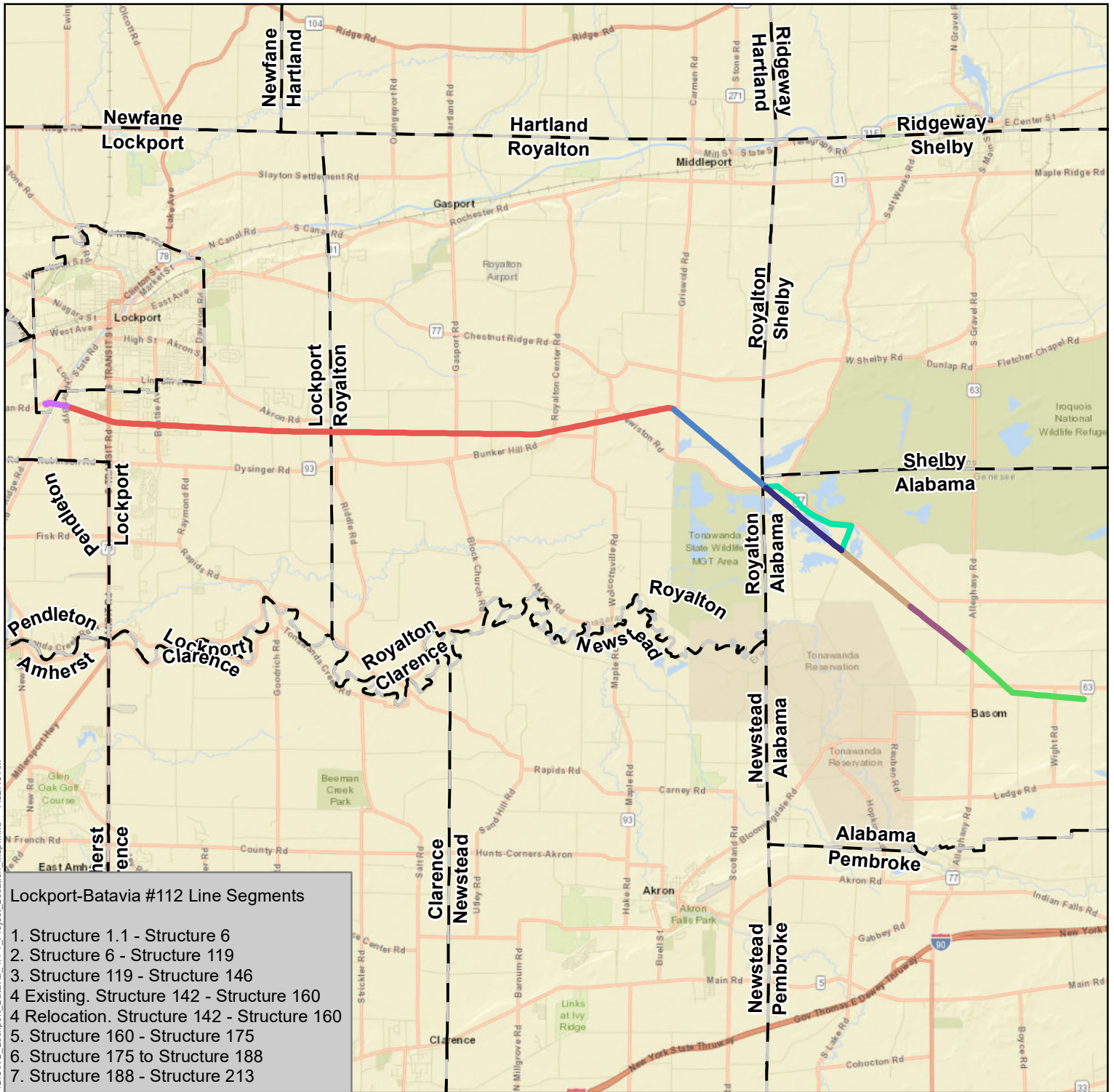
Attachments:  
Project Locus Map  
Additional Agency Consultations

Electronic File Submission:  
Project ROW Shapefiles

## Project Locus Map

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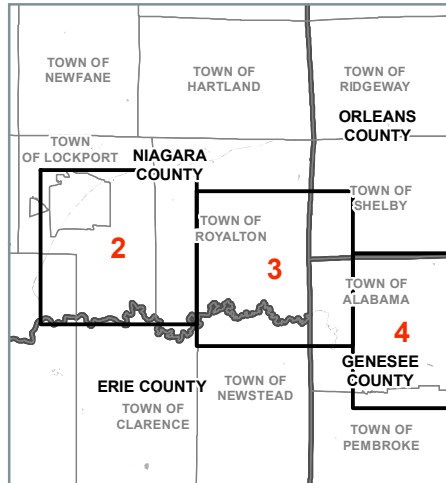
Project USGS Quad(s):  
 Lockport  
 Gasport  
 Medina  
 Akron  
 Oakfield

**Lockport-Batavia #112 Transmission Line**

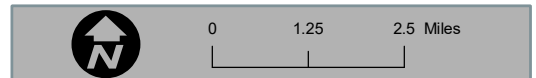
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Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

Data Sources:  
 United States Geological Survey 24k Topo Quad Map - usgs.gov

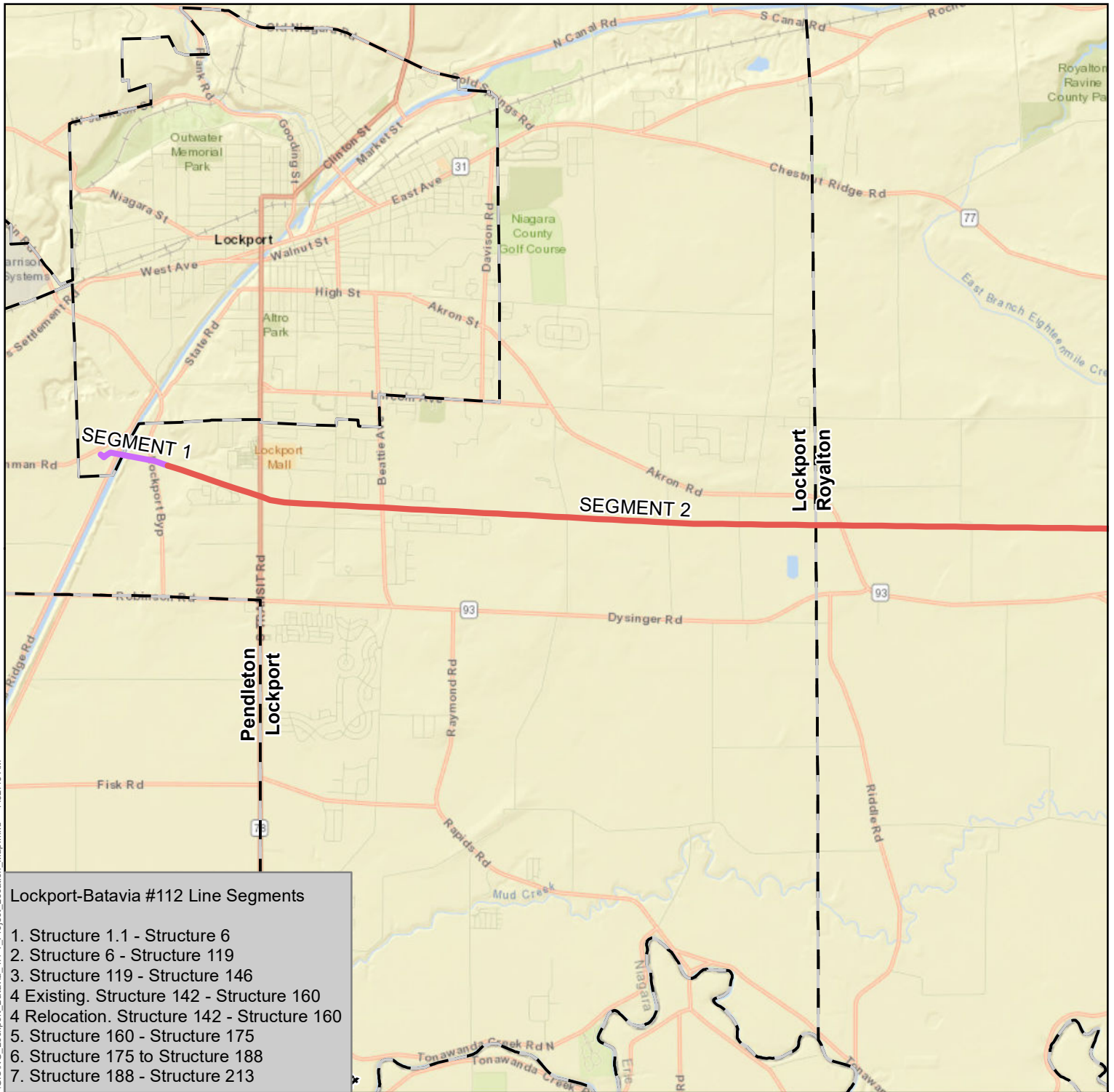
Author: MFA  
 Revision Date: 8/31/2020



Center of Project Study Limits:  
 43.139915 N, 78.54395 W  
 North American Datum 1983



**FISHER ASSOCIATES**  
 NATIONAL GRID  
 LOCKPORT-BATAVIA #112 REBUILD PROJECT  
 FIGURE 4.1-1  
 PROJECT LOCUS MAP  
 SHEET 1 OF 4



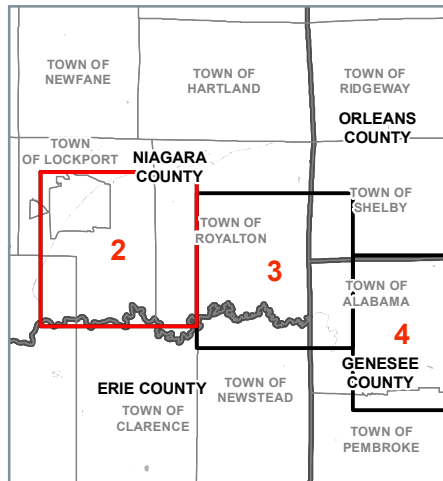
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 Gasport  
 Medina  
 Akron  
 Oakfield

**Lockport-Batavia #112 Transmission Line**

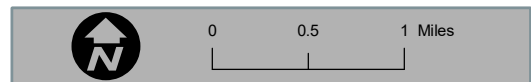
Segment 1	Segment 4 Relocation
Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

Data Sources:  
 United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: MFA  
 Revision Date: 8/31/2020

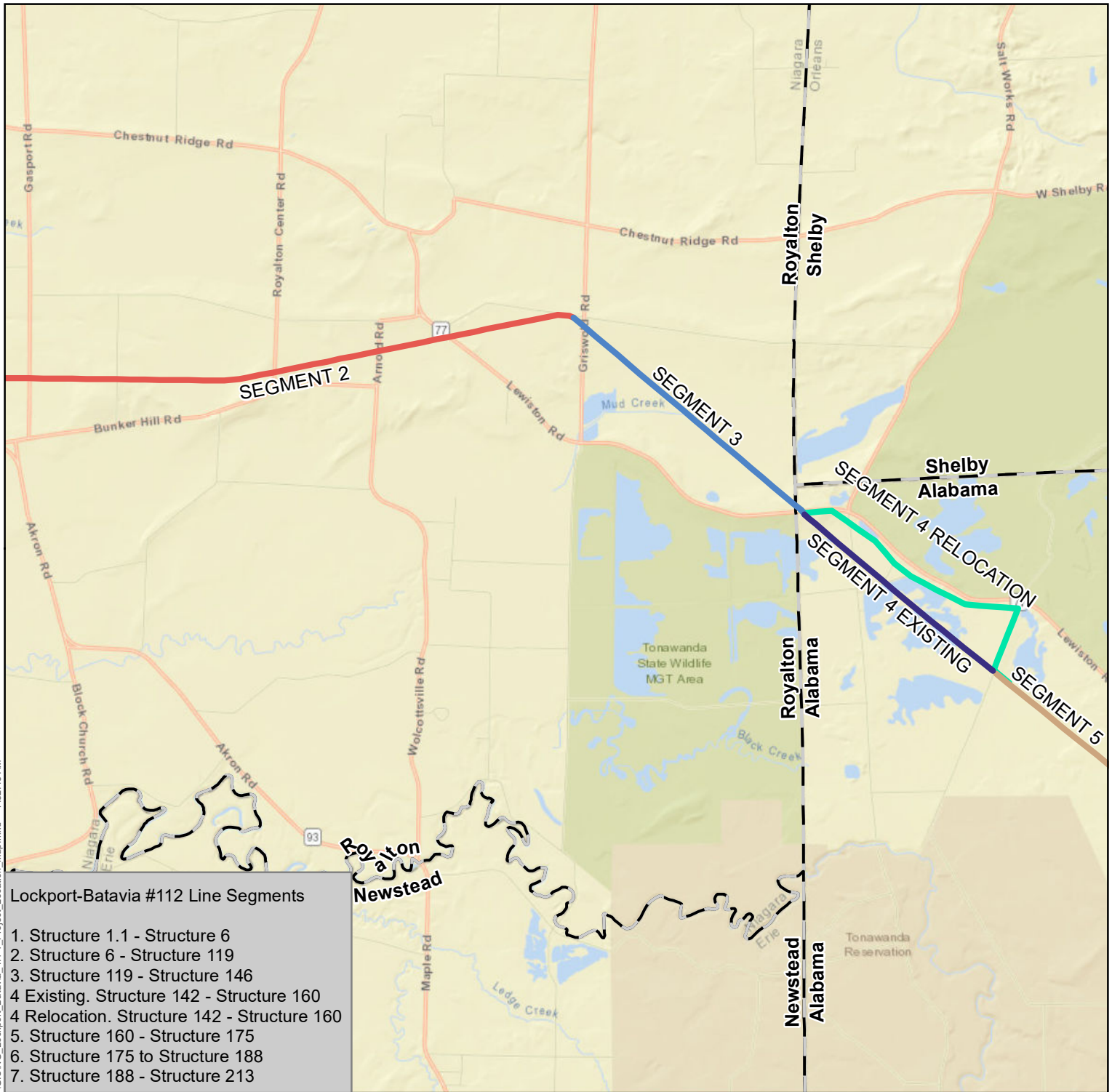


Center of Project Study Limits:  
 43.139915 N, 78.54395 W  
 North American Datum 1983



