

ATTACHMENT 1



February 4, 2008

John Suloway
Executive Director, Licensing Division
New York Power Authority, 123 Main Street
White Plains, NY 10601-3170

**Re: Comments on Supplemental Draft Environmental Impact
Statement -- Tri-Lakes Reliability Project [Agency Project
2008-3 (New York Power Authority)]**

Dear Mr. Suloway:

Thank you for allowing the Adirondack Park Agency an opportunity to provide comments on the January 2008 "Supplemental Draft Environmental Impact Statement for the Tri-Lakes Reliability Project" (SDEIS) which you submitted to the Agency. This letter contains the Agency's comments on the SDEIS. The Agency's role in submitting comments is technically one of an "interested party".

Since the SDEIS is also part of New York Power Authority's (NYPA) application (Agency Project 2008-3) seeking agency approval and Section 814 review for the 46kV transmission line NYPA is proposing, it is expected that responses to the following Agency comments on the SDEIS will be included as part of NYPA's response to the enclosed Notice of Incomplete Permit Application (NIPA). Please be advised that the Agency may, after further review of the SDEIS and receipt of additional comments from the public, as part of our review of the project application, provide additional comment.

The Agency's comments on the SDEIS are as follows:

1. Reference is made in several locations in the SDEIS to the proposed 6-acres of Forest Preserve land that is to be acquired as the transmission line right-of-way. The Agency understands that the combined total running length of these lands to be so acquired is 2.2 miles and that the right-of-

way will measure 32 feet in width. It, therefore, appears that the total combined area that would actually be needed for this right-of-way acquisition would be 8.53 acres (i.e., 2.2 miles x 5,280 feet/mile x 32 feet divided by 43,560 square feet/acre equals 8.53 acres). Explain this apparent discrepancy. Also, provide a map showing the dimensions and size of each of the proposed Forest Preserve strips of land to be conveyed to National Grid.

2. In the SDEIS, when discussing tree removal necessary for transmission line construction versus clearing needed for reliability, as both relate to Forest Preserve lands (see, e.g., ES-3, first paragraph), it is not always clear whether the tree removal being discussed relates to clearing within the transmission line right-of-way or that which is proposed to occur on state lands remaining Forest Preserve. It is requested that the SDEIS text clearly distinguish between tree removal being proposed on the approximately 6-acre portion of the Forest Preserve lands subject to the Constitutional Amendment (that are proposed to become National Grid right-of-way owned in fee) on the one hand and tree removal that would be needed on lands remaining Forest Preserve (referred to in some portions of the SDEIS as removal of hazard or danger trees) on the other hand.
3. Notice of Completion of Draft/Final EIS: The SDEIS states at numerous points that National Grid requires that all danger and hazard trees be cleared outside of a transmission line right-of-way to maintain reliability and that removal of danger and hazard trees beyond the 32-foot wide right-of-way would require "an additional 50 feet of selective clearing..." (see Notice of Completion of Draft SDEIS page 2.) Explain how the 50-foot distance was determined. Is it measured from the transmission line or the 15-foot setback from the "wire security zone" (see page 4-5, last para.)?
4. SDEIS Executive Summary (page ES-2) states that "New York State" has agreed to permit the use of Forest Preserve for the NYS Route 56 re-route project. Identify which governmental entity of the state is being referred to in this statement. Provide a copy of any signed agreement to this effect. If no written agreement has been signed, provide a statement signed by an appropriate official at New York State Department of Environmental Conservation (DEC) setting forth the DEC's position on this project and

whether in its view the project can lawfully be undertaken in advance of the Constitutional Amendment, including a statement of the rationale for that position.

5. Section 1.1.3: Provide a copy of the revised Constitutional Amendment language that has already been approved by the Legislature during one Legislative Session. Provide all supporting mapping and other illustrative and descriptive materials prepared as background for and used to generate the proposed language.
6. Section 1.1.3: Provide a copy of the Settlement Agreement approved by the Federal Energy Regulatory Commission.
7. Section 1.1.3: Explain why the NYPA and National Grid would continue to pursue a Constitutional Amendment should the legislature fail to act or the referendum vote fail to succeed.
8. Section 3.5: The assessment of the underground alternate identifies unknown soil and or bedrock conditions as being as part of the reasoning for its complexity and higher cost. The surficial geology for this area identifies the parent material as being either part of a kame or outwash plain. This would imply that the materials may predictably be deep soils of sand and gravel and that the presence of bedrock may not be a significant influence on construction cost. Actual soil conditions should be further evaluated before discarding the underground alternate as too costly. Has there been an estimate of the type, distance and extent of rock or bedrock in the 2.2 mile distance of Forest Preserve that would require rock boring to place an underground line? Is it possible to provide an estimate of that amount in advance? The applicant has determined that engineering and construction factors are rated as "complex" based on the construction methodology required for the underground portion of the route. How much of that assessment relates to concerns related to rock boring? Describe any other pre-construction methodologies to evaluate the feasibility of undergrounding the 2.2 mile section. Provide a detailed cost estimate and a cost-benefit analysis for installing an underground line through the Forest Preserve sections of this route. Include a discussion of how undergrounding the transmission line could avoid concerns about the extent of danger tree removal.

