

**FINAL
ENVIRONMENTAL IMPACT STATEMENT**

for the

TRI-LAKES RELIABILITY PROJECT



February 17, 2006

State Environmental Quality Review
Notice of Completion of Draft / Final EIS

Project Number _____

Date: 02/17/2006

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

A Draft or Final (check one) Environmental Impact Statement has been completed and accepted by the New York Power Authority as lead agency, for the proposed action described below.

If a Draft EIS: Comments on the Draft EIS are requested and will be accepted by the contact person until _____

Name of Action:

Tri-Lakes Reliability Project

Description of Action:

The Tri-Lakes Reliability Project consists of 26.8 miles of a new 46,000-volt/46 kilovolt (kV) line sharing wood pole structures and right-of-way (ROW) with existing distribution lines in some locations and only new 46kV lines on wood poles within new ROW in others and a new 115/46kV substation facility located in the Town of Parishville and a new regulator station located in the vicinity of the existing Piercefield Substation in the Town of Piercefield.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The Project (46kV line) is 26.8 miles in length and is located in portions of the towns of Parishville, Colton, and Piercefield.

Potential Environmental Impacts:

The project may have both short-term construction related impacts and long-term operational impacts. The analysis of potential short-term construction related impacts is as follows: geology, soils, and topography impacts include soil erosion; impacts to water resources include stream and wetland disturbance, including filling of wetlands and alteration of habitat through clearing activities; socioeconomic impacts are beneficial in that there will be temporary employment during the construction of the project, and: air and noise impacts include moderate pollutant increases in ambient air quality and in background noise levels due to construction equipment. There will be no significant short-term impacts to agricultural, land use, historic, archeological or visual resources during construction of the project.

The operation of the 46 kV line will result in minimal or no impacts to geology, soils, and topography, ground water, surface water, transportation, land use, visual and historic and archeological resources. The Project will increase the reliability of the electric delivery system and these system improvements will in turn offset the need to boost power levels through the use of generators. The Project will result in reduced operation of these units and thereby benefit air quality. The 46 kV line will not result in noise impacts. Noise analyses and mitigation measures as required will be conducted to minimize substation noise impacts. There will be no continuous noise impacts above ambient sound levels as a result of the Project. Forest edge habitat and mixed shrub community may have minor wildlife benefits such as increasing forage species.

A copy of the Draft / Final EIS may be obtained from:Contact Person: Stephen RamseyAddress: Blenheim-Gilboa Power Project, 1378 State Route 30, North Blenheim, NY 12131Telephone Number: 518-287-6380**A copy of this notice must be sent to:**

Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-1750

Chief Executive Officer, Town/City/Village of Clifton, Colton, Parishville, Piercefield

Any person who has requested a copy of the Draft / Final EIS

Any other involved agencies

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, NY 12233-1750

Copies of the Draft/Final EIS must be distributed according to 6NYCRR 617.12(b).**Reset**

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Separate Volume

SECTION 1
EXECUTIVE SUMMARY

1.0 EXECUTIVE SUMMARY

This Final Environmental Impact Statement (FEIS) is prepared pursuant to the New York State Environmental Quality Review Act (SEQRA) and NYPA's implementing regulations, 21 NYCRR Part 461.

A Draft Environmental Impact Statement (DEIS) was prepared by Tetra Tech EC, Inc., The LA Group, and Vanderwiel Engineers on behalf of the Lead Agency, the New York Power Authority (NYPA). The DEIS was accepted as complete and made available for public review on November 30, 2005. A Public Hearing on the DEIS was held on January 11, 2006 at the Ivy Terrace Room, 38 Boyer Avenue, Tupper Lake, and the comment period remained open until January 31, 2005. One set of New York Audubon comments was received after the close of the comment period but has been incorporated into the FEIS.

The DEIS for the Tri-Lakes Reliability Project (Project) is hereby incorporated by reference as part of this FEIS. The DEIS, as prepared for NYPA as Lead Agency contains the following sections:

- SECTION 1 PROJECT DESCRIPTION
 - 1.1 General
 - 1.2 Project Ownership and Organization
 - 1.3 Development Schedule and Activities

- SECTION 2 ALTERNATES TO THE PROPOSED ACTION
 - 2.1 No Action
 - 2.2 Alternative Tap Points
 - 2.3 Alternate Routes
 - 2.4 Alternative Support Structures
 - 2.5 Underground/Underwater Options
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- SECTION 3 EXISTING ENVIRONMENTAL SETTING
 - 3.1 Geology and Soils
 - 3.2 Topography and Slope
 - 3.3 Baseline Ambient Air Quality, Meteorology and Climatology
 - 3.4 Noise
 - 3.5 Water Resources
 - 3.6 Fish and Wildlife
 - 3.7 Threatened and Endangered Species
 - 3.8 Wetlands
 - 3.9 Vegetation
 - 3.10 Cultural Resources
 - 3.11 Land Use
 - 3.12 Visual Resources
 - 3.13 Public Health & Safety
 - 3.14 Socioeconomics
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- SECTION 4 ENVIRONMENTAL IMPACTS OF CONSTRUCTION AND MITIGATION MEASURES
 - 4.1 Geology and Soils
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SECTION 6	UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS
SECTION 7	RELATIONSHIP BETWEEN THE LOCAL SHORT-TERM USE OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG- TERM PRODUCTIVITY
SECTION 8	IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES
SECTION 9	CUMULATIVE IMPACTS, GROWTH INDUCING EFFECTS AND SECONDARY IMPACTS
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9.2	Air Quality
9.3	Noise
9.4	Water Quality
9.5	Fish and Wildlife
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9.8	Cultural Resources
9.9	Land Use
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- 9.12 Public Health & Safety
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- 9.14 Traffic and Transportation

SECTION 10 IMPACTS OF THE PROPOSED ACTION ON THE USE AND CONSERVATION OF ENERGY

SECTION 11 REFERENCES

APPENDICES

- Appendix A Alternate Routing Studies Report
- Appendix B Wetlands Environmental Report
- Appendix C Phase 1A Cultural Resources Investigation
- Appendix D Visual Impact Assessment Report
- Appendix E Environmental Work Plan
- Appendix F Agency Consultation Correspondence
- Appendix G Public Scoping Document
- Appendix H Preferred Structure Analysis
- Appendix I Public Comments
- Appendix J Niagara Mohawk Vegetation Management Program

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SUMMARY OF THE DEIS

Provided below is a summary of the DEIS for the Tri-Lakes Reliability Project (Project), including a project description, a summary of the administrative record, alternatives to the Project, potential environmental impacts and proposed mitigation measures and its effect on use and conservation of energy.

1.1 Description of the Proposed Action

In response to initiatives of elected and municipal officials and interested citizens in the Tri-Lakes Region, an Agreement was executed in September 2004 by and among the Villages of Lake Placid and Tupper Lake, Niagara Mohawk now also known as Niagara Mohawk (Niagara Mohawk), and the New York Power Authority (“NYPA”) to help alleviate longstanding power problems in the Region through short- and long-term solutions. The proposed Project is one of the long-term solutions identified by Niagara Mohawk and NYPA. The proposed Project is to be located in the Adirondack Park in St. Lawrence County, New York. The purpose of the proposed Tri-Lakes Reliability Project (“Project”) is to increase the reliability of the electric system in the Region through improvements to capacity and delivery.

The Project is being developed as a cooperative effort between NYPA and Niagara Mohawk. NYPA is the applicant for all permits and approvals required for construction and operation of the new 46 kV line and associated facilities. Niagara Mohawk is responsible for design, engineering, procurement,

construction, installation, testing, and overall project management. Niagara Mohawk will operate and maintain the new line after it is energized. NYPA will be owner of the line until 2012 at which time the line will be sold to Niagara Mohawk.

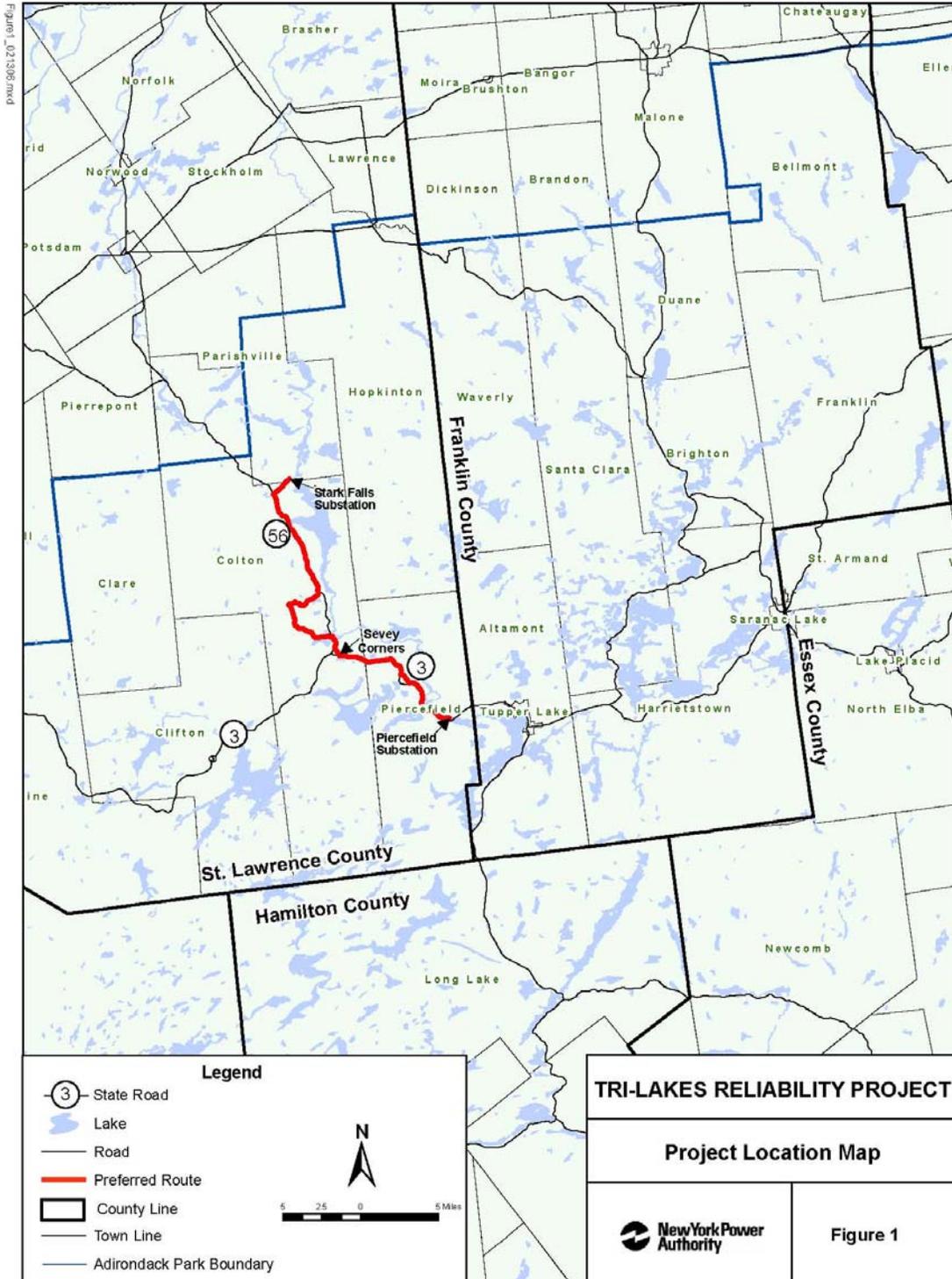
The need for the proposed Project is immediate and real. With certain exceptions, the major infrastructure that supplies electricity to the Tri-Lakes Region of New York State has not been upgraded or expanded since the late 1970s, although the demand for electricity has grown continuously. As a result, the existing electric system has reached its limit to reliably serve the load in the Region. The result is frequent power outages during periods of high demand, which in this Region often occur during the severely cold winter months.

To identify the most appropriate long-term solution to the reliability problem, Niagara Mohawk and NYPA reviewed a number of options, including construction of a power plant in the Region and alternate routes for power delivery. The process was conducted with input from representatives of the Adirondack Park Agency (APA), the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), local municipalities, non-governmental organizations, local residents, and the general public, to ensure that the concerns of these parties were addressed in the siting and design process. The Tri-Lakes Reliability Project was determined to be the best option to meet the needs of the Region based on environmental, engineering, and economic considerations.

The Tri-Lakes Reliability Project (the Project) consists of 26.8 miles of a new 46 kilovolt (kV) line sharing wood pole structures and right-of-way (ROW) with existing distribution lines in some locations and only new 46 kV lines on wood poles within new ROW in others and a new 115/46 kV substation facility located in the Town of Parishville and a new regulator station located in the vicinity of the existing Piercefield Substation in the Town of Piercefield. The Project begins in Parishville, NY at a new substation located approximately 3,100 feet north of Stark on the east side of Raquette River Road. The new substation will interconnect with the existing 115 kV system. The 46 kV line proceeds southwest about one-half mile and intersects with Joe Indian Road and proceeds on new right-of-way (ROW) to the west side of State Route 56. The line continues along State Route 56 for about 7.1 miles and proceeds west for 6 miles around the Raquette Boreal State Forest Preserve. The line rejoins State Route 56 and proceeds south approximately 1.5 miles to Sevey Corners where it intersects with State Route 3. The 46 kV line follows along State Route 3 approximately 4.5 miles to a point one-half mile north of Gale and passes southeast on new ROW for about 4,000 feet and rejoins State Route 3 south and east of Gale. The line parallels State Route 3 about 2.7 miles to a location due southeast of Dead Creek. At this location, the line leaves State Route 3 to avoid steep slopes and traverses 3,800 new feet of ROW. The line rejoins State Route 3 and proceeds into Piercefield. The 46 kV line connects to a new regulator station near the existing Piercefield Substation at the Brascan Hydroelectric facility where the line ends.

Project facilities include 15.6 miles of overbuild, (combining the new 46 kV line and existing distribution lines on one set of wood pole structures) carrying both existing electric distribution lines (less than 15 kV) and the new 46 kV line, located along existing distribution corridor and new 46 kV facilities within about 11.2 miles of new ROWs.

To meet the reliability mandates of the Project, a 75-foot ROW is required. This ROW has to be cleared of trees and large brush to meet PSC Case 04-E-0822, "Order Requiring Enhanced Transmission Right-of-Way Management Practices by Electric Utilities." This order seeks to eliminate falling vegetation as a cause of power outages. To prepare this ROW, clearing of trees and large brush will be necessary. The clearing operation will not require blading of topsoil or removal of topsoil across the entire ROW. Clearing will be more selective in or near wetlands, stream corridors, state highways, and populated areas.



This Project is being developed in compliance with applicable state and federal environmental regulations, including review under the State Environmental Quality Review Act (SEQRA) and the Adirondack Park Agency Act. To ensure that state and local environmental concerns and issues over this proposed action are addressed in this document, a series of public information meetings were held with local officials, representatives of the APA and NYSDEC, various non-governmental organizations, and the public at large.

Project operation is anticipated to have a beneficial effect on the Tri-Lakes Region. The Project will enhance the reliability of the power delivery system in the villages and the Region and should significantly reduce the number of power outages in the area. Benefits of increased reliability include fewer outages during the winter when the loss of heat can create significant public safety concerns, fewer lost days of school, and fewer losses to area businesses from closure due to outages. Also, the Project will generate 150 construction jobs with a payroll of \$8.8 million lasting approximately 19 months.

A Draft Environmental Impact Statement (DEIS) was published November 30, 2005 describing the Project and the environmental impacts and mitigation. The DEIS found that there will be minimal impacts to soils, water quality, fish and wildlife, wetlands, threatened and endangered species, vegetation, cultural resources, land use and zoning, shoreline and designated rivers, visual character, public health and safety, air quality, ambient noise levels, and traffic and transportation. As the DEIS indicates, the applicant has mitigated impacts so that the Project has the least possible adverse environmental effects as are practical.

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1.2 Administrative Record

The Tri-Lakes regional electrical transmission system, operated by Niagara Mohawk, was last upgraded just prior to the 1980 Winter Olympics. Prior to those upgrades, the need to improve power delivery to the western segments of the distribution system around Tupper Lake and to the east to Saranac Lake was identified.

Subsequent to the Villages of Tupper Lake and Lake Placid filing a complaint with the FERC, an order was issued by FERC to develop a plan to improve the reliability for the Tri-Lakes Region. The New York State Public Service Commission mediation between Niagara Mohawk, the Villages and NYPA then resulted in an agreement between the parties to develop a plan to mitigate the reliability problems in the Region.

In 2004, an agreement was signed by the Villages of Tupper Lake and Lake Placid and the power providers, NYPA and Niagara Mohawk, to build a new transmission line and make substation upgrades.

In 2005, the Project applicants (NYPA and Niagara Mohawk), selected consultants and began the Environmental Analysis and route selection process.

An outreach program was started in February 2005 to gather information from the agencies including the APA, the NYSDEC, the NYSDOT, the New York Office of Parks, Recreation and Historic Preservation (OPRHP) Field Services Bureau, the New York State Natural Heritage Program, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers.

Public outreach began with meetings with local government officials involved with the settlement agreement and with the individual communities in St. Lawrence, Franklin and Essex Counties. All participants in the process agreed that this Project would be the subject of an Environmental Impact Statement. NYPA was designated to be the Lead Agency. A website (www.nypa.gov) has been established by NYPA to facilitate the distribution of information and to collect comments on the DEIS.

In addition to the involved agencies and the general public, major non-governmental organizations that have had longstanding concern for the Adirondack Park and NYS Forest Preserve were contacted. On June 10, 2005, the public was invited to an open house meeting. Representatives of the applicant were available to talk to the public and presentation boards were used to demonstrate the need for the Project, show potential routes, and explain the Environmental Analysis process.

The Applicant prepared a draft table of contents for a DEIS and made that document available to all interested parties. This became the framework of the DEIS.

A preliminary DEIS was circulated to the APA and comments on that document were considered in the preparation of the DEIS. On November 30, 2005, the Project applications supported by the DEIS were submitted to the APA, NYSDEC, and NYSDOT. Responses to comments received from the APA on the Permit Application and the DEIS, are included as Volumes II and III of this FEIS. On December 7, 2005, a Positive Declaration and Notice of Complete DEIS was made by the Lead Agency. On December 14, 2005, the Notice of Complete DEIS was published in the Environmental Notice Bulletin. On December 21, 2005, Notice of a SEQRA Public Hearing on January 11, 2006, in Tupper Lake was published in the Environmental Notice Bulletin. Legal notices of the public hearing dates were published in the Plattsburg Press Republican on December 23, 2005, Adirondack Daily Enterprise on December 22, 2005, Tupper Lake Free Press on December 28, 2005, and Watertown Daily Times on December 22, 2005, newspapers with general circulation in the Project Area, the Tri-Lakes Region and surrounding communities.

Copies of the DEIS were available online at the NYPA website and paper copies were sent to local libraries and municipal offices in the Project Area and also in the Tri-Lakes Region and other surrounding communities in accordance with 21 NYCRR 461.11.

A NYPA SEQRA public hearing was held on January 11, 2006, at the Ivy Terrace Room of Tupper Lake Housing Authority from 2:00-5:00 PM and 6:00-9:00 PM to allow individuals to make comments or submit written comments. Eighteen persons spoke at the hearing with eleven fully supporting the Project as proposed. The remaining speakers recognized the need for reliable power but identified other alternative means of improving the transmission system. The public comment period closed on January 31, 2006, 20 days after the public hearing. The APA Project Application was noticed as complete on February 15, 2006.

Publication of the Notice of Completion of the Final Environmental Impact Statement in the Environmental Notification Bulletin (ENB) and filing for public inspection (§ 461.11[d]) has been completed and the FEIS will also be published on the NYPA website. The agencies and public have been

given at least 10 calendar days to consider the FEIS (§ 461.13). The FEIS was prepared and will be presented to the NYPA Trustees for decision and written findings, statement of facts and conclusions on February 28, 2006.

These findings will rely upon the SEQRA record, including but not limited to the DEIS and FEIS, with supporting appendices on alternatives analyses, wetlands, archaeological and cultural resources, visual impacts, and the Environmental Work Plan (EWP).

1.3 Need for the Project

With certain exceptions, the major infrastructure that supplies electricity to the Tri-Lakes Region has not been upgraded or expanded since the period immediately prior to the 1980 Winter Olympics when a 115 kV line was extended from Lake Colby to Lake Placid. The existing electric transmission lines and associated facilities in the current configuration have reached their limit to reliably serve the load in the Region, while the total load of the Tupper Lake and Lake Placid municipal electric systems continues to grow. Additionally, the Malone-Lake Colby 115 kV transmission line from the north delivers most of the electricity to homes and businesses in the Tri-Lakes Region. If service is interrupted on the Malone-Lake Colby transmission line or the subtransmission and distribution lines it feeds, an area-wide outage and/or rolling black/brown-out results.

Peak demand for electricity on the transmission and subtransmission systems in the Tri-Lakes Region occurs in the winter months, during severely cold weather, when outages can cause the loss of heat, light and water in residences, schools and businesses. These events can create significant concerns for public health and safety. In particular, Tupper Lake has been the location of many of the problems with the system. The Electric Superintendent of Tupper Lake has logged a total of 67 outages of electricity in the village since November of 1988, totaling over 350 hours (Bouck, 2004). Between January 1, 2000 and April 30, 2005, the Village of Tupper Lake experienced seven momentary outages (outages lasting less than 5 minutes) and five outages of longer duration that lasted a combined total of just over 20 hours.

Residential consumers are the dominant customer type for both Lake Placid and Tupper Lake, accounting for 45 percent and 61 percent, respectively, of annual electric sales. Sales to commercial customers, including hospitality facilities, account for 34 percent of Lake Placid's 2004 annual sales, while government and institutional customers, including the Olympic Redevelopment Authority, account for 20 percent of sales. Tupper Lake's commercial customers account for 7 percent of its annual sales, with industrial customers using an additional 26 percent.

Within the residential sector, space heating energy use accounts for approximately 61 percent of a typical household's annual energy use, followed by water heating (17 percent), and lighting and appliances (20 percent). Lake Placid utility managers estimate that the electric heat penetration is approximately 65 percent.

In addition to the public health and safety issues, the lack of reliable electricity also has significant repercussions on area businesses. Local businesses can incur large financial losses when outages and voltage problems, of even short durations, can shut down basic business, computer and communication systems and can have devastating financial consequences. For example, Jardin Plastics Solutions, a plastic extrusion facility located in Tupper Lake, estimates that outages cost the company about \$1,500 per hour in lost sales and about \$250 per hour in lost wages (the company employs an average of about 100 people in a three-shift per day operation). After about three hours of outage, employees are sent home without pay. After a one-hour outage, it takes the company three hours to restart production. Thus, the loss for a one-hour outage is really equivalent to about four hours of lost production. Similarly, Tupper Lake Hardwood, a sawmill also located in Tupper Lake, estimates losses of sales and wages in the

order of \$850 per hour for each loss, with an additional one hour loss of production due to restart time requirements.

In 1974, power demand at Lake Placid and Tupper Lake was 4.4 megawatts (MW) and 4.6 MW, respectively, and the system was served by 46 kV facilities. Today, power demand in Lake Placid and Tupper Lake is 50 MW and 24 MW, respectively, and over the same period of time, population has grown 10 to 15 percent. Using industry forecasting methods, its own customer forecasts and NYPA customer forecasts, Niagara Mohawk estimates the Project will provide reliable service for about 25 to 30 years.¹

Load growth in the Villages of Lake Placid and Tupper Lake is projected to increase by about 9 percent and 27 percent, respectively, between 2004 and 2014 (Brown, 2005). Additions to load in Tupper Lake (Bouck, 2004) include the Natural History Museum estimated at 750 kilowatts (kW) for winter peak, together potential additions, pending local review such as the Adirondack Club and Resort estimated at 2,900 kW, and the Wood Product Industrial Park estimated at 300 kW, which would create an estimated additional demand for about 4.0 MW of electricity. Without the addition of the proposed 46 kV line to support the existing 46 kV system, the estimated growth is likely to create an untenable situation with additional outages and frequent rolling black/brownouts. Table 1 summarizes actual and projected winter load forecast for the Tri-Lakes Region. The completion of the Project will increase reliability by insuring Tupper Lake will be served by two lines.

