

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ENERGY FACILITY SITING BOARD**

In re: The Narragansett Electric Company :  
(G-185S and L-190 115 kV Transmission Line :  
Relocation Project A/C Route 403 West Davisville : Docket No. SB-2001-2  
Interchange) :

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**DECISION AND ORDER**

**I. Introduction.**

On December 21, 2001, The Narragansett Electric Company ("Narragansett" or the "Company") filed a Notice of Intent Application with the Energy Facility Siting Board ("EFSB" or "Board") pursuant to the Board's Rule 1.6(f). Narragansett proposes to relocate four (4) poles and approximately 2200 linear feet of each of the G-185S and L-190 115 kV transmission lines along an existing right-of-way in the vicinity of the proposed West Davisville Road overpass across the Seaview Railroad in North Kingstown (the "Project").

**II. Travel of the Case.**

This case is the third filed with the EFSB under Rules 1.6(f) through 1.6(h)<sup>1</sup> which provide an expedited review process for (i) the construction of a power line of more than 1,000 feet, but less than 6,000 feet in length or (ii) the modification or relocation of a power line.<sup>2</sup> For

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<sup>1</sup> The first was Narragansett's S-171S and T-172S Transmission Line Reconductoring Project, Docket No. SB-99-2, and the second was the H17 and G-185N Transmission Line Reconductoring Project, Docket No. SB-2001-1.

<sup>2</sup> Under the Energy Facility Siting Act (R.I. Gen. Laws § 42-98-1 et seq.), our jurisdiction over power lines is limited to those of 69 kV and above. R.I. Gen. Laws § 42-98-3(d).

such projects, our Rules provide for an abbreviated application (Rule 1.6(f)) followed by a public hearing “in one or more of the cities or towns affected by [the] application” (Rule 1.6(g)) and a determination within sixty (60) days of the filing, as to whether the Project “may result in a significant impact on the environment or the public health, safety and welfare,” thereby requiring full EFSB review. Rule 1.6(h). The “modification” of a transmission line includes “reconductoring and rebuilding an existing power line.” Rule 1.2(d). However, “the modification or relocation of an existing power line shall not be an alteration unless the Board determines that the project may result in a significant impact on the environment or on the public health, safety and welfare.” Rule 1.2(d). If the Board determines that the project will not result in a significant impact on the environment or the public health, safety and welfare, the project does not constitute an “alteration” and the project may proceed without further review by the Board. Rule 1.2(d) and Rule 1.6(f).

The Board conducted a site view on February 6, 2002 at 2:30 P.M. and, as required by Rule 1.6(g), held a hearing at 3:00 P.M. in the Davisville Middle School, School Street, North Kingstown pursuant to notice. Narragansett presented one witness: David J. Beron, Lead Senior Engineer at National Grid USA Service Company and Project Engineer for the Project who described the Project location and need, explained the construction process and schedule and described the natural and social environment in the Project area. The Chairman solicited public comment at the hearing, but none was offered.

### **III. Statutory Standard.**

As noted previously, the Board must determine whether the Project “may result in a significant impact on the environment or the public health, safety and welfare.” If the Board determines that it may have such an impact, it will determine that the Project would constitute

the alteration of a major energy facility and be subject to the full EFSB permitting process. Rule 1.6(h). If it determines that the Project will not have such an impact, the applicant is authorized to proceed with the Project.

#### **IV. Project Description.**

The Project consists of relocating 2200 feet of two 115 kV transmission lines. Narragansett must relocate the lines in order to provide clearance for the West Davisville Road overpass which is part of the Rhode Island Department of Transportation's ("RIDOT") proposal to relocate Route 403. (See February 5, 2002 letter from Edmund T. Parker, Jr., P.E., Deputy Chief Engineer, Rhode Island Department of Transportation to Chairman Germani.)

##### **A. Existing Facilities**

The existing facilities are described in detail in Narragansett's application to the Board. The existing G-185S 115 kV transmission line extends a distance of approximately 17.6 miles, originating at the Kent County Substation and terminating at the West Kingston Substation in South Kingstown, with a tap line extending into the Davisville Substation from the Old Baptist Road tap point. The L-190 115 kV transmission line is approximately 8.4 miles long, originating at the Kent County Substation, going to the Old Baptist Road tap point and terminating at the Davisville Substation. The G-185S line from the Kent County Substation to the West Kingston Substation was built in 1966. The balance of the G-185S and L-190 transmission lines was constructed in three sections, as follows: (1) the segment of both lines from the tap point to the Old Baptist Road Substation was constructed in 1989; (2) the segment of both lines from the Old Baptist Road Substation to the Davisville Substation was constructed in 1992; and (3) the segment of the L-190 line from the Kent County Substation to the tap point was constructed in

1996. See In re The Narragansett Electric Company (Kent County to Old Baptist Road Transmission Line), R.I. EFSB Docket No. SB-93-1, Decision and Order (Order No. 25, 09/23/94).