**FISHER ASSOCIATES**  
**NATIONAL GRID**  
**LOCKPORT-BATAVIA #112 REBUILD PROJECT**  
**FIGURE 4.1-1**  
**PROJECT LOCUS MAP**  
**SHEET 2 OF 4**





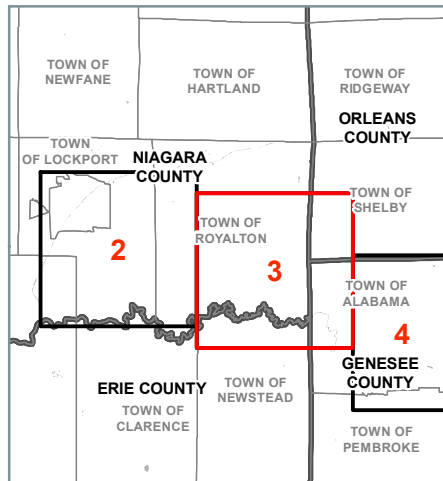
Project USGS Quad(s):  
 Lockport  
 Gasport  
 Medina  
 Akron  
 Oakfield

**Lockport-Batavia #112 Transmission Line**

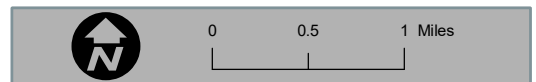
Segment 1	Segment 4 Relocation
Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

Data Sources:  
 United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: MFA      Revision Date: 8/31/2020



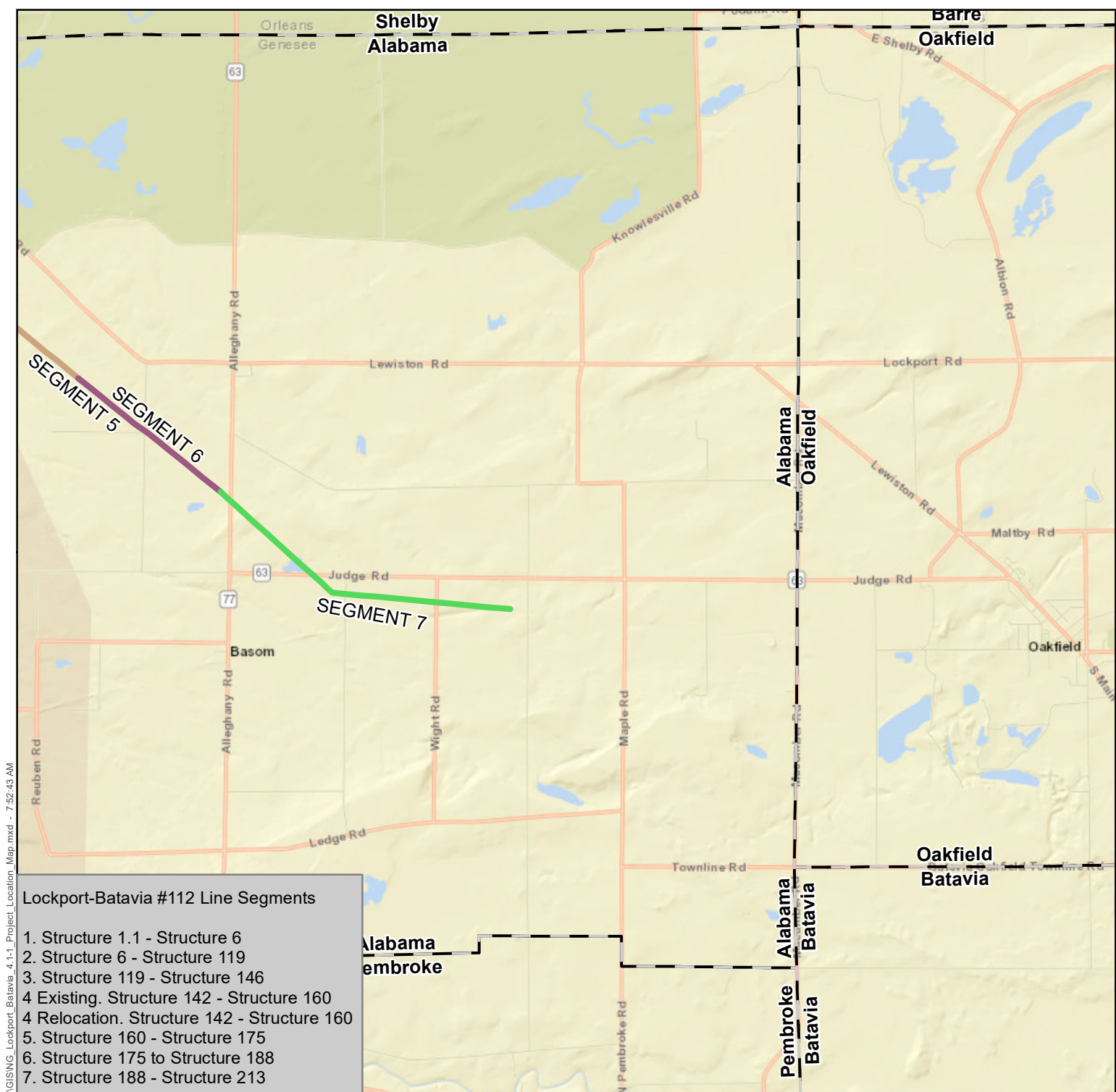
Center of Project Study Limits:  
 43.139915 N, 78.54395 W  
 North American Datum 1983



**FISHER ASSOCIATES**  
**NATIONAL GRID**  
**LOCKPORT-BATAVIA #112 REBUILD PROJECT**  
**FIGURE 4.1-1**  
**PROJECT LOCUS MAP**  
**SHEET 3 OF 4**

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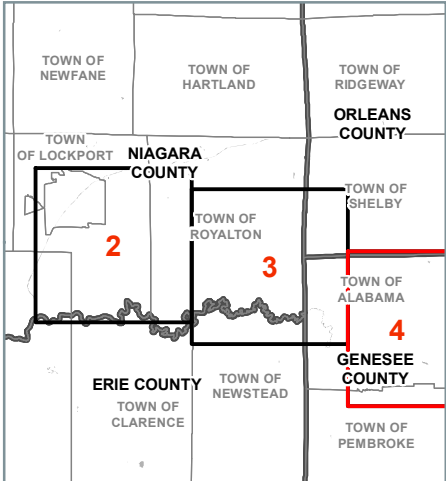
Project USGS Quad(s):  
 Lockport  
 Gasport  
 Medina  
 Akron  
 Oakfield

**Lockport-Batavia #112 Transmission Line**

Segment 1	Segment 4 Relocation
Segment 2	Segment 5
Segment 3	Segment 6
Segment 4	Segment 7

Data Sources:  
 United States Geological Survey 24k Topo Quad Map - usgs.gov

Author: MFA      Revision Date: 8/31/2020



Center of Project Study Limits:  
 43.139915 N, 78.54395 W  
 North American Datum 1983

0 0.5 1 Miles

**FISHER ASSOCIATES**

**NATIONAL GRID**

**LOCKPORT-BATAVIA #112 REBUILD PROJECT**

**FIGURE 4.1-1**

**PROJECT LOCUS MAP**

**SHEET 4 OF 4**

## **Additional Agency Consultations**

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## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program  
625 Broadway, Fifth Floor, Albany, NY 12233-4757  
P: (518) 402-8935 | F: (518) 402-8925  
[www.dec.ny.gov](http://www.dec.ny.gov)

May 5, 2020

Nicole Dutcher  
Fisher Associates  
180 Charlotte Street  
Rochester, NY 14607

Re: Lockport-Batavia #112 Rebuild Project  
County: Genesee, Niagara Town/City: City of Lockport, Lockport, Royalton, Alabama

Dear Ms. Dutcher:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 8 Office, Division of Environmental Permits, at [dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov) and the NYSDEC Region 9 Office, Division of Environmental Permits at [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov).

Sincerely,



Heidi Krahling  
Environmental Review Specialist  
New York Natural Heritage Program

The following state-listed animals have been documented  
at, or in the vicinity of the project site.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for the Genesee County section of the project, please contact the Permits staff at the NYSDEC Region 8 Office at [dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov), (585) 226-5400. For information about any permit considerations for the Erie County section of your project, please contact the Permits staff at the NYSDEC Region 9 Office at [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov), (716) 851-7165.

Birds	COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
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The following species has been documented at Segment 2.

Short-eared Owl	<i>Asio flammeus</i>	Endangered	14568	Nonbreeding at the site
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The following species have been documented at or near Segments 3, 4, 4 Relocation, and 5.

Northern Harrier	<i>Circus hudsonius</i>	Threatened	15013	Nonbreeding at the site
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Threatened	10651	Breeding at the site
Black Tern	<i>Chlidonias niger</i>	Endangered	9373	Breeding at the site
Least Bittern	<i>Ixobrychus exilis</i>	Threatened	6222	Breeding at the site
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	11597	Breeding within 100 yards of Segment 4 Relocation
Short-eared Owl	<i>Asio flammeus</i>	Endangered	11106	Breeding and Nonbreeding within 300 yards
Henslow's Sparrow	<i>Ammodramus henslowii</i>	Threatened	5140	Breeding within 0.5 mile
Sedge Wren	<i>Cistothorus platensis</i>	Threatened	6231	Breeding within 0.5 mile
King Rail	<i>Rallus elegans</i>	Threatened	1621	Breeding within 0.5 mile

Note: This area is also a state-significant Raptor Winter Concentration Area.

## Birds

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
-------------	-----------------	------------------	-----------------

The following species have been documented at Segment 7 of the project site.

<b>Northern Harrier</b> <i>Nonbreeding at the site</i>			15013
<b>Short-eared Owl</b> <i>Nonbreeding at the site</i>	<i>Asio flammeus</i>	Endangered	15235
<b>Sedge Wren</b> <i>Breeding at the site</i>	<i>Cistothorus platensis</i>	Threatened	14766
<b>Pied-billed Grebe</b> <i>Breeding at the site</i>	<i>Podilymbus podiceps</i>	Threatened	12479

**Note: This area is also a state-significant Raptor Winter Concentration Area.**

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



The following rare plants and rare animals have been  
documented at the project site, or in its vicinity.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are rare in New York and are of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
<b>Fish</b>			
<b>Black Bullhead</b>	<i>Ameiurus melas</i>	Unlisted	Critically Imperiled in NYS

14638	Documented at the corner of Segment 4 Relocation where Lewiston Road meets Feeder Road. 2012-08-20.		
<b>Birds</b>			
<b>Ruddy Duck</b>	<i>Oxyura jamaicensis</i>	Game Species	Critically Imperiled in NYS
	Breeding		
10205	Documented within 200 yards northwest of Segment 4 Relocation. 2001-06-25. The birds were observed in an emergent marsh.		

	<b>Prothonotary Warbler</b>	<i>Protonotaria citrea</i>	Protected Bird	Imperiled in NYS
	Breeding			
6538	Documented within 0.5 mile southwest of Segments 3, 4, and 4 Relocation. 2014-06-18. Tonawanda marshes. The birds were found in a flooded woodland dominated by green ash and red maple.			