Table 1: Winter Non-coincident Load Forecast/Actual (MW)								
	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
Tupper Lake²	20.09	24.88	24.82	26.20	26.75	27.66	28.07	28.49
Lake Placid³	34.68	46.66	50.00	50.50	50.50	51.00	51.00	52.00
Niagara Mohawk⁴	48.47	56.09	57.00	57.99	58.86	59.82	60.79	61.77
Total	103.24	127.56	131.82	134.63	136.11	138.47	139.86	142.26

Conversations with the director of the Lake Placid Chamber of Commerce indicate that Lake Placid has seen an increase of approximately 210 hotel rooms in the past five years, which includes the completion of the White Face Lodge. Approximately 90 to 95 rooms will be added when the Marriott Courtyard opens in 2006. Many smaller motels and motor lodges have been transformed and upgraded, but overall the growth in the area has been in the form of second homes and condominiums, which the Chamber does not track. In addition to the growth of tourist housing, the Governor has called for the remodeling of the Conference Center in Lake Placid which could further increase tourist visitation to the area (Governor Pataki News Release, November 24, 2004).

It is estimated that well over \$2.0 million has been spent on proactive conservation and demand side management programs that have been implemented by the municipal electric systems in the Villages of Tupper Lake and Lake Placid over the past 20 years to reduce demand and thus relieve system constraints. Other energy conservation and demand-side measures have been implemented in the Tri-

¹ Assumes there are no new large electric users which could shorten the forecast, or other future improvements to the electric system (i.e., use of more local generation, load transfers, demand side management, etc.) which could lengthen the forecast.

² Tupper Lake load data supplied by Niagara Mohawk in the March 14, 2003 forecast.

³ Lake Placid load data supplied by Lake Placid on July 11, 2003.

⁴ Niagara Mohawk load is Malone network, Lake Colby, and Ray Brook loads. Niagara Mohawk load forecast at area 10-year historical rate of 1.162 percent from 1993-2002 winter peak loads, beginning with the 2002 peak load. Non-coincident peak (1,000 volt amps) loads were converted to MW utilizing a 98 percent power factor.

Lakes Region and surrounding communities, including demand-side management programs for large industrial users served by Niagara Mohawk. Representative programs are described in Table 2. Recent, more extensive measures include a permanent moratorium on the installation of new electric boilers in Lake Placid which began in September 2003 and a five-year moratorium on the installation of electric heat in new homes in Tupper Lake which started in December 2004. Helping to reduce the potential for outages are: voltage reductions and rolling black/brown-outs during periods of peak demand; installation of temporary local generation and voltage enhancing equipment, a system of public appeals to residents and businesses from the local electric utilities; and the Villages of Tupper Lake and Lake Placid requesting reduced use is instituted when the forecast calls for extremely cold temperatures. In addition to energy conservation programs, Niagara Mohawk has also conducted a number of studies and develops regular (monthly during peak demand periods) plans for load shedding and peak shaving as part of its overall load management planning.

Table 2: Demand-Side Management and Alternative Power Source Initiatives Implemented in the Villages of Tupper Lake and Lake Placid, NY	
Action	When implemented
Village of Tupper Lake	
NYPA's WattBuster program for residential customers – had a 37% participation rate with a load reduction in excess of one megawatt	Late 1980s and early 1990s
Small Cities Rehabilitation Program – over 300 residential housing units rehabilitated in Tupper Lake with energy conservation components	1975 through present
Replacement of street lighting with high efficiency fixtures for electricity savings of at least 50%	1988-1992
Creation of a time-of-day rate for industrial class customers	
Installation of standby / distributed generation for specific municipal facilities and medical facilities In Tupper Lake	
Village of Lake Placid	
Load Management System on hot water heaters	1979
WattBuster Program to insulate older homes	1985
Installation of Supervisory Control and Data Acquisition (SCADA) System to reduce voltage 5% at peak times	1996
Independent Energy Efficiency Program for lighting programs for municipal buildings, schools, and street lighting upgrades	2000
Purchase of an Infra-red Scanner to detect loose connections in the system to reduce system losses.	2001

From 1989 through 1994, Niagara Mohawk offered its customers an extensive Demand-Side Management program. The program, offered to residential, commercial and industrial customers, covered a wide range of technologies and rebate offerings. Niagara Mohawk expended between \$30-\$50 million annually on rebates and programs to increase customer efficiency. A partial listing of program offerings included energy audits, lighting, high efficiency motors, variable speed drives, refrigerator round-up, water heating wraps, custom measures, HVAC, farm efficiency and load management. A significant reduction in MW-hours resulted from the programs, with significant participation from all customer classes. Niagara Mohawk continues to offer its Demand-Side Management program to its industrial customers.

During the past few winters, the combination of public appeals and the temporary addition of diesel generators, changes to the configuration of the electric system, and new equipment to help boost voltage levels have helped to maximize the capability of the local electric system during periods of extreme cold and have helped reduce the need for rolling black/brown-outs. However, these temporary measures provide only interim relief and are inadequate to meet the Region's electric needs over the longer term.

More specifically, these temporary measures implemented to prevent outages and/or significant voltage decline during winter months, include transfer of load to New York State Electric & Gas (NYSEG), and the installation and operation of diesel generators at the Tupper Lake Substation and at Ray Brook/Federal detention centers. Under extreme winter loading conditions, Niagara Mohawk and the municipal utilities (Lake Placid and Tupper Lake) may institute load shedding and rotating outages to prevent loss of power to the Region. Even with the new 46 kV line in place, energy conservation will still be an important factor in meeting future load requirements, and there may be situations where load shedding is still necessary.

1.4 Environmental Impacts During Construction of the Project and Mitigation Measures

The Tri-Lakes 46 kV line consists of a 26.8 mile 75-foot-wide electric transmission ROW along the Preferred Route from Stark Falls to Piercefield. NYPA and its consultants developed and analyzed numerous alternative routing scenarios prior to selecting the proposed Preferred Route. The Preferred Route will minimize ROW acquisition, the length of the transmission line, and visual impacts. It also will avoid or minimize adverse impacts to sensitive environmental areas.

1.4.1 Geology/Soils/Topography

The proposed Project runs through the Adirondack Physiographic Province of New York State. Geologically, the area is a southern extension of the Canadian Shield. The mountains consist primarily of metamorphic rocks, mainly gneiss, surrounding a central core of intrusive igneous rocks, most notably anorthosite, in the high peaks region. The identified mining locations in the immediate area of the Project consist of two active and three reclaimed sand and gravel mines. The primary exploitable mineral resources for the mines are sand and gravel. The Project will have no effect on mineral resources or mining operations within the Region.

The Project Area does not contain geologic hazards that would affect project construction activities. As a result, construction of the 46 kV line and substations is not anticipated to affect or be affected by area geology.

Soil series associated with uplands are Adams, Naumburg, Colton, Berkshire, Potsdam, Becket, Crary, Tunbridge, Lyman, Lyme and Skerry, while the Dawson, Loxley, Adirondack, Pillsbury, and Fluvauquents series are associated with wetter areas and are typically found in the lower landscape positions such as drainage ways and floodplains. Topography varies from a high elevation of approximately 1,820 feet above sea level to less than 1,300 feet above sea level. Slopes generally range from 5 to 20 percent; however, the majority of slopes are within the lower range.

There will be areas of the Project that traverse soils that are moderately to highly erodible. The Tunbridge and Lyman soil series have only a slight erosion hazard on slopes less than 15 percent; however, about one mile due east of Sevey Corners, where slopes are greater than 15 percent, they are moderately to severely erodible. Other soil series, in areas with slopes of greater than 15 percent, may be moderately erodible. Soil erosion mitigation measures will be employed as specified by an EWP. Some of the measures identified in the EWP include minimizing exposure of soil, use of erosion control fabrics, rolled erosion control mats, and limiting clearing near water and wetland resources.

1.4.2 Groundwater

Impact on groundwater during construction of the Project will be minimized through implementation of a spill-prevention plan, management, and reporting as covered in the EWP. Herbicides will be used in the

ROW outside of the 100-foot wetland and water resources buffer, therefore eliminating the potential for groundwater contamination.

1.4.3 Surface Water

Impact on surface waters during construction of the Project will be minimized through implementation of a spill-prevention plan, management, and reporting plan as covered in the EWP. Herbicides will be used in the ROW outside of the 100-foot wetland and water resources buffer in accordance with label restrictions and applicable guidance as found in the Niagara Mohawk Transmission Right-of-Way Management Program, November 2003, therefore eliminating the potential for surface water contamination.

1.4.4 Agricultural Resources

No active agricultural fields will be traversed by the proposed Project and therefore no impacts to agricultural resources are anticipated during the construction of the Project.

1.4.5 Air Quality

A short-term degradation of local air quality may occur during project construction from vehicle emissions and construction activities. Impacts associated with vehicle emissions during construction of the Project are expected to be short term, thus resulting in minimal impact on ambient air quality and visibility. Heavy equipment and vehicles used during construction and maintenance activities will be equipped with mufflers and maintained in good working condition to minimize these emissions. All construction activities will be conducted in accordance with state and local requirements.

Construction activities will primarily consist of grading, earth moving, vehicle movement along unpaved roads, hole digging, and tree and brush removal. These activities may temporarily increase fugitive dust emissions. Best Management Practices (BMPs), including watering roads, will be used during construction to control fugitive/dust emissions.

1.4.6 Terrestrial/Aquatic Ecology

The Project will involve clearing of vegetation in both upland and wetland areas, construction of work trails, and minor grading of the ROW. To reduce impacts to the forest ecosystem, clearing has been minimized and the selected route maximizes the use of the existing road ROW which has already been cleared.

The 75-foot ROW is the minimum ROW required to provide adequate separation between the conductors (wires) and vegetation or forest. The Project will utilize the existing network of paved and wood trails for access and 16.2 miles of ROW is adjacent to state or local roads. Low growing vegetation and selected shrub and sapling species will be allowed to grow within the 75-foot ROW, providing edge type habitat for upland and wetland wildlife species.

A total of 0.18 acres of wetlands will be filled to construct permanent access along that portion of the Project due north of the Raquette Boreal State Forest Preserve. To minimize fill, geofabric, geogrids, and cellular confinement materials will be used to reduce the footprint of the fill. Cross culverts will be installed to preserve flow through the fill. The bottom width of fill will be limited to 16 feet and the travel course will be 12 feet which limits the volume and area of fill.

Mitigation for the wetland fill will occur at the Tupper Lake substation which is part of the Niagara Mohawk SVC project. The goal of the proposed mitigation is to create 0.94 acres of a combination of palustrine scrub/shrub and emergent wetlands in two locations. This would be used as compensatory

mitigation to offset the impacts of construction of the SVC (0.27 acres of impact) and the 0.18 acres of wetland impact along the 46 kV line at a replacement ratio of approximately 2:1 within the same major watershed. NYPA and Niagara Mohawk are committed to providing 0.94 acres of mitigation for these two projects. Additionally, the applicant will continue to explore removing roadfill on the north side of Sevey Bog as another mitigation measure to offset wetlands impacts.

To prevent damage to fish and aquatic life habitat, construction practices that minimize the potential for soil erosion will be implemented as described in the EWP for the areas that will require ground disturbance.

Use of herbicides in accordance with label restrictions and Best Management Practices (BMPs) as described in Niagara Mohawk’s Transmission Right-of-Way Management Program, November 2003, and outside of the 100 buffer zone of wetlands and watercourses, are found to be beneficial and will have a limited species impact. Applications of herbicides outside of the wetland buffer zones included in any permit must be completed to meet the reliability objectives of this Project.

A complete review of the rare, threatened, and endangered species that could exist in or near the ROW based on the New York State Natural Heritage Program files and field observations was included in the DEIS.

The Spruce Grouse has historically been known to utilize the lowland forest and black spruce wetlands in the Project Area. In these locations, to protect individuals of this species, construction will be suspended during the nesting season when birds are most vulnerable. These zones are identified on the EWP maps.

1.4.7 Transportation

Short-term delays and lane closures will be experienced during the construction phase of the Project. To mitigate traffic impacts, some of the construction work has been scheduled to avoid traffic during the summer months when seasonal visitation to the Adirondack Park is highest. Notification of any anticipated lane closures will be posted and provided to local media outlets for distribution prior to construction of that section of ROW. Lane closures will be short, and normal traffic controls seen at construction projects such as flag personnel to direct and control traffic, will be present.

1.4.8 Land Use

The entirety of the Project is located within the Adirondack Park. Table 3 lists APA Act classifications of land crossed by the Project ROW, and miles of the ROW in each classification.

Table 3: Miles of 46 kV Line per APA Classifications							
	Hamlet	Moderate Intensity	Low Intensity	Rural Use	Resource Management	Industrial	Wild Forest
Preferred Route	0.7	2.3	0.5	12.7	10.6	0	0

Construction of the substations and the 46 kV line will not have any disruption of the land uses therefore, no mitigation is proposed.

Public utilities are considered a primary use in Hamlet and Industrial land use areas and are considered compatible with the character of those land use classifications. As a secondary compatible use identified in the APA Act, the proposed Tri-Lakes Reliability Project is an allowed use in areas classified as Moderate Intensity, Low Intensity, Rural Use, and Resource Management. The Preferred Route is located

adjacent to roadways for about 15.6 miles, and will require about 11.2 miles of clearing for new ROW and reconstruction of the offset.

The Preferred Route has been selected because more of the ROW is adjacent to the road corridor, less new ROW has to be cut, fewer off ROW work trails will need to be utilized, and there are significantly less permanent wetland impacts as a result of fills for the ROW/worktrails. Also, using the existing corridor reduces the impact to adjoining land uses and consolidates development into a currently developed corridor.

The Preferred Route was not found to have an impact on local zoning, therefore no mitigative measures are necessary.

The Tri-Lakes Reliability Project will not pass through New York State Forest Preserve lands, therefore no mitigative measures are necessary.

1.4.9 Visual Resources

Visual impact is assessed in terms of the anticipated change in visual resources, including whether there will be a change to the visual character or quality of significant scenic and aesthetic resources.

No significant adverse visual impacts have been identified for the Project's construction phase. The construction project will be temporary in nature, and will be visually similar to local logging operations and routine maintenance and ROW clearing of existing lines. No slash or brush will remain in the roadside ROW. All material will be chipped and dispersed into adjacent forest or hauled offsite to approved disposal areas.

Selected trees along State Route 3 in Childwold will have to be removed to accommodate the project line. This will result in a visual impact to property owners that will have trees removed. Property owners will be justly compensated for the loss of trees.

Mitigation of potential visual impacts during construction includes consolidating the 46 kV line and the local distribution line by overbuilding. In segments of the state road corridor that do not currently host powerlines, the 46 kV line will be offset approximately 200 feet to reduce or eliminate visibility. Along a short segment of State Route 3, the existing distribution lines are already offset. New road crossings have been kept to a minimum. Forest Preserve lands have been avoided. The poles proposed for the Project are wood and are approximately the same height as the surrounding forest, so that they will blend in with the landscape.

1.4.10 Historic and Archaeological Resources

The OPRHP letter of February 9, 2006 identified the need to proceed with the next level of decision making at the APA prior to the execution of a detailed Phase IB study. This letter qualifies as good cause to advance agency decision making in that it states APA will have met its statutory obligation under Section 14.09 of the New York State Historic Preservation Act of 1980 by proceeding to make its land use decision on whether the Preferred Route is approvable, provided APA's decision document clearly specifies that no ground disturbing activities can occur unless or until a finding of "no impact" is made by OPHRP following its review of the IB Report.

Project construction techniques may involve ground-disturbing activities that have the potential to affect prehistoric or historic significant archeological resources. NYPA met with the OPRHP in August 2005 to discuss the Project. NYPA's Phase IA background research and surface survey of the Project area resulted in the identification of a number of historic period archeological surface sites. NYPA will

undertake Phase IB subsurface testing at historic sites identified during Phase IA investigations to address the potential impact of the Project to these localities. Additionally, NYPA will perform Phase IB field investigations in undisturbed areas of the Project to determine the presence of subsurface archaeological sites within the Area of Potential Effects (APE). If Phase IB investigations reveal the presence of cultural resources that are potentially eligible for inclusion on the State or National Registers of Historic Places and if these properties cannot be avoided by the Project, then NYPA will perform Phase II investigations to determine if the resources qualify as historic properties. Mitigation for qualifying properties will be developed in consultation with OPRHP and in accordance with accepted protocols.

The Adirondack Forest Preserve is a National Historic Landmark (NHL). Since there will be no direct physical impacts to the NHL given that the Project is not proposed within its boundaries, effects to the NHL may take the form of viewshed impacts. NYPA performed an architectural historical survey within the Project's Area of Potential Effects (APE) for architecture to inventory structures that may be style-dated as 50 years old or older. NYPA analyzed potential viewshed impacts to the NHL and to inventoried structures recommended as potentially eligible to the State and National Registers. NYPA determined that given the rural character and generally forested environment of much of the Project Area and the viewshed associated with the inventoried architectural resources, the NHL would not be adversely affected by construction of the Project.

1.4.11 Noise

Noise impacts during construction will be present as a result of construction equipment, and will be minimized to the greatest extent practicable. All construction equipment will be equipped with properly operating noise muffling devices and operated in accordance with equipment manufacturer's instructions. Construction equipment noise impacts will be minimized by limiting the hours of construction to daylight hours and avoiding, to the extent possible, construction on weekends and holidays.

The nearest residences to the Stark Falls substation are approximately 850 feet away and are in a forested area. Therefore, it is not anticipated that the noise from construction of the substation will affect these residents. The construction of the Piercefield regulator station will affect the residents of Piercefield along Main Street and adjacent residential streets. The selected site is adjacent to or near utility structures at the hydroelectric plant and historically was an industrial area. Clearing, grading and preparation of the pad site will take approximately one month and this will constitute the greatest amount of noise. The utility work at the regulator station will take approximately two months and will not result in significant noise.

The largest number of heavy equipment will be mobilized during the ROW preparation phase of the Project. This will include use of normal tree harvesting equipment including trucks, skidders, tree shears, and whole tree chippers. As clearing crews proceed along the ROW, peak noise impacts are not expected to last more than a few hours in one location. The land clearing operations are similar to the everyday logging activity that occurs in the Region.

1.5 Environmental Impacts During Operation of the Project and Mitigation Measures

1.5.1 Geology/Soils/Topography

The Preferred Route does not contain geologic features that would adversely affect Project operation or reliability. Although earthquakes have occurred in the Project Area, they have not been and are not predicted to be of an intensity that would affect Project facilities.

Once operational, the only activity that will occur on the ROW and work trails will be emergency repairs to the 46 kV line and regular vegetation maintenance (mowing, tree and brush clearing, etc.), neither of which are soil disturbing activities.

1.5.2 Groundwater

Impact on groundwater during operation of the Project will be minimized through implementation of a spill prevention plan, management, and reporting as covered in the EWP. Herbicides will be used in the ROW in accordance with the labels and authorized by any future permit, eliminating the potential for groundwater contamination.

1.5.3 Surface Water

Impact on surface waters during operation of the Project will be minimized through implementation of a spill prevention plan, management, and reporting as covered in the EWP. Minor work trail repairs will occur on an as needed basis in the cross country portion of the ROW. Herbicides will be used in the ROW in accordance with label restrictions and applicable guidance as found in the Niagara Mohawk ROW Management Plan, November 2003. This document includes the PSC Order Clause 276057 (7/20/88) that provides for wetland buffers of less than 100 feet. These should be the buffer zones for operational use of herbicides to meet the reliability objectives of this Project and will require separate future authorization by the APA.

1.5.4 Agricultural Resources

No active agricultural fields were identified, therefore no impacts to agricultural resources are anticipated during the operation of the Project.

1.5.5 Air Quality

During operation, transmission lines emit very small amounts of ozone and nitrogen oxides. However, the amount emitted by the 46 kV line will be too small to measure, and will have no adverse effect on human health or the environment.

The Project will increase the reliability of the electric system in the Region through improvements to capacity and delivery of electricity. These system improvements will result in air quality improvements as well, since it will offset the need to boost power levels by operation of small local power generation sources. These small power sources primarily consist of diesel generators and are relatively high pollutant emission sources. The Project will result in reduced operation of these units and thereby benefit air quality in the Region.

1.5.6 Terrestrial/Aquatic Ecology

Operation of the 46 kV line will involve maintenance of ROW vegetation by mechanical or herbicide treatment on a five-year cycle. The introduction of forest edge habitat and mixed shrub community may have minor wildlife benefits such as increasing forage plant species. Impacts to terrestrial and aquatic ecology will be insignificant during operation, therefore no mitigation measures are required. Niagara Mohawk will actively control invasive nuisance species of phragmites and Japanese knotweed on the ROW.

1.5.7 Transportation

Operation and maintenance of the Project will have little effect on area transportation systems. It will generate minimal traffic, introducing new vehicles in the area during routine maintenance activities as workers use the local road network to access the ROW. In the event of emergency maintenance activities

that might occur during an outage event, additional repair and maintenance vehicles would be using the local road network. This would occur infrequently and have little effect on the local traffic.

Impacts to transportation will be insignificant during operation, therefore no mitigation measures are required.

1.5.8 Land Use

The operation of the Tri-Lakes Reliability Project will not affect local land use in the towns in which the line is placed. The line will not be extended to new customers along the 46 kV line, therefore no significant impact on land use is expected from the operation of the line, and therefore no mitigative measures are required.

Operation of the Project will not have a direct impact on the New York State Forest Preserve. No significant impact is expected from operation of the Project, therefore no mitigation measures are required.

A major public utility is a secondary compatible use in Rural and Resource Management lands. As a secondary compatible use, a major public utility can be permitted to be constructed in those areas when it is determined, due to the nature and intensity of the use, that it does not affect the resources of the Park. The resources of the Park are all lands, land uses, and activities that take place within the boundary of the Park and, that, by their variety and interrelationships make the Park unique. To be compatible, the impacts of the Preferred Route cannot be widely visible or make a significant change in the visual setting that would impact the open space character or change the intensity of land use.

To accomplish this, the Project follows existing highway and road corridors where there are existing overhead utilities, combines existing utilities with proposed facilities where possible, and uses to the fullest extent practicable, existing cleared utility ROW. The Project also quickly transitions from the State Route 56 corridor to a cross-country ROW around the Boreal State Forest Preserve, crossing gently rolling, and primarily upland areas along a nearly complete network of existing woodland roads. Here there will be no long distance views of the ROW from State Route 56 nor will there be lengthy durations of views where the ROW leaves and reenters the State Route 56 corridor.

Construction along that portion of the Project around the Raquette Boreal State Forest Preserve will use a network of existing trails for access, will take maximum advantage of currently logged over areas, and will reuse existing crossings of water resources. Any potential changes to the open space character of this portion of the Project have been minimized by taking the fullest advantage of existing roads and trails and logging activities along this segment. The open space atmosphere of the Rural Use and Resource Management areas of the remaining portion of the Project has been protected through the use of 16.2 miles of previously developed highway or road corridor. The development of a wider ROW that involves pushing the tree line back from the roadway does not change the transition from developed to undeveloped land. The transition from undeveloped land to developed properties is an important component of open space, showing the change in environmental condition. The new tree line will remain a definitive beginning of the undeveloped land and will not alter the overall context of it in relation to the road corridor.

According to the Adirondack Park Agency's "Development in the Adirondack Park, Objectives and Guidelines for Planning and Review", (1977, updated 1991), Section I, "Resources – Open Space" A.9., "proposed roads and utility corridors should follow existing topographic contours and avoid perpendicular crossings of contour lines." In general, where the proposed transmission ROW will be

built, the route doesn't run perpendicular to existing topographic contours. In this way, the proposed project is in compliance with the APA's Development Guidelines.

Offset locations will not be visible from the ground, except for the potential visibility where they enter a forested location. Generally, an offset utility ROW would only have any substantial potential visibility from the air.

Although a new cut is being made through the forest, visibility of the proposed corridor is reduced by the existing topography and vegetation. This is supported by the results of visual surveys from nearby high points and fire towers that were thought to have potential visibility of the proposed corridor location. The result of that fieldwork was the conclusion that existing topography and dense vegetation blocks any potential views of the proposed line and ROW. From a regional vista perspective, the proposed transmission ROW will not change the vista and will not change the open space character of the region.

1.5.9 Visual Resources

Visual impact is assessed in terms of the anticipated change in visual resources, including whether there will be a change to the visual character or quality of significant scenic and aesthetic resources.

