November 7, 2025

VIA EMAIL

Joseph Dean
Permitting Manager
Transco Gas Pipe Line Company, LLC
2800 Post Oak Blvd
Houston, TX 77056
joseph.dean@williams.com

Re: **NYSDEC Permits**
Northeast Supply Enhancement Project
Lower New York Bay and Raritan Bay, Queens and Richmond Counties
DEC ID: 2-9902-00109/00007, 2-9902-00109/00009, 2-9902-00109/00010

Dear Joseph Dean:

On May 30, 2025, Transco Gas Pipe Line Company, LLC (Applicant or Transco) submitted to the New York State Department of Environmental Conservation (NYSDEC) a Joint Application for Permits[1] seeking a federal Clean Water Act (CWA) Section 401[2] Water Quality Certification and Protection of Waters (Excavation and Fill) Permit pursuant to Environmental Conservation Law (ECL) Article 15 for the proposed Northeast Supply Enhancement Project (Project). NYSDEC also received an application for a State Pollutant Discharge Elimination System (SPDES) permit on June 11, 2025.

As was discussed with Williams, NYSDEC previously denied a Section 401 Water Quality Certificate for the Project on May 15, 2020, based on Transco's inability to demonstrate the Project's compliance with all applicable water quality standards (the 2020 Denial). NYSDEC subjects all permit applications to a rigorous review process based on current available information, and following a comprehensive evaluation of this Application, NYSDEC has determined that the Project can comply with applicable water quality standards upon appropriate conditions. Accordingly, enclosed please find the final Section 401 Water Quality Certification and Article 15 Excavation and Fill permit for the Project. This consolidated permit, hereinafter referred to as the WQC, is effective November 7, 2025, and will expire November 6, 2035. The SPDES permit is effective on

[1] This submission also included an application for an Incidental Take Permit pursuant to 6 NYCRR Part 182, which Transco subsequently withdrew on June 24, 2025.
[2] 33 U.S.C. § 1341.

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December 1, 2025, and will expire November 30, 2030. These permits are valid only for the Authorized Activities, as defined in each respective permit and expressly authorized therein. Work beyond the scope of these permits and the approved associated documents is a violation of the law and may be subject to appropriate enforcement action.

Project Description

The Project consists of a 26-inch diameter pipeline that would transport natural gas from Pennsylvania through New Jersey, travelling underwater in Raritan Bay and Lower New York Bay to approximately three (3) miles offshore of the Rockaway Peninsula in the borough of Queens. Approximately 23.5 miles of underwater pipeline will be installed, of which approximately 17.4 miles would be in New York State waters. The Project would connect to the existing Rockaway Delivery Lateral in Queens and would provide 400,000 dekatherms per day of incremental capacity to National Grid to serve customers in Brooklyn, Queens, and Long Island.

Summary of Permit Requirements[3]

The WQC requires the pipeline to be installed at a minimum depth of four (4) feet below the sea floor through a combination of jet trenching, clamshell dredging, and horizontal directional drilling. While NYSDEC previously determined in the 2020 Denial that a six (6) foot burial depth is generally required for in-water utilities, upon further consideration NYSDEC now determines a burial depth of four (4) feet is approvable. The basis for this determination is such a depth further minimizes total suspended sediment, as well as the absence along the Project route of (i) electromagnetic fields associated with high voltage transmission cables and (ii) seafloor areas heavily fished by bottom-tending fishing gear.

The WQC sets forth various mandatory construction work windows to avoid and minimize impacts to aquatic species, including: (i) Atlantic and shortnose sturgeon, (ii) winter flounder, and (iii) critical hard clam areas. With respect to both sturgeon species and winter flounder, Transco will be permitted to conduct construction activities outside these work windows subject to certain requirements, such as the implementation of qualified environmental monitors, and the implementation of monitoring and minimization plans that will be subject to NYSDEC approval. Due to the sensitive nature of the hard clam area located between mile points (MP) 14 and 20, the WQC implements a strict unconditional prohibition from June 1 to July 31 of each calendar year (the Time of Year Restriction), when the hard clam population is most vulnerable. Accordingly, no sediment disturbing activities will be permitted between MPs 14 and 20 during the Time of Year Restriction.