The following plant is listed as Rare by New York State, and so is a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
<b>Vascular Plants</b>			
<b>Heart-leaved Plantain</b>	<i>Plantago cordata</i>	Rare	Vulnerable in NYS

Documented within 0.4 mile southwest of Segment 5. 1999-05-09: The plants occur along and within a small, mud bottom stream. With the exception of that portion flowing through the wildlife management area the stream is shaded by a mature canopy of hemlock and hardwoods. Those plants observed within the wildlife management area are primarily in the open and exposed to direct sunlight for much of the day.

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
P: (716) 851-7165 | F: (716) 851-7168  
[www.dec.ny.gov](http://www.dec.ny.gov)

## **SENT VIA EMAIL**

October 7, 2020

Ms. Nicole Dutcher  
Fisher Associates  
180 Charlotte Street  
Rochester, New York 14607

Dear Ms. Dutcher:

### **Endangered and Threatened Species Consultation**

Lockport-Batavia #112 Rebuild Project  
(Segments 1, 2 and 3)  
City of Lockport and Towns of Lockport  
and Royalton  
Niagara County  
DEC ID No. 0-9999-00233/0001

The New York State Department of Environmental Conservation (NYSDEC) Region 9 office has received and reviewed your September 15, 2020 letter requesting concurrence that the proposed activity is unlikely to result in an incidental take of an endangered or threatened species subject to regulation under 6 NYCRR Part 182. This office concurs with this determination for the segments of the project corridor located within Region 9 (Segments 1, 2 and 3) and no Part 182 incidental take permit will be required for the project in these segments.

However, NYSDEC has recorded one Short-eared Owl (*Asio flammeus*) occurrence near the right-of-way along Bulmore Road in the Town of Royalton. To minimize potential impacts to any roosting Short-eared Owls at this location, NYSDEC requests that Niagara Mohawk Power Corporation avoid working on Segment 2 of the project between Gasport Road and Oak Lane from November 1 to March 30. If project activities must occur at this location between these dates and a Short-eared Owl is flushed, the NYSDEC requests that Niagara Mohawk Power Corporation contact the Division of Fish & Wildlife (telephone: 716/851-7010) so that the location of this occurrence can be recorded.



Department of  
Environmental  
Conservation





Ms. Nicole Dutcher  
October 7, 2020  
Page 2

Please be advised that Segments 1, 2 and 3 of this project include NYSDEC regulated freshwater wetlands and one regulated waterbody. Therefore, an Article 24 Freshwater Wetland permit and/or an Article 15 Protection of Waters permit may be required for this proposal.

Thank you for providing this office the opportunity to review this project. If you have any questions regarding this letter, please feel free to contact Ms. Michelle Woznick of this office at 716/851-7165.

Sincerely,

David S. Denk  
Regional Permit Administrator

MRW

ecc: Ms. Connie Adams, NYSDEC Division of Fish and Wildlife  
Ms. Jacquie Walters, NYSDEC Division of Fish and Wildlife  
Mr. Thomas Haley, NYSDEC Division of Environmental Permits, Region 8

For Niagara, Erie, and Wyoming Counties  
Region 9 Headquarters  
700 Delaware Avenue  
Buffalo, New York 14209  
(716) 851-7010 (phone) or (716) 851-7005 (fax)  
or [R9BEH@dec.ny.gov](mailto:R9BEH@dec.ny.gov)

For Chautauqua, Cattaraugus, and Allegany Counties  
Region 9 Allegany Field Office  
182 East Union Street, Suite 3  
Allegany, New York 14706  
(716) 372-0645 (phone) or (716) 372-2113 (fax)  
or [R9BEH@dec.ny.gov](mailto:R9BEH@dec.ny.gov)



Department of  
Environmental  
Conservation

Bureau of Ecosystem Health

## **REQUEST FOR WETLANDS DETERMINATION, VERIFICATION, OR DELINEATION**

If you would like a DEC Wetlands staff person (Biologist or Technician) to come to your property to determine whether a New York State regulated wetland or its regulated 100-foot adjacent area exists on the property, you must complete this form and mail, email, or fax it, along with the items listed below, to the address listed above. A staff person will then contact you to confirm receipt of your request. When scheduling and weather conditions allow, a DEC wetlands staff person will make arrangements to fulfill the request and can discuss with you how the presence of regulated areas may affect your plans. These services are provided free of charge and are provided in the order the requests are received. However, if your proposed activities may impact a wetland that is also under Federal jurisdiction, you may be advised to instead obtain a federal delineation from the U.S. Army Corps of Engineers or qualified wetland consultant. If your proposed activities may impact the regulated areas, you will need to apply for an Article 24 Freshwater Wetlands Permit from the Department prior to starting your project.

**PLEASE NOTE:** A wetland delineation is based on field indicators of plants, soils, and other ground features. Therefore, wetland field work is limited to when conditions allow (**typically May 1 to November 1**).

1. **Check the box which describes what you are requesting:**

☐ **Wetland Determination** – A staff person will examine the property to determine if a wetland and/or its 100-foot adjacent area exists on the property and will only point out its boundary.

☒ **Wetland Verification** – A staff person will evaluate the boundary of a wetland that a private wetland consultant has delineated on the property. A delineation report from the consultant must be submitted with this request.

☐ **Wetland Delineation** – A staff person will examine the property and place flagging along the wetland boundary. A DEC delineation is considered valid for 5 years, with or without an approved survey. However, a survey map is usually required when a proposed project will cause any disturbance to the land within 100 feet from the delineated wetland boundary, thus requiring a wetland permit from this Department. A survey, if required, must be arranged with a private surveyor by the landowner, at his/her expense, according to Department requirements (available upon request), and 3 copies must then be submitted to this office for review and approval.

2. **Person requesting the services:**

Name: Sean Milne  
Mailing Address: 180 Charlotte Street  
City/State/Zip: Rochester, NY 14607  
Daytime Telephone: 585-334-1310 x216  
Email Address: Smilne@fisherassoc.com

**Landowner (if different):** Niagara Mohawk Power Corp. (d/b/a

Name: National Grid), Nathan Butera  
Mailing Address: 300 Erie Blvd West  
City/State/Zip: Syracuse, NY 13202  
Daytime Telephone: 315-748-4365  
Email Address: nathan.butera@nationalgrid.com

**PLEASE NOTE:** If the person requesting the delineation, verification, or determination is NOT the owner of the parcel of land, both the requestor and landowner must sign below in order for DEC staff to inspect the property.

3. **Reason for requesting a field inspection at this time:**


☐ Purchasing or selling property ☒ Proposing a project to: Lockport-Batavia #112 Article VII Transmission Line Rebuild  
☐ Other (explain): \_\_\_\_\_

4. **Property Location:**

Street address of property: See attached maps  
City/Town/Village: See attached maps County: Niagara  
Wetland ID (if known), e.g., BU-10: See Attached maps Section/block/lot number from tax map (if known): \_\_\_\_\_

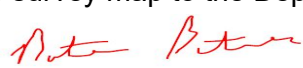
5. **Attach** one 8½" x 11" copy of either a tax map OR survey map showing all the property boundaries, if available.

I hereby request that a Department representative inspect the property indicated to determine the presence or boundary of any wetlands present. If a delineation is performed and the Department deems necessary for the purpose of any subsequent permit application, I agree to have the boundary surveyed according to the Department requirements and to send three (3) copies of the survey map to the Department for approval.

  
\_\_\_\_\_  
Signature of Requestor

04/09/24

Date

  
\_\_\_\_\_  
Signature of Landowner (Required, if different)

04/09/2024

Date

## NYSDEC Freshwater Wetlands Program

**The Freshwater Wetlands Act:** The State Legislature passed The Freshwater Wetlands Act in 1975 with the intent to preserve, protect, and conserve freshwater wetlands and their benefits. For more information, visit [www.dec.ny.gov/lands/4937.html](http://www.dec.ny.gov/lands/4937.html)

The presence of freshwater wetlands and/or its associated 100-foot adjacent area on a property may affect where and to what extent, development can occur on a property, if at all. If wetlands are present, you may need to obtain a state and/or federal wetland permit and/or local authorization before commencing your project.

**Wetland Mapping:** The DEC has mapped the approximate boundaries of all known freshwater wetlands in the state that are 12.4 acres in size or larger. In some cases these maps include smaller wetlands of unusual local importance. These maps are used to provide guidance as to the potential presence of freshwater wetlands on particular properties and they show the approximate boundary at the time the maps were made, which in some cases, can be more than 20 years ago. The actual wetland boundary may now be different due to changes in the landscape caused by agricultural uses, ecological succession, new water drainage patterns caused by recent commercial/residential development, beaver activity, mapping inaccuracies, and deviations produced by different map scales. For more information on the wetland mapping process, visit [www.dec.ny.gov/lands/5124.html](http://www.dec.ny.gov/lands/5124.html)

**DEC Wetland Maps:** Copies of the original DEC wetland maps have been provided to local government clerks' offices and are available for review at DEC Regional offices. You can also view the wetland maps and other environmental resources on the Environmental Resource Mapper at the following website: [www.dec.ny.gov/animals/38801.html](http://www.dec.ny.gov/animals/38801.html)

**Permit Requirements:** All DEC mapped wetlands and a 100-foot adjacent area surrounding them are regulated. All regulated activities in either the wetland or 100-foot adjacent area, based on an actual delineation rather than the approximate maps, require a permit. For information on whether a proposed activity is regulated and requires a permit, visit [www.dec.ny.gov/permits/6058.html](http://www.dec.ny.gov/permits/6058.html) and also review additional links at bottom of that website.

**Wetland Boundary Surveys:** Generally, a survey of the delineated wetland boundary line, prepared according to the Department requirements (available from the Department), will be required for your permit application. You must then submit at least three copies of the map to the DEC Biologist for review and approval. Once the map is approved by the Biologist, a copy will be returned to you. The map and wetland delineation are considered valid for a period of five years. There is no fee for the DEC Biologist to delineate the wetlands and review the map prepared by the surveyor, however, the surveyor's fee is the responsibility of the requestor/landowner.

**Purchasing Property with Regulated Wetlands:** If you are planning to purchase or develop a parcel of land, it is important to first verify whether a regulated freshwater wetland or its regulated 100-foot adjacent area is present, and if so, to determine what portion of the parcel is considered to be regulated. Information on how this may affect your taxes can be found at [www.dec.ny.gov/lands/5129.html](http://www.dec.ny.gov/lands/5129.html)

**PLEASE NOTE:** While information regarding state-regulated wetlands may be available from many sources (County websites, Town staff, realtor, consultant, surveyor, etc.), **FINAL AND OFFICIAL WETLAND DETERMINATIONS, DELINEATIONS, VERIFICATIONS, AND/OR PERMIT REQUIREMENT DECISIONS CAN ONLY BE MADE BY NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) STAFF.**

## NYSDEC Services Available

Services provided by NYSDEC staff will vary depending on the project circumstances:

1. **Small projects by a current landowner involving a single family residence, accessory structure, or agricultural lands** - A DEC Biologist or Technician will visit the site and may flag the wetland boundary, if deemed necessary.
2. **Prospective purchasers of land** - DEC Wetlands staff will review materials in the office and provide a written response. A single site visit will only be made at the request of the landowner and if deemed necessary by a DEC Biologist or Technician.
3. **Development projects involving state and federal wetlands** - In most situations, the landowner/developer should retain a private wetland consultant to flag all state and federal wetlands on the site. Upon receipt of a copy of a survey map of the property showing the wetland boundary, DEC staff will meet in the field with the consultant to review and approve the wetland boundary. If federal jurisdiction of the wetland also applies (see below), a joint site visit with U.S. Army Corps of Engineers staff should be arranged.
4. **Intervenors in a Development Proposal** - DEC Biologists will review materials in the office to assess the potential for state wetlands on the site. When appropriate, the DEC will contact the project sponsor or local government reviewing board to coordinate identification of wetlands on the project site.
5. **Wetland Violation Resolution** - A DEC staff person will visit the site to determine the location of the wetland boundary and the nature and extent of the violation. Depending on circumstances, a portion of the wetland boundary may be flagged.

Questions regarding these services may be directed to DEC Wetlands staff at (716) 851-7010.

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### Please note the following information pertaining to state and federal wetland permits:

**State vs. Federal Jurisdiction of Wetlands:** The New York State Department of Environmental Conservation (NYSDEC) has regulatory jurisdiction over wetlands that are 12.4 acres in size or larger, while the U.S. Army Corps of Engineers (the Corps) regulates wetlands of all sizes. This means that almost all state regulated wetlands are also regulated by the Corps. Wetlands less than 12.4 acres in size are usually regulated only by the Corps and not the state.

In cases where both state and federal wetlands are involved, a state wetland permit and a state 401 Water Quality Certification (WQC) may be required for a project, in addition to a federal wetland permit.

In those cases where only a federal wetland is involved and not a state wetland, you would not need a state (Article 24) wetland permit, but you may still need to obtain a Water Quality Certification from the state, based on the type of work you propose to do.

Even if a DEC Wetlands staff person determines that there are no state-regulated wetlands on the parcel, this does not necessarily mean that you will not need any wetland approvals for your project. In most cases the presence of any wetlands on the site means that those wetland areas would be regulated by the Army Corps of Engineers.