In the area of the Project, the lines are parallel, with the L-190 line to the north and the G-185S line to the south. The lines are situated within a utility corridor that includes a transmission line right-of-way (ROW) that is approximately 110 feet wide and a railroad right-of-way.

B. Project Site

The members of the Board took a view of the site on February 6, immediately prior to the hearing. At the view, we observed that the surrounding area is an abandoned military/industrial site, the former Federal Supply Service Area (West Davisville), which consists of several hundred acres. The Federal Supply Service Area was part of the Quonset Point/Davisville complex. Portions of the area were formerly used as storage for the Navy and laydown for Amtrak's electrification of the northeast corridor rail line. The area is relatively flat and cleared of most trees and vegetation. The dilapidated landscape includes broken asphalt, rubble piles, trailers, dumpsters, portions of fences and equipment left behind by the Navy and Amtrak. The site is bordered on the west by the Amtrak northeast corridor mainline. Other properties abutting the limited area of the Project are owned by the United States Navy, the United States General Services Administration, and the Rhode Island Port Authority and Economic Development Corporation. Photographs of the site were attached to Narragansett's Application as Exhibit 3 and Mr. Beron sponsored a plan prepared by Gordon Archibald for the Rhode Island Department of Transportation to show the vicinity of the site and right-of-way plans which show the detail.

C. Need for the Project

Due to the construction of the new West Davisville Road overpass by the RIDOT as shown on the plans referenced above, Narragansett must increase the vertical clearance of the transmission lines.

D. Project Description

For each of the two transmission lines, Narragansett proposes to relocate four structures and approximately 2,200 linear feet of the lines to provide the necessary clearance above RIDOT's proposed West Davisville Road interchange overpass. All of the work will occur within the ROW. The existing wooden poles will be replaced with steel poles. A cross-section of the ROW showing typical relocated poles was offered by Mr. Beron at the hearing.

As shown on the plans, the eight new poles will be constructed in the proximity of the existing poles. No tree clearing within the ROW will be required in connection with the proposed Project. The new conductors (wires) will be the same capacity as the existing conductors.

E. Construction Practices

Mr. Beron explained that for each of the eight pole relocations shown on the plans, Narragansett will construct a concrete foundation measuring approximately 6 feet in diameter by 20 feet deep. After the foundations are installed, Narragansett will take one of the lines out of service so that it may erect the new pole structures for that line on the foundations and string new conductors along the relocated poles (the existing conductors may be reused if feasible). If the existing conductors are not reused, they will be removed. The existing wooden poles will be removed using cranes and backhoes as necessary. The wooden poles will be removed from the

Project site and disposed of appropriately. The relocated line will then be energized and the process will be repeated for the second line.

Restoration of the ROW will be completed following the relocation Project. Narragansett will stabilize the old pole locations and will re-seed and mulch the affected areas.

Where field conditions warrant, soil erosion and sediment controls will be installed during the Project following the procedures identified in the Rhode Island Soil Erosion and Sediment Control Handbook. These controls will function to effectively mitigate potential construction related erosion and sedimentation.

#### V. PROJECT IMPACTS.

This application is unusual in that Narragansett has not attached an environmental report or presented testimony from an environmental witness, relying instead on the testimony of its project engineer and on the personal observations of the Board members at the site view.

Generally, in a filing such as this, Narragansett addresses the impacts to, inter alia, soils, bedrock, surface waters, groundwater, vegetation, wetlands, wildlife, land use, air quality, safety and public health. However, because the work for the Project is minor, Narragansett anticipates no short- or long-term impacts and did not provide information on these issues, as authorized by EFSB Rule 1.6(f).<sup>3</sup>

Based on our observations and Mr. Beron's testimony, the relocation Project will have minimal, if any, impact on the physical environment. The Project will occur within the existing

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<sup>3</sup> Rule 1.6(f)(3) requires the applicant to provide a "detailed description and analysis of the impact of the project on the physical and social environment." This Rule continues: "to the extent the proposed project will have only negligible impact on any particular resource in the natural and social environment (e.g. geology, air quality or population) the applicant may so state and need not provide a detailed analysis of the baseline conditions for that resource."

ROW which is located in an abandoned military/industrial area and will use existing access roads, thereby minimizing new or adverse environmental impacts.