The WQC requires mitigation for all unavoidable water quality impacts, including those to sturgeon, winter flounder, and hard clams. Based on a review of the record, NYSDEC provides the following current mitigation cost estimates based upon the

[3] These permits only apply to New York State waters.

maximum impact to each given resource, as set forth in the Application and associated record:

- $13.5 million for sturgeon mitigation[4]
- $5 million for winter flounder[5]
- $5 million for hard clams[6]

The actual cost of mitigation may change due to a variety of circumstances, including but not limited to: (i) a change in impact, including but not limited to unanticipated construction timeline changes or the use of concrete mattressing; (ii) availability of acceptable mitigation projects; and/or (iii) actual costs at the time mitigation is implemented. The applicable mitigation plans must be approved by NYSDEC prior to commencement of any Authorized Activities.

Using applicable guidance and available data, NYSDEC has identified appropriate mixing zones along the Project route, which are set forth in detail in the WQC. Since the time of the 2020 Denial, considerable in-water utility construction has occurred in New York waters, which has provided NYSDEC with new information relating to in-water construction-related water quality impacts and measures to appropriately avoid and minimize such impacts. Accordingly, Transco is required to develop a Dredge Management Plan, which will be subject to NYSDEC approval and must include detailed adaptive management techniques should any actual or imminent exceedance of total suspended sediments occur, as consistent with recent in-water construction activity requirements for other utility projects.

If additional time is needed to complete the Authorized Activities, a written request may be submitted with an explanation of why additional time is needed and how much additional time is requested. Please refer to the General Conditions listed in the WQC for specific instructions. Transco is required to obtain any other federal, state, or local permits or approvals that may be required for the Authorized Activities.

Transco's Right to a Hearing

Be advised, and notwithstanding requirements of the federal Natural Gas Act, the New York State Uniform Procedures Act and implementing regulations at 6 NYCRR Part 621 provide that an applicant may request an adjudicatory hearing to contest any permit conditions. Any such request must be made in writing within 30 calendar days of the date

[4] This estimate is based on construction activities occurring in eight (8) months outside the applicable work window for sturgeon.
[5] This estimate is based on construction activities occurring in two (2) months outside the applicable work window for winter flounder.
[6] This estimate is based on the direct impacts from construction along the route. In the 2020 Denial, NYSDEC previously relied upon Transco's hard clam density estimate of approximately 69.6 individuals per square foot. Transco subsequently identified calculation errors in its estimate and provided an updated estimate of 3.7 individuals per square foot. Before concurrence, NYSDEC required submittal of documentation supporting this updated estimate, including the underlying raw data and the related FERC filings. Following review, NYSDEC concurs with the updated estimate of 3.7 individuals per square foot.

of this transmittal and must be addressed to the Chief Permit Administrator at the letterhead address. A copy must also be sent to the Chief Administrative Law Judge, addressed to Chief Administrative Law Judge, NYSDEC, Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550.

Compliance with Other State Laws

Section 7(2) of the New York State Climate Leadership and Community Protection Act (Climate Act) requires NYSDEC, when issuing permits, licenses, and other administrative approvals or decisions, to determine whether such actions would be inconsistent or interfere with the attainment of the statewide greenhouse gas (GHG) emission limits established in Article 75 of the ECL. Pursuant to Section 7(2) of the Climate Act, if NYSDEC determines that a permit, license, or other administrative approval or decision is inconsistent or will interfere with attainment of the statewide GHG emission limits, NYSDEC must provide a detailed statement of justification as to why the statewide GHG emission limits may not be met and identify potential alternatives or GHG mitigation measures. Pursuant to Section 11 of the Climate Act, the Climate Act does not relieve NYSDEC or other public agencies of compliance with other applicable federal laws or regulations.