When you are considering undertaking a project you should first consult directly with both the Army Corps of Engineers and the NYSDEC to discuss what regulatory requirements will apply to the project.

It is the responsibility of private landowners to find out whether wetlands are present on their property and whether their proposed project will impact those wetlands. The Army Corps of Engineers does not have maps of all federal wetlands and does not delineate wetlands on private property. The DEC only delineates state wetlands. Therefore, if there is wetland on the property the landowner should have a private wetland consultant delineate all the wetlands on the parcel and submit a copy of the map to the Army Corps and to DEC for review and approval. Otherwise, if the landowner only requests a delineation by a DEC staff person the landowner may be required by the Army Corps to have a second wetland delineation performed by a private wetlands consultant to determine the location of federal wetlands. This may result in increased costs and delays in the landowner's project. **Determining whether a federal wetland delineation will be required by the Corps and, if so, having that done early on in the permit application process and also submitting it to the DEC for review can save time and money.**

Inquiries to the Corps for proposed projects within the six counties in NYSDEC Region 9 (Allegany, Cattaraugus, Chautauqua, Erie, Niagara, and Wyoming) should be directed to:

U.S. Army Corps of Engineers  
Buffalo Field Office  
1776 Niagara Street  
Buffalo, NY 14207  
(716) 879-4330

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, Region 9  
700 Delaware Avenue, Buffalo, NY 14209  
P: (716) 851-7010 | F: (716) 851-7005  
[www.dec.ny.gov](http://www.dec.ny.gov)

December 6, 2024

Nathan Butera  
National Grid  
300 Erie Boulevard West  
Syracuse, New York 13202

Dear Nathan Butera:

Case 22-T-0654  
Application of National Grid for a  
Certificate of Environmental Compatibility  
and Public Need Pursuant to Article VII of the  
Public Service Law for the Lockport-Batavia  
Line 112 Rebuild Project

This letter serves as notification that the Region 9 Office of the New York State Department of Environmental Conservation (NYSDEC) verified the boundaries, as delineated by Fisher Associates (Fisher), of six (6) freshwater wetlands that are subject to regulation by NYSDEC under the Freshwater Wetlands Act, Article 24 of the Environmental Conservation Law. These wetland areas are described in the Wetlands and Water Resources section of the Exhibit 4 Environmental Impact document submitted by National Grid in the above-referenced Article VII case.

NYSDEC's wetland boundary verification is based on my examination of the Wetlands and Water Resources section of the Exhibit 4 and my review of Fisher's wetland boundary shapefiles projected within NYSDEC's ArcGIS software. The NYSDEC-regulated wetlands identified by Fisher are listed in Table 4.7-1 of the report. Below is a list of the six (6) NYSDEC-regulated wetlands and the corresponding Fisher-delineated wetlands.

- **Wetland LP-23:** Wetland 005
- **Wetland LP-22:** Wetland 014
- **Wetland GA-22:** Wetland 016
- **Wetland GA-21:** Wetland 018
- **Wetland GA-6:** Wetland 020
- **Wetland MD-1:** Wetland 027

Nathan Butera  
December 6, 2024  
Page 2

In 1975, the Freshwater Wetlands Act was enacted in order to preserve and protect wetlands and their functions, such as flood protection and fish and wildlife habitat. Under this law, NYSDEC is required to map all subject wetlands and, upon completion of any tentative wetlands map, provide an opportunity for any person to propose revisions to such map.

Please be aware that wetland boundaries may change over time and wetland maps do not fix wetland boundaries indefinitely. If you would like to document the precise boundary of any wetland relative to the survey corridor, it is your responsibility to have the wetland boundary surveyed. If you choose to complete a survey, the wetland boundary survey map should be submitted to me for verification. A copy of NYSDEC's Requirements for Wetland Survey and Mapping publication is enclosed. Please note that a surveyed wetland boundary that has been verified by NYSDEC will be considered valid for **five** years.

Please be advised that the U.S. Army Corps of Engineers may also have wetland jurisdiction independent of NYSDEC wetland jurisdiction. For more information, you may contact the Corps at:

United States Army Corps of Engineers Regulatory Branch  
478 Main Street  
Buffalo, New York 14202  
Telephone: (716) 879-4330

If you have any questions about this letter, please feel free to contact me at (716) 851-7024 or by email at [charles.rosenbourg@dec.ny.gov](mailto:charles.rosenbourg@dec.ny.gov).

Sincerely,



Charles P. Rosenberg  
Region 9 BEH Habitat Protection Manager

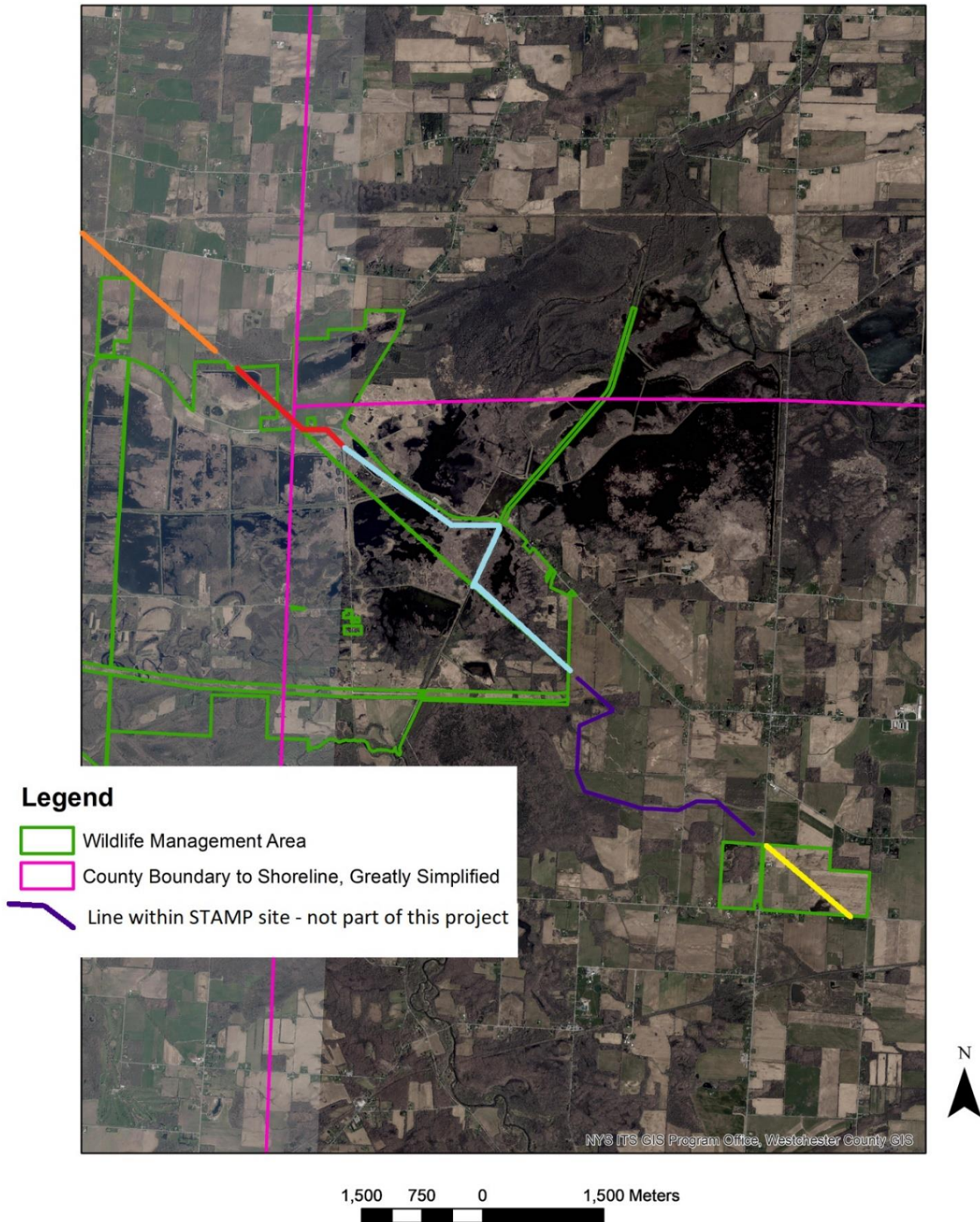
CPR/ds

Enc: NYSDEC Region 9 *Requirements for Wetland Survey and Mapping*

ec: Mike Higgins, Environmental Analyst 2, NYSDEC Albany  
Sean Milne, Fisher Associates  
Region 9 National Grid Lockport-Batavia Line file



# Lockport Batavia Line Construction Restriction Dates



- **Orange line:** No work during the wintering period (November 1 through March 31) within any fields greater than 25 acres to avoid impacts to wintering northern harrier and short-eared owl. The Orange line passes through open fields within occupied habitat.

- **Red and light blue lines through Tonawanda WMA:**
  - No work April 23 through August 15 due to concerns with breeding T/E grassland and wetland bird species (this line goes through occupied habitat for a variety of species that use wetland and grassland habitat on both sides of the road).
  - These areas are also within occupied habitat for wintering short-eared owl and northern harrier. Although these species can both use emergent wetland habitat in addition to grasslands during the winter, we will not require wintering date restrictions related to these species in emergent wetland areas, but work must be conducted during daylight hours only to avoid impacts to foraging owls.
  
- **Light blue line:**
  - In addition to restrictions above, to avoid impacts to key hunting periods, an additional restriction period will start one week before the start of the first split of the duck season (approximately October 15) and run until the end of the regular deer season (approximately December 11). This should also cover the first 2 weeks of the second split of the duck season. This would be a condition on the TRP and is unrelated to Part 182. During other hunting periods we can make work areas off limits to hunting and other WMA activities to protect workers and equipment. **NOTE – we can discuss the feasibility of these restrictions- it may be sufficient to restrict work to weekdays during certain parts of this time frame.**
  
- **Yellow Line Within John White WMA:** This WMA has occupied habitat for both listed breeding and wintering grassland bird species. Therefore, work cannot be done between April 23 – August 15 and from November 1 – March 31. Therefore, work should take place between August 16 and October 31<sup>st</sup> on this WMA. If possible, if work could get done before the pheasant season starts mid-October that would be ideal. However, we realize that this is unlikely, and if it is necessary to work through October 31<sup>st</sup>, pheasant stocking on the WMA will be delayed and the area closed to hunting during the work period.
  
- \*\* Please note that a Temporary Revocable Permit will be required for any work on the WMAs. This includes any staging and storage of materials or equipment.



STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**TEMPORARY REVOCABLE PERMIT**  
SHORT-TERM PERMIT FOR INDIVIDUALS AND/OR GROUP EVENTS  
ON DEC-MANAGED PUBLIC LANDS AND CONSERVATION EASEMENTS

The NYS Department of Environmental Conservation grants permission to the Permittee to use the specified State lands for the described purposes in accordance with all attached Terms & Conditions. TRPs will only remain valid if all necessary permits and/or insurance are obtained and kept current by the Permittee.

**Permittee Name:** Mary Bitka

**Organization:** National Grid

**State Land Unit Name(s):** Tonawanda Wildlife Management Area

**Facility, Trail or Road Name(s):** Lewiston, Judge (Feeder), Wagoner and Meadville Roads

**Description of Use:**

National Grid needs to perform a wetland delineation and land survey mark-out of proposed relocation area for the Lockport-Batavia #112 115kV transmission line in the Town of Royalton, Niagara County, NY. All areas will be accessed via public roads and our right-of-way using either a personnel or company 4x4 vehicles. No tree cutting will be performed. Permittee must contact NYS DEC Iroquois staff prior to discuss any issues.