As shown on the plans, a fire pond (the edges of which appear to have been altered as a result of a federal environmental cleanup on adjacent property) is located approximately 80 feet to the south of pole structure #12. A drainage ditch is located approximately 150 feet to the north of pole structure #69. If the Project were to affect these wetland resources, the activities associated with the Project would constitute "maintenance" as defined by Section 6.03 of Rhode Island's Freshwater Wetlands Rules and Regulations.<sup>4</sup> However, the Project will not have any impact on these wetland resource areas.

Any potential short-term construction impacts to soils will be mitigated by the use of soil erosion and sediment control BMPs as field conditions warrant. In particular, Mr. Beron testified that Narragansett would install hay bales between the right-of-way and the fire pond.

Similarly, the transmission line relocation Project will have minimal, if any, impact on the social environment. The relocation Project will occur within an existing ROW which is an industrial area. No long-term residential, commercial or industrial land use impacts will occur as a result of the Project. Any construction noise impacts are expected to be very brief and localized. Temporary, minor construction noise that may be generated by the Project will occur during daytime hours. The relocated transmission line poles will be taller than the existing wooden poles; however, the new overpass will draw more attention and create more visual impact than will the relocated transmission lines. The Project will have a positive effect on

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<sup>4</sup> The Rhode Island Department of Environmental Management ("RIDEM") sent a comment letter to the Board suggesting that the Project qualified for this exemption and cautioned Narragansett about impacting the fire pond. (See letter of Ronald Gagnon, Chief, Office of Technical and Customer Assistance, RIDEM, dated February 1, 2002 to Douglas Hartley.)

transportation in the area because it will allow RIDOT's Route 403 relocation project to proceed. As described above, relocating the lines to provide the necessary vertical clearance will permit construction of RIDOT's new overpass for the Route 403 project.

The relocation Project does not require any additional or different ROW maintenance from that which is currently used. All vegetation maintenance is carried out in strict compliance with Narragansett's current Right-of-Way Vegetation Management Policies and Procedures.

Mitigation measures for the Project will be used to reduce the minimal impacts of the work on the natural and social environment. As set forth above, there are no long-term impacts to mitigate as a result of the Project. Therefore, Narragansett will focus its mitigation efforts on the construction phase. This work will require only minor disturbances to the surrounding natural environment. Where field conditions warrant, the use of erosion and sedimentation controls will mitigate possible erosion of disturbed soils. Stabilization and restoration of the ROW will occur when areas are disturbed.

Our Rules and Regulations require a review of certain scientific research pertaining to electric and magnetic fields (EMF) and data regarding EMF. Narragansett represented that in general, EMF levels will remain the same as the existing levels because there will be no change in the capacity of the lines. The Project may even marginally reduce the EMF levels at the edges of the ROW because the lines will be raised to a greater height than the existing lines. Because any change will be insignificant, Narragansett did not address the EMF issue and instead sought

a waiver for this project only<sup>5</sup> of the requirement that it provide a review of the scientific research and data.<sup>6</sup>

Based on the representations of Narragansett regarding the minimal change in EMF levels and the extensive report filed in SB-2001-1, we grant the requested waiver.

## **VI. Conclusion.**

The testimony and exhibits presented by Mr. Beron on behalf of Narragansett and the personal observations of the Board members at the site view which are summarized in §§ IV and V above, demonstrate that the proposal to relocate the G-185S and L-190 transmission lines will not result in a significant impact on the environment or on the public health, safety and welfare. Furthermore, the Board finds that Narragansett has taken appropriate steps to mitigate construction and other impacts of the Project.

Accordingly, it is:

### **( Order Number 49 ) ORDERED:**

1. The Energy Facility Siting Board hereby grants a waiver of the requirement that Narragansett file a review of scientific research and data on electric and magnetic fields (EMF) for this project only.

2. For the reasons discussed above, the Energy Facility Siting Board hereby grants Narragansett a license under Chapter 98 of Title 42 to authorize it to relocate the G-185S and L-190 115 kV transmission lines as previously described.

DATED AND EFFECTIVE at Warwick, Rhode Island on February 6, 2002 pursuant to an open meeting decision. Written Order issued March 4<sup>th</sup>, 2002.

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<sup>5</sup> Any future request for a waiver of this requirement will be decided on its merits, based on the facts and circumstances of the case.

<sup>6</sup> Narragansett filed a review of scientific research as part of its filing in the G-185N and H-17 Transmission Line Reconductoring Project (Docket Number SB-2001-1) filed with the EFSB in January, 2001.

ENERGY FACILITY SITING BOARD

*Elia Germani*

Elia Germani, Chairman

*Robert K. Griffith, Jr.*

Robert K. Griffith, Jr.

*Jan H. Reitsma*

Jan H. Reitsma