The general character of the Project Area, with gently rolling hills and medium to dense forest cover, prevents the opportunity for long, open vistas. No potential views of the Project were identified from peaks, trails, or lookouts.

Of the 26.8 mile length of the Project, 5.6 miles are cross-country, with little or no opportunity for the general public to view the proposed facilities. Segments of the cross-country route may be visible to recreational users, such as hikers, hunters, and snowmobilers, depending on their location and direction of travel. A 0.8-mile segment of this line will be offset from the road by approximately 200 feet, resulting in minimal visual impact. There are five locations where the line will diverge from the State Routes 56 and 3 and create open views down the ROW. Retaining or preserving existing vegetation where possible can reduce this effect. There are two locations where a new overhead road crossing will be necessary. The remainder of the line is a roadside overbuild of 15.6 miles. The visual impact of replacing existing structures with overbuild structures and increasing corridors widths will be perceived as insignificant.

Routine operation and maintenance of the Project will result in very little visual impact. Maintenance and repair to poles and lines, along with vegetative clearance in the ROWs, will be visually the same as routine maintenance and repairs on existing lines.

The Stark Falls substation will be partially screened by maintaining an approximate 30-foot wide area of natural vegetation between the substation and Raquette River Road. The Piercefield regulator station will be screened by an approximate 100-foot-wide area of natural vegetation between the station and residences along Main Street.

1.5.10 Historical and Archaeological Resources

It is anticipated that operation impacts to archeological cultural resources will be minimal. No new ground disturbance is expected to occur as a result of the operation of the proposed Project. However, if new ground disturbance becomes necessary as a result of project operation, and if this will take place in an area of the Project not previously surveyed, then it may be necessary for Niagara Mohawk to consult with the OPRHP, APA and NYSDEC about the potential of the area to contain archeological resources that may meet the criteria for eligibility to the SRHP and/or the NRHP. If ground-disturbing activities take place and if they result in the exposure of unanticipated human remains or potentially significant archeological resources, work will temporarily stop in the immediate vicinity of the discovery. Niagara

Mohawk will consult with OPRHP, NYSDEC and the APA to determine the appropriate steps to take to evaluate the discovery and to develop an appropriate mitigation. Once the mitigation (which may involve professional archeological data recovery or another alternative mitigation) has been implemented, the project operation activities may resume following written confirmation from the OPRHP, DEC, and the APA that the mitigation measures were satisfactorily implemented.

Operation impacts on architectural resources are also anticipated to be minimal. It is highly unlikely that there will be additional viewshed impacts as a result of project operation. There are also no direct impacts to SRHP- and NRHP-eligible or listed standing structures or to the NHL expected due to project operation.

1.5.11 Noise

No audible noise impacts are associated with the operation of the 46 kV line.

The proposed Stark Falls Substation will include the installation of one 50/40/30 MVA, 115/46 kV transformer. Noise will approximate or be lower than background levels at 35 dBA, less than 300 feet from the substation. Although the noise levels are low, there are oftentimes prominent discrete tones that create a prominent “hum” attributed to operation of transformers depending on electrical load and atmospheric conditions. In the case of the Stark Falls Substation, there are no adjacent sensitive receptors. At the Piercefield substation, specific analyses of the equipment will be conducted and sound absorption mitigation measures will be assessed due to the proximity of sensitive noise receptors.

There will be no continuous noise impacts above ambient sound levels as a result of the completed Project. None of the operations, including transmission line maintenance, will result in long-term noise impacts.

1.6 Cumulative Impacts

Cumulative impacts on land use may result from the increase in reliable electric power in the Tri-Lakes Region. Deployment of the Project may increase the development potential at the existing Hamlet areas. Improvement of the existing electrical infrastructure could alleviate a significant impediment to industry, commerce and residential development in the region. While possible, such growth is likely to occur incrementally. Other factors exist which affect growth in the region, such as remoteness and rural quality, will continue to affect potential growth. The introduction of more reliable energy will assist existing homes and businesses, but is not expected to be a stimulus for new growth.

From a cumulative perspective, it is unlikely that the Project will have any cumulative effect on the demand for new year-round housing in the vicinity of the ROW. The Project is anticipated to provide indirect cumulative benefits to regional businesses and the tourist industry. Within the Villages of Tupper Lake and Lake Placid, the Project is expected to benefit area businesses by reducing the number and duration of outages, thereby reducing potential losses associated with the work shutdowns and unproductive time that outages cost (see Sections 1.1.2 and 5.13 of the DEIS for a discussion of the impacts of outages on area businesses and the benefits from Project operation). The savings to businesses that result from the reduction in losses from outages should increase profits and potentially enable expansion, if desired.

The Project should also benefit the tourist industry that comprises much of the existing economic base in the Tri-Lakes Region and is the focus for future economic development. Many of the facilities proposed for construction in the area (see Section 3.14 of the DEIS) will be developed regardless of whether or not the Project is constructed. Without the Project, however, outages resulting from insufficient capacity of the existing electric system would likely become more frequent as new facilities are connected to local

distribution lines. As a result, the proposed 46 kV line will be an essential element in supporting planned growth and desired regional economic expansion and will help to ensure the cumulative success of regional economic development efforts.

1.7 Alternatives Analysis

Several alternatives to the proposed action were considered and discarded as not acceptable, including no action, system, routing, structure, underground/underwater and generation alternatives. These are discussed in detail in the DEIS and are summarized below.

1.7.1 No Action Alternate

Under the no action alternate, the proposed Project would not be constructed and the reliability that it would provide and the power delivered by it would not be available to the region. Given that the existing electric delivery system is already at its limit for capacity, any new development in the two villages of Lake Placid and Tupper Lake and the accompanying increase in demand for power is likely to increase the frequency and duration of outages and would increase requests for curtailment of electric use. The consequences of these outages and curtailments would translate into increased hardship, health and safety concerns for area residents and visitors, frequent interruptions to education through lost days of school, and financial losses to area businesses.

Given the critical nature of the reliability issue in the Tri-Lakes Region and the fact that reasonable short-term solutions to address this issue have been exhausted, the no action alternate is not acceptable.

1.7.2 Alternative Tap Points

The Project is being built to remediate the primary deficiency in the existing transmission network which is the radial design. Tupper Lake is supplied by a single 46 kV circuit from the east while the entire Tri-Lakes Region is served from the north via a single 115 kV circuit supplied from the Malone Substation.

The idea of an alternate system connection further to the east does not remediate the problem for Tupper Lake and the western communities because, although it is a different supply than the Malone Substation, the single 46 kV circuit from Lake Colby does not change. Additionally, a new second 46 kV supply from the west removes the radial transmission limitations to Tupper Lake.

1.7.3 Alternate Routes

After initial investigation of three pre-feasibility routes (Browns Falls, Stark and Newton Falls Alternates), no further consideration was given to the Browns Falls Alternate. In comparison to the other two alternates, it offered no advantages. It is 10 miles longer than the Newton Falls alternate, traverses similar terrain and ecologically sensitive areas, and would bear a commensurate increase in environmental impacts. In addition, no viable routing alternates could be identified for the Browns Falls Alternate around State Forest Preserve lands.

In addition to investigation of pre-feasibility routes, sub-alternate routes were investigated to avoid sensitive environmental or engineering constraints. A series of sub-alternate routes was identified for the Preferred and Alternate Routes and are discussed in detail in the Alternate Routing Study Report in Appendix A of the DEIS. These locations were studied in detail to determine which of several sub-alternate routes were more acceptable based on an analysis of several factors including length, engineering design, wetlands and cultural resources, visual resources, vegetation and public comment.

1.7.4 Alternative Support Structures

Steel pole structures with concrete caisson foundations were considered, but were eliminated from further consideration, because of cost, complexity of construction, access requirements, and the lack of need for this type of structure.

1.7.5 Underground/Underwater Options

Placing the proposed 46 kV facility underground would result in considerably greater ground disturbance resulting from trenching excavations (including rock excavation) and would have the potential to increase impacts to wetlands primarily because spanning would no longer be an option in terms of avoiding resource areas. Additionally, several rivers and streams would require either boring under the watercourse or trenching. Although there would be significant environmental impacts associated with underground and required underwater crossing, it is likely that many of those impacts could be managed and mitigated such that acceptable levels of impact are achieved.

The major factor that influenced the decision not to propose an underground alternate is cost. Associated costs are in the order of 11 times the estimated proposed overhead facilities costs. Underground alternate costs are estimated at just over \$100 million versus \$8.9 million for the overhead proposal. Based on the overriding cost differences between overhead and underground/underwater options, an underground/underwater alternate was dropped from further consideration.

1.7.6 Generation Alternatives

In addition to reviewing options for delivering electricity to the area, several alternatives that would add generation in the Tupper Lake area were studied including a wood-burning generator, peak shaving diesel generation, fuel cell technology and the addition of multiple 120 kW generators.

A new oil or gas generating facility was discarded as an option early in the planning process since getting an adequate fuel supply to the Project Area would be problematic. There are no gas pipelines in the region, and oil would have to be trucked and stored in on-site facilities. Fuel cell technology was considered impractical due to cost considerations and the 120 kW generators would require multiple sites to meet the needs of the area, which raised control and interconnection issues. A wood-burning generator would also be costly and would require changes to existing power purchase agreements. Peak shaving diesel generation would require bulk fuel storage and would have to be remotely started by Tupper Lake personnel upon dispatch by NYPA based on real time reading of Tupper Lakes' peak demand. Overall the review of generation alternatives concluded that the addition of new generation in the Tupper Lake area would be too costly and/or too difficult to site and permit.

**SECTION 2
REVISIONS / SUPPLEMENT TO DEIS**

2.0 REVISIONS/SUPPLEMENT TO THE DEIS

The following paragraphs from the DEIS have been changed or modified (with changes in **bold**) to incorporate new or revised information:

Volume I

Executive Summary. Page ES-1, 5th paragraph, replace 1st and 2nd sentence with:

The proposed 46 kV line along the Preferred Route will be approximately 26.8 miles long. Project facilities include 15.6 miles of overbuild, carrying both existing electric distribution lines (less than 15 kV) and the new 46 kV line, located along existing distribution corridor and new 46 kV facilities within about 11.2 miles of new rights-of-way (ROW). The Preferred Route begins in Parishville, NY, at the proposed 115/46 kV Stark Falls Substation which will be constructed for this Project and will interconnect with the existing 115 kV system. The Preferred Route connects to a new regulator station near the existing Piercefield Substation where the line ends. The Alternate Route begins in Clifton, NY at a new 115/46 kV Newton Falls Substation and also ends at the Piercefield Substation. Wood pole structures will carry the facilities. Section 1.1.5 describes the proposed project facilities and ROW configurations.

Section 1.1.1, Page 1-1, 3rd paragraph, replace 2nd and 3rd sentence with:

The proposed Project consists of a combination of existing electric distribution lines and new 46 kV line sharing wood pole structures and ROW in some locations and only new 46 kV lines on wood poles within new ROW in others. **The Preferred Route is approximately 26.8 miles long and begins in the Town of Parishville, NY, at a new 115/46 kV substation that interconnects with the existing 115 kV system, and ends in Piercefield at the existing Piercefield Substation (new regulator station). The Alternate Route is approximately 28.2 miles long and begins in Clifton, NY at a new 115/46 kV Newton Falls Substation and also ends at the Piercefield Substation.**

Section 1.1.3, Page 1-7, 4th paragraph, remove **Use** from the 4th sentence:

Land development is regulated on both public and private land. Private land development is controlled by the Adirondack Park Agency (APA) Act. Section 814 of the Act also provides for limited review of State agency projects on state or private land. Overall, APA land use classification and review is based on the natural resource capability to sustain development without significant adverse environmental impacts. The state land is also controlled by the **Adirondack Park State Land Master Plan (SLMP)** and the unit planning process is initiated by NYSDEC in consultation with the APA. Section 3.11 provides information on area land use and the various regulations that are applicable to the Project Area.

Section 1.1.4.3, Page 1-15, after the 6th paragraph insert the following:

The open space atmosphere of the Rural Use and Resource Management areas of the remaining portion of the Preferred Route has been protected through the use of 16.2 miles of previously developed road corridor. The development of a wider ROW that involves pushing the tree line back from the roadway does not change the transition from developed to undeveloped land. The transition from undeveloped land to developed properties is an important component of open space, showing the change in environmental condition. The new tree line will remain a definitive beginning of the undeveloped land and will not alter the overall context of it in relation to the road corridor.

For a project to have an open space impact, the change in the environment must be perceivable and at a level of impact that is readily apparent to the public. Commitment of the land to a wider utility corridor or to a new utility corridor does not change the open space characteristics of the area. Open space, or the image of open space, is a development pattern that preserves greenspace to an extent that the undeveloped landscape is the dominant portion of the setting. Open space can range from untouched forest to an agricultural setting that includes necessary agriculturally related buildings or facilities. The transition from developed lands to undeveloped properties is an important component of open space, as these areas show the changes in the environmental conditions. The development of a wider ROW that involves pushing the wood line back from the roadway does not change the transition from developed to undeveloped land. The new wood line edge will remain a definitive beginning of the undeveloped land and will not alter the overall context of the mixed forest tree species.

The ROW as it enters a forested setting will be detected by the public as a brief interruption in the forest. The ROW can only be seen briefly from the ground level and does not traverse slopes or hillsides that allow viewing of the ROW for long distances. This low visibility results in only minor changes to open space character. Vegetation beyond the 75 foot cleared ROW provides screening without jeopardizing the reliability of the transmission line. The single wood pole structure will blend in with the natural environment.

According to the Adirondack Park Agency's "Development in the Adirondack Park, Objectives and Guidelines for Planning and Review", (1977, updated 1991), Section I, "Resources – Open Space" A.9., "proposed roads and utility corridors should follow existing topographic contours and avoid perpendicular crossings of contour lines". In general, where the proposed transmission ROW will be built as an offset, the route doesn't run perpendicular to existing topographic contours. In this way, the proposed project is in compliance with the APA's Development Guidelines.

Offset locations will not be visible from the ground, except for the potential visibility where they enter a forested location. Generally, an offset utility ROW would only have substantial potential visibility from the air.

Although a new cut is being made through the forest, visibility of the proposed corridor is reduced by the existing topography and vegetation. This is supported by the results of visual surveys from nearby high points and fire towers that were thought to have potential visibility of the proposed corridor location. The result of that fieldwork was the conclusion that existing topography and dense vegetation blocks any potential views of the proposed line and ROW. From a regional vista perspective, the proposed transmission ROW will not change the vista and will not change the open space character of the region.

In addition, with regard to the substations, Piercefield is a hamlet land use area and major public utilities are a compatible land use. Although there will be clearing involved and there will be a local visual change, this does not amount to an overall regional open space resource impact. The new substation will be located in a lowland area near the Raquette River which is not visible to many viewers. In Stark, the substation will create a local visual impact, but that does not amount to an overall regional open space impact. In addition, it is on a rural road (Raquette River Road) where there is already a power line. Therefore, the substation would not create a large increase in the visual impact.

Section 1.1.4.6, Page 1-8, after 1st paragraph insert the following:

As a result of the analysis summarized above and described in Appendix A, a Preferred and an Alternate Route were selected. The Preferred Route for the Tri-Lakes Reliability Project is approximately 26.8 miles long. The description for the Preferred Route is presented below in two segments, Stark Falls – Sevey Corners and Sevey Corners - Piercefield. The alignments of the Preferred and Alternate Routes are shown on Figure 1.1-2, Maps 1 through 5.

In those areas where Niagara Mohawk performs a pole for pole replacement, the replacement pole will be placed within a distance of 6 feet (on average) away from the existing pole when there are three over-head conductors involved. This distance is based upon working clearances necessary for line crews to place the new pole between overhead conductors and to allow for making the distribution line transfers. Where a single overhead conductor is involved, line crews will attempt to cut this distance down as much as possible, with the ideal situation being trying to place the new pole along side of the existing pole. In either case we do not anticipate a replacement pole being set further than 10 feet away from the existing pole.

Where poles currently are located in wetlands, Niagara Mohawk will make all efforts to avoid the wetland condition. Subsequently, we cannot predict where the pole will be placed in these circumstances at this time. Our final design will address these conditions along with any other specific conditions where a direct pole for pole replacement cannot be done.

Section 2.1, Page 2-1, 1st paragraph, replace 2nd sentence with:

Under the no action alternate, the proposed 46 kV line would not be constructed and the reliability that it would provide and the power delivered on it would not be available to the region. **A large number of new hotel units and housing units are scheduled to be constructed in Lake Placid that are likely to be constructed regardless of whether or not the new line is built (see Section 3.14.2).** Although not as significant in size or quantity, other housing units are also likely to be built in the Village of Tupper Lake over time. Given that the existing electric delivery system is already at its limit for capacity, with new development in the two villages and their accompanying increase in demand for power, it is likely that the frequency and duration of outages would increase and that requests for curtailment of electric use would become a common event during the winter months. The consequences of these outages and curtailments would translate to increased hardship, health and safety concerns for area residents and visitors, frequent interruptions to education through lost days of school, and financial losses to area businesses. Without improvement to the system, it is also possible that frequent outages could influence some non-residents to look elsewhere for recreation opportunities and thus exacerbate the financial losses to the region.

Section 3.14.1, Page 3-102, 1st paragraph, replace 1st sentence with:

The Adirondack Club and Resort, currently under review by the APA, is proposed to include 699 residential units (detached and attached units) which could be used for either primary residence, 2nd home, or short-term visits. It is estimated that approximately 234 people in the residential 3-102 units will use the units as their primary residence. **In its fourth year of operation the Adirondack Club and Resort is anticipated to attract approximately 50,000 visitors.**

Section 3.14.3, Page 3-104, 1st paragraph, replace the 4th sentence with:

Following World War II, as mines and mills in the area closed and the nature of tourism changed, many hamlet areas in the Park experienced a period of decline and population loss. In the mid-1980s and early 1990's, two reports were published by the APA that addressed overall hamlet growth and redevelopment strategies and discussed population growth in the Adirondack Park. In 1985 the APA published *Hamlets in the Adirondacks, a Manual of Development Strategies* as guidance on growth and redevelopment in the Park. **In 1990, the NYS Commission on the Adirondacks in the 21st Century, a temporary study commission having no formal relationship with the APA, published *The Adirondack Park in the Twenty-First Century* which outlined issues faced by hamlets and identified measures to better address those issues.** In particular, the reports recognize the economic issues facing hamlets and residents in the Park and the need for greater economic development opportunities. The 1985 report recognizes the need to attract industry resource based, non-recreational manufacturing jobs at locations with adequate public infrastructure and highway access. A chapter entitled *Economic Development in the Adirondack Region Towards the Twenty-First Century* in the 1990 report, specifically stresses the need to build the physical and other infrastructure needed to sustain future economic growth, although it does caution that the manner, timing, and location of infrastructure development can have a strong impact on development patterns.

Section 3.14.3, Page 3-106, 4th paragraph, replace the 1st sentence with:

The Adirondack Club and Resort, currently proposed and under review by the APA, will include 699 residential units, a clubhouse, snack bar, library, bar and restaurant, a 60-room inn, health club, fly fishing and hunting instructional center, skiing, a recreation center, spa and 60-slip marina. A memo to the Mayor of Tupper Lake from the Tupper Lake Chamber of Commerce (10/23/05) indicated that the Museum would create 22 new direct jobs and about 75 indirect jobs worth about \$2 million in salaries per year.

Section 4.6.1, Page 4-7, 2nd paragraph, replace last sentence with:

Cumulative impacts in wetlands is a major concern for this Project. Wetland impacts have been avoided and minimized to the greatest extent practicable through careful line and work trail routing. The APA Section 578.3(p) does not regulate clearing of wetlands under three acres. Using the calculated wetland clearing impacts and the EWP mapping, it was determined that there are no impacts to any one wetland that is equal to or greater than 3 acres. **In fact, the largest total clearing impact to any one wetland is 1.2 acres along the Newton Falls Route and 1.6 acres along the Stark Route.**

Section 4.6.2, Page 4-7, 3rd paragraph, replace 1st sentence with:

In order to gain access to all pole sites and allow nearly complete linear access, the Preferred Route will require 0.18 acres of wetland fill. These fills will either be corduroy with geo-fabric and gravel tops, or TerraCell with gravel fill. The TerraCell materials come in eight-foot wide panels, resulting in a 16-foot wide road base. Use of corduroy or geogrids will also be limited to 16-foot wide road base.

Section 4.6.2, Page 4-7, 4th paragraph, replace last sentence with:

The Alternate Route will require 860 linear feet of fill to stabilize the existing network of woods roads to access the work trails, predominantly in the area between Reference Markers N3 and N9. To be conservative, a 16-foot wide fill base will be utilized. **The total area for wetland fill for access to the Alternate Route is 0.32 acres.**

Section 4.6.4.1, Page 4-8, replace 1st paragraph with:

It is estimated that the amount of permanent fill to be placed for the construction of access trails and construction pads associated with the Preferred Route of the 46 kV transmission line for the Preferred Route is approximately 0.18 acres.

Section 4.8, Page 4-14, 1st paragraph, replace 2nd sentence with:

Alteration of vegetation cover types within the proposed 75-foot ROW will be the primary impact to existing vegetation associated with Project construction. **The Preferred Route proposes a ROW 26.8 miles in length including approximately 119.4 acres of forested land (including wetlands), while the primary Alternate Route is 28.2 miles in length with 173.5 acres of forested land (including wetlands).** The potential impacts of ROW clearing are dependent upon existing land use and covertype characteristics.

Section 4.10.2, Page 4-18, replace 1st paragraph with:

The 46 kV line proposed for the Tri-Lakes Reliability Project will not pass through NY State Forest Preserve lands.

Section 4.10.3, Table 4.10-1, under Resource Management replace Preferred Route and Alternate Route with **10.6** and **19.6**, respectively:

Table 4.10-1: Linear Feet of 46 kV Line per APA Classifications							
	Hamlet	Moderate Intensity	Low Intensity	Rural Use	Resource Management	Industrial	Wild Forest
Preferred Route	0.7	2.3	0.5	12.7	10.6	0	0
Alternate Route	1.3	2.9	0.5	3.9	19.6	0	0

Section 5.10.1, Page 5-9, replace 2nd paragraph with:

The Alternate Route would require approximately 18.4 miles of new ROW. About 9.5 miles of the Alternate Route would be on an existing utility/highway corridor where existing utilities and the new 46 kV line would be carried by one set of structures.

Section 5.10.1, Page 5-9, 5th paragraph, replace 2nd sentence with:

The location of the areas that do not currently have electric service next to Forest Land on the Preferred Route and APA Resource Management land on the Alternate Route, will limit the potential for growth due to line construction. **Development is not allowed on Wild Forest land, and Resource Management lands permit only very low-density development, or one unit per 42.7**

acres. Additionally, land use restrictions along other sections of the Preferred and Alternate ROW limit options for future growth and development.

Section 5.10.2, Page 5-10, replace 2nd sentence with:

Operation of the Tri-Lakes Reliability Project on either the Preferred or Alternate Route will not have a direct impact on the New York State Forest Preserve. **However, it will form a man-made feature to the north, west and south of the Raquette Boreal Wild Forest Area of the State Forest Preserve that could affect future expansion of that resource in the future.**

Section 5.10.4, Page 5-10, 2nd paragraph, replace last sentence with:

The new line will be visible from some recreation areas; however, the change is not anticipated to affect the overall recreational experience. **Visual impacts from project operation are summarized in Section 5.12 and discussed in detail in Appendix D.**

Section 6, Table 6.1-1 under Permanent Fill in Wetlands row under Mitigation replace with:

Avoid placement of poles in wetlands. Minimize location of trails in wetlands. Unavoidable fill of 0.18 acres of wetlands for permanent reliable access will be mitigated.