**Maximum Attendees Permitted:** 6 - 10

**Start Date of Use:** Aug 12, 2019

**End Date of Use:** Dec 30, 2019

**Primary DEC Contact:** Heidi Kennedy

**Phone:** 948-5182

<b>APPLICATION FEE:</b> <input checked="" type="checkbox"/> Exempt OR <input type="checkbox"/> RECEIPT #:		<b>MAP ATTACHED:</b> <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
<b>INSURANCE CERTIFICATE:</b> <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A			
<b>REGIONAL REVIEW</b>		<b>TRP #</b>	
<b>DATE ISSUED TO APPLICANT:</b> Aug 8, 2019			
<b>TYPE:</b> <input type="checkbox"/> Expedited <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Non-Routine <input type="checkbox"/> Research <input type="checkbox"/> Renewal <input type="checkbox"/> Extension			
<b>RECOMMEND:</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		<b>SPECIAL TERMS &amp; CONDITIONS:</b> <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	
<b>REGIONAL MANAGER SIGNATURE:</b> Michael R. Wasilco		<b>DATE:</b> Aug 8, 2019	
<b>REGIONAL DIRECTOR SIGNATURE:</b>		<b>DATE:</b>	
<b>CENTRAL OFFICE REVIEW</b>		<b>* NON-ROUTINE &amp; FOREST PRESERVE RESEARCH PERMITS ONLY</b>	
<b>RECOMMEND:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied		<b>SIGNATURE:</b> <input type="text"/> <b>DATE:</b> <input type="text"/>	
<b>STATE MUSEUM REVIEW</b>		<b>* IF APPLICABLE</b>	
<b>RECOMMEND:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied		<b>SIGNATURE:</b> <input type="text"/> <b>DATE:</b> <input type="text"/>	
<b>OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REVIEW</b>		<b>* IF APPLICABLE</b>	
<b>RECOMMEND:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied		<b>SIGNATURE:</b> <input type="text"/> <b>DATE:</b> <input type="text"/>	



## TEMPORARY REVOCABLE PERMIT

### STANDARD TERMS & CONDITIONS

1. Permittee hereby agrees to indemnify and save harmless the Department and the State of New York from and against all losses from claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against it by reason of the Permittee's use of the State land facilities which are the subject of this permit.
2. Permittee shall comply with all applicable Federal and State rules and regulations and shall obtain and keep current any additionally required Federal, State or local permits for the full duration of the permitted activity.
3. This permit shall at all times be subject to the approval of the Department and may be suspended or revoked at any time.
4. If public liability insurance is required by the Department, the Permittee must keep in force such insurance for the full duration of the permit.
5. Permittee shall notify the primary DEC contact person listed below at least 48 hours prior to commencing permit use and upon completion of use.
6. Any activity authorized under this permit shall not interfere with normal administration of the area by the Department.
7. No trees or other vegetation shall be cut, disturbed or removed unless specifically authorized by the Department.
8. Permittee shall be responsible for any damages or disturbances that occur to natural resources, public facilities, boundaries or survey markers resulting from the permitted activity.
9. Permittee is responsible for removing all litter and debris from the State Land facility covered by this permit within 24 hours of completion of the authorized activity.
10. Upon completion of the activity, Permittee shall meet with the primary DEC contact person listed below to inspect the area and to ensure that the Permittee has complied with all terms and conditions.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/26/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh USA, Inc. 1166 Avenue of the Americas New York, NY 10036  CN102676826-NG-ACORD-18-20	<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: ADDRESS:													
	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A : Associated Electric &amp; Gas Insurance Services Limited</td><td>3190004</td></tr><tr><td>INSURER B : Liberty Mutual Insurance Company</td><td>23043</td></tr><tr><td>INSURER C :</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Associated Electric & Gas Insurance Services Limited	3190004	INSURER B : Liberty Mutual Insurance Company	23043	INSURER C :		INSURER D :		INSURER E :		INSURER F :
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INSURER C :														
INSURER D :														
INSURER E :														
INSURER F :														

**COVERAGES**      **CERTIFICATE NUMBER:** NYC-00831389-16      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

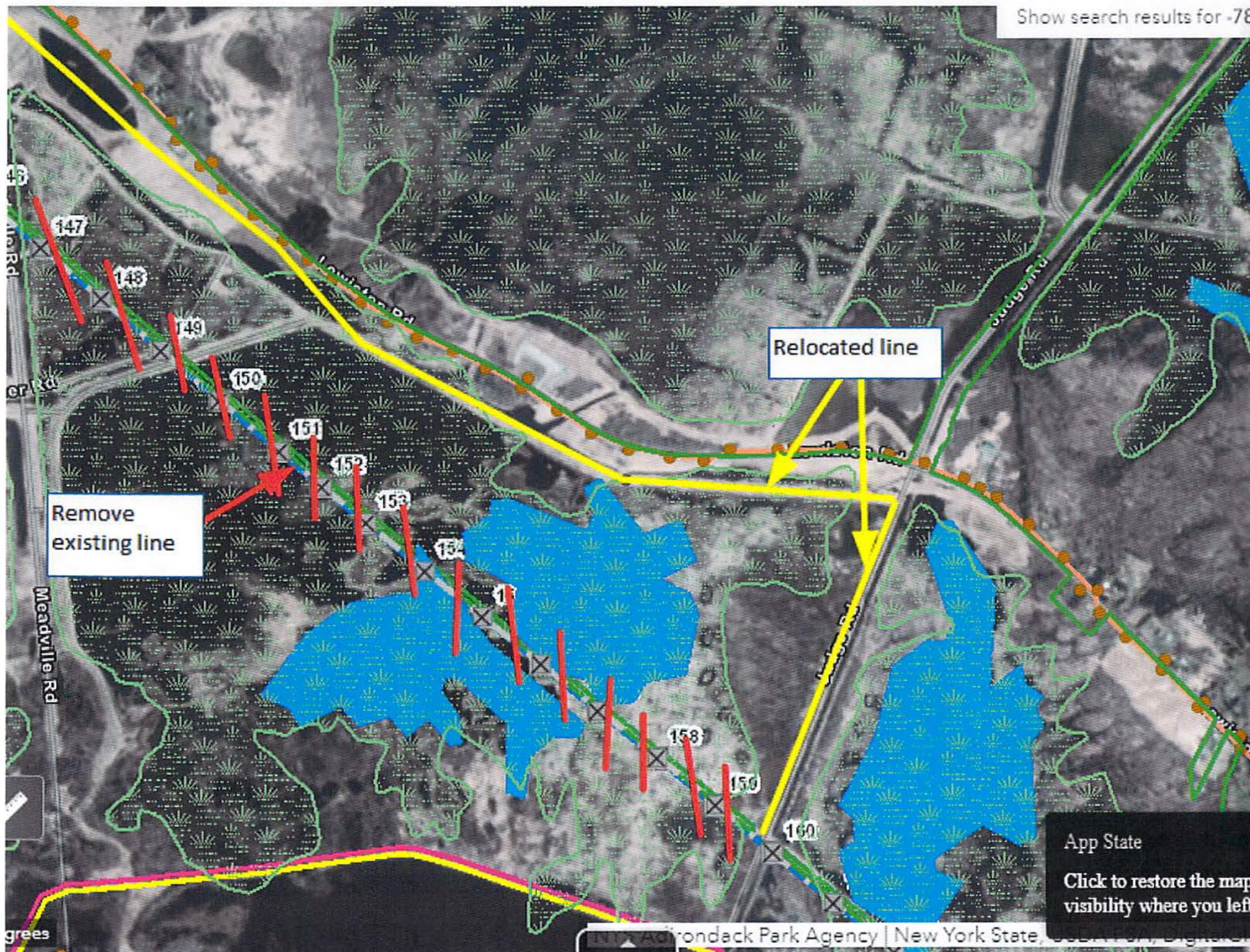
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/POP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> X OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			XL5088708P	04/01/2019	04/01/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Workers' Compensation			EW1-62N-004536-558 (NY)	07/01/2018	07/01/2019	STATUTORY LIMITS
B	EW7-62N-004536-578 (MA)			EW5-62N-004536-568 (RI & NH)	07/01/2018	07/01/2019	X/S OF \$1,000,000 SIR

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Re: Niagara Mohawk work activities, emanating from any and all Niagara Mohawk work locations, on property controlled by the New York State and the Department of Environmental Conservation (DEC). The People of the State of New York, the Department of Environmental Conservation and its officers and employees are included as Additional Insured as their interest may appear, as required by written contract; subject to policy terms, conditions, and exclusions. Excess Liability includes the following retentions: General Liability, Automobile Liability, Pollution Liability and Employer's Liability: \$3,000,000.

<b>CERTIFICATE HOLDER</b>  NYS DEC Region 8 6274 E. Avon-Lima Rd. Avon, NY 14414-9519	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE of Marsh USA Inc.  Laura Wilkins
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STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**TEMPORARY REVOCABLE PERMIT**  
SHORT-TERM PERMIT FOR INDIVIDUALS AND/OR GROUP EVENTS  
ON DEC-MANAGED PUBLIC LANDS AND CONSERVATION EASEMENTS

The NYS Department of Environmental Conservation grants permission to the Permittee to use the specified State lands for the described purposes in accordance with all attached Terms & Conditions. TRPs will only remain valid if all necessary permits and/or insurance are obtained and kept current by the Permittee.

**Permittee Name:** Mary Bitka

**Organization:** National Grid

**State Land Unit Name(s):** John White Wildlife Management Area

**Facility, Trail or Road Name(s):** Alleghany Rd and Judge Rd

**Description of Use:**

National Grid needs to perform a wetland delineation and land survey mark-out of proposed relocation area for the Lockport-Batavia #112 115kV transmission line in the Town of Alabama, Genesee County, NY. All areas will be accessed via public roads and our right-of-way by foot. No tree cutting will be performed.

**Maximum Attendees Permitted:** 6 - 10

**Start Date of Use:** Sep 3, 2019

**End Date of Use:** Dec 30, 2019

**Primary DEC Contact:** Heidi Kennedy

**Phone:** 585-948-5182

**APPLICATION FEE:** ☒ Exempt OR ☐ **RECEIPT #:** **MAP ATTACHED:** ☒ Y ☐ N  
**INSURANCE CERTIFICATE:** ☒ Attached ☐ N/A

**REGIONAL REVIEW**

**TRP #**

**DATE ISSUED TO APPLICANT:** Aug 12, 2019

**TYPE:** ☒ Expedited ☒ Routine ☐ Non-Routine ☐ Research ☐ Renewal ☐ Extension

**RECOMMEND:** ☒ Approved ☐ Denied **SPECIAL TERMS & CONDITIONS:** ☐ Attached ☒ N/A

**REGIONAL MANAGER SIGNATURE:** Michael R. Wasilco Digitally signed by Michael R. Wasilco  
DN: cn=Michael R. Wasilco, ou=Bureau of Wildlife, ou=NYSDEC  
Region 8, email=mwasilco@dec.state.ny.us, c=US  
Date: 2017.02.28 16:19:57 -0500 **DATE:** Aug 12, 2019

**REGIONAL DIRECTOR SIGNATURE:** **DATE:**

**CENTRAL OFFICE REVIEW**

\* NON-ROUTINE & FOREST PRESERVE RESEARCH PERMITS ONLY

**RECOMMEND:** ☐ Approved ☐ Denied **SIGNATURE:** **DATE:**

**STATE MUSEUM REVIEW**

\* IF APPLICABLE

**RECOMMEND:** ☐ Approved ☐ Denied **SIGNATURE:** **DATE:**

**OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REVIEW**

\* IF APPLICABLE

**RECOMMEND:** ☐ Approved ☐ Denied **SIGNATURE:** **DATE:**



## TEMPORARY REVOCABLE PERMIT

### STANDARD TERMS & CONDITIONS

1. Permittee hereby agrees to indemnify and save harmless the Department and the State of New York from and against all losses from claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against it by reason of the Permittee's use of the State land facilities which are the subject of this permit.
2. Permittee shall comply with all applicable Federal and State rules and regulations and shall obtain and keep current any additionally required Federal, State or local permits for the full duration of the permitted activity.
3. This permit shall at all times be subject to the approval of the Department and may be suspended or revoked at any time.
4. If public liability insurance is required by the Department, the Permittee must keep in force such insurance for the full duration of the permit.
5. Permittee shall notify the primary DEC contact person listed below at least 48 hours prior to commencing permit use and upon completion of use.
6. Any activity authorized under this permit shall not interfere with normal administration of the area by the Department.
7. No trees or other vegetation shall be cut, disturbed or removed unless specifically authorized by the Department.
8. Permittee shall be responsible for any damages or disturbances that occur to natural resources, public facilities, boundaries or survey markers resulting from the permitted activity.
9. Permittee is responsible for removing all litter and debris from the State Land facility covered by this permit within 24 hours of completion of the authorized activity.
10. Upon completion of the activity, Permittee shall meet with the primary DEC contact person listed below to inspect the area and to ensure that the Permittee has complied with all terms and conditions.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/26/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh USA, Inc. 1166 Avenue of the Americas New York, NY 10036  CN102676828-NG-ACORD-18-20	<b>CONTACT NAME:</b>	<b>FAX (A/C. No.):</b>	
	<b>PHONE (A/C. No. Ext.):</b>	<b>E-MAIL ADDRESS:</b>	
<b>INSURED</b> NATIONAL GRID (US) HOLDINGS LTD., INCLUDING NATIONAL GRID USA, AND NIAGARA MOHAWK POWER CORPORATION 300 ERIE BLVD WEST SYRACUSE, NY 13202	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A:</b> Associated Electric & Gas Insurance Services Limited		3190004
	<b>INSURER B:</b> Liberty Mutual Insurance Company		23043
	<b>INSURER C:</b>		
	<b>INSURER D:</b>		
	<b>INSURER E:</b>		
<b>INSURER F:</b>			

**COVERAGES**      **CERTIFICATE NUMBER:** NYC-009831389-16      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE	XL5088708P	04/01/2019	04/01/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Workers' Compensation		EW1-62N-004536-558 (NY)	07/01/2018	07/01/2019	STATUTORY LIMITS
B	EW7-62N-004536-578 (MA)		EW5-62N-004536-568 (RI & NH)	07/01/2018	07/01/2019	X/S OF \$1,000,000 SIR

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Niagara Mohawk work activities, emanating from any and all Niagara Mohawk work locations, on property controlled by the New York State and the Department of Environmental Conservation (DEC). The People of the State of New York, the Department of Environmental Conservation and its officers and employees are included as Additional Insured as their interest may appear, as required by written contract, subject to policy terms, conditions, and exclusions. Excess Liability includes the following retentions: General Liability, Automobile Liability, Pollution Liability and Employer's Liability: \$3,000,000.

