

State Environmental Quality Review
Negative Declaration
Notice of Determination of Non-Significance

DEC ID #: GP-0-19-002

Date: May 23, 2019

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The NYS Department of Environmental Conservation (Department), as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: General Permit (GP) for Utility Rights-of-Way (ROWs) Vegetation Management

SEQR Status: Type 1

Conditioned Negative Declaration: No

Description of Action: DEC is proposing to issue a General Permit (GP) for Electric and Gas Utility Companies to manage vegetation within regulated freshwater wetlands, regulated adjacent areas and tidal wetlands, that are located within existing transmission and distribution ROWs. This includes selective pruning, trimming, mowing, cutting and other approved methods of removal of trees and vegetation and the application of registered pesticides and approved surfactants for the sole purpose of maintaining integrity of service, reliability and safety of the electric and gas services.

Locations: Statewide (existing bulk transmission and distribution lines for electric and natural gas rights-of-way)

Reasons Supporting this Determination: The Department has reviewed this proposed action for potential impacts to the following resources:

Land: The proposed action, vegetation management of existing gas and electric utility ROW within the state will not involve construction on or physical alteration of the land surface. The GP will only authorize the management of vegetation, but not removal, and will not authorize disturbance to the ground surface. Construction of new or repair of existing structures will not be authorized by the GP. Although the action does allow herbicide application for vegetation management, vegetation is not proposed to be removed, and it is not expected that erosion will increase as a result of this action

Geological Features: The proposed action will not result in the modification or destruction of or inhibit access to any unique or unusual land forms on the site. The action is authorized for existing electric bulk transmission and distribution, and gas ROWs. These exist on the landscape already and the vegetation management associated with this authorization is to ensure that vegetation, including danger trees (trees that pose a danger to the line if they were to fall), do not interfere with the wire and border zones of electric lines. Gas ROWs will also be maintained (primarily through mowing) to prevent woody vegetation and its roots from interfering with a gas pipeline.

Surface Water: The proposed action allows management of vegetation within regulated state freshwater wetlands, regulated adjacent areas and tidal wetlands, this includes cutting mowing trimming, pruning and application of herbicide to undesirable vegetation that could interfere with the operation of a pipeline or electric overhead line.

The GP will authorize limited, controlled, selective application of herbicides in these regulated areas, pursuant to conditions of the permit, which includes protections such as no treatment in water. Applicants to the GP must submit activity plans for each year they will be performing actions under the permit. These plans are reviewed and approved by the Department to ensure consistency with the conditions and requirements of the GP.

Groundwater: Use of ground water is not proposed and the proposed action will not result in new or additional use of groundwater

Flooding: The proposed action will not result in any development on lands subject to flooding. The authorization includes management of vegetation on existing gas and electric utility ROWs to ensure reliability and safety of the system.

Air: The activity does not involve a state regulated air emission source

Plants and Animals: The proposed action will have an impact on undesirable vegetation. For Utility ROWs this is defined as vegetation that is capable of interfering with the electric transmission and or distribution lines, or gas pipelines. This generally means that tall growing, and woody vegetation is not desirable as they can interfere with the transmission, resulting in interruption of service. This vegetation will be managed through the various means authorized in the GP. To manage their ROWs utility companies, work on a 3 to 5-year cycle, meaning an area will undergo management every 3 - 5 years. Though this action will have a permanent effect on the undesirable vegetation, not all vegetation is removed and, in most cases, low growing, shrubby vegetation is allowed to persist on the ROWs. This remaining vegetation provides a certain amount of habitat and benefits.

As well, the General Permit requires utility companies to submit plans for those areas they will be managing each year, this includes a review of whether any threatened, endangered or species of special concern are present. If such species are found to be present, the utility companies must coordinate with DEC to perform the activities in a manner that avoids and minimizes any potential impacts the activities may have such species and their habitat.

Historic and Agricultural Resources: The proposed action will not impact agricultural or historic areas. The proposed action involves state regulated freshwater wetlands, regulated 100-foot adjacent areas and tidal wetlands located on existing electric and gas utility ROWs. There may be agricultural lands or historic resources adjacent to the ROWs and in general agricultural use is compatible with safe operation of the ROWs.

Open Space and Recreation: The proposed action involves existing electric and gas transmission and distribution ROWs and will not result in a loss of recreational opportunities or open space.

Critical Environmental Areas: The proposed action may be located adjacent to critical environmental areas (CEA). These areas would fall outside of where utilities have rights to conduct vegetation management, thus it is not expected that this action would have an impact on CEAs.

Transportation: The proposed action will not result in a change to existing transportation systems.

Energy: The proposed action will not cause an increase in the use of any form of energy. The proposed action will help maintain the reliability of existing gas and electric transmission.

Noise, Odor and Light: The proposed action does not include an increase in noise, or odors. No outdoor lighting is proposed as part of the action.

Human Health, Community Plans and Character: The proposed action will not have an effect on human health, community plans or character. The action involves management of vegetation in existing ROW's within the state. The ROWs have been managed in this way previously and that will continue.

Precautions will be taken to handle pesticides according to their label and will be utilized only by certified pesticide applicators to ensure no negative effect on human health.

Electrical system and gas distribution reliability and safety is a concern for the state, and outages related to tree limbs and overgrown vegetation can have serious consequences. Complement maintenance and operation by Utility Companies to manage ROWs to prevent outages from trees and overgrown vegetation is an important component of ensuring electric and gas system reliability to benefits New York State residents, and businesses. Utility Companies have an integrated approach to managing ROWs that minimizes undesirable vegetation and maintains a desirable mix of vegetation on their ROWs.