Table 6.1-1: Unavoidable Adverse Environmental Impacts			
Impact	Long or Short-Term	Mitigation	Section in DEIS
Erosion and Sedimentation	Short-term for duration of construction	Detailed plans have been developed to minimize erosion and sedimentation.	4.1 Appendix E
Air Quality	Short-term for duration of construction	Emissions from construction vehicles, and equipment will be minimized through use of proper emissions controls and maintenance. Dust from construction will also be short-term and controlled by appropriate means.	4.2 Appendix E
Construction Noise	Short-term for duration of construction	Work will occur on weekdays during daylight hours and is generally limited to 2 to 3 days in a location.	4.3
Displacement of species in edge habitat	Short-term for duration of construction	Displaced individuals will most likely move to adjacent undisturbed areas during construction.	4.5
Operation Noise	Long-term	Locate away from receptors. Maintain vegetative buffers.	5.3
Periodic disturbance, displacement, and destruction of wildlife from ROW maintenance	Intermittent long-term	Limit maintenance activities during breeding and nesting seasons. Limited use of herbicides in ROW.	5.5
Alteration or loss of wetlands	Long-term	Minimize location of trails or structures in wetlands. Minimize	5.5 Appendix E

Table 6.1-1: Unavoidable Adverse Environmental Impacts

Impact	Long or Short-Term	Mitigation	Section in DEIS
		clearing in wetlands. Protect areas around wetlands. No herbicide applications in wetlands	
Clearing or alteration of habitat in ROW	Long-term	Maximize use of previously disturbed road or utility corridors.	5.5
Loss of canopy tree species in forested wetlands/creation of scrub shrub wetlands	Long-term	Selective clearing and selective retention of compatible low-growing species will be used in wetland areas.	5.6 Appendix E
Permanent Fill in Wetlands	Long-term	Avoid placement of poles in wetlands. Minimize location of trails in wetlands. Unavoidable fill of <u>0.18 acres</u> of wetlands for permanent reliable access will be mitigated.	5.6
Change in Land Use for Acquired ROW	Long-term	Maximize use of existing utility and roadway corridors/ROW.	5.10
Addition of new visual elements in the Adirondack Park	Long-term	Consolidation of proposed 46 kV line with existing utilities. Use of wood poles. Routing along existing road or utility corridors wherever possible. Minimize clearing on embankments and near shorelines. Use of selective clearing and plantings. Placement of the new line (Alternate Route) underground at the South Branch Grasse River crossing.	5.12 Appendix D

Section 9.6, Page 9-2, replace 3rd sentence with:

Construction and operation of the Project along either the Preferred or Alternate Route will have cumulative and secondary effects on wetland resources. The Tri-Lakes Reliability Project along the Preferred Route will result in the modification of 13.5 acres of wetland from wooded to scrub/shrub wetlands. **It is anticipated that there will be approximately 0.18 acres of fill in wetlands to provide permanent access to the 46 kV line.** Numerous measures will be employed to protect these wetlands during construction and operation. These impacts will be similar to those anticipated in areas that are currently being logged or that will be logged in the future. Assuming that approved plans are in place for addressing potential impacts to wetlands, the contribution of this Project to cumulative impact on wetlands should be small.

Section 9.11, Page 9-3, 1st paragraph, replace last sentence with:

Where the 46 kV line makes use of existing highway utility corridors, there will be cumulative visual impacts. The existing distribution lines represent a visual element that contrasts with surrounding landscape elements. The proposed overbuild structures in these locations will add to that contrast, but would be in keeping with the concept of consolidating visual intrusions within corridors within the Park. **Much of the Stark Falls Preferred Route follows an existing distribution line corridor in**

an overbuild configuration (15.6 miles out of the total 26.8 miles) which represents an incremental increase to visual impacts that already exist.

Volume II
Appendix A

Section 2.4.2, Page 18, 1st paragraph, replace 5th sentence with:

The Adirondack Forest Preserve, a patchwork of state lands in the Adirondack Mountain region, was created by statute in 1885 (Laws of 1885, ch' 283). The statute declared that state-owned lands in several Adirondack counties should be "forever kept as wild forest lands." In 1892, the Legislature created the Adirondack Park (Laws of 1892, ch' 707). It consists of both State-owned lands within forest preserve counties in the Adirondack Park (called forest preserve lands) and private lands. Attempts to weaken the 1885 "forever wild" legislation led to a constitutional amendment recreating the forest preserve. **Article VII was adopted and became part of the constitutional amendment recreating the Forest Preserve, and became effective on January 1, 1895.** Subsequently, in 1938, that article was re-designated as Article XIV. Article XIV, Section 1 of the New York State Constitution states that, "The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."

Section 2.4.2, Page 18, 2nd paragraph, replace 3rd sentence with:

The New York State Court of Appeals has interpreted the constitutional language of Article XIV to allow for necessary activities in the forest preserve such as fire prevention, maintenance of roads, and erection of facilities for public use to maintain the Park and its resources so long as these activities did not call for the removal of timber to a material degree. (2.4.8, MacDonald). These activities are subject to the reasonable regulation by the Legislature within strict constitutional bounds. (2.4.8, Flacke citing MacDonald). **In accordance with legislative mandates, the Adirondack Park Agency (APA) and NYS Department of Environmental Conservation are charged with oversight and regulatory responsibility for the Park and Forest Preserve.** The NYS Department of Transportation (DOT) is charged with routine regulatory responsibilities of State Highways in the Park with oversight from DEC and APA. A 1956 constitutional amendment provided the NYSDOT with a land bank of 400 acres. This land bank allows NYSDOT to utilize land in the Forest Preserve for work along the NYSDOT travel corridor but does not allow for lands to be added to the land bank.

Section 2.4.2, Page 18, 2nd paragraph, replace 4th sentence with:

The New York State Court of Appeals has interpreted the constitutional language of Article XIV to allow for necessary activities in the forest preserve such as fire prevention, maintenance of roads, and erection of facilities for public use to maintain the Park and its resources so long as these activities did not call for the removal of timber to a material degree. (2.4.8, MacDonald). These activities are subject to the reasonable regulation by the Legislature within strict constitutional bounds. (2.4.8, Flacke citing MacDonald). **In accordance with legislative mandates, the Adirondack Park Agency (APA), and the NYS Department of Conservation (DEC) are charged with oversight and regulatory responsibility for the Park and forest preserve. The NYS Department of Transportation (DOT) is charged with routine regulatory responsibilities of State Highways and their rights-of-way in the Park with oversight from DEC and APA.** A 1956 constitutional amendment provided the NYSDOT with a land bank of 400 acres. This land bank allows NYSDOT to utilize land in the

Forest Preserve for work along the NYSDOT travel corridor but does not allow for lands to be added to the land bank.

Section 2.4.2, Page 18, Footnote 1, 2nd sentence delete “specified that there”:

Roadways are public necessities according to the 1885 Act of the State legislature (L1885, Ch 283(7), (8), (9), which established the Forest Commission (precursor of the Conservation Department and Department of Environmental Conservation) and the Forest preserve. **The Act specified that rules and regulations** for the Forest Preserve’s use, care, and administration specified that there should be no impediment to “prevent or operate to prevent the free use of any road...as the same may have been heretofor used or as may be reasonably required in the prosecution of any lawful business.”

Section 2.4.3, Page 18, replace the first paragraph with:

Acquired by the State in 1882, prior to the establishment of the Forest Preserve, Route 56 is a state highway consisting of 15 miles from the Northern Park Boundary to Sevey Corner. Route 56 is also **a designated travel corridor for which management guidelines and criteria are established by the Adirondack Park State Land Master Plan (2001) (“Master Plan”) promulgated by APA and approved by the Governor. The Master Plan** defines Travel Corridors as roadbed and right of way (ROW) for state highways in the Adirondack Park and those state lands immediately adjacent to and visible from these facilities. **The APA Act requires DOT to comply with section 814 review procedures for new land use or development activity in areas of Travel Corridors under DOT jurisdiction. Portions of the Travel Corridor under the jurisdiction of DEC are administered according to DEC’s “care and custody” authority in the ECL and guidelines for management and use from the Master Plan** (Master Plan, p. 98, 49, 46).

Section 2.4.3, Page 18, 2nd paragraph, replace 1st sentence with:

For approximately 1.8 miles, Route 56 ROW passes over Forest Preserve classified currently by the Master Plan as Wild Forest areas. The northerly portion of the siting is .5 miles in length leading south to a .4 mile long in-holding of non-Forest Preserve land commonly referred to as Hamm’s Inn (“Hamm’s Inn”). South of Hamm’s Inn, the southerly portion of the siting continues for 1.3 miles.

Section 2.4.4, Page 19, 3rd paragraph, replace last sentence with:

The Route 56 Alternate also appeared consistent with APA Master Plan (“Master Plan”), the promulgated regulatory plan concerning the Adirondack Park. The constitutionality of the APA’s Master Plan, which was promulgated by APA for the classification and management of Park lands, has been upheld. (2.4.8, Helms). The Master Plan provides for the regulation of necessary activities such as roads, and electrical, telephone and transmission lines. **In 1986, DOT conducted additional work to reduce unsafe horizontal and vertical curves including work in the wetlands under APA permits 86-1036 and 86-1036A.**

Section 2.4.4., Page 19, 3rd paragraph, replace 1st and 2nd sentences with:

The Route 56 Alternate also appeared consistent with APA Master Plan (“Master Plan”), the promulgated plan concerning classification and management of State-owned lands within the Adirondack Park. The constitutionality of the APA’s Master Plan, which was promulgated by APA for classification and management of State-owned lands, has been upheld (2.4.7 Helms). The Master Plan provides for the regulation of necessary activities such as roads, and electrical,

telephone and transmission lines. In affirming the delegation of authority to the APA, the Helms Court noted, “very practical problems can arise if it is deemed necessary to pass a constitutional amendment to authorize each and every particular public use within the forest preserve.”

Section 2.4.4, Page 19, 4th paragraph, replace 3rd sentence with:

The entirety of state Route 56 is an APA listed Travel Corridor, consisting of roadbed and right of way (ROW) for state highways (Master Plan). ROW, by definition, is a right to pass over, not through, the land of another (Black’s Law Dictionary, 6th Edition, 1990). **This principle was applied to county roads passing over Forest Preserve within St. Lawrence County, NY, the location of the proposed 46 kV line (2.4.7, Flacke: Laws of 1937, ch’ 488).** The Route 56 option would pass over a Travel Corridor. Further, the Route 56 option appeared consistent with prior permitting along Route 56 adjacent to forest preserve. In 1998, Verizon received a DOT permit and was not required to obtain an easement for installation of fiber optic cable traversing Route 56.

Section 2.4.7. After NYS Chapter Laws insert new section:

NYS Chapter Laws

Laws of 1937, ch’ 488

Laws of 1892, ch’ 707

Laws of 1885, ch’ 283

Statutory Authority

NYS Transportation Law, section 14 et seq. (authority of NYS DOT)

NYS Environmental Conservation Law, Article 3, section 3-0301 (1) (d) (authority of NYS DEC)

NYS Executive Law, Article 27 (authority of NYS APA)

Section 2.4.7, Page 21, Under State Agency Plans, Policies replace APA Master Plan (APA, 2001) with:

Adirondack Park State Land Master Plan

NYS DOT Guidelines for the Adirondack Park (2nd Edition, June, 1996)

Section 2.4.8.3, Page 23, 2nd paragraph, replace second to last sentence with:

Construction of the underground section (2.2 miles) would have used three trenching construction configurations and horizontal directional drilling. In locations where there is a relatively flat 20 to 25 foot wide grassed shoulder adjacent to Route 56 pavement, the trench would have been located 10 feet off edge of pavement. A backhoe would have been required to dig the trench and the trench would have been approximately 3.5 feet wide by 7 feet deep. The 46 kV line would have been laid in the trench and comprised of six polyvinyl chloride (PVC) conduits encased in cement, three for the cables, and three spare ducts for cable replacement. **In these grassy shoulder areas there is no tree clearing required during or after construction and the shoring of the trench walls are done using standard trench boxes.** This construction technique occurs along 5200 linear feet of roadway alignment.

Section 4.2, Page 31, 1st paragraph, replace 4th sentence with:

The Stark Falls Alternate total length of 26.8 miles is 1.4 miles shorter than the 28.2-mile total length of the Newton Falls Alternate. The Stark Falls Alternate includes 15.6 miles of overbuild construction

versus 9.5 miles on the Newton Falls Alternate, representing almost 60 percent of the Stark Falls Route as being in line with APA's policy regarding consolidation of visual intrusion factors such as multiple utility structures. The Stark Falls Alternate has 11.2 miles of new ROW construction versus 18.4 miles for Newton Falls. **This equates to 7.7 fewer miles of new ROW construction along the Stark Falls Alternate and 54 fewer acres of clearing including 6.5 fewer acres of wetland clearing.** The Stark Falls Alternate has approximately 15.6 miles of proposed ROW that is adjacent to existing paved roadway versus 9.5 miles for Newton Falls. There is also approximately half as much cross country ROW being proposed along the Stark Falls Alternate as there is along the Newton Falls Alternate. The Stark Falls Alternate will not involve any underground portion whereas the Newton Falls Alternate, because it involves a crossing of the South Branch Grass River, an APA designated scenic river, will require an approximate 1,900-foot bore and open trench construction to pass under the river adding an approximate \$1.9 million cost to the Newton Falls Alternate Route. Overall cost of construction (not including ROW acquisition, licensing and other associated costs) of the Newton Falls Alternate Route is approximately \$11.5 million versus \$8.9 million for the Stark Alternate.

Section 4.3, Page 33, 1st paragraph, replace 3rd and 4th sentences with:

The Stark Falls Alternate has several ecological advantages. The Stark Falls Alternate would temporarily affect a total of 13.7 acres of wetlands versus 20.2 acres along the Newton Falls Alternate. **This 6.5-acre difference in total acres of wetlands impacted represents a 32 percent reduction and is a significant advantage of the Stark Falls Alternate. Additionally, the Stark Alternate would permanently fill 0.18 acres of wetlands versus 0.32 acres of wetlands for the Newton Falls Alternate.** In terms of wetlands cover type, the Stark Falls Alternate impacts 2 less acres of forested wetlands and 4.6 less acres of non-forested wetlands.

Section 4.6, Page 34, 3rd paragraph, replace 2nd sentence with:

The advantage of the Stark Falls Alternate is found in the two land use classifications of Rural Use and Resource Management. **Here, the combined total of these two classifications for the Stark Falls Alternate is approximately 0.2 miles less than the Newton Falls Alternate.** Because these land use classifications are intended to preserve open space and protect sensitive physical and biological resources within the Park, the Stark Falls Alternate has the advantage of minimizing potential effects on these resources.

Section 4.8, Page 36, 1st paragraph, replace the 1st sentence with:

The Stark Falls Route (Preferred Route) is 26.8 miles long. The description for the Preferred Route below is presented in two segments, Stark Falls – Sevey Corners and Sevey Corners - Piercefield.

Section 4.8, Page 36, 5th paragraph, replace the last two sentences with:

After 7.1 miles, the Preferred Route leaves State Route 56 and proceeds westerly on a new ROW around the existing Raquette Boreal State Forest Preserve parcel and back to State Route 56 about 1.2 miles north of Sevey Corners as shown on Figure A-3, Map 3 of 8. Along this segment of the alignment, the route passes south and then southwest on new ROW passing north of Crooked Lake for just over 2 miles to the western boundary of the State Forest Preserve as shown on Figure A-3, Map 3 of 8. At the western end of the State Forest Preserve, the route turns southwest, southeast and then east on new ROW for approximately 4.2 miles crossing to the east side of State Route 56 about 1.2 miles north of Sevey Corners. **Approximately 3.3 miles of this 6-mile segment are situated**

along an existing logging road. The entire 6-miles of this portion of the alignment will be carried on single circuit 46 kV structures.

Section 4.9, Page 37, 1st paragraph, replace with:

The Newton Falls Alternate Route (Alternate Route) is comprised of two segments including Newton Falls-Sevey Corners and Sevey Corners-Piercefield, together totaling 28.2 miles.

Appendix E

The Environmental Work Plan (EWP) will be updated when permitting is complete, and an amended document will be issued to Niagara Mohawk as a construction document.

Section 1.5.1.1, Page 1-4, replace first bulleted item with:

The APA has regulatory control and jurisdiction over activities which may impact the following resources:

- **All wetlands that are 1.0 acre in size or larger or located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation**
- High quality wetlands
- Shorelines and Shoreline clearing
- Scenic and recreational rivers
- Structures with a height over 40 feet
- Critical Environmental Areas (CEAs)

APA Application

General Information Request

Response to Question 8, 3rd paragraph, 2nd sentence, replace 26 miles with **26.8** miles and 3rd sentence replace 28 miles with **28.2** miles.

The proposed Project consists of a combination of existing electric distribution lines and new 46 kV line sharing wood pole structures and ROW in some locations and only new 46 kV lines on on wood poles within new ROW in others. **The Preferred Route is approximately 26.8 miles long** and begins in the Town of Parishville, NY, at a new 115/46 kV substation that interconnects with the existing 115 kV system, and ends in Piercefield at the existing Piercefield Substation (new regulator station). **The Alternate Route is approximately 28.2 miles long** and begins in Clifton, NY at a new 115/46 kV Newton Falls Substation and also ends at the Piercefield Substation.

Joint Permit Application, Executive Summary, 5th paragraph, 1st sentence, replace 26 miles with **26.8** miles. 2nd sentence, replace 10.4 miles with **11.2** miles.

The proposed 46 kV line along the Preferred Route will be approximately 26.8 miles long. Project facilities include 15.6 miles of overbuild,¹ carrying both existing electric distribution lines (less than 15 kV) and the new 46 kV line, located along the existing distribution corridor and new 46 kV facilities within about 11.2 miles of new rights-of-way (ROW). The Preferred Route begins in Parishville, NY, at the proposed 115/46 kV Stark Falls Substation which will be constructed for this Project and will interconnect with the existing 115 kV. The Preferred Route connects to a new regulator station near the existing Piercefield Substation where the line ends. The Alternate Route begins in Clifton, NY at a new 115/46 kV Newton Falls Substation and also ends at the Piercefield Substation. Wood pole structures will carry the facilities. Section 1.1.5 describes the proposed project facilities and ROW configurations.

Special Information Request

Development Schedule, change 26 miles to **26.8** miles under Dimensions.

Component/Section(*)	Dimensions	Capacity	Construction Start Date	Operation Start Date
1. 46 kV Line	26.8 miles	46 kV	November 2006	September 2008
2. Substation	19,800 SF	115 kV/46 kV	May 2007	September 2008
3. Regulator Station	12,960 SF	46 kV	May 2007	July 2008
4.				
5.				
6.				

Construction of Roads/Trails Involving Wetlands – Supplemental Information Request

Response to Question 3a, 1st paragraph, last sentence, replace 9.5 miles with **9.8** miles.

The Preferred Route involves 26.8 miles of ROW with approximately 119 acres of land. The Preferred Route has 15.6 miles of overbuild, which is 60% of the length, and is generally along the developed state or municipal roadways. Building in the road ROW, the overbuild type construction, avoids impacts by replacing local distribution structures with new overbuild combined structures that

carry both the distribution lines and the new 46 kV transmission. This consolidation of physical impacts has been estimated by assuming wetlands within 30 feet of the road centerline have already been altered by road construction. The area of modified wetlands is 0.75 acres within the NYSDOT ROW. The non-forested wetland areas along the Preferred Route are estimated as 2.9 acres. The new impacts are the 2.9 acres minus pre-existing impact of 0.75 acres. The new impact is 2.15 acres. **The Alternate Route is 28.2 miles and has 9.8 miles of overbuild and correspondingly longer mileage of new ROW (18.4 miles).**

Response to Question 3a, 6th paragraph, 2nd sentence, replace 7,930 square feet with **0.18** acres.

In order to gain access to all pole sites and allow nearly complete linear access, the Preferred Route will require 495 linear feet of wetland fills for work trail construction at two wetland locations. **The total required fills are 0.18 acres.** These fills will either be corduroy with geo-fabric and gravel tops, or TerraCell with gravel fill. The TerraCell materials comes in eight foot wide panels, resulting in a 16-foot wide road base.

Response to Question 3a, 7th paragraph, last sentence, replace 13,955 square feet with **0.32 acres**.

The Alternate Route will require 874 linear feet of fill to stabilize the existing network of woods roads to access the work trails, predominantly in the area between Reference Markers N3 and N9. To BE conservative, a 16 foot wide fill base will be utilized. **The total area for wetland fill for access to the Alternate Route is 0.32 acres.**

Response to Question 3c, 10th paragraph, replace 13,995 square feet with **0.32 acres**.

If the Alternate Route is selected, the combined upland/wetland clearing impacts will be 173.5 acres, wetland clearing will be 20.2 acres, and **filling for access work trails will occupy 0.32 acres.**

Response to Question 3c, 11th paragraph, replace 7,930 square feet with **0.18 acres**.

If the Preferred Route is selected, the combined upland/wetland clearing impacts will be 119.4 acres, wetland clearing will be 13.7 acres, and **filling for access work trails will occupy 0.18 acres.**

Replace Table 1.1-4 in Section 1.1 with new table (see the following).

Replace Table 4-1 in Appendix A with new table (see the following).

Table 1.1-4: Preferred and Alternate Route Comparison

Description	Route			
		Stark Falls Piercefield		Newton Falls Piercefield
Total Length	+	26.8 mi.	-	28.2 mi.
Configuration				
Overbuild	+	15.6 mi.	-	9.8 mi.
New ROW miles ¹	+	11.2 mi.	-	18.4 mi.
Underground	+	0.0 mi.	-	0.4 mi.
Adjacent to Existing Roads	+	16.2 mi.	-	9.8 mi.
Land Use				
Hamlet	-	0.7 mi.	+	1.3 mi.
Moderate Intensity	-	2.3 mi.	+	2.9 mi.
Low Intensity	+	0.5 mi.	+	0.5 mi.
Rural	-	12.7 mi.	+	3.9 mi.
Resource Management	+	10.6 mi.	-	19.6 mi.
New Utility Corridor	+	10.7 mi.	-	18.4 mi.
Consolidation of Utility Corridors	+	15.6 mi.	-	9.5 mi.
Ecological				
Wetlands Crossings	+	3.0 mi.	-	3.1 mi.
Wetlands Clearing	+	13.7 acres	-	20.2 acres
Wetlands Cover Type Forested ²	+	10.8 acres, 2.1 mi.	-	12.7 acres, 1.8 mi.
Wetlands Cover Type Non-forested ³	+	2.9 acres, 0.9 mi.	-	7.5 acres, 1.3 mi.
Wetland – Permanent Fill	+	0.18 acres	-	0.32 acres
Total Acres Cleared/Upland & Wetlands	+	119.4 acres	-	173.5 acres
Stream Crossings < 5 feet	+	22	-	32
Stream Crossings > 5 feet	+	8	-	9
High Quality Stream Crossings ⁴	+	15	-	22
Threatened & Endangered Species	+	2	-	3
Rare/Special Concern Species	-	1	+	2
Exploitably Vulnerable Species ⁵	-	16	+	1
Visual				
Overbuild	+	15.6 mi.	-	9.8 mi.
New ROW ⁶	+	11.2 mi.	-	18.4 mi.
Cross Country only	+	5.6 mi.	-	12.2 mi.
Sensitive Crossings	+	0.0 mi.	-	3 mi. ⁷
Cultural				
Surface Sites	+	21	-	26
No Recommended Testing	+	16.0 mi.	-	13.2 mi.
Phase IB Testing or Avoid	+	5.2 mi.	-	6.7 mi.
Direct Cost⁸	+	\$8,900,000	-	\$11,500,000

Notes:

¹ Includes new overhead, cross country, and offset.

² Includes any wetland that contains a palustrine forested wetland (PFO) component.

³ Includes any wetland that contains no PFO component.

⁴ Based on stream classifications according to best usage under 6 NYCRR Part 701 as follows:

Class A: waters are suitable for drinking, primary and secondary contact recreation and fishing,

Class B: waters are suitable for primary and secondary contact recreation and fishing, and for the survival and propagation of fish

Class C: waters are suitable for fishing and the survival and propagation of fish.

(Does not include Class D streams)

⁵ Total number of exploitably vulnerable species observed during field efforts, not the number of occurrences of each species.

⁶ Includes offset, new overhead and cross country.

⁷ Grasse River crossing underground and substantially invisible.

⁸ Does not include costs for Licensing/Permitting support, right-of-way-acquisitions or easements, or Detailed Engineering and Design.

(+) Favors selection of route.

(-) Does not favor selection of route.