## CERTIFICATE HOLDER

NYS DEC Region 8  
6274 E. Avon-Lima Rd.  
Avon, NY 14414-9519

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
of Marsh USA Inc.

Laura Wilkins

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## ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED

Endorsement No. \_\_\_\_\_ Effective Date of Endorsement April 1, 2019

Attached to and forming part of POLICY No. \_\_\_\_\_

NAMED INSURED NATIONAL GRID (US) HOLDINGS LTD.

It is understood and agreed that this POLICY is hereby amended as indicated. All other terms and conditions of this POLICY remain unchanged.

### ADDITIONAL INSURED - BLANKET BASIS (CERTIFICATE HOLDERS)

Any person or organization to whom a Certificate of Insurance has been issued with respect to this POLICY is included as an additional INSURED under the POLICY, but only if and to the extent the NAMED INSURED has agreed in writing prior to an OCCURRENCE to provide insurance to such person or organization. The coverage afforded the additional INSURED is subject to the terms, exclusions and conditions of this POLICY, including the Limits of Liability, and is further limited to the amount required by the prior written agreement with the NAMED INSURED.

Notwithstanding the foregoing, the following shall not be an additional INSURED under this POLICY:

- a. any organization acquired or formed by the NAMED INSURED after the inception of the POLICY PERIOD;
- b. where such other person or organization has assumed the liability of any other INSURED under contract; or
- c. where such other person or organization is engaged in a JOINT VENTURE with the NAMED INSURED in which the NAMED INSURED is not the operator or managing partner.

\_\_\_\_\_  
Signature of Authorized Representative





Mary E. Bitka  
144 Kensington Avenue,  
Buffalo, NY 14214

Office: 1-716-831-7206  
Mobile: 1-716-984-0664  
nationalgrid.com

**nationalgrid**

August 12, 2019

Michael R. Wasilco  
Regional Wildlife Manager, Division of Fish and Wildlife  
New York State Department of Environmental Conservation  
6274 E. Avon-Lima Rd.  
Avon, NY 14414

Subject: **Wetland Delineation/Land Survey on Lockport-Batavia #112 115kV  
Transmission Line  
Town of Alabama, Genesee County, NY  
Expedited Temporary Revocable Permit**

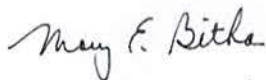
Dear Mr. Wasilco:

Niagara Mohawk Power Corporation (d/b/a National Grid) will be performing a wetland delineation and land survey in support the Article VII Certificate of Environmental Compatibility and Public Need (CEC&PN) application for the rebuild of a portion of the Lockport-Batavia #112 115kV transmission line. This expedited temporary revocable permit (TRP) request is for the portion of the line that goes through the John White Wildlife Management Area (WMA) in Alabama, Genesee County, NY, from Structures 190 to 197.

We will park vehicles on Alleghany and Judge Roads and walk and collect the necessary data. We will delineate the area consistent with our easement and collect data points with GPS for the wetland delineation.

If you have any questions, please call me at (716) 831-7206 or email me at [mary.bitka@nationalgrid.com](mailto:mary.bitka@nationalgrid.com).

Sincerely,  
**nationalgrid**



Mary E. Bitka  
Western Division L&P Engineer

Attachments





**Department of  
Environmental  
Conservation**

**TEMPORARY REVOCABLE PERMIT**

**SHORT-TERM PERMIT FOR INDIVIDUALS AND/OR GROUP EVENTS  
ON DEC-MANAGED PUBLIC LANDS AND CONSERVATION EASEMENTS**

The NYS Department of Environmental Conservation grants permission to the Permittee to use the specified State lands for the described purposes in accordance with all the attached Terms & Conditions. TRPs will only remain valid if all necessary permits and/or insurance are obtained and kept current by the Permittee.

**Permittee Name:** Mary Bitka

**Organization:** National Grid

**Street Address:** 144 Kensington Avenue

**City:** Buffalo

**State:** NY

**Zip Code:** 14214

**Email:** mary.bitka@nationalgrid.com

**Phone:** 716-831-7206

**State Land Unit Name(s):** Tonawanda Wildlife Management Area

**Facility, Trail or Road Name(s):** Meadville, Lewiston, Feeder Ditch Roads

**Description of Use:**

Access to collect nine soil boring samples along the proposed right-of-way at locations of potential transmission structures within Tonawanda WMA located in the town of Royalton (Niagara County) and Alabama (Genesee County). The data will be used in support of the Lockport - Batavia #112 115kV transmission line Article VII rebuild project. A drilling contractor will be hired to perform the work. All structures will be accessed using a tracked bucket truck. Timber matting will be used as necessary to avoid rutting in the wetlands. The attached map identifies the location of the nine subsurface soil sample areas.

**\*\*Required to coordinate and notify NYS DEC Staff prior to the start of this project.\*\***

Maximum Attendees Permitted:

6

Start Date:

12/01/20

End Date:

03/01/21

Primary DEC Contact:

Heidi Kennedy

Phone:

(585) 948-5182

DEC Office:

R8 - Iroquois

Application Fee:

EXEMPT

Insurance Certificate:

YES

Map:

YES

#### REGIONAL REVIEW

TRP#

DATE ISSUED TO APPLICANT:

11/24/20

TYPE:

ROUTINE

RECOMMEND:

APPROVED

SPECIAL TERMS & CONDITIONS:

N/A

REGIONAL MANAGER SIGNATURE:

Michael R. Wasilco

Digitally signed by Michael R. Wasilco  
DN: cn=Michael R. Wasilco, o=DEC, email=wasilco@dec.ny.gov  
Date: 2020.08.21 13:39:41 -0400

DATE:

11/24/20

REGIONAL DIRECTOR SIGNATURE:

DATE:

#### CENTRAL OFFICE REVIEW

\*NON-ROUTINE & FOREST PRESERVE RESEARCH PERMITS ONLY

RECOMMEND:

SIGNATURE:

DATE:

#### STATE MUSEUM REVIEW

\* IF APPLICABLE

RECOMMEND:

SIGNATURE:

DATE:

#### OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REVIEW

\* IF APPLICABLE

RECOMMEND:

SIGNATURE:

DATE:



## **TEMPORARY REVOCABLE PERMIT**

### **STANDARD TERMS & CONDITIONS**

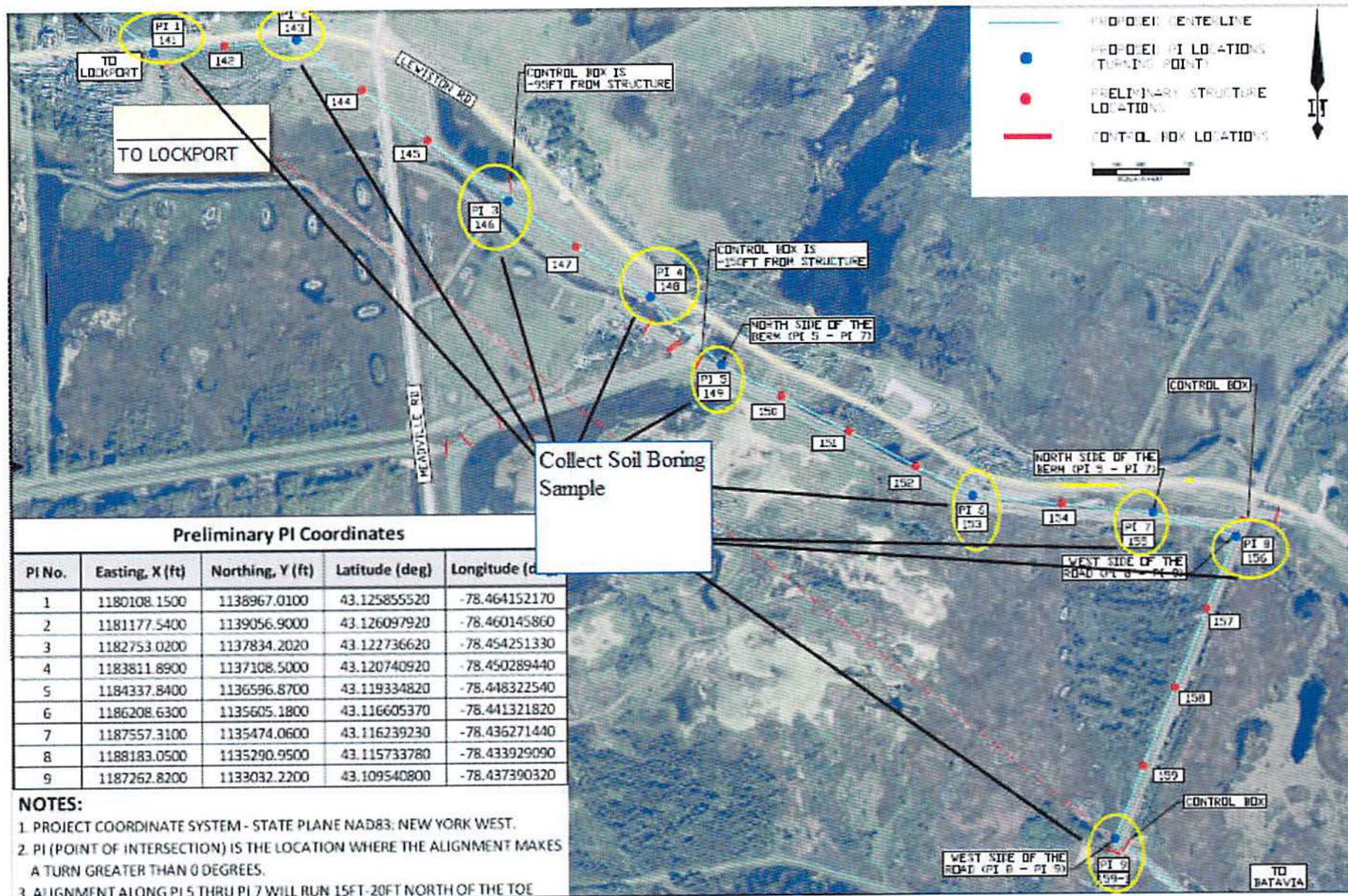
1. Permittee hereby agrees to indemnify and save harmless the Department and the State of New York from and against all losses from claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against it by reason of the Permittee's use of the State land facilities which are the subject of this permit.
2. Permittee shall comply with all applicable Federal and State rules and regulations and shall obtain and keep current any additionally required Federal, State or local permits for the full duration of the permitted activity.
3. This permit shall at all times be subject to the approval of the Department and may be suspended or revoked at any time.
4. If public liability insurance is required by the Department, the Permittee must keep in force such insurance for the full duration of the permit.
5. Permittee shall notify the primary DEC contact person listed below at least 48 hours prior to commencing permit use and upon completion of use.
6. Any activity authorized under this permit shall not interfere with normal administration of the area by the Department.
7. No trees or other vegetation shall be cut, disturbed or removed unless specifically authorized by the Department.
8. Permittee shall be responsible for any damages or disturbances that occur to natural resources, public facilities, boundaries or survey markers resulting from the permitted activity.
9. Permittee is responsible for removing all litter and debris from the State Land facility covered by this permit within 24 hours of completion of the authorized activity.
10. Upon completion of the activity, Permittee shall meet with the primary DEC contact person listed below to inspect the area and to ensure that the Permittee has complied with all terms and conditions.

TRP #

Insert TRP Activity Type  
**SPECIAL TERMS & CONDITIONS**

In addition to the aforementioned Standard Terms & Conditions, this permit is subject to the following Special Terms & Conditions. Failure of the Permittee to comply with any Terms and Conditions will void this permit.