The Federal Energy Regulatory Commission (FERC) has exclusive jurisdiction over the Project under the federal Natural Gas Act, except as otherwise provided by applicable federal laws and regulations. As set forth in FERC's Final Environmental Impact Statement (FEIS) for the Project:

> FERC encourages cooperation between Transco and state and local authorities; however, state and local agencies, through the application of state and local laws, may not prohibit or unreasonably delay the construction or operation of facilities approved by FERC. Any state or local permits issued with respect to jurisdictional facilities must be consistent with the conditions of any authorization issued by FERC.[7]

NYSDEC has nonetheless conducted an analysis of the Project under Section 7(2) of the Climate Act. NYSDEC has determined that the Project is inconsistent with the attainment of the statewide GHG emission limits established in Article 75 of the ECL because it will result in emissions that would increase atmospheric concentration of GHGs and contribute to future climate change impacts.[8] New York State Public Service Commission (PSC)[9] and FERC[10], have also each determined a reliability need for the

[7] FEIS at 1-16.

[8] Correspondence from Transco to NYSDEC, dated June 12, 2025, in which Transco sets forth its consistency analysis under Section 7(2) of the Climate Act; FEIS at 4-390 ("emissions from construction and operation of the [NESE] Project would increase the atmospheric concentration of GHGs . . . and contribute incrementally to future climate change impacts").

[9] Order Regarding National Grid's Long-Term Natural Gas Plan in Case No. 24-G-0248, issued by the PSC on September 18, 2025 (the PSC Order).

[10] Certificate of Public Convenience and Necessity for the NESE Project, reissued by FERC on August 28, 2025.

Project. Accordingly, based on these PSC and FERC findings NYSDEC has determined that this Project, although inconsistent with the statewide GHG emission limits, is justified for purposes of Section 7(2) of the Climate Act.[11]

In considering alternatives, NYSDEC has relied on the PSC Order and the FEIS issued by FERC. The relevant alternatives consist of a no-action alternative and system alternatives. Neither the PSC Order nor the FEIS identify a reasonable alternative to the Project that would meet the purpose of the proposed action.

Notwithstanding that FERC's FEIS encourages cooperation between Transco and state authorities with respect to compliance with state laws, and that Transco has stated in its Application that it "will work with NYSDEC to evaluate feasible and appropriate [GHG] mitigation,"[12] Transco has elected to decline to proffer a plan for identification, evaluation, and selection of projects and/or programs for GHG mitigation. In accordance with Section 11 of the Climate Act and applicable federal authorities at 40 C.F.R. § 121.3 and 88 F.R. 66601, NYSDEC cannot legally impose GHG mitigation requirements as a condition to the WQC, which can only include conditions related to water quality.

If you have any questions, please contact me at karen.gaidasz@dec.ny.gov or Cheryl Sandrow at cheryl.sandrow@dec.ny.gov.

Sincerely,

Karen M. Gaidasz, Director
Bureau of Energy Project Management
Division of Environmental Permits

Enclosures: WQC and Article 15 Permits
SPDES Permit
Responsiveness Summary

[11] A comprehensive statement of justification is a part of the record and available upon request. As this analysis is, however, outside of the scope of the permits before NYSDEC, this statement of justification is not appended to the enclosed permits.

[12] Correspondence from Transco to NYSDEC, dated June 12, 2025, in which Transco sets forth its consistency analysis under Section 7(2) of the Climate Act.

ecc: Transco – Tim Powell
Transco – Stephen Kellogg
Transco – Dan Merz
WSP – Steve Macleod
WSP – Sara Mochrie
Barclay Damon – Yvonne Hennesey
USACE – Christopher Minck
DOS – Rebecca Ferres
DOS – Laura McLean
OGS – Ralph Hill
NYSDEC Review Team