Table 4-1 Preferred and Alternate Route Comparison

Description	Route			
		Stark Falls Piercefield		Newton Falls Piercefield
Total Length	+	26.8 mi.	-	28.2 mi.
Configuration				
Overbuild	+	15.6 mi.	-	9.8 mi.
New ROW miles ¹	+	11.2 mi.	-	18.4 mi.
Underground	+	0.0 mi.	-	0.4 mi.
Adjacent to Existing Roads	+	16.2 mi.	-	9.8 mi.
Land Use				
Hamlet	-	0.7 mi.	+	1.3 mi.
Moderate Intensity	-	2.3 mi.	+	2.9 mi.
Low Intensity	+	0.5 mi.	+	0.5 mi.
Rural	-	12.7 mi.	+	3.9 mi.
Resource Management	+	10.6 mi.	-	19.6 mi.
New Utility Corridor	+	10.7 mi.	-	18.4 mi.
Consolidation of Utility Corridors	+	15.6 mi.	-	9.5 mi.
Ecological				
Wetlands Crossings	+	3.0 mi.	-	3.1 mi.
Wetlands Clearing	+	13.7 acres	-	20.2 acres
Wetlands Cover Type Forested ²	+	10.8 acres, 2.1 mi.	-	12.7 acres, 1.8 mi.
Wetlands Cover Type Non-forested ³	+	2.9 acres, 0.9 mi.	-	7.5 acres, 1.3 mi.
Wetland – Permanent Fill	+	0.18 acres	-	0.32 acres
Total Acres Cleared/Upland & Wetlands	+	119.4 acres	-	173.5 acres
Stream Crossings < 5 feet	+	22	-	32
Stream Crossings > 5 feet	+	8	-	9
High Quality Stream Crossings ⁴	+	15	-	22
Threatened & Endangered Species	+	2	-	3
Rare/Special Concern Species	-	1	+	2
Exploitably Vulnerable Species ⁵	-	16	+	1
Visual				
Overbuild	+	15.6 mi.	-	9.8 mi.
New ROW ⁶	+	11.2 mi.	-	18.4 mi.
Cross Country only	+	5.6 mi.	-	12.2 mi.
Sensitive Crossings	+	0.0 mi.	-	3 mi. ⁷
Cultural				
Surface Sites	+	21	-	26
No Recommended Testing	+	16.0 mi.	-	13.2 mi.
Phase IB Testing or Avoid	+	5.2 mi.	-	6.7 mi.
Direct Cost⁸	+	\$8,900,000	-	\$11,500,000

Notes:

¹ Includes new overhead, cross country, and offset.

² Includes any wetland that contains a palustrine forested wetland (PFO) component.

³ Includes any wetland that contains no PFO component.

⁴ Based on stream classifications according to best usage under 6 NYCRR Part 701 as follows:

Class A: waters are suitable for drinking, primary and secondary contact recreation and fishing,

Class B: waters are suitable for primary and secondary contact recreation and fishing, and for the survival and propagation of fish

Class C: waters are suitable for fishing and the survival and propagation of fish.

(Does not include Class D streams)

⁵ Total number of exploitably vulnerable species observed during field efforts, not the number of occurrences of each species.

⁶ Includes offset, new overhead and cross country.

⁷ Grasse River crossing underground and substantially invisible.

⁸ Does not include costs for Licensing/Permitting support, right-of-way-acquisitions or easements, or Detailed Engineering and Design.

(+) Favors selection of route.

(-) Does not favor selection of route.

Table 2-4: Change Channel Identifier Alt2-6E/F to 0.07 acres of Wetland Fill Impact (see the following).

2.1.1.1 Table 2-4. Impacted Wetlands – Preferred Route

Channel Identifier	Wetland Type	Connection to Other Waterways	APA or ACOE Jurisdictional Status	Wetland Clearing Impact (acres)	Wetland Length Along ROW (feet)	Access* Trail Type	Clearing* Method	Slash Disposal* Practice	Wetland Fill Impacts
P1-3A/B	PFO/PSS	N	APA	0.08	65	AT 1	CM III	SD D	
P1-3C/D	PSS	N	APA	0.09	80	AT 1	CM III	SD D	
P1-3E	PFO/PSS	N	APA	0.01	32	AT 1	CM III	SD D	
P2-3A/B/C	PFO/PSS	N	ACOE	0.01	30	AT 2	CM I	SD F	
P2-3F/G	PFO/PSS	N	APA	0.04	40	AT 1	CM III	SD D	
P2-3H/I/J	PSS	N	ACOE	0.22	181	AT 1	CM III	SD D	
P2-3K	PSS	N	APA	0.24	192	AT 1	CM III	SD G	
P3-1A/B/C	PSS	Y	APA	1.19	1,061	AT 6	CM III	SD G	
P5-3A/B	PSS/PEM	N	ACOE	0.01	11	AT 6	CM III	SD G	
P6-3A	Brush	N	ACOE	0.06	77	AT 6	CM III	SD G	
P6-3B/C	PFO	N	ACOE	0.30	448	AT 6	CM III	SD G	
P7-1A	PSS/PEM	N	APA	0.13	319	AT 6	CM III	SD G	
P7-1B	PSS/PEM	N	APA	0.00	2	AT 6	CM III	SD G	
P7-1C	PSS/PEM	N	APA	0.03	85	AT 6	CM III	SD G	
P8-1A	PEM	N	APA	0.04	141	AT 1	CM III	SD D	
P8-1B	PFO	Y	APA	0.30	451	AT 6	CM III	SD G	
P8-1C	PFO	Y	APA	0.02	57	AT 6	CM III	SD G	
P8-2A	PEM/PFO	N	ACOE	0.01	29	AT 6	CM III	SD G	
P8-2B	PEM	N	ACOE	0.05	62	AT 6	CM III	SD G	
P8-2C	PFO	N	ACOE	0.00	26	AT 6	CM III	SD G	
P8-2D	PEM/PSS	N	ACOE	0.01	19	AT 6	CM III	SD G	
P9-2A	PEM	N	ACOE	0.02	33	AT 6	CM III	SD G	
P9-2B/C/D	PSS	Y	APA	0.45	514	AT 6	CM III	SD G	
P9-2F	PSS	Y	APA	0.00	7	AT 6	CM III	SD G	
P9-2H	PSS	Y	APA	0.03	84	AT 6	CM III	SD G	
P9-2I	PFO/PSS	N	ACOE	0.06	104	AT 6	CM III	SD G	
P11-4A	PSS	Y	APA	0.15	171	AT 1	CM III	SD G	
P11-4C	PFO/PSS/PEM	Y	APA	0.09	57	AT 1	CM III	SD G	
S2-2A	PFO/PEM	N	ACOE	0.08	103	AT 1	CM III	SD D	
S2-2B	PFO/PSS	Y	APA	0.11	171	AT 6	CM III	SD G	

Channel Identifier	Wetland Type	Connection to Other Waterways	APA or ACOE Jurisdictional Status	Wetland Clearing Impact (acres)	Wetland Length Along ROW (feet)	Access* Trail Type	Clearing* Method	Slash Disposal* Practice	Wetland Fill Impacts
S2-2D/E	PSS	Y	APA	0.08	124	AT 6	CM III	SD G	
S2-3A	PFO/PEM	Y	APA	0.20	293	AT 6	CM III	SD G	
S2-3B	PFO	Y	APA	0.10	161	AT 6	CM III	SD G	
S3-3A/B	PFO	Y	APA	0.20	228	AT 6	CM III	SD G	
S3-3C/D	PFO	Y	APA	0.26	427	AT 6	CM III	SD G	
S3-3E	PFO	Y	APA	0.09	164	AT 6	CM III	SD G	
S3-3F	PFO	N	ACOE	0.19	273	AT 6	CM III	SD G	
S3-3G	PFO	N	ACOE			AT 6	CM I	SD F	
S3-3H	PFO/PEM	N	ACOE	0.02	36	AT 6	CM III	SD G	
S3-3I	PEM	N	ACOE	0.01	11	AT 6	CM III	SD G	
S3-3J/K	PFO/PSS	Y	APA	0.30	307	AT 6	CM III	SD G	
S3-3L	PEM	N	ACOE	0.00	10	AT 6	CM III	SD G	
S4-3A	PFO	Y	APA	0.09	160	AT 6	CM III	SD G	
S4-3B	PFO	N	ACOE	0.01	60	AT 6	CM III	SD G	
S5-3A	PSS	N	APA	0.19	241	AT 6	CM III	SD G	
S5-3B/C	PEM	N	APA	0.01	20	AT 6	CM III	SD G	
S5-3D/E	PFO	Y	APA	0.49	717	AT 6	CM III	SD G	
S5-3F/G	PFO/PEM	N	ACOE	0.17	357	AT 6	CM III	SD G	
S6-3A	PFO/PEM	Y	APA	0.11	162	AT 6	CM III	SD G	
S6-3B/C	PFO/PEM	Y	APA	0.27	353	AT 6	CM III	SD G	
S6-3D	PEM	Y	APA	0.07	138	AT 6	CM III	SD G	
S6-3E	PEM	N	ACOE	0.00	37	AT 6	CM III	SD G	
S7-3A/B	PEM	Y	APA	0.35	666	AT 6	CM III	SD G	
S7-3C	PEM	N	APA	0.11	202	AT 6	CM III	SD G	
S7-3D	PEM	N	ACOE	0.02	31	AT 6	CM III	SD G	
S7-3E	PEM	N	ACOE	0.09	117	AT 6	CM III	SD G	
S7-3F	PSS	N	ACOE	0.08	105	AT 6	CM III	SD G	
S7-3G	PEM	N	ACOE	0.08	92	AT 6	CM III	SD G	
S7-3H/I	PFO	N	ACOE	0.05	87	AT 6	CM III	SD G	
S7-3J/K	PEM	Y	APA	0.07	571	AT 6	CM III	SD G	
S8-3A	PEM	N	ACOE	0.16	202	AT 6	CM III	SD G	

Channel Identifier	Wetland Type	Connection to Other Waterways	APA or ACOE Jurisdictional Status	Wetland Clearing Impact (acres)	Wetland Length Along ROW (feet)	Access* Trail Type	Clearing* Method	Slash Disposal* Practice	Wetland Fill Impacts
S8-3B	PEM	N	ACOE	0.04	46	AT 6	CM III	SD G	
S8-3C	PFO/PEM	N	APA	0.08	125	AT 6	CM III	SD G	
S8-3D	PFO/PEM	N	APA	0.08	126	AT 6	CM III	SD G	
S8-3E/F	PFO/PEM	N	APA	0.60	816	AT 6	CM III	SD G	
S9-2E/F	PFO	Y	ACOE	0.08	122	AT 6	CM III	SD G	
S9-2J	PEM/PFO	Y	ACOE	0.06	84	AT 6	CM III	SD G	
S9-2L/M	PFO	N	ACOE	0.04	66	AT 6	CM III	SD G	
S13-1A/B	PFO	N	ACOE	0.14	84	AT 1	CM III	SD G	
S13-1C/D	PFO/PEM	N	ACOE	0.15	88	AT 1	CM III	SD D	
S13-1E/F	PFO/PEM	N	ACOE	0.15	88	AT 1	CM III	SD D	
S13-3A	PFO	N	ACOE	0.06	33	AT 1	CM III	SD G	
S13-3B/C/D	PFO	Y	APA	1.61	929	AT 1	CM III	SD G	
Alt1-2A/B	PFO/PEM	Y	APA	0.44	253	AT 1	CM III	SD D	
Alt1-2C	PEM	N	ACOE	0.00	11	AT 1	CM III	SD D	
Alt2-2A/B	PEM	N	ACOE	0.06	40	AT 1	CM III	SD D	
Alt2-6A/B	PFO/PEM	Y	APA	0.10	58	AT 1	CM III	SD D	0.02 acres
Alt2-6C/D	PFO/PEM	Y	APA	0.05	32	AT 1	CM III	SD D	0.01 acres
Alt2-6E/F	PFO/PEM	N	ACOE	0.34	195	AT 4	CM III	SD D	0.07 acres
Alt2-6G-Alt3-6A	PFO/PEM	N	ACOE	0.29	168	AT 4	CM III	SD D	0.06 acres
Alt3-6C/D	PEM	N	ACOE	0.11	63	AT 4	CM III	SD D	0.02 acres
Alt3-2A/B	PFO/PEM	N	APA	0.06	195	AT 1	CM III	SD D	
Alt3-4B	PFO/PSS	Y	APA	0.04	23	AT 1	CM III	SD D	
Alt3-4C	PFO/PSS	Y	APA	0.03	16	AT 1	CM III	SD D	
Alt4-2A	PEM/PFO	N	ACOE			AT 1	CM III	SD G	
Alt4-2B	PEM	N	ACOE	0.00	16	AT 1	CM III	SD G	
Alt4-2C	PEM/PFO	N	ACOE			AT 1	CM III	SD G	
Alt4-2D/E	PFO/PEM	Y	APA	0.01	89	AT 1	CM III	SD G	
Alt4-2F/G	PFO	Y	APA	0.63	394	AT 1	CM III	SD G	
Alt5-2A/B/C/D/E/F/G/H/I/J/K	PFO/PSS/PEM	Y	APA	0.01	18	AT 1	CM III	SD G	
Alt5-2M/N	PSS/PEM	N	ACOE	0.01	71	AT 1	CM III	SD G	
Alt5-2O/P	PFO/PEM	Y	APA	0.01	32	AT 1	CM III	SD G	

Channel Identifier	Wetland Type	Connection to Other Waterways	APA or ACOE Jurisdictional Status	Wetland Clearing Impact (acres)	Wetland Length Along ROW (feet)	Access* Trail Type	Clearing* Method	Slash Disposal* Practice	Wetland Fill Impacts
Alt5-2Q/R	PEM/PFO	Y	APA	0.00	22	AT 1	CM III	SD G	
Alt5-2S	PSS/PFO	Y	APA			AT 1	CM III	SD G	
Alt5-2T/U	POW	N	APA	0.03	43	AT 1	CM III	SD G	
Alt5-2V/W	PEM/PFO	N	ACOE	0.02	35	AT 1	CM III	SD G	
Alt5-2X/Y	PFO	N	ACOE	0.00	32	AT 1	CM III	SD G	
Alt5-3A/B	PFO	Y	APA	0.61	388	AT 1	CM III	SD G	
Alt6-3B	PSS	Y	APA	0.06	70	AT 1	CM III	SD G	

*See Legend on Page 2-26.

Table 2-5 does not have complete wetland fill information. Refer to Table 2-6 from Appendix E, Environmental Work Plan (see the following) for complete and correct Alternate Route wetland fill information.

Table 2-5. Impacted Wetlands – Alternate Route

Channel Identifier	Wetland Type	Connection to Other Waterways	APA or ACOE Jurisdictional Status	Wetland Clearing Impact (acres)	Wetland Length Along ROW (feet)	Access* Trail Type	Clearing* Method	Slash Disposal* Practice	Wetland Fill Impacts
N1-1B	PSS/PEM	N	ACOE	0.28	353	AT 6	CM III	SD G	
N1-1C/D	PSS/PEM	Y	APA	0.66	568	AT 6	CM III	SD G	
N1-1G	PSS	Y	ACOE	0.05	60	AT 1	CM III	SD D	
N1-1H/I	PEM	Y	ACOE	0.09	127	AT 6	CM III	SD G	
N1-1L	PFO/PEM	Y	ACOE	0.02	39	AT 1	CM III	SD D	
N1-1M	PEM	Y	ACOE	0.04	53	AT 1	CM III	SD D	
N2-1A/B	PFO	N	ACOE	0.01	9	AT 1	CM III	SD D	
N2-1C/D	PFO	N	ACOE	0.07	41	AT 1	CM III	SD D	
N2-1E/F	PFO	N	ACOE	0.03	21	AT 1	CM III	SD D	
N2-1G/H	PSS	N	ACOE	0.05	28	AT 1	CM III	SD D	
N2-1I/J	PFO	N	ACOE	0.09	61	AT 1	CM III	SD D	
N2-1K	PSS	Y	ACOE	0.07	43	AT 1	CM III	SD D	
N3-3A	PFO	Y	ACOE	0.02	10	AT 1	CM III	SD D	
N3-3B/C	PFO	N	ACOE	0.15	90	AT 1	CM III	SD D	
N3-3D/E	PFO	N	ACOE	0.07	45	AT 1	CM III	SD D	
N3-3F/G	PFO	N	ACOE	0.51	301	AT 1	CM III	SD D	
N3-3H/I/J/K	PFO/PEM	Y	APA	0.53	297	AT 4	CM III	SD D	0.10 acres
N4-2A/B	PFO	N	ACOE	0.02	12	AT 1	CM III	SD D	
N4-2C/D	PFO/PEM	N	ACOE	0.24	198	AT 1	CM III	SD D	
N4-3D/E	PFO	N	ACOE	0.11	67	AT 1	CM III	SD D	
N4-3F/G	PFO	N	ACOE	0.13	78	AT 1	CM III	SD D	
N5-2A/B	PFO/PEM	Y	ACOE	1.10	640	AT 1	CM III	SD D	
N5-2D	PFO/PSS/PEM	Y	ACOE	0.06	32	AT 1	CM III	SD D	
N5-2G/H	PSS/PFO	N	ACOE	0.16	88	AT 1	CM III	SD D	
N5-2I/J	PFO	N	ACOE	0.38	223	AT 1	CM III	SD D	
N5-2K/L	PFO/PEM	N	ACOE	0.11	63	AT 1	CM III	SD D	
N6-2A/B	PFO	N	ACOE	0.57	347	AT 1	CM III	SD D	
N6-2C/D	PEM/PSS	N	ACOE	0.12	65	AT 1	CM III	SD D	
N6-2E/F	PEM/PSS	N	ACOE	0.30	208	AT 1	CM III	SD D	
N6-2G/H	PFO	N	ACOE	0.15	83	AT 1	CM III	SD D	

Channel Identifier	Wetland Type	Connection to Other Waterways	APA or ACOE Jurisdictional Status	Wetland Clearing Impact (acres)	Wetland Length Along ROW (feet)	Access* Trail Type	Clearing* Method	Slash Disposal* Practice	Wetland Fill Impacts
N6-2I/J	PSS	N	ACOE			AT 1	CM III	SD D	
N6-2K/L	PSS	N	ACOE			AT 1	CM III	SD D	
N6-2M	PEM	N	ACOE			AT 1	CM III	SD D	
N6-2N	PFO/PSS	N	ACOE	0.06	29	AT 1	CM III	SD D	
N7-1A/B	PFO	N	ACOE	0.08	47	AT 1	CM III	SD D	
N7-1E/F/G	PFO/PSS/PEM	N	ACOE	0.41	223	AT 1	CM III	SD D	
N7-4A	PSS/PEM	Y	ACOE	0.02	45	AT 6	CM I	SD F	
AltC-1A/B	PFO	N	ACOE	0.02	16	AT 1	CM III	SD G	
AltC-1C/D	PFO	N	ACOE	0.24	141	AT 1	CM III	SD G	
AltC-1E/F	PSS	N	ACOE	0.44	257	AT 1	CM III	SD G	
AltC-1G/H/I	PFO	N	ACOE	0.70	427	AT 1	CM III	SD G	
AltC-1	PFO	N	ACOE	1.13	657	AT 2	CM I	SD F	
N9-1A	PSS	N	ACOE	0.04	125	AT 1	CM III	SD G	
N9-1B/C	PFO	Y	APA	0.02	26	AT 1	CM III	SD G	
N9-1E	PSS/PEM	Y	APA	0.05	58	AT 1	CM III	SD G	
N9-1F	PSS	Y	APA	0.11	123	AT 1	CM III	SD G	
N9-1G	PSS	Y	APA	0.14	145	AT 1	CM III	SD G	
N9-1H/I	PFO	Y	ACOE	0.03	18	AT 1	CM III	SD G	
N10-1A/B	PFO/PSS/PEM	Y	APA	0.19	270	AT 1	CM III	SD G	
N10-2A/B	PFO/PSS/PEM	N	APA	0.17	205	AT 1	CM III	SD G	
N11-2A/B	PFO/PSS	Y	APA	0.11	129	AT 1	CM III	SD G	
N11-2C/D	PFO/PSS	Y	APA	0.27	324	AT 1	CM III	SD G	
N11-2E/F	PSS	Y	APA	0.01	19	AT 1	CM III	SD G	
N11-2G	PFO	Y	ACOE			AT 1	CM III	SD G	
N11-2H/I	PSS	N	ACOE	0.09	131	AT 1	CM III	SD G	
N11-2J/K	PSS	Y	APA	0.60	705	AT 1	CM III	SD G	
N12-3A/B	PSS/PEM	Y	APA	0.30	325	AT 1	CM III	SD G	
N12-3C/D	PFO	Y	APA	0.18	227	AT 1	CM III	SD G	
N12-3E	PFO	Y	APA	0.01	49	AT 1	CM III	SD G	
N12-3F	PFO	Y	APA	0.01	34	AT 1	CM III	SD G	
N12-3G/H	PFO	Y	APA	0.20	269	AT 1	CM III	SD G	

Channel Identifier	Wetland Type	Connection to Other Waterways	APA or ACOE Jurisdictional Status	Wetland Clearing Impact (acres)	Wetland Length Along ROW (feet)	Access* Trail Type	Clearing* Method	Slash Disposal* Practice	Wetland Fill Impacts
N13-3A/B	PEM	Y	APA	0.09	102	AT 1	CM III	SD G	
N14-3A	PEM	N	APA	0.25	181	AT 1	CM III	SD G	
N14-3B	PEM	N	APA	0.07	110	AT 1	CM III	SD G	
N14-3C/D	PFO/PSS	N	APA	0.69	355	AT 1	CM III	SD D	
N15-4A	PEM	N	ACOE	0.24	158	AT 1	CM III	SD D	
N15-4B	PSS	N	ACOE	0.18	106	AT 1	CM III	SD D	
N15-4C	PSS	N	ACOE	0.40	236	AT 1	CM III	SD D	
N16-4A	PFO/PSS	N	ACOE	0.42	243	AT 2	CM III	SD D	
N16-4B	PSS	N	ACOE	0.18	109	AT 2	CM III	SD D	
N17-4A	PFO	N	ACOE	0.44	256	AT 1	CM III	SD D	
N17-4B	PEM	Y	ACOE	0.42	246	AT 1	CM III	SD D	
N18-4A	PFO/PSS	N	ACOE	0.54	312	AT 1	CM III	SD D	
N18-4B	PSS	Y	ACOE	0.28	162	AT 1	CM III	SD D	
N18-4C	PEM	Y	ACOE	0.34	195	AT 1	CM III	SD D	

*See Legend on Page 2-26.

Legend

Access Type 1 (AT-1)	Off ROW work trail in uplands on existing stone/gravel road, or new trail on firm level soils. Minor topdressing may be required.
Access Type 2 (AT-2)	Firm level soils with minor grading necessary, plus drainage devices. Locate within ROW along structure centerline, or new work trail as indicated on EWP maps.
Access Type 3 (AT-3)	Firm soils with steep slopes requiring 12 inches minimum of select borrow or crusher run, plus drainage devices, locate within ROW and switchback as necessary to negotiate steep slopes.
Access Type 4 (AT-4)	Soft soils requiring geofabric and 12 inches minimum of select borrow or crusher run, plus drainage devices.
Access Type 5 (AT-5)	Temporary fill atop geofabric, removed prior to restoration.
Access Type 6 (AT-6)	Existing paved roads and adjacent improved ROW, utilized during the construction of the Project, with minor improvement for pole access.
<hr/>	
Clearing Method I (CM-I)	CM-I consists of clearing the designated areas of all woody plants, including desirable species. Herbicides may be applied to remaining stumps as directed by this EWP.
Clearing Method II (CM-II)	CM-II consists of clearing the designated areas of any woody plant species that have potential for growing into the wire security zone. All growth shall be cut as close to the ground as practicable. Reasonable care shall be taken, in as so far as practical, to retain desirable species found within CM-II zones. Herbicide may be applied to all remaining stumps within a designated CM-II as directed by this EWP.
Clearing Method III (CM-III)	CM-III shall consist of selectively clearing the designated areas, removing only those tall-growing species that have invaded or can be expected to invade the wire security zone within five years. As an adequate cover of desirable species is established on the site, the tall growing species will be removed.
Clearing Method IV (CM-IV)	CM-IV shall consist of selectively removing and/or trimming, in the designated areas, those tall growing species which have invaded or can be expected to invade, the wire security zone within five years. Trees with more than 25 percent of the crown within the wire security zone will be removed unless otherwise designated on the Project plans.
<hr/>	
Slash Disposal Practice A (SD-A)	SD-A consists of separating, tree length skidding and yarding the merchantable timber in designated areas along the ROW. Where, in the opinion of the Environmental Inspector, a site may be damaged by the tree length skidding, the timber will be bucked into logs.
Slash Disposal Practice B (SD-B)	SD-B consists of collecting and piling the slash in designated areas. In this case, the slash consists of all unmerchantable wood (less than 6 inches in diameter at the large end), such as tops, limb wood and saplings.
Slash Disposal Practice C (SD-C)	SD-C consists of collecting and piling all unmerchantable wood larger than 6 inches in diameter at the small end, in designated areas. Unless otherwise directed by the Environmental Inspector, the logs will be piled adjacent to the work trail so as to avoid interference with construction activities.
Slash Disposal Practice D (SD-D)	SD-D consists of dropping and lopping all downed material so that it lies as close to the ground as practical and branches and limb wood would not exceed one-foot average depth.
Slash Disposal Practice E (SD-E)	SD-E consists of burning the slash within designated areas after collecting and piling. Slash larger than approximately 6 inches in diameter at the small end will be stacked along the access road for potential firewood utilization.
Slash Disposal Practice F (SD-F)	SD-F consists of chipping slash on site in designated areas.
Slash Disposal Practice G (SD-G)	SD-G consists of removing slash from the site which is less than 6 inches in diameter at the large end, including tops, limbwood and saplings. However, the large diameter wood (six inches or more in diameter) may be scattered or piled on the site. The small diameter slash may be removed to another portion of the right-of-way with a designated slash disposal practice of other than SD-G or SD-H.
Slash Disposal Practice H (SD-H)	SD-H consists of removing all slash from the site.