**\*\*Required to coordinate and notify NYS DEC Staff prior to the start of this project.\*\***







# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/24/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh USA, Inc. 1166 Avenue of the Americas New York, NY 10036	<b>CONTACT NAME:</b>
	<b>PHONE (A/C, No, Ext):</b> <b>FAX (A/C, No):</b>
<b>CN102676828-NG-XSWC-20-21</b>	<b>E-MAIL ADDRESS:</b>
	<b>INSURER(S) AFFORDING COVERAGE</b> <b>NAIC #</b>
<b>INSURED</b> NATIONAL GRID (US) HOLDINGS LTD., INCLUDING NATIONAL GRID USA, AND NIAGARA MOHAWK POWER CORPORATION 300 ERIE BLVD WEST SYRACUSE, NY 13202	<b>INSURER A:</b> Associated Electric & Gas Insurance Services Limited 3190004
	<b>INSURER B:</b> SEE ATTACHED*
	<b>INSURER C:</b> N/A N/A
	<b>INSURER D:</b>
	<b>INSURER E:</b>
	<b>INSURER F:</b>

## COVERAGES

CERTIFICATE NUMBER:

NYC-009831389-28

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GENTL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		XL5088709P	04/01/2020	04/01/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input checked="" type="checkbox"/> N/A					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Workers' Compensation		SEE ATTACHED	07/01/2020	07/01/2021	STATUTORY LIMITS X/S OF \$1,000,000 SIR

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Niagara Mohawk work activities, emanating from any and all Niagara Mohawk work locations, on property controlled by the New York State and the Department of Environmental Conservation (DEC). The People of the State of New York, the Department of Environmental Conservation and its officers and employees are included as Additional Insured as their interest may appear, as required by written contract; subject to policy terms, conditions, and exclusions. Excess Liability includes the following retentions: General Liability, Automobile Liability, Pollution Liability and Employer's Liability: \$3,000,000.

## CERTIFICATE HOLDER

NYS DEC Region 8  
6274 E. Avon-Lima Rd.  
Avon, NY 14414-9519

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
of Marsh USA Inc.

Laura Wilkins

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AGENCY CUSTOMER ID: CN102676828

LOC #: New York

**ADDITIONAL REMARKS SCHEDULE**

Page 2 of 2

<b>AGENCY</b> Marsh USA, Inc.		<b>NAMED INSURED</b> NATIONAL GRID (US) HOLDINGS LTD., INCLUDING NATIONAL GRID USA, AND NIAGARA MOHAWK POWER CORPORATION 300 ERIE BLVD WEST SYRACUSE, NY 13202
<b>POLICY NUMBER</b>		
<b>CARRIER</b>	<b>NAIC CODE</b>	
<b>EFFECTIVE DATE:</b>		

**ADDITIONAL REMARKS****THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,****FORM NUMBER:** 25 **FORM TITLE:** Certificate of Liability Insurance

## Excess Workers' Compensation:

Policy # EW1-62N-004536-550(NY)  
Liberty Mutual Insurance Company  
07/01/2020 - 07/01/2021

Policy # EW5-62N-004536-560(RI & NH)  
LM Insurance Company  
07/01/2020 - 07/01/2021

Policy # EW7-62N-004536-570(MA)  
Liberty Insurance Corporation  
07/01/2020 - 07/01/2021



**Department of  
Environmental  
Conservation**

**TEMPORARY REVOCABLE PERMIT**

**SHORT-TERM PERMIT FOR INDIVIDUALS AND/OR GROUP EVENTS  
ON DEC-MANAGED PUBLIC LANDS AND CONSERVATION EASEMENTS**

The NYS Department of Environmental Conservation grants permission to the Permittee to use the specified State lands for the described purposes in accordance with all the attached Terms & Conditions. TRPs will only remain valid if all necessary permits and/or insurance are obtained and kept current by the Permittee.

**Permittee Name:** Matt Lesniak

**Organization:** Hartgen Archeological Associates, Inc.

**Street Address:** 1744 Washington Ave. Extension

**City:** Rensselaer

**State:** NY

**Zip Code:** 12144

**Email:** mlesniak@hartgen.com

**Phone:** 914-786-3400

**State Land Unit Name(s):** John White and Tonawanda Wildlife Management Areas

**Facility, Trail or Road Name(s):** National Grid Transmission Line #112

**Description of Use:**

Access John White and Tonawanda Wildlife Management Areas to conduct archeological shovel testing on behalf of National Grid. All work will be in the current National Grid right-of-ways except for a small segment on the south side of Lewiston Road between Meadville Road and the Feeder Canal. Equipment will consist of shovels and wooden/steel shaker screens - no power equipment will be used.

A 233 Permit has already been secured from the New York State Museum (#4042) as cultural materials may be collected.

Maximum Attendees Permitted:  Start Date:  End Date:

Primary DEC Contact:  Phone:  DEC Office:

Application Fee:

Insurance Certificate:

Map:

#### REGIONAL REVIEW

TRP#

DATE ISSUED TO APPLICANT:  TYPE:

RECOMMEND:  SPECIAL TERMS & CONDITIONS:

REGIONAL MANAGER SIGNATURE:  Digitally signed by Michael R. Wasilco  
DN: cn=Michael R. Wasilco, o=New York State  
Department of Environmental Conservation, email=wasilco@dec.state.ny.us, c=US  
Date: 2021.11.23 16:10:11 -0500 DATE:

REGIONAL DIRECTOR SIGNATURE:  DATE:

#### CENTRAL OFFICE REVIEW

\*NON-ROUTINE & FOREST PRESERVE RESEARCH PERMITS ONLY

RECOMMEND:  SIGNATURE:  DATE:

#### STATE MUSEUM REVIEW

\* IF APPLICABLE

RECOMMEND:  SIGNATURE:  DATE:

#### OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REVIEW

\* IF APPLICABLE

RECOMMEND:  SIGNATURE:  DATE:



## **TEMPORARY REVOCABLE PERMIT**

### **STANDARD TERMS & CONDITIONS**

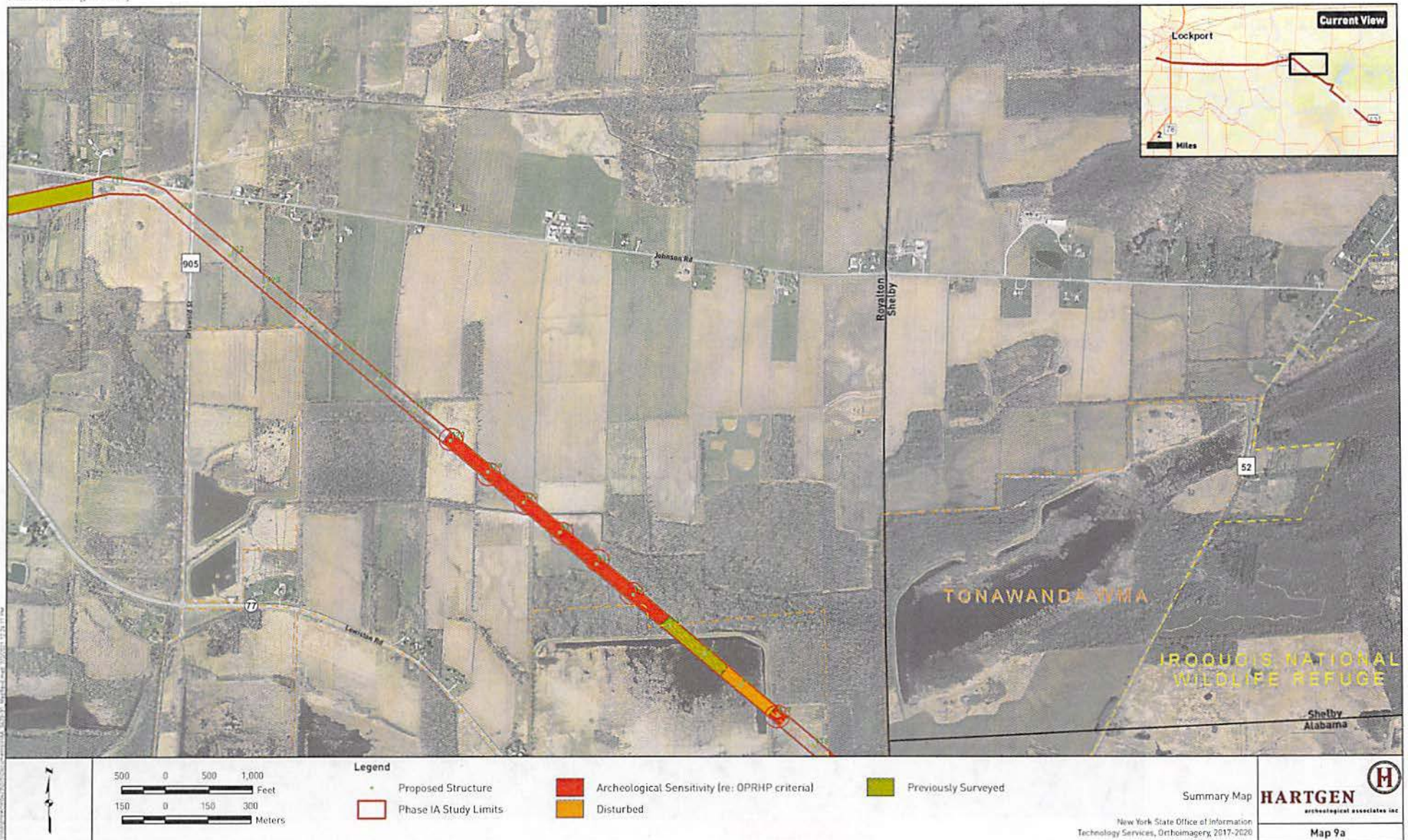
1. Permittee hereby agrees to indemnify and save harmless the Department and the State of New York from and against all losses from claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against it by reason of the Permittee's use of the State land facilities which are the subject of this permit.
2. Permittee shall comply with all applicable Federal and State rules and regulations and shall obtain and keep current any additionally required Federal, State or local permits for the full duration of the permitted activity.
3. This permit shall at all times be subject to the approval of the Department and may be suspended or revoked at any time.
4. If public liability insurance is required by the Department, the Permittee must keep in force such insurance for the full duration of the permit.
5. Permittee shall notify the primary DEC contact person at least 48 hours prior to commencing permit use and upon completion of use.
6. Any activity authorized under this permit shall not interfere with normal administration of the area by the Department.
7. No trees or other vegetation shall be cut, disturbed or removed unless specifically authorized by the Department.
8. Permittee shall be responsible for any damages or disturbances that occur to natural resources, public facilities, boundaries or survey markers resulting from the permitted activity.
9. Permittee is responsible for removing all litter and debris from the State Land facility covered by this permit within 24 hours of completion of the authorized activity.
10. Upon completion of the activity, Permittee shall meet with the primary DEC contact person to inspect the area and to ensure that the Permittee has complied with all terms and conditions.