9. Section 3.5.3: Explain the applicant's experience, if any, as to the frequency of "cable faults" (underground explosions) in similar 2.2 mile sections of underground sub-transmission lines.
10. Section 4.1: Agency regulations do not preclude the use of hay bales. Rather, the Agency encourages the use of straw bales instead of hay bales as a way to control the spread of invasive plant species.
11. Section 4.2: Selection of the more than 1,000 danger trees to be removed was based upon tree heights only. Explain why topographic conditions were not factored into danger tree selection and the effect topographic conditions will have on danger tree selection. If additional danger trees will need to be removed based upon both tree heights and topographic conditions, provide the actual numbers of trees to be removed. Also, the discussion of the number of danger trees to be removed does not put them into the context of the total number of trees on lands to remain as part of the Forest Preserve. This deficiency needs to be corrected.
12. Section 4.4: Provide documentation from the New York State Office of Parks, Recreation and Historic Preservation that either the project will not have an impact on "any historic, architectural, or cultural property" pursuant to §14.09 of the Historic Preservation Act of 1980, or its direction for mitigation of any impacts to these resources.
13. Section 4.4.2: Identify the specific location, size and tax map designation of the lands in the Town of Clare that are proposed to be added to the Forest Preserve in exchange for the lands to be removed from the Forest Preserve as part of this project.
14. Section 4.5.2.3: Portions of the project will be located on private land in the designated river area (within 1,320 feet of the river bank) of the Raquette River where restrictions and standards contained in 9 NYCRR Part 577 apply to any development therein. Among these restrictions and standards is a requirement that river area utility uses (not subject to review under Article 7 or 8 of the Public Service Law) be located and constructed as to minimize visibility from the river and the river area (emphasis added) of support structures, lines, cables, pipes and

other associated equipment and accessories. Explain how the project has been designed to minimize its visibility within the river area.

15. Section 4.5.2.3: With respect to the application of the DEC river regulations for State lands as they relate to the DOT right of way (which is to remain State land), demonstrate compliance with the river area permit, variance and development standards requirements pursuant to 6 NYCRR 666.8, .9 and .13. (On their face, these regulations would appear to extend the river area to one half mile from the river bank, establish a permit requirement for major public utility use projects and apply a pole height maximum of 40 feet within designated river areas.)
16. Section 4.7: Discuss whether helicopters will be used to construct the project and, if so, provide a detailed description of the use of these aircraft including total number of days of use, hours and days of operation, landing areas to be used, traffic control measures needed, etc.
17. Section 5.2.1: Provide a copy of all documents related to Public Service Commission (PSC) Case 04-E-0822. It appears that the term "danger tree" used in the context of this case may differ from the same term used in Section 4.2. Explain this apparent discrepancy. Provide written concurrence from the DEC regarding the appropriateness of issuing Temporary Revocable Permits for the removal of danger trees as part of continued line maintenance.
18. Section 5.3.1: Indicate whether herbicides will be used on lands to remain in the Forest Preserve.
19. Section 5.5.5: Clarify whether any easements will be granted to provide for continued public access for the Jamestown Falls road access point to the Raquette River. Describe the applicant's intention regarding continued public access to the Raquette River via the Moody Falls Canoe Carry Trailhead in light of the fact the applicant cannot support this use since it involves unsafe conditions. Does the applicant intend to preclude public access across the right-of-way to be obtained in fee from New York State at this trailhead?
20. Drawings and other figures refer to the Grasse River Wild Forest unit. The DEC has selected NYS Route 56 as the boundary between the Raquette Boreal Wild Forest unit on

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the eastern side of highway and the Grasse River Wild Forest unit on the western side. Narrative and mapping information should be revised reflect this when referring to the State lands within the project area.

21. Figure 6: Revise the map to depict wetlands in the vicinity of both the East Alternate and the West Alternate routes.
22. Appendix B - Environmental Work Plan (EWP): The alternate routes included in the SDEIS are not included in the EWP multi-color maps. Provide these maps (EWP Maps S-10 through S-13) for both alternate routes.

The Agency looks forward to receiving NYPA's response to the above comments as well as its response to the NIPA for this project so that its review of this project can proceed. Please do not hesitate to contact John Quinn, the assigned Environmental Program Specialist, if you should have any questions with the comments contained in this letter or if you should have any other questions.

Sincerely,



Mark E. Sengenberger
Deputy Director (Regulatory Programs)

MES:JLQ:RRT:mlr

cc: Judy Drabicki, DEC
Carey Babyak, DOT
Ruth Pierpont, OPRHP
Daniel McNamara, Town of Colton Code Enforcement Officer
John Quinn, EPS