2.1.1.2 Table 2-6. Access Trail Wetland Fills – Alternate Route

Channel ID	Impact Type	Wetland Length Along Woods Roads (feet)	Access Trail Type	Clearing Method	Slash Disposal Practice	Wetland Fill Impacts (square feet)
N3-WT1-1	Fill	60	AT 2	CM III	SD D	960 sq ft
N3-WT2	Stream Culvert	45	AT 3	CM III	SD D	720 sq ft
N4-WT1(N)	Fill	20	AT 3	CM III	SD D	320 sq ft
N4-WT1(S)	Fill	65	AT 3	CM III	SD D	1040 sq ft
N4-WT1-1-1	Fill	150	AT 3	CM III	SD D	2400 sq ft
N5-WT3	Culvert	30	AT 2	CM III	SD D	480 sq ft
N5-WT5A	Culvert	40	AT 4	CM III	SD D	640 sq ft
N8-WT2	TerraCell – fill high	200	AT 4	CM III	SD D	3200 sq ft
AltC-1G/H/I	TerraCell – fill	270	AT 4	CM III	SD D	4320 sq ft
					TOTAL	14080 sq ft

Response to Question 25c, 1st page under Preferred Route, replace 10.7 acres with **10.8** acres.

Preferred Route

Wetland clearing: 13.7

Wetland cover- forest: 10.8

Wetland cover- non-forest: 2.9

Wetland within 30 feet of center line of DOT ROW: 0.73

Response to Question 25 c, 8th page, 3rd paragraph, replace 7,930 square feet with **0.18 acres**.

In order to gain access to all pole sites and allow nearly complete linear access, **the Preferred Route will require 0.18 acres of wetland fills**. These fills will either be corduroy with geo-fabric and gravel tops, or TerraCell with gravel fill. The TerraCell materials come in eight-foot wide panels, resulting in a 16-foot wide road base.

Response to Question 25 c, 8th page, 4th paragraph, replace 13,760 square feet with **0.32 acres**.

The Alternate Route will require 860 linear feet of fill to stabilize the existing network of woods roads to access the work trails, predominantly in the area between Reference Markers N3 and N9. To be conservative, a 16-foot wide base fill will be utilized. **The total area for wetland fill for access to the Alternate Route is 0.32 acres**.

**SECTION 3
PUBLIC HEARING COMMENTS AND RESPONSES**

3.0 PUBLIC HEARING COMMENTS AND RESPONSES

A public hearing on the proposed Project was held at the Ivy Terrace Room, 38 Boyer Avenue in Tupper Lake, New York on January 11th, 2006 at 2:00 to 5:00 and 6:00 to 9:00 PM. Transcripts were taken by Associated Reporters Int'l, Inc. and presented in Section 6.0 and Volume III, Attachment 3. There were 18 commenters during the afternoon and evening sessions. The following individuals spoke in support of the Project:

Betty Little – Senator
Paul Maroun – County Legislator
Jamie Rogers – Mayor of the Village of Lake Placid
Michael R. Desmarais – Mayor of the Village of Tupper Lake
John Button – Councilman, Town of Tupper Lake
Chad Martin – Trustee of the Village of Tupper Lake
Sylvie Nelson – Executive Director, Saranac Lake Chamber of Commerce
John Bouck – Electric Superintendent, Village of Tupper Lake
Jim Ellis – Staff Member, Adirondack North Country Association
Jim Fredette – resident of Tupper Lake
Dan McClelland – resident

The following supported the proposed Project but had suggested revisions.

Tim Burpoe – Franklin County Legislator
Kevin Buckley – Supervisor Town of Piercefield
Peter Day – Resident
Martin Ryan – Resident
Carl Hathaway – Resident
John Davis – Conservation Director for the Adirondack Council
Peter Bauer – Executive Director for Residents for Protection of Adirondacks

Substantive public comments and NYPA's responses to these comments are presented below.

Tim Burpoe – Franklin County Legislator

Summary of Comments

Comment 1:

Generally spoke in favor of the project. Concerned about the cost of the new line to the ratepayers.

Response 1:

The cost for delivering electricity (not the electricity itself) to the Tri-Lakes Region customers is essentially frozen under Niagara Mohawk's current rate plan, approved by the New York State Public Service Commission (PSC) and effective to December 31, 2011. The cost of electricity, under Niagara Mohawk's current rate plan approved by the PSC and effective to December 31, 2011, is subject to change due to variations in the market price for electricity. Because of these changes in market prices, customers might experience changes in their electricity bills whether or not this Project is built. None of

the costs of the Project will be borne by the Niagara Mohawk customers until after the Project is conveyed to that company on or about January 1, 2012.

As the PSC has jurisdiction over Niagara Mohawk and 2012 is in the future, along with ever-changing economic and energy conditions, it is difficult to predict what the impact on Niagara Mohawk's customers' rates will be. As the portion of the cost of the Project assigned to Niagara Mohawk is small compared to its overall cost of service in New York, it is not expected to have a significant impact on customer's rates. Niagara Mohawk will include the Project in its capital expansion forecast for 2012. At that time, the PSC will review the Project and determine whether it may be included in rates.

Kevin Buckley – Supervisor Town of Piercefield

Comment 1:

As far as the alternate route around Sevey Bog, it seems that cutting a right of way through miles of forest land is just ludicrous. I can't see we've got – I realize this is state land that we – you know, that you don't want to take the – apparently our state constitution doesn't allow us to run the power line down the state highway through that, but it just seems to me there's got to be ways around that. To go miles out of our way through forest land and wetlands and just destroying beautiful habitat when there's already poles all the way down Route 56, and it just doesn't seem like there's any reason that we can't – that one little short stretch that we're looking at a – jeez, a major detour through the woods just, in my opinion, is going to destroy – destroy that environment.

Response 1:

In response to initiatives of elected and municipal officials as well as interested citizens in the Tri-Lakes Region and surrounding communities and after interim relief measures were exhausted, the Authority and Niagara Mohawk were given the task of alleviating longstanding electrical power problems in an expeditious and cost effective fashion, while balancing environmental, engineering and legal concerns including the protection of the Forest Preserve (see DEIS, Volume II, Appendix A, Section 2.4 and the Adirondack Park Agency Application, State Agency Projects for Construction of Roads/Trails in Wetlands). In a September 2004 Agreement among the Villages of Tupper Lake, Village of Lake Placid (“Villages”), Niagara Mohawk, and the Authority, the parties arranged to share the cost of the Tri-Lakes Reliability Project. The parties agreed that, because there was insufficient generation and transmission capacity to provide reliable electric service to the Villages and the surrounding regions in the cold winter months causing health and safety risks, the proposed new transmission line needed to be in-service by 2008.

The need for the proposed line was immediate. With limited exceptions, the major infrastructure that supplies electricity to the Tri-Lakes Region had not been upgraded or expanded since the late 1970's, although demand for electricity has continuously grown. As a result, the existing electric system was inadequate to reliably serve the load in this Region. Frequent power outages and rolling black/brown outs during periods of high demand, particularly in the severely cold winter months, resulted.

In investigating several route options, the Authority determined that (See, DEIS, Appendix A § 2.4 Forest Preserve and the Adirondack Park Agency Application, State Agency Projects for Construction of Roads/Trails Involving Wetlands), because of the pressing need to license and construct the new transmission line, a route that went through/over the Forest Preserve on Route

56 would be susceptible to potential lengthy delays because of Forest Preserve issues, including Article XIV of the New York State Constitution. The New York State Department of Environmental Conservation, the Association for the Protection of the Adirondacks, Adirondack Mountain Club, and the Adirondack Council have opined that a constitutional amendment is necessary before the transmission line could run through the Forest Preserve on Route 56. History indicates that the probability of success of a constitutional amendment of Article XIV is extremely limited. Even if a constitutional amendment were successful, this critical project could be delayed approximately 2 to 3 years beyond its projected in-service date of winter 2008, exacerbating health and safety risks to residents of the Tri-Lakes Region and surrounding communities.

Such an extensive delay is completely unacceptable because of the serious health and safety risks caused by the present lack of reliable electrical service in this Region. Moreover, the delay could breach the in-service provisions of the September 2004 Agreement.

Constructing the transmission line overhead within the New York State Department of Transportation (“DOT”) Route 56 right-of-way (“ROW”) through the Forest Preserve would cause significant environmental impacts. Placing the line at the edge of the DOT ROW would require up to 37½ feet of clearing on the forest side of the DOT ROW to comply with the Public Service Commission’s mandated 75-foot wide transmission line ROW. This would entail encroachment into Forest Preserve lands as well as substantial cutting of trees in the Forest Preserve. To attempt to bury the line underground within the Forest Preserve may also have a deleterious effect on many Forest Preserve trees because of their proximity to the construction operations, adversely affect other critical aspects of the Forest Preserve such as wetlands, hydrology, and streams, and drastically increase the cost of the project construction and maintenance.

The Preferred Route protects the Forest Preserve and accomplishes the goal of providing greater reliability of electrical service in a timely and cost-effective manner. This Route uses land that has been previously logged and where logging trails already exist. The Authority and Niagara Mohawk have mitigated the potential environmental effects of the construction and operation on the Preferred Route so that this project has the least possible impact on the environment.

Comment 2:

It’s going to create a maintenance problem. These remote areas getting – getting to these remote for repairs has got to be – I mean certain times of the year it’s going to be nearly impossible.

Response 2:

To access the six mile bypass, a permanent access road is planned to facilitate construction and long-term maintenance. In addition, Niagara Mohawk has the equipment and trained personnel to access this area, as well as other parts of their system, and perform any required maintenance.

Comment 3:

There’s another – apparently, as we come closer to Piercefield there’s a route that the power line is proposed to take to avoid being along the highway near the river. We’ve already got power poles that run right along that highway right into Piercefield. I don’t see any reason why, again, we have to infringe on private property, landowners that don’t seem to really want this going – this right of way going across their property, and I don’t see any reason why the power line shouldn’t stay on the highway there.

Response 3:

The new 46 kV line will be placed to the west and south of existing State Route 3 to avoid very steep slopes between reference markers P10 and P11 (see DEIS, Volume II, Appendix A, Figure A-3, Map 5 of 8). Evidence of unstable conditions identified during field reconnaissance with the NYSDOT prompted locating the proposed Project upslope, south and west of State Route 3.

John Davis, Conservation Director for the Adirondack Council

Comment 1:

We are glad to see that the Power Authority is conducting energy audits in the Tri-Lakes area, but we are concerned that new facilities are being planned before the audits and recommended measures are completed. Energy retrofitting and materials recycling and conservation would keep our air and water clear, our lands more intact, and our communities more gainfully employed. All feasible measures to conserve energy should be exhausted before major new energy production and distribution facilities are developed.

Response 1:

The Adirondack Council should be aware that “one size fits all” solutions to major energy problems do not exist. To recommend that “all feasible measures to conserve energy should be exhausted before major new energy production and distribution facilities are developed” does not recognize the uniqueness of each energy problem. The Council’s recommendation while noting the recent energy audits, ignores the extensive energy conservation efforts already underway—past, present and planned for the future—in the Tri-Lakes Region and surrounding communities. It should be clarified, for the Adirondack Council’s understanding, that this Project is not a major energy production and distribution facility. The Project, unlike conservation measures, will provide a second conduit for electricity into the Tri-Lakes Region to address the reliability issue.

While energy conservation is important, it alone cannot serve to improve the reliability of the electric system currently serving the Tri-Lakes Region. It must be part of a balanced approach to serving energy demand. The new line will remove load, and therefore is a health and safety issue for residents of the Tri-Lakes Region. If this Project is approved, a portion of the current load will now be reliably served by a new line, relieving the existing line of that portion of load, so the existing line can provide more reliable service to the remaining load.

This Project addresses the health, safety and economic well-being problems of the people of the Tri-Lakes and surrounding communities, caused by the need for reliable electric service, to which, among other efforts, extensive energy conservation measures have, are and continually plan to be implemented. The solution proposed by NYPA addresses the health and safety energy reliability problem in the Tri-Lakes through a balance of a new power line (the relatively small size of this line shows that) and other efforts including further use of energy conservation.

Comment 2:

If a new power line is truly needed in the Tri-Lakes area, it should be installed underground along existing roads within existing right – right of ways, even if burial of the line increases the costs.

Response 2:

Placing the proposed 46 kV facility underground would result in considerably greater ground disturbance resulting from trenching excavations (including rock excavation) and would have the potential to increase impacts to wetlands primarily because spanning would no longer be an option in terms of avoiding resource areas. Additionally, several rivers and streams would require either boring under the watercourse or trenching. Although there would be significant environmental impacts associated with underground and required underwater crossing, it is likely that many of those impacts could be managed and mitigated such that acceptable levels of impact are achieved. In addition, trees and shrubs would have to be cleared and the roots of trees outside of the ROW would be affected.

In addition to the potential environmental impacts, particularly within the Forest Preserve, a factor that influenced the decision not to propose an underground alternate is cost. Associated costs are in the order of 11 times the estimated proposed overhead facilities costs. Underground alternate costs are estimated at just over \$100 million versus \$8.9 million for the overhead proposal. Based on the overriding cost differences between overhead and underground/underwater options, an underground/underwater alternate was dropped from further consideration.

Comment 3:

The preferred route from Stark Falls, then south on 56, then east on 3 is indeed generally preferable to the alternate route from Newton Falls east; but as much as possible the Council feels that the line should be buried along existing roads. The detour around the forest preserves near Sevey Bog would be wasteful and ecologically harmful, needlessly extending the length of the power line, and fragmenting rare low-elevation boreal forest.

Response 3:

See Response to Comment # 2.

Comment 4:

Indeed, the detour would take the line through lands proposed by the Adirondack Council in 1998 for a low-elevation boreal heritage reserve. The line detour could, thus, harm spruce grouse, black-backed three-toed woodpecker, bog lemmings, and other boreal species and plant communities rare in the Adirondacks. Better to keep the line along Route 56 to minimize fragmentation of habitat and allow maintenance from the existing road.

Response 4:

The southern half of the proposed ROW around the State Forest Preserve will be adjacent to a maintained existing dirt road (Bog Road) used by logging companies and local hunting clubs. This road is gated and access is restricted. A portion of the ROW through the southern half will occupy the already cleared roadway, and the remainder of the ROW to be cleared represents edge habitat adjacent to the road. The northern half of the proposed ROW around the State Forest Preserve will occupy forested land owned and managed by paper companies. Most of this area has been logged, a portion as recently as the summer of 2005, or will be subject to logging in the future.

The proposed ROW is compatible with habitat requirements of many boreal species and will have minimal impact on rare, threatened, and unusual wildlife along the Preferred Route around the State Forest Preserve. In sensitive areas, along the Preferred Route only large trees will be removed and the shrubby undergrowth will remain. Maintenance of this shrubby habitat will

benefit species such as the Spruce Grouse that require more open habitats juxtaposed to forested cover.

In the vicinity of Seveys Bog, the ROW will be located on the northern side of Bog Road which runs parallel to the northern boundary of Seveys Bog. On the average Bog Road is approximately 500 feet from the northern edge of Seveys Bog. Most Spruce Grouse have been historically observed in forested peatland along the southern edge of Sevey's Bog during the period 2000-2005 according to relatively intensive survey efforts.

Results of recent Spruce Grouse surveys and habitat assessment performed by Dr. Glenn Johnson of the State University of New York at Potsdam, did not indicate the presence of Spruce Grouse in the project vicinity. The only potential Spruce Grouse habitat is located at the western edge of Seveys Bog. This area of balsam fir, black spruce and occasional tamarack may provide winter habitat for Spruce Grouse if suitable summer habitat is present nearby. This area is located south of Bog Road. As the proposed ROW will be located north of Bog Road, this area will be unaffected by the project. To further minimize potential impacts to the Spruce Grouse, construction will not take place during the breeding season of the Adirondack Spruce Grouse in the area adjacent to Seveys Bog.

Peter Day - Resident

Comment 1:

My only other point to make is that I – I agree with the supervisor from Piercefield and I also agree with the Council that I see no need to go out into the – into the woods off the main highway. The highway is already a corridor, and it should be – the power line should be within the highway corridor. Buried is a great idea. I don't know what the difference between cost is between in the air and in the ground, but it's a great idea.

Response 1:

See Response to Comment # 4 from John Davis.

Martin Ryan - Resident

Comment 1:

Note: Comment withdrawn via e-mail dated February 13, 2006.

Carl Hathaway - Resident

Comment 1:

But my concern is that during the winter with a purchase of electric power, our electric bill runs from about thirty dollars in the summertime to better than two hundred and fifty dollars in the winter. And I was wondering if there's going to be any relief from – with this new line going through, which I know we need. We've got to have it one way or the other, because we're right to maxed out now on power all the way around through the three villages.

Response 1:

The cost for delivering electricity to the Tri-Lakes Region's Niagara Mohawk customers is essentially frozen under Niagara Mohawk's current rate plan, approved by the New York State Public Service Commission (PSC) and effective to December 31, 2011. The cost of electricity itself for these Niagara Mohawk customers is subject to change due to variations in the market price for electricity. Because of these changes, these customers might experience changes in their electricity bills whether or not this Project is built. None of the costs of the Project will be borne by the Niagara Mohawk customers until after the Project is conveyed to that company on or about January 1, 2012.

As the PSC has jurisdiction over Niagara Mohawk and 2012 is in the future, along with ever changing economic and energy conditions, it is difficult to predict what the impact on Niagara Mohawk's customers' rates will be. As the portion of the cost of the Project assigned to Niagara Mohawk is small compared to its overall cost of service in New York, it is not expected to have a significant impact on customers' rates. Niagara Mohawk will include the Project in its capital expansion forecast for 2012. The PSC will review the Project then and determine whether it may be included in rates.

Comment 2:

I do go along one hundred percent in following the highway corridors. It saves, as this gentleman from Piercefield mentioned, of having to go into wetlands and so on.

Response 2:

See Response to Comment # 1 from Kevin Buckley.

Peter Bauer- Executive Director – Citizens for the Protection of the Adirondacks**Comment 1:**

We – we do not see exhaustive research done in this document on those forest preserve issues. And if there is ever a reason to send this project to an official A.P.A. adjudicatory public hearing, it would be to tackle these specific issues, because we think that this project can be done, and in a way that has many fewer environmental impacts than it's currently provided. Specifically we would like to see legal analyses provided by the D.E.C. on keeping this line along the Route 56 corridor undergrounded at the southernmost point of Route 56 coming into Route 3. Specifically, we'd like to see a legal analyses provided by the D.O.T. as well.

Response 1:

See Response to Comment # 1 from Kevin Buckley.

Comment 2:

Also, there is no reason why the Power Authority cannot request an opinion from the attorney general on this issue. The attorney general's opinions that are cited in their legal analysis only impact this – this project tangentially and are not specific questions about this specific project.

Response 2:

Given that 1) NYPA and Niagara Mohawk have mitigated the potential environmental effects of the construction and operation on the Preferred Route so that this project has the least possible impact on the environment and 2) the New York Department of Environmental Conservation, the Association for the Protection of the Adirondacks, Adirondack Mountain Club, and the Adirondack Council have opined that a constitutional amendment is necessary before the Project could be installed through the Forest Preserve on State Route 56, an opinion from the Office of the Attorney General was not requested.

Comment 3:

Secondly, we would like to see a cost estimate. What is the cost of keeping this line on Route 56 versus sending it west. We would like to see that provided as well.

Response 3:

In addition to the potential environmental impacts, particularly within the Forest Preserve, a factor that influenced the decision not to propose an underground alternate is cost. Associated costs are in the order of 11 times the estimated proposed overhead facilities costs. Underground alternate costs are estimated at just over \$100 million versus \$8.9 million for the overhead proposal. Based on the overriding cost differences between overhead and underground/underwater options, an underground/underwater alternate was dropped from further consideration.

Comment 4:

There's some summary materials, but it would be really interesting to provide the actual data to the public in the final E.I.S. of what the energy audits found. We're certainly not interested in individual names of residences or business names, but we certainly are interested in the findings of the energy audits and believe that that data should be made available because, you know, it's – it's the rising – it's reliability, but it's also the rising use of energy in the Tri-Lakes that are driving this project.

Response 4:

Due to the confidentiality of the proprietary information gathered for the specific energy audits at private facilities, this information can not be provided to the public. NYPA will review the information gathered at the municipal facilities with the appropriate local governments and their municipal electric systems to determine what information can be made public.

SECTION 4
LETTER COMMENTS AND RESPONSES

4.0 LETTER COMMENTS AND RESPONSES

The public comment period on the Draft Environmental Impact Statement ran from November 30, 2005 to January 31, 2006. During that time, the Lead Agency (NYPA) received a total of 14 letters (see copies in Section 7.0). Responses to written comments provided in each of these letters are presented below:

Letter of December 7, 2005 from Sylvie Nelson, Executive Director of the Saranac Lake Chamber of Commerce.

Comment 1

Sylvie D. Nelson, Executive Director of the Saranac Lake Area Chamber of Commerce expressed support for the Project.

Response 1

No response required.

Letter of December 8, 2005 from Mr. & Mrs. Timothy J. Carney, Norwalk, CT

Comment 1

Do not want power lines on their property. Disagree with the whole project.

Response 1

Presently there is an electric distribution line that follows the edge of the Carney property along State Road 3. Both the Preferred and Alternate Routes would replace and consolidate that existing line with the new line. The new wooden poles would be located very near to the existing pole locations of the existing line, would be about ten feet taller than the existing poles and be slightly larger in diameter in order to accommodate the existing and new lines.

If the proposed Preferred Route is permitted by the Adirondack Park Agency and the New York State Department of Environmental Conservation, prior to beginning construction property rights for widening the existing right of way to a 75 foot width (37 ½ feet on each side of the poles) will need to be obtained. At that time a representative from Niagara Mohawk will contact you to discuss compensation for the expanded right of way on your property. The compensation offered will be based upon an appraisal of the land prices in the area using approved methods for valuation most appropriate to the property type and location.

Letter of December 8, 2005 from Ernest Hutchins, South Colton, New York

Comment 1:

No one from the Power Authority has ever talked to me about this Project. How much of the property do they intend to take? What is the environmental impact with a high voltage line? This line prevents me from selling lots on the Raquette River Road. Will I be compensated for this loss and the loss of trees?

Response 1:

In a December 23, 2005 letter, the Authority responded to Mr. Hutchins questions. The Authority stated that the Draft Environmental Impact Statement (“DEIS”) discussed the effects of the Tri-Lakes Reliability Project (“Project”) on adjacent properties. The DEIS is available for review at several public locations throughout the area involving the Project, on the Authority’s website, and, in hard copy, at cost, upon request. It was also available at the January 11, 2006 SEQRA public hearing in Tupper Lake, conducted by the Authority, which Mr. Hutchins attended. Authority representatives also orally answered questions posed by Mr. Hutchins on January 11, 2006.