TRP #

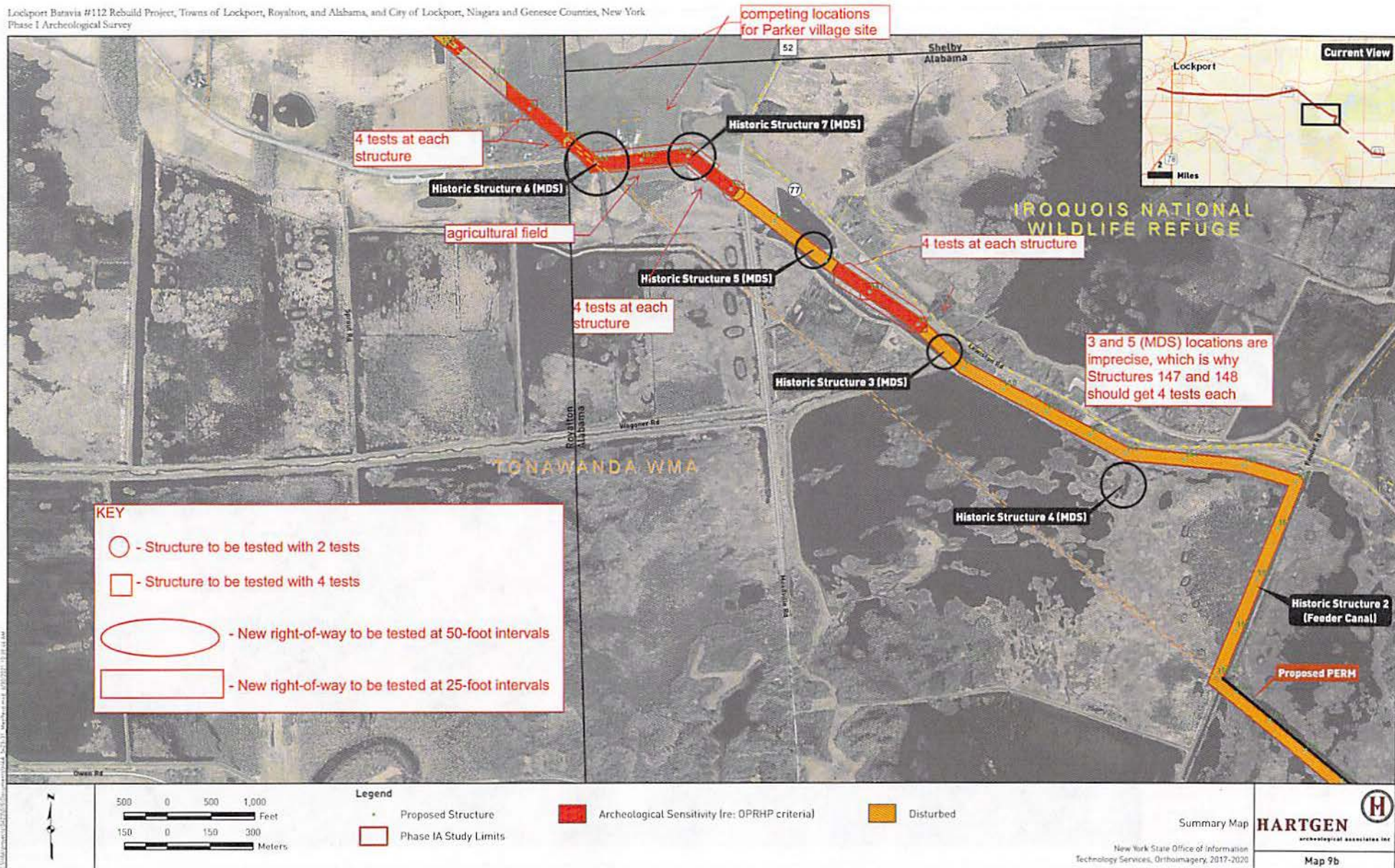
2160

Insert TRP Activity Type  
**SPECIAL TERMS & CONDITIONS**

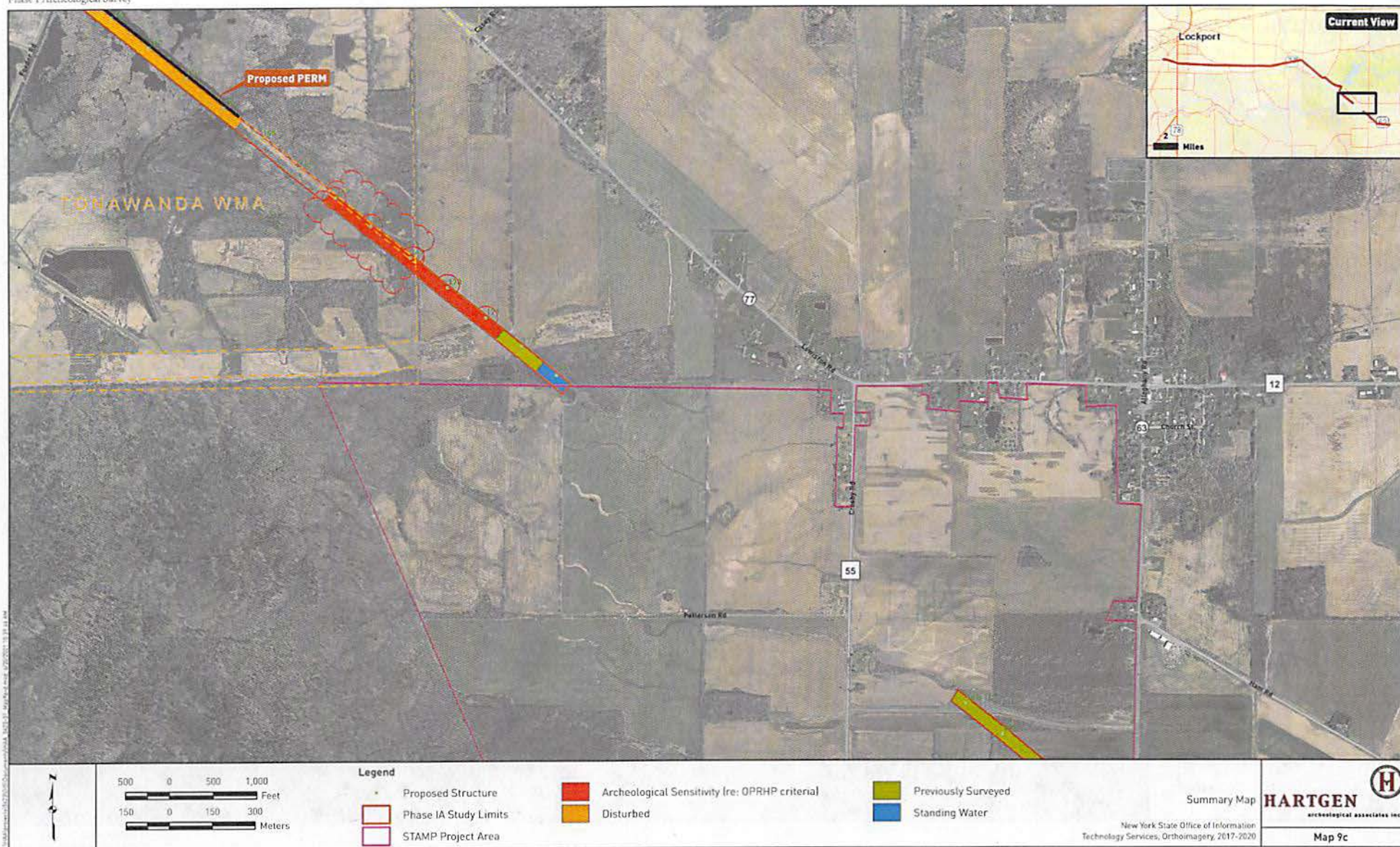
In addition to the aforementioned Standard Terms & Conditions, this permit is subject to the following Special Terms & Conditions. Failure of the Permittee to comply with any Terms and Conditions will void this permit.



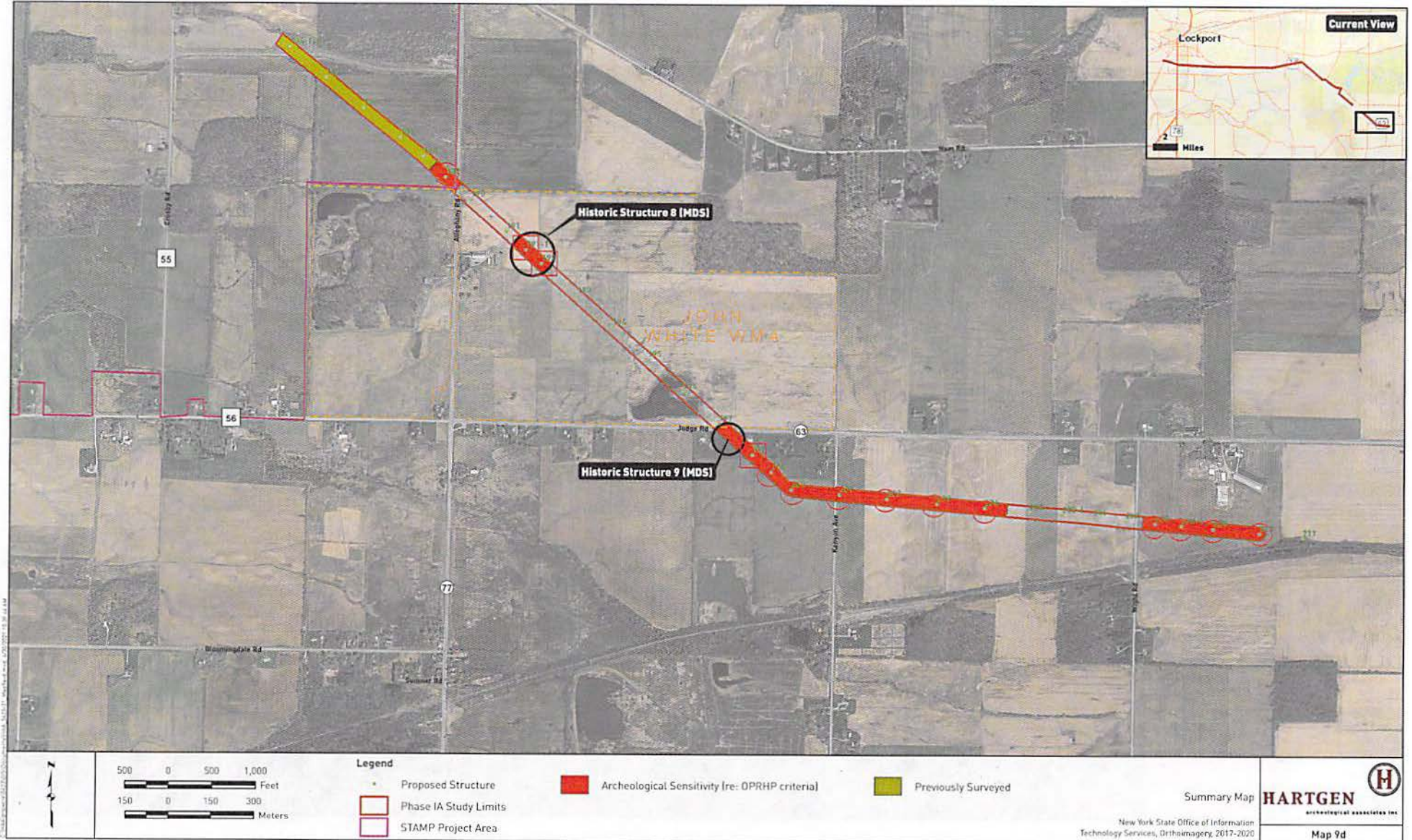












**From:** Sean Milne  
**Sent:** Wednesday, February 12, 2025 12:56 PM  
**To:** Kennedy, Heidi E (DEC); [thomas.walker@dec.ny.gov](mailto:thomas.walker@dec.ny.gov); Call, Robert B (DEC); [michelle.woznick@dec.ny.gov](mailto:michelle.woznick@dec.ny.gov); Czechowicz, Lisa M (DEC)  
**Cc:** Mary Bitka; Faith Page; Carol Zimmerlin  
**Subject:** RE: NG Lockport Batavia Case # (22-T-0654) Consultation Review Request  
**Attachments:** [2021-01-19 National Grid Lockport-Batavia Line 112 ETS Consultation Letter.pdf](#); [NYSDEC Region 9 Response 10.7.2020- Lockport-Batavia112TransmissionProject.TEConsultation.pdf](#); 2  
[NG\\_Lockport\\_Batavia\\_2-2\\_Project\\_Location\\_Map\\_20210816.pdf](#)

Sorry all. I removed Dave Denk and added Lisa Czechowicz as I was informed Dave retired.  
Thanks,

**Sean Milne**  
Environmental Group Manager



180 Charlotte Street,  
Rochester NY, 14607

585.334.1310 ext. 216 (office)  
585.269.0054 (cell)

[SMilne@FisherAssoc.com](mailto:SMilne@FisherAssoc.com)  
[www.fisherassoc.com](http://www.fisherassoc.com)

PTO Notice: 2/17-2/21

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**From:** Sean Milne  
**Sent:** Wednesday, February 12, 2025 12:51 PM  
**To:** Kennedy, Heidi E (DEC) <[heidi.kennedy@dec.ny.gov](mailto:heidi.kennedy@dec.ny.gov)>; [thomas.walker@dec.ny.gov](mailto:thomas.walker@dec.ny.gov); Call, Robert B (DEC) <[Robert.Call@dec.ny.gov](mailto:Robert.Call@dec.ny.gov)>; [michelle.woznick@dec.ny.gov](mailto:michelle.woznick@dec.ny.gov); Denk, David (DEC) <[david.denk@dec.ny.gov](mailto:david.denk@dec.ny.gov)>  
**Cc:** Mary Bitka <[mary.bitka@nationalgrid.com](mailto:mary.bitka@nationalgrid.com)>; Faith Page <[FPage@fisherassoc.com](mailto:FPage@fisherassoc.com)>; Carol Zimmerlin <[CZimmerlin@fisherassoc.com](mailto:CZimmerlin@fisherassoc.com)>  
**Subject:** NG Lockport Batavia Case # (22-T-0654) Consultation Review Request

Hello DEC Region 8 and Region 9 staff,

I'm reaching out regarding the National Grid Lockport Batavia 112 Rebuild Project. A project location map is attached for reference. Both Region 8 and Region 9 were previously consulted with regarding NYS threatened and endangered species and both regions responded (see attached).

This is an article VII project (Case # (22-T-0654)) and the NYS Department of Public Service requires the following:

*CONDITION 24. Prior to filing the EM&CP, the Certificate Holder shall contact the NYSDEC, NYS Natural Heritage Program and the United States Fish and Wildlife Service ("USFWS") to check for any updates or changes of known threatened or endangered plant or animal species listed in New York, (collectively, "T&E" species) or habitat or Significant Natural Communities in the Project area. After the Certificate Holder learns of any updates regarding T&E species, it will inform DPS Staff of such updates. The Certificate Holder may meet its obligation to inform DPS of such an update by including it in the EM&CP.*

Can you please provide any updates or changes of known threatened or endangered plant or animal species listed in New York, or habitat or Significant Natural Communities in the Project area? If nothing has changed since the attached response was provided, please let us know.

Please let us know if any additional information is needed.

Thank you,

**Sean Milne**  
Environmental Group Manager



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PTO Notice: 2/17-2/21