Presently, an electric distribution line traverses Mr. Hutchins’ property, following his property line along Raquette River Road. That line is “offset” from the road because it is not directly adjacent to Raquette River Road. The proposed Preferred Route for the Project would replace and consolidate that existing distribution line with the new transmission line. The new wooden poles would be located very near to the existing pole locations of the existing distribution line. These new poles would be about 10 feet taller than the existing poles and be slightly larger in diameter to accommodate the existing distribution line and the new transmission lines.

If the proposed Preferred Route is permitted by the Adirondack Park Agency (APA and the New York State Department of Environmental Conservation (DEC), before the beginning of construction of the new transmission line, Niagara Mohawk must obtain the necessary property rights for clearing the new right-of-way (ROW) to 75 feet—37 1/2 feet on each side of the poles. At that time, a representative from Niagara Mohawk will contact Mr. Hutchins to discuss compensation for the expanded ROW. The compensation offered will be based upon an evaluation of the land prices in the area using approved methods for valuation most appropriate to the property types and locations.

With regard to Mr. Hutchins’ concern about the voltage of the new transmission line, using most industry-wide definitions, the proposed 46kV line is not considered high voltage. Although the new transmission line does have a higher voltage than the existing line that is on Mr. Hutchins property, Niagara Mohawk has obtained an independent evaluation of the transmission line for electric and magnetic fields. Electric and magnetic fields calculated for the new transmission line are within established New York State Public Service Commission guidelines.

Letter of December 9, 2005 from Ernest Hutchins, South Colton, New York**Comment 1:**

The N.Y. State Power Authority and Niagara Mohawk allow their right-of-way to be used for ATV (all-terrain vehicles) abuse.

Response 1:

Niagara Mohawk discourages the use of its power line routes, not only in New York, but throughout its entire system, for non-utility uses and does not authorize any individuals to use motorized wheeled recreational vehicles such as all-terrain vehicles (ATV) on its ROWs. While power line routes might appear to be compatible with ATV traffic, they are not. Many important considerations including reliability of electric service, differing maintenance requirements of a transmission line, liability issues, limitation of allowable uses on transmission line easements over private parcels, and the health and safety of the public and Niagara Mohawk workers militate against ATV use on transmission line ROWs. Niagara Mohawk will work with Mr. Hutchins to try

to prevent any unauthorized ATV use. Such efforts may include the posting of signs and installation of barriers if deemed appropriate, necessary, and effective. However, in acquiring property rights to build, operate, and maintain the new transmission line, Niagara Mohawk may be constrained in its ability to limit or prevent a particular use. Niagara Mohawk welcomes the efforts of the underlying landowner to post the property and to work with local law enforcement to prevent an unwanted use or a trespass.

Niagara Mohawk is aware of the dialogue among property owners, ATV users, local municipalities and the agencies governing the use of Adirondack Park lands for ATV use.

Letter of December 10, 2005 from Ernest Hutchins, South Colton, New York

Comment 1:

Send me a detailed description of the intentions of the N.Y. State Power Authority and Niagara Mohawk with regard to what they intend to do on my property, what trees they intend to take, and what right-of-way they are taking. Send me the legal documents that give the N.Y. State Power Authority and Niagara Mohawk the legal right to upgrade this transmission line and make changes to the right-of-way

Response 1:

If the APA and DEC permit the Preferred Route, Niagara Mohawk will prepare a detailed construction plan with drawings. This detailed plan will show what land will be necessary for the expansion of the ROW. A Niagara Mohawk real estate representative will contact individual landowners to discuss these plans, prior to the construction, to solicit their input. With this procedure in place, we hope resolutions to landowners concerns will be reached. The Public Authorities Law, Power Authority Act describes the powers of the Authority. The Authority and Niagara Mohawk have condemnation powers (Public Authorities Law, Article 5, Title 1, § 1007 [1]-[4] and Transportation Corporation Law § 11, respectively). We have the above-mentioned procedure in place so we can work with landowners on resolutions without using these powers.

**Letter of December 12, 2005 from Thomas P. Cullen, Bohemia, New York to APA
Fax of January 3, 2006 from Thomas P. Cullen to NYPA**

Comment 1 in both Letter and Fax:

Mr. Cullen opposes current electric rates.

Response 1:

The cost for delivering electricity to the Tri-Lakes Region's Niagara Mohawk customers is essentially frozen under Niagara Mohawk's current rate plan, approved by the New York State Public Service Commission (PSC) and effective to December 31, 2011. The cost of electricity itself for these Niagara Mohawk customers is subject to change due to variations in the market price for electricity. Because of these changes, these customers might experience changes in their electricity bills whether or not this Project is built. None of the costs of the Project will be borne by the Niagara Mohawk customers until after the Project is conveyed to that company on or about January 1, 2012.

As the PSC has jurisdiction over Niagara Mohawk and 2012 is in the future, along with ever changing economic and energy conditions, it is difficult to predict what the impact on Niagara Mohawk's customers' rates will be. As the portion of the cost of the Project assigned to Niagara Mohawk is small compared to its overall cost of service in New York, it is not expected to have a significant impact on customers' rates. Niagara Mohawk will include the Project in its capital

expansion forecast for 2012. The PSC will review the Project then and determine whether it may be included in rates.

Comment 2 in both Letter and Fax:

Mr. Cullen voices environmental opposition, as it would denigrate his wetland.

Response 2:

Mr. Cullen's property is located between reference marker P6 and P7 of the Piercefield section of the Preferred Route. This section of the ROW is an overbuild of the existing distribution line whose poles are located adjacent to State Route 3. The wetland referred to by Mr. Cullen is not an Adirondack Park Agency (APA) delineated wetland. It covers about half of the ROW passing through his property. Since this is an overbuild situation, actual new pole locations will replace the old in close proximity. Access to the pole sites will be from State Route 3 so no continuous access through the wetland will be required. The impact on Mr. Cullen's wetland is the clearing of a wider ROW and of tall trees that may exist there that would interfere with the safe operation of the line.

If the APA and NYSDEC permit the Preferred Route, Niagara Mohawk will prepare a detailed construction plan with drawings. This detailed plan will show what land will be necessary for the expansion of the ROW. A Niagara Mohawk real estate representative will contact individual landowners, like Mr. Cullen, to discuss these plans, prior to the construction, to solicit their input. With this procedure in place, we hope resolutions to landowners concerns, such as Mr. Cullen's concerning his wetland, will be reached. The Public Authorities Law, Power Authority Act describes the powers of NYPA. NYPA and Niagara Mohawk have condemnation powers (Public Authorities Law, Article 5, Title 1, § 1007 (1)-(4) and Transportation Corporation Law §11, respectively). We have the above-mentioned procedure in place so we can work with landowners on resolutions without using these powers.

Notice of Incomplete Permit Application of December 15, 2005 from the Adirondack Park Agency.

The response to the Notice of Incomplete Permit Application is contained in the Final Environmental Impact Statement, Volume II. This Volume contains responses to individual comments, a copy of the July 20, 1988 Public Service Commission "Special Plan Condition; PSC Case 27605, copies of local government notice forms from Piercefield and Parishville, and a revised wetland mitigation plan.

Letter of December 16, 2005 from Ernest Hutchins, South Colton, New York

Comment 1:

This same ATV abuse will be allowed by the N.Y. State Power Authority and Niagara Mohawk on APA Project No. 2005-325.

Response 1:

See response to Ernest Hutchin's letter of December 9, 2005, above.

Letter of January 9, 2006 from the Adirondack Park Agency on the Draft Environmental Impact Statement

The response to the letter is contained in the Final Environmental Impact Statement, Volume III. Volume III contains a response to comments, DEIS errata sheet, herbicide specimen labels, Public Participation comments and responses, photo of an auger truck, SHPO meeting notes, photo simulations of maintenance conditions, corrected desirable plant list, dust inhibitor information, and a rock check dam detail.

Letter of January 17, 2006 from Leon Tom Fortune

Comment 1:

NYPA should proceed with the Project in the quickest and least expensive manner possible.

Response 1:

No response required.

Letter of January 31, 2006 from Neil Woodworth, Executive Director for the Adirondack Mountain Club.

Comment 1:

ADK is concerned about the impact of the preferred alternative on any future westward expansion of the Raquette Boreal Wild Forest. The preferred alternative outlined in the DEIS would head south on Route 56 until reaching the Raquette Boreal Wild Forest and then head west in order to avoid the Forest Preserve. The route would then head east again following Route 56 and then Route to connect with the existing substation in Piercefield.

Response 1:

The 75-foot transmission ROW would not be a significant intrusion into the westward expansion of the Raquette Boreal Forest boundary. The width of the utility ROW is small in comparison to the many road ROW's that traverse the Adirondacks and currently separate segments of Forest Preserve. In the Adirondack Park, 18 miles of electric lines are currently adjacent to or surrounded by Forest Preserve land. Operation of these power lines is somewhat constrained by the need to conduct maintenance work under a temporary revocable permit, but the process is working. The 75-foot ROW maintained as shrub habitat rather than forest does not represent an impenetrable barrier to wildlife movement and may represent a small increase in diversity of plant life in the forest. This will minimize the regional impacts associated with the line as a component of a future Forest Preserve expansion.

Westward expansion of the Raquette Boreal Forest boundary would involve three or more land owners and is a process that has not been started. As a goal, westward expansion of the Raquette Boreal Forest boundary does not rise to a level of a plan that would require full consideration under SEQRA.

Mitigation is being provided by the Project at a ratio of 2:1 in an area that creates significant environmental benefits. These include water quality protection and habitat restoration in a location immediately adjacent to an urbanized setting.

Comment 2:

ADK is concerned that the creation of approximately 6 miles of new ROW would prevent a continuous expansion of the Raquette Boreal Wild Forest. According to the DEIS the total amount of clearing for the proposed ROW is 75 feet wide. In this case, a total of approximately 3 miles of forested land would have to be cleared to a 75 foot width in order to meet this requirement. Even the 3.3 miles along an old logging road would require additional clearing to meet the 75 foot ROW requirement. This would require 105.8 acres of cleared upland.

Response 2:

The Applicant calculated the clearing along the Raquette Boreal State Forest Preserve based on a full 75-foot ROW for 6.0 miles from reference marker Alt 1 to Alt 6. Based on this estimate the following applies:

6.0 miles x 5280 feet/mile x 75 feet = 2,376,000 square feet/43560 square feet/acre = 55 acres.

Comment 3:

NYPA should pursue a preferred alternative that would follow Route 56 from Stark Reservoir until it meets with Route 3 and ends at the Piercefield substation.

Although the transmission line would cross Forest Preserve lands, it would be along an existing state highway with an existing ROW on the perimeter of the Raquette Boreal Wild Forest. Therefore, much less clearing would be required. Future maintenance of the transmission line would be simplified by location within the Route 56 highway right of way.

However, adoption of a constitutional amendment permitting the construction of the transmission line through the Forest Preserve in the existing Route 56 right of way would be required by law.

We believe that this proposed alternative would minimize the environmental impact of the proposed line, and would not impair a potential expansion of the Raquette Boreal Wild Forest.

Response 3:

In response to initiatives of elected and municipal officials as well as interested citizens in the Tri-Lakes Region and surrounding communities and after interim relief measures were exhausted, the Authority and Niagara Mohawk were given the task of alleviating longstanding electrical power problems in an expeditious and cost effective fashion, while balancing environmental, engineering and legal concerns including the protection of the Forest Preserve. In a September 2004 Agreement among the Villages of Tupper Lake, Village of Lake Placid (“Villages”), Niagara Mohawk, and the Authority, the parties arranged to share the cost of the Tri-Lakes Reliability Project. The parties agreed that, because there was insufficient generation and transmission capacity to provide reliable electric service to the Villages and the surrounding regions in the cold winter months causing health and safety risks, the proposed new transmission line needed to be in-service by 2008.

The need for the proposed line was immediate. With limited exceptions, the major infrastructure that supplies electricity to the Tri-Lakes Region had not been upgraded or expanded since the late 1970’s, although demand for electricity has continuously grown. As a result, the existing electric system was inadequate to reliably serve the load in this Region. Frequent power outages and

rolling black/brown outs during periods of high demand, particularly in the severely cold winter months, resulted.

In investigating several route options, the Authority determined that (See, DEIS, Appendix A § 2.4 Forest Preserve and the Adirondack Park Agency Application, State Agency Projects For Construction of Roads/Trails in Wetlands), because of the pressing need to license and construct the new transmission line, a route that went through/over the Forest Preserve on Route 56 would be susceptible to potential lengthy delays because of Forest Preserve issues, including Article XIV of the New York State Constitution] The New York Department of Environmental Conservation, the Association for the Protection of the Adirondacks, Adirondack Mountain Club, and the Adirondack Council have opined that a constitutional amendment is necessary before the transmission line could run through the Forest Preserve on Route 56. History indicates that the probability of success of a constitutional amendment of Article XIV is extremely limited. Even if a constitutional amendment were successful, this critical project could be delayed approximately 2 to 3 years beyond its projected in-service date of winter 2008, exacerbating health and safety risks to residents of the Tri-Lakes Region and surrounding communities.

Such an extensive delay is completely unacceptable because of the serious health and safety risks caused by the present lack of reliable electrical service in this Region. Moreover, the delay could breach the in-service provisions of the September 2004 Agreement.

Constructing the transmission line overhead within the New York State Department of Transportation (“DOT”) Route 56 right-of-way (“ROW”) through the Forest Preserve would cause significant environmental impacts. Placing the line at the edge of the DOT ROW would require up to 37½ feet of clearing on the forest side of the DOT ROW to comply with the Public Service Commission’s mandated 75-foot wide transmission line ROW. This would entail encroachment into Forest Preserve lands as well as substantial cutting of trees in the Forest Preserve. To attempt to bury the line underground within the Forest Preserve may also have a deleterious effect on many Forest Preserve trees because of their proximity to the construction operations, adversely affect other critical aspects of the Forest Preserve such as wetlands, hydrology, and streams, and drastically increase the cost of the project construction and maintenance.

The Preferred Route protects the Forest Preserve and accomplishes the goal of providing greater reliability of electrical service in a timely and cost-effective manner. This Route uses land that has been previously logged and where logging trails already exist. The Authority and Niagara Mohawk have mitigated the potential environmental effects of the construction and operation on the Preferred Route so that this project has the least possible impact on the environment.

Comment 4:

NYPA should also explore alternate designs for the transmission line as it travels along Route 56 through the Forest Preserve. The DEIS states that the Route 56 ROW is 55.5 feet wide. It has come to our attention that a proposed 138-kV line proposed in Alaska only required a 50 foot ROW for single pole structures (NuVista Light & Power Company – Donlin Creek Mine, Final Report, June 11, 2004). Therefore, a new design would not require clearing outside highway right of way.

Response 4:

The Donlin Creek, Alaska, transmission line (NuVista Light & Power Company-Donlin Creek Mine, Final Report, June 11, 2004) is 191 miles long. Approximately six (6) miles of the 191 miles will require a ROW of fifty feet, using a single pole structure at a distance of 300 feet between each structure. The six miles traverses the City of Bethel, Alaska, and does not require any clearing due to the current built environment of the City and its absence of trees due to the arctic climate of the region. A narrower ROW can be achieved in areas that already feature access roads directly near the transmission line and completely clear of vegetation that may interfere with the operation of the line. However, the Tri-Lakes Reliability Project will not clear all vegetation within the ROW and different levels of clearing are discussed in the EWP. The remainder of the Donlin Creek transmission line features a 125' foot ROW as it crosses through forested areas and hilly terrain.

Letter of January 31, 2006 from David H. Gibson, Executive Director and Michael DiNunzio, Director of Special Projects for the Association for the Protection of the Adirondacks.

Comment 1:

We are pleased that the New York Power Authority apparently agrees with us, but we question the failure of this DEIS to forthrightly state the constitutional case at hand. The laws of 1924 that authorized the state commission of highways to “occupy a right of way over such state lands in the forest preserve as are necessary to construct, maintain or reconstruct the state and county highways which have been heretofore improved in order that the forest preserve of the state shall be made more accessible,” can not be relied upon in this case, although we understand that efforts were made to do so earlier in the routing process. That statute was deemed unconstitutional by the Attorney General a decade or so later, and it clearly is unconstitutional. The “now or hereafter acquired” clause of the Forest Preserve law of 1885 tells us that the lands under State Route 56, which may have been acquired in 1882, nonetheless became part of the Adirondack Forest Preserve in 1885 and subject to the NYS Constitution in 1895.

Response 1:

See Response # 3 to Neil Woodworth, Executive Director of the Adirondack Mountain Club comment regarding the adoption of a constitutional amendment for placing the 46 kV line down the State Route 56 ROW instead of circumventing the Raquette Boreal State Forest Preserve.

Comment 2:

It certainly would be helpful in this DEIS and for future environmental reviews in either Adirondack or Catskill Parks to have the constitutional issues surrounding a crossing of Forest Preserve by a major utility line fairly and expansively discussed. Surely, there is a written DEC opinion that NYPA relied upon in its decision-making. The current DEIS fails to include it or any mention of it. It merely states that “DEC expressed concern that siting along this route might require a constitutional amendment.” This “concern” then caused NYPA to consider Route 56 as infeasible due to its “susceptibility to potential delays as a result of Forest Preserve issues,” hence rejecting it from your list of preferred routing alternatives. We subsequently learned at your November 1, 2005 briefing in Albany that the constitutional concerns centered on the number of trees on the Forest Preserve that would have to be cut outside the DOT Right of Way. As stated at our January 25, 2006 briefing, we were told that the Forest Preserve trees 24-27 feet outside the Route 56 ROW would have to be cut for an overhead line, amounting to approximately 4 acres of tree removal. These facts should be brought out in the DEIS.

Response 2:

See Response #3 to Neil Woodworth, Executive Director of the Adirondack Mountain Club comment regarding the adoption of a constitutional amendment for placing the 46 kV line down the State Route 56 ROW instead of circumventing the Raquette Boreal State Forest Preserve.

During the January 25, 2006 briefing, a representative of NYPA explained that trees within the Forest Preserve would be cut to meet reliability of the 46 kV line along State Route 56. This would essentially be required along 1.8 miles of Forest Preserve along Route 56. This results in clearing of approximately 5.5 acres of trees within the Forest Preserve based on the following calculations:

$$1.8 \text{ miles} \times 5280 \text{ feet/mile} = 9504 \text{ feet} \times 25 \text{ feet of cleared ROW} = 237,600 \text{ square feet}$$
$$237,600 \text{ square feet} / 43560 \text{ square feet/acre} = 5.5 \text{ acres}$$

Comment 3:

The Spruce Grouse, one of New York's most threatened species, lives in the lowland boreal areas, along with other rare, threatened, and unusual wildlife such as the white-winged crossbill, boreal chickadee, gray jay, and Lincoln's sparrow. Boreal ecosystems and the special wildlife that live in them are vulnerable to the physical damage, noise, and pollution that accompany motorized recreation.

Aside from the initial tree cutting and disturbance along this 6-mile long bypass, the route would be permanently marred by cutting, foot and motorized access, whether authorized or not. The power line and ROW would be run very near to the famed Seveys Bog, home of the endangered Spruce Grouse.

Response 3:

The southern half of the proposed ROW around the State Forest Preserve will be adjacent to a maintained existing dirt road (Bog Road) used by logging companies and local hunting clubs. This road is gated and access is restricted. A portion of the ROW through the southern half will occupy the already cleared roadway, and the remainder of the ROW to be cleared represents edge habitat adjacent to the road. The northern half of the proposed ROW around the State Forest Preserve will occupy forested land owned and managed by paper companies. Most of this area has been logged, a portion as recently as the summer of 2005, or will be subject to logging in the future.

The proposed ROW is compatible with habitat requirements of many boreal species and will have minimal impact on rare, threatened, and unusual wildlife along the Preferred Route around the State Forest Preserve. In sensitive areas, along the Preferred Route only large trees will be removed and the shrubby undergrowth will remain. Maintenance of this shrubby habitat will benefit species such as the Spruce Grouse that require more open habitats juxtaposed to forested cover.

In the vicinity of Seveys Bog, the ROW will be located on the northern side of Bog Road which runs parallel to the northern boundary of Seveys Bog. On the average Bog Road is approximately 500 feet from the northern edge of Seveys Bog. Most Spruce Grouse have been historically observed in forested peatland along the southern edge of Sevey's Bog during the period 2000-2005 during relatively intensive survey efforts.

Results of recent Spruce Grouse surveys and habitat assessment performed by Dr. Glenn Johnson of the State University of New York at Potsdam, did not indicate the presence of Spruce Grouse in the project vicinity. The only potential Spruce Grouse habitat is located at the western edge of

Seveys Bog. This area of balsam fir, black spruce and occasional tamarack may provide winter habitat for Spruce Grouse if suitable summer habitat is present nearby. This area is located south of Bog Road. As the proposed ROW will be located north of Bog Road, this area will be unaffected by the project. To further minimize potential impacts to the Spruce Grouse, construction will not take place during the breeding season of the Adirondack Spruce Grouse in the area adjacent to Seveys Bog.

Comment 4:

Finally, we also ask whether the remoteness of the electric line proposed along this six mile bypass would jeopardize its maintenance and the long-term electric service reliability issues that the project claims to solve.

Response 4:

To access the six mile bypass, a permanent access road is planned to facilitate construction and long-term maintenance. In addition, Niagara Mohawk has the equipment and trained personnel to access this area, as well as other parts of their system, and perform any required maintenance.

Comment 5:

Furthermore, we conclude that the bypass and new 75 foot ROW was chosen, with all of its obvious and not so obvious impacts, as NYPA's preferred alternative because NYPA is unwilling to prepare for and achieve constitutional amendment to run the line down Route 56, an existing road and ROW.

Response 5:

See Response #3 to Neil Woodworth, Executive Director of the Adirondack Mountain Club comment regarding the adoption of a constitutional amendment for placing the 46 kV line down the State Route 56 ROW instead of circumventing the Raquette Boreal State Forest Preserve.

NYPA is unwilling to further jeopardize the safety and health of the residents of the Region by delaying for 2 to 3 years, at best, with the possibility of no success in achieving an amendment to State Constitution, the licensing and construction of this essential Project. Moreover, the Preferred Route better protects the Forest Preserve lands, avoids the cutting of substantial amounts of timber in the Forest Preserve, and better comports with "forever wild" clause of Article XIV of the New York State Constitution. The recent cutting of material numbers of trees along Route 3 within the Forest Preserve has provoked an intense negative response from citizens, state agencies, and environmental groups.

Comment 6:

This failure to evaluate the larger complex of related projects is extremely important. It may in fact be true that the power line would not be needed, or would be much more reasonable and responsive to current and anticipated challenges if the same or, better yet, more money (about \$29 million) were spent on retrofits of existing homes, a biomass plant in Tupper (\$20-25 million) and on selected, high value conservation/efficiency projects at big energy users like ORDA, municipal facilities, and some business.

Response 6:

During the past few winters, a combination of energy efficiency measures, plus the addition of local generation, changes to the configuration of equipment to help boost voltage levels and public appeals by the Villages of Lake Placid and Tupper Lake, NYPA and Niagara Mohawk to reduce electric use during extremely low temperatures have helped to maximize the capability of the local electric system during periods of extreme cold, staving off the need for rolling blackouts. However, these measures provide only interim relief and are by no means adequate to resolve the need to meet the Region's needs for reliable electric service over the longer term. While energy conservation is important, it cannot alone serve to improve the reliability of the electric system currently serving the Tri-Lakes Region. It must be part of a balanced approach to serving energy demand. The new line will remove load from the Region's exhausted electric system, which has reached its limits for serving that load, and therefore is a health and safety issue for residents of the Tri-Lakes Region. If this Project is approved, a portion of the current load will now be reliably served by a new line, relieving the existing line of that portion of the load, so the existing line can provide more reliable service to remaining load. Additionally, this Project is needed so that, when the existing 115 kV is out of service, the Tri-Lakes Region can receive power from this second line.

NYPA and the Village of Tupper Lake are investigating the feasibility of a biomass generator to produce electricity. NYPA hired a contractor in late October 2005 to perform a feasibility study. The scope of work for this study includes Electric and Thermal Load Analysis, Wood Resource Assessment, Evaluation of Wood Conversion and Prime Mover Technologies, Preliminary Plan Design including Environmental Assessment, Economic Evaluation and Final Report. It is expected the feasibility study will be completed within a year. This study will begin to address the fundamental questions associated with a biomass generator including timing, size, and source of fuel. A biomass generator project, if it is determined to be environmentally and economically feasible, would take many years to permit and construct.

Comment 7:

The DEIS mentions, but blithely ignores, the fact that both Tupper Lake and Lake Placid have moratoria on new electrical uses in home resistance heat (Tupper) and on electric-fired boilers (Placid). So, when the DEIS concludes that it will fulfill the expected demand for power in the Tri-Lakes for 25-30 years, it doesn't appear to factor into the equation the removal of those moratoria, which the municipal customers are aching to do in order to take advantage of the very low rates they pay for power.

Response 7:

The Village of Lake Placid instituted a permanent moratorium on electric boilers in September 2003. The Village of Tupper Lake instituted a five-year moratorium on installation of electric heat in December 2004. There has been virtually no public criticism about these moratoria and it is anticipated that they will continue. Moratoria on electric heat is but one of the myriad of extensive energy conservation measures-past, present and planned for the future – in the Villages of Lake Placid and Tupper Lake and the surrounding communities. The DEIS estimate of 25 - 30 years includes consideration of the moratoria and other energy conservation measures when it states that absent any new large electric users which could shorten the forecast or other future improvements to the electric system (i.e., use of more local generation, load transfers, demand side management, etc.) which could lengthen the forecast – the new line and voltage support actions (two static var compensators – SVCs), will provide reliable service for about 25 to 30 years. Additionally if the biomass generator currently under study by the Village of Tupper Lake and NYPA becomes a feasible project this will also potentially increase the years of reliability.

Comment 8:

The DEIS recognizes that Michael Foxman's proposed project will result in about 700 new residences (estimated to include about 234 full-time new residents) and about 60 hotel units, and that it will attract about 500,000 so-called visitors after the first 4 year. But it doesn't suggest any conservation, efficiency, or regulatory mitigation for such development. The Association believes that this development seems to have been a factor in deciding to move quickly to furnish the Tri-Lakes with added power. Put another way, the proposed Adirondack Club and Resort development would not be possible without this proposal. How much of the new 10 mega watts this proposal total would require we do not know. For comparison, Tupper Lake's peak winter load is now about 27 mega watts. Since the resort would include ski lifts, snow-making equipment, a hotel, and about 700 new homes, it's reasonable to assume that a significant portion of the new power would be absorbed by the proposed Club and Resort.

Response 8:

The 500,000 so-called visitors after the first four years was incorrect and was changed to 50,000 in the DEIS (see Section 2.0, Revisions/Supplement to the DEIS).

Improvements to the Tri-Lakes area power systems were first discussed in 1972, due to increased municipal demands for reliable electricity. At that time, the Big Tupper Ski Area was in operation. From the initial discussions in 1972, conservation methods were employed and programs enacted to enhance the efficiency of the municipal power supply. Beginning in 2000, the Village of Tupper Lake began to request that NYPA and Niagara Mohawk provide a more reliable power source due to frequent power shortages and aging utility systems extended beyond their capacity. At that time, the Big Tupper Ski Area was not in operation, and the Adirondack Club and Resort was not proposed.

Electric demands for the Adirondack Club and Resort have been estimated at a cumulative level since demands for energy depends heavily on the project occupancy. Initial estimates however gauge the demand at 1 MW, which includes the historic demand from the Big Tupper Ski Area. However, it has been a stipulation by the Village of Tupper Lake that electricity cannot be used for space heating, and the Resort will use other methods of building heating. Additionally, an Energy Audit Program provided by New York State Energy Research and Development Authority (NYSERDA) will be utilized to select preferred energy conservation methods for the revitalization of the ski area. Also the Resort will utilize modern building construction methods designed to

conserve energy and meet the higher requirements for installation of residential and commercial structures in NYS Building Code.

Comment 9:

NYPA and its partners should and could do much more in the DEIS to combine the new power line with a comprehensive, innovative set of energy conservation and efficiency programs to advance the ideal of an Energy Smart Park. For example the Association suggests:

- Several million dollars of incentives to help retrofit the deplorably energy inefficient homes and businesses that characterize the region to be served by the new power line
- A biomass plant that burns wood or produces methanol or that uses wood gasification to make a significant contribution to the region's power demands
- A package of regulatory proposals and incentives that would require new construction to meet certain energy efficient standards
- Subsidies to promote solar, geothermal, wind, and other renewable, environmentally-attuned, energy production and use

Response 9:

The goal of this Project is to improve reliability for the health and safety of the area's residents. It is one of many measures being taken, including energy conservation, as part of a balanced approach to serve energy demand

The Association states that, "In Lake Placid, the new convention center is mentioned, but, like the new hotel and other business demands noted in the DEIS, no conservation or efficiency or regulatory controls are proposed in the document and no limits to growth are contemplated." The Association is aware of the permanent moratorium on electric heat in Lake Placid (a local regulatory control). The building permit issued to the Marriott Corporation for its new 98-room hotel comes under the moratorium and is therefore being constructed without electric heat. It should also be noted that each room in the Lake Placid Hilton, and probably other area hostleries, contain an informative card outlining their efforts and continuing commitments to energy and resource conservation (a conservation and efficiency control). Growth, as the Association is aware, is a locally-controlled issue, and NYPA respects that position. There are many comprehensive energy efficiency efforts being undertaken, and it is necessary to become aware of, understand and analyze the interplay of these efforts which are already offering controls like the Association recommends.

The "Energy-Smart Park" approach mentioned by the Association is a concept, which has recently gained momentum, and which NYPA, Niagara Mohawk and representatives of the Tri-Lakes municipalities are participating, along with others. However, the early drafts of the "Energy-Smart Park" overlook the gamut of energy conservation measures dating back to the late 1970s, to the present and beyond, undertaken in the Tri-Lakes Region and surrounding communities. The "Energy-Smart Park" concept also overlooks the health and safety energy reliability problem in the Tri-Lakes which must be answered through a balance of a new power line (the relatively small size of this line shows that) and other efforts including energy conservation, all of which come under the local control for energy demands that the Association seeks.

Instead of reinventing the wheel for energy conservation, the “Energy-Smart Park” concept could benefit from building on past accomplishments, as it develops its methodology and goals. In the DEIS, NYPA focused its efforts on balancing the environmental, engineering, economic and legal concerns of the new line within the timeframe needed address the health, safety and economic well-being of Tri-Lakes residents.

While energy conservation is important, it can not alone serve to improve the reliability of the electric system currently serving the Tri-Lakes Region. It must be part of a balanced approach to serving energy demand. The new line will remove load from the Region’s exhausted electric system, which has reached its limits for serving that load, and therefore is a health and safety issue for residents of the Tri-Lakes Region. If this Project is approved, a portion of the current load will now be reliably served by a new line, relieving the existing line of that portion of the load, so the existing line can provide more reliable service to remaining load. Additionally, Project is needed so that, when the existing 115 kV is out of service, the Tri-Lakes Region can receive power from this second line.

For the Association’s information, a further list of energy efficiency projects is available by contacting Steve Ramsey, Community Affairs Manager, NYPA, steve.ramsey@nypa.gov.

The specific suggestions made by the Association to improve energy efficiency again show the need for understanding of the current energy conservation efforts.

- Financing opportunities to implement energy conservation measures are already available through the New York State Energy Research and Development Authority (NYSERDA). NYPA has financing programs available for local governments, its municipal and rural system customers and public and private schools. It would be effective if the Association assisted in bringing the story of those opportunities already available to those they think need them. Also, as part of the Project, 68 energy audits were undertaken at municipal facilities and businesses in Lake Placid and Tupper Lake, with results being implemented now.
- The Association has been informed on developments of the biomass plant that is being studied as part of this Project. This effort needs careful consideration and study, which the Village of Tupper Lake and NYPA are currently undertaking, to be able to deliver electricity in an environmentally-sound way.
- Regarding the Association’s comment suggesting NYPA develop “a package of regulatory proposals and incentives that would require new construction to meet certain energy efficiency standards,” the Association was briefed on NYPA’s role on energy efficiency standards in new construction on November 1, 2005. The Association was also briefed that NYPA, as a state authority, administers regulatory proposals and incentives, developed and mandated for NYPA’s administration, by the state legislature.
 - “Adopting standards or “one-size fits all” requirements for construction of energy-efficient housing does not fit into NYPA’s energy efficiency work which has always been focused on existing, not new, structures including residential, commercial/industrial and municipal applications. The energy audit, conducted as a first step in every NYPA energy efficiency project, factors in the individual needs of the wide variety of designs, ages, climates and uses encountered in NYPA’s customers facilities. NYPA works to maximize implementation of energy efficient

technologies within its customers' budgets. NYPA encourages the use of state and federal standards (e.g. EnergyStar-rated products) for energy efficiency projects.”

Letter of January 31, 2006 from John Davis, Conservation Director for the Adirondack Council.

Comment 1:

Before suggesting a least-cost route, the Adirondack Council wishes to remind the Power Authority, as well as the Adirondack Park Agency and Department of Environmental Conservation, that the best solutions to almost any major energy problem are conservation, recycling, and efficiency. We are glad to see that the Power Authority is conducting energy audits in the Tri-Lakes area, but we are concerned that the new facilities are being planned before the audits and recommended measures are completed. Energy retrofitting and materials recycling and conservation would keep our air and water cleaner, our lands more intact, and our communities more gainfully employed. All feasible measures to conserve energy should be exhausted before major new energy production and distribution facilities are developed.

Response 1:

This Comment was responded to in Section 3; Response # 2 to John Davis, Conservation Director for the Adirondack Council.

Comment 2:

If a new power line is truly needed in the Tri-Lakes area, it should be installed *underground along existing roads within existing right-of-ways*, even if burial increases the costs.

Response 2:

This Comment was responded to in Section 3; Response # 2 to John Davis, Conservation Director for the Adirondack Council.

Comment 3:

Indeed, the detour would take the line through lands proposed by the Adirondack Council in 1988 for a Low Elevation Boreal Heritage Reserve (2020 Vision, Volume 1, Biological Diversity; Saving All the Pieces, p. 23-25). The line detour could thus harm Spruce Grouse, Black-backed Three-toed Woodpecker, bog lemmings, and other boreal species and fragile plant communities rare in the Adirondacks.

Response 3:

This Comment was responded to in Section 3; Response # 4 to John Davis, Conservation Director for the Adirondack Council.

Comment 4:

The Power Authority was called upon to build this line because privately owned power companies had refused to undertake the project. While an investor-owned utility company might justifiably balk at the long-term cost of burying any portion of the line, the Power Authority is not a private power company beholden to profit-oriented shareholders, nor is it a state agency constrained by Legislative spending limits. NYPA has the authority to sell bonds and the resources to design a line that makes the least

possible negative impact on the environment – and on the Constitutional protections for the Forest Preserve. The additional short-term costs of burying the power line would be more than offset by avoiding the inevitable aesthetic damage caused by overhead wires, and the long-term maintenance of exposed poles and lines.

Response 4:

The Villages of Tupper Lake and Lake Placid as well as Niagara Mohawk and NYPA agreed that this Project was needed and entered into an agreement to share its cost. The proposed Project is consistent with Article XIV of the New York State Constitution and protects the Forest Preserve. The impacts of construction as well as operation and maintenance have been mitigated so that the proposed Project has the least possible negative impacts on the environment that is practical. To bury the power line and go over the Forest Preserve and would significantly increase the cost of the Project. In addition to the impacts on the Forest Preserve and the unnecessary cost, according to the Association for the Protection of the Adirondacks and the New York State Department of Environmental Conservation, going over the Forest Preserve on State Route 56 would require a Constitutional Amendment. Even if a Constitutional Amendment was successful, this critical Project would be delayed two or three years and a delay of that magnitude is unacceptable given the pressing need to address electric reliability issues in the Tri-Lakes area.

Comment 5:

The current single-source power supply in Tupper Lake is inadequate due to its poor reliability. Wires strung from poles are exposed to ice storms, heavy snow, high winds, falling trees, mud slides, auto accidents, and extreme temperature swings, all of which can cause outages. A buried line, as you know, has none of those reliability drawbacks.

Response 5:

The 46 kV line proposed for the Project is designed to withstand ice storms, heavy snow, high winds, and extremes in temperature. The ROW will be cleared a total of 75 feet to prevent power outages from falling trees and limbs. In addition, trees that could fall onto the line, danger trees, are removed from the edge of the ROW.

Both overhead and underground lines experience outages. Although underground lines have fewer outages, the duration of those outages tend to be significantly longer than an overhead line. An underground outage involves locating the fault, determining the extent of the fault, and either repairing the problem or replacing the cable, all of which is time consuming. Repairs to overhead lines are much quicker, because they are easily identified, and simpler to make.

Underground lines are not immune to faults because of equipment failure, and possible mechanical dig-ins, which are a common problem.

Comment 6:

Your desire to keep the right-of-way accessible 365 days per year would necessitate your plowing and maintaining a six-mile-long service road through a forested bejeweled with ponds and wetlands. Experience tells us that this will be an enormous expense that may not be a desirable legacy to eventual owners Niagara Mohawk (NG). If NG refuses full-time maintenance, your reliability improvements will be neutralized.

Response 6:

Niagara Mohawk is committed to maintaining the reliability of the 46 kV line including that section of the line that traverses around the Raquette Boreal State Forest Preserve.

Comment 7:

In addition, since the road will not be a public highway, we expect that it will become an attractive nuisance, luring snowmobilers and all-terrain vehicle riders. Unregulated roads such as this have become notorious throughout the Park as ATV riders use them to gain access to off-limits and ecologically sensitive areas. Your road would provide easy illegal ATV access into the western side of the Raquette Boreal Wild Forest and into Sevey's Bog, in a place where law enforcement officials will be at a great disadvantage. The outrageous damage and vandalism carried out by ATV riders in other areas of St. Lawrence County and the Adirondack Park should be enough reason, by itself, to reject the detour away from Route 56.

Response 7:

Niagara Mohawk discourages the use of its power line routes, not only in New York, but throughout its entire system, for non-utility uses and does not authorize any individuals to use motorized wheeled recreational vehicles such as all-terrain vehicles (ATV) on its ROWs. While power line routes might appear to be compatible with ATV traffic, they are not. Many important considerations including reliability of electric service, differing maintenance requirements of a transmission line, liability issues, limitation of allowable uses on transmission line easements over private parcels, and the health and safety of the public and Niagara Mohawk workers militate against ATV use on transmission line ROWs. Niagara Mohawk will work with individual landowners and other state agencies such as NYSDOT and New York State Police to try to prevent any unauthorized ATV use. Such efforts may include the posting of signs and installation of barriers if deemed appropriate, necessary, and effective. However, in acquiring property rights to build, operate, and maintain the new transmission line, Niagara Mohawk may be constrained in its ability to limit or prevent a particular use. Niagara Mohawk welcomes the efforts of the underlying landowner to post the property and to work with local law enforcement to prevent damage caused by ATV use.

Letter of January 31, 2006 from Peter Bauer, Executive Director for the Resident's Committee to Protect the Adirondacks

Comment 1:

NYPA has proposed a preferred route that utilizes Route 56 until it meets Forest Preserve on the west side of the road then routes west around parts of the Raquette-Boreal Wild Forest. The RCPA objects to the proposed bypass of the Raquette-Boreal Wild Forest. This bypass will be highly disruptive to the forest system west of Route 56. The Route 56 bypass would disrupt roughly 55 acres of forest lands, while burying the line in the Route 56 corridor would disrupt two acres of forestlands in the Forest Preserve. NYPA claims that it cannot place the powerline along Route 56 due to constitutional issues associated with Forest Preserve ownership by stating in the DEIS "Because of the pressing need to license and construct the Project to improve the reliability of the electrical delivery system in the Tri-Lakes Region, the Route 56 Alternate, which may be susceptible to the potential for delays as a result of the Forest Preserve issues, was not selected as the preferred alternative." Hence, the accelerated and artificial time frame for this project appears to force NYPA to disrupt 55 acres of forests as opposed to two acres along the highway corridor.

The RCPA finds the analysis in the draft EIS to be inadequate. RCPA calls upon NYPA to provide an analysis of the ownership of County Route 56. Is this corridor owned by St. Lawrence County? Is this corridor part of the Raquette-Boreal Forest Preserve? The RCPA calls upon NYPA to fully examine the legality and practicality of routing this power line within the 100-foot Route 56 right-of-way. This would create the least disturbance and would not necessitate new construction west of the Route 56 corridor. The Constitutional analysis in the DEIS is inadequate.

Response 1:

In response to initiatives of elected and municipal officials as well as interested citizens in the Tri-Lakes Region and surrounding communities and after interim relief measures were exhausted, the Authority and Niagara Mohawk were given the task of alleviating longstanding electrical power problems in an expeditious and cost effective fashion, while balancing environmental, engineering and legal concerns including the protection of the Forest Preserve. In a September 2004 Agreement among the Villages of Tupper Lake, Village of Lake Placid (“Villages”), Niagara Mohawk, and the Authority, the parties arranged to share the cost of the Tri-Lakes Reliability Project. The parties agreed that, because there was insufficient generation and transmission capacity to provide reliable electric service to the Villages and the surrounding regions in the cold winter months causing health and safety risks, the proposed new transmission line needed to be in-service by 2008.

The need for the proposed line was immediate. With limited exceptions, the major infrastructure that supplies electricity to the Tri-Lakes Region had not been upgraded or expanded since the late 1970’s, although demand for electricity has continuously grown. As a result, the existing electric system was inadequate to reliably serve the load in this Region. Frequent power outages and rolling black/brown outs during periods of high demand, particularly in the severely cold winter months, resulted.

In investigating several route options, the Authority determined that (See, DEIS, Appendix A § 2.4 Forest Preserve and the Adirondack Park Agency Application, State Agency Projects for Construction of Roads/Trails in Wetlands), because of the pressing need to license and construct the new transmission line, a route that went through/over the Forest Preserve on Route 56 would be susceptible to potential lengthy delays because of Forest Preserve issues, including Article XIV of the New York State Constitution. The New York Department of Environmental Conservation, the Association for the Protection of the Adirondacks, Adirondack Mountain Club, and the Adirondack Council have opined that a constitutional amendment is necessary before the transmission line could run through the Forest Preserve on Route 56. History indicates that the probability of success of a constitutional amendment of Article XIV is extremely limited. Even if a constitutional amendment were successful, this critical project could be delayed approximately 2 to 3 years beyond its projected in-service date of winter 2008, exacerbating health and safety risks to residents of the Tri-Lakes Region and surrounding communities.

Such an extensive delay is completely unacceptable because of the serious health and safety risks caused by the present lack of reliable electrical service in this Region. Moreover, the delay could breach the in-service provisions of the September 2004 Agreement.

Constructing the transmission line overhead within the New York State Department of Transportation (“DOT”) Route 56 right-of-way (“ROW”) through the Forest Preserve would cause significant environmental impacts. Placing the line at the edge of the DOT ROW would require up to 37½ feet of clearing on the forest side of the DOT ROW to comply with the Public Service Commission’s mandated 75-foot wide transmission line ROW. This would entail encroachment into Forest Preserve lands as well as substantial cutting of trees in the Forest Preserve. To attempt

to bury the line underground within the Forest Preserve may also have a deleterious effect on many Forest Preserve trees because of their proximity to the construction operations, adversely affect other critical aspects of the Forest Preserve such as wetlands, hydrology, and streams, and drastically increase the cost of the project construction and maintenance.

The Preferred Route protects the Forest Preserve and accomplishes the goal of providing greater reliability of electrical service in a timely and cost-effective manner. This Route uses land that has been previously logged and where logging trails already exist. The Authority and Niagara Mohawk have mitigated the potential environmental effects of the construction and operation on the Preferred Route so that this project has the least possible impact on the environment.

Comment 2:

The RCP believes that NYPA's preferred route should be pursuant of a Constitutional Amendment to obtain the necessary acreage along the Route 56 corridor to bury this powerline. The RCPA believes this amendment will be widely supported.

NYPA has stated that an amendment is not possible due to a timeframe mandated by a "settlement" between NYPA and the tri-lakes local governments. RCPA calls upon NYPA to provide copies of this settlement in the FEIS and a legal analysis about NYPA's legal obligations.

Response 2:

The settlement agreement may be accessed at the following:

http://elibrary.ferc.gov/idmws/docket_search.asp

Comment 3:

There are a variety of standpoints by which the Route 56 bypass should be assessed. As part of the scoping NYPA should provide a comparison of the costs of the undergrounded power lines with convenient wires and poles. This analysis should also look at maintenance costs over the next 50 years for undergrounded systems along Route 56 and wires/poles systems through the Route 56 bypass.

Response 3:

The DEIS states that the cost of the Preferred Route is 8.9 million dollars. The cost to install the 46 kV line underground for the same distance (26.8 miles) is approximately 100 million dollars or roughly 11 times more costly than the overhead arrangement.

The difference between the capital costs to construct an underground versus overhead facility greatly exceeds what the difference between maintenance costs might be for these same facilities. There is no need therefore to factor in these costs.

Comment 4:

The RCPA appreciates the energy audit that NYPA has undertaken, but requests that all information be provided to the public and not just a summary. The RCPA requests that NYPA include information about the efficiency use of electricity for heating systems compared with other fuel uses. Moreover, RCPA requests information about the number of residences in the Tri-Lakes communities that utilize electrical heating systems as compared with other types of heating systems.

Response 4:

Due to the confidentiality of the proprietary information gathered for the specific energy audits at private facilities, this information cannot be provided to the public. NYPA will review the information gathered at the municipal facilities with the appropriate local governments and their municipal electric systems to determine what information can be made public.

SECTION 5
TELEPHONE AND EMAIL COMMENTS AND RESPONSES

5.0 TELEPHONE AND EMAIL COMMENTS AND RESPONSES

The following are responses to telephone and e-mail substantive comments received by NYPA.

Barb Cassagrain - January 17, 2006

Comment 1:

Wanted to know if there would be any poles located on her property in Tupper Lake, NY.

Response 1:

Stephen Ramsey, Community Relations Manager for the New York Power Authority responded to this inquiry when it was first received from Barb and Gary Casagrain at the June 10, 2005 Open House. His response was in letter form and advised Mr. and Mrs. Casagrain that the alternate route that could have potentially affected their property was no longer being considered and that the Project would not be located on their property.

Mr. Bob Buhts - January 4, 2006, January 9, 2006

Comment 1:

Will landowners be compensated?

Response 1:

Necessary property rights for clearing new ROW will be obtained prior to the beginning of construction. A representative from Niagara Mohawk will contact property owners to discuss compensation for the expanded right-of-way. The compensation offered will be based upon an evaluation of the land prices in the area using approved methods for valuation most appropriate to the property types and locations.

Comment 2:

Will the ROW be off-limits for ATV use?

Response 2:

Niagara Mohawk discourages the use of its power line routes, not only in New York, but throughout its entire system, for non-utility uses and does not authorize any individuals to use motorized wheeled recreational vehicles such as all-terrain vehicles (ATV) on its ROWs. While power lines routes might appear to be compatible with ATV traffic, they are not. Many important considerations including reliability of electric service, differing maintenance requirements of a transmission line, liability issues, limitation of allowable uses on transmission line easements over private parcels, and the health and safety of the public and Niagara Mohawk workers militate against ATV use on transmission line ROWs. Niagara Mohawk will work with Mr. Buhts to try to prevent any unauthorized ATV use. Such efforts may include the posting of signs and installation of barriers if deemed appropriate, necessary, and effective. However, in acquiring property rights to build, operate, and maintain the new transmission line, Niagara Mohawk may be constrained in

its ability to limit or prevent a particular use. Niagara Mohawk welcomes the efforts of the underlying landowner to post the property and to work with local law enforcement to prevent an unwanted use or a trespass.

Mr. Jim Shaw, Chairman of the Board of the Massena Electric Department - January 22, 2006

Comment 1:

Have parents who live in Tupper Lake and have had concerns regarding their health and safety as related to the chronic power outages. Expressed strong support for the project and considered it long overdue.

Response 1:

Mr. Shaw was thanked and told that his comment showing support for the project would be made part of NYPA report documentation.

Shirley W. Seney, Supervisor, Town of North Elba - January 10, 2006

Comment 1:

Ms. Shirley expressed strong support for the project.

Response 1:

None required.

Donna Carney, December 8, 2005

Comment 1:

Ms. Carney requested that NYPA provide a definitive answer as to whether or not the Project would be located on her property located in Childwold, New York.

Response 1:

See Section 4.0, Letter of December 8, 2005 from Mr. and Mrs. Timothy J. Carney, Norwalk, CT