

ATTACHMENT 3

PERMITS



NEW YORK STATE
Adirondack
parkagency

Transmittal of Permit

Authorized by the Deputy Director, Regulatory Programs

To: **John Suloway**

Project/Permit: **2005-325**

Enclosed is the original copy of the above numbered permit issued by the Adirondack Park Agency's Deputy Director of Regulatory Programs pursuant to authority delegated by the Agency.

This project may not be undertaken until the permit along with any attached maps is recorded in the office of the **St. Lawrence County Clerk**. In addition, the permit will be void unless it is recorded along with any attached maps on or before **May 12, 2006**, in the names of all owners of record of any portion of the project site on the date of recordation. On the top right corner of the permit, we have provided the names of the landowners to the best of our knowledge on the date the permit is issued. If there are additional landowners, the applicant must add them to the list on the top right of the front page of the permit. *In order for the permit to be recorded in the County Clerk's Office, the applicant must pay the County Clerk the following fees at the time of recording: Twenty-five dollars, and in addition thereto, three dollars for each page or portion of a page of the permit and any attachments to it. The original of the permit will be returned to the applicant by the County Clerk.*

If you find minor factual discrepancies in the permit and accompanying findings, please bring them to the Agency's attention before recording the permit. In most cases these are easily resolved and the Agency will issue a corrected permit if necessary for recording.

If on the other hand you wish to dispute the terms or conditions imposed in the permit, you are entitled to have the Agency Members review the matter and render their own decision before you undertake the project. In this case, provide a detailed written description specifically outlining what terms or conditions of the permit you wish to appeal and why you believe your appeal should be granted. Return it to the Agency on or before **April 12, 2006**. Notices of appeal received after this date will not be considered by the Agency unless you show good cause for not notifying the Agency sooner. Do not, however, record the permit if you intend to appeal its terms.

You should be aware that once you notify the Agency of your intent to dispute the permit, the process will require at least 20 days to allow for public notification. Also, delays can occur depending on when the appeal is filed relative to the regular monthly meeting dates of the Agency. The Agency regularly meets on the second Thursday and Friday of each month.

If you have any questions concerning these procedures, please direct them to the Review Officer named below. Thank you for your cooperation in this matter.

John L. Quinn
Environmental Program Specialist
(518) 891-4050

 <p>Adirondack parkagency</p> <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit and Order 2005-325</p>
<p>In the Matter of a Proposal by</p> <p>NEW YORK POWER AUTHORITY</p> <p>Subject to Section 814 of the Adirondack Park Agency Act and 9 NYCRR 4.150 and for a permit pursuant to 9 NYCRR Parts 577 and 578</p>	<p>Date Issued: March 13, 2006</p> <p>To the County Clerk: This permit must be recorded on or before May 12, 2006. Please index this permit in the grantor index under the following names:</p> <p>1. New York Power Authority</p>

INTRODUCTION AND JURISDICTION

On November 30, 2005, the Adirondack Park Agency received a Notice of Intent to Undertake New Land Use and Development within the Adirondack Park from the New York Power Authority (NYPA) describing its intent to construct a 26.8-mile long, 46 kV overhead electric line in the Towns of Colton, Parishville, and Piercefield, St. Lawrence County including adjacent access roads, a regulator station and a substation. The project is known as the "Tri-Lakes Reliability Project".

This project may not be undertaken until this permit and order are recorded in the St. Lawrence County Clerk's Office. This permit and order shall expire unless so recorded on or before May 12, 2006, in the names of NYPA and in the names of all owners of record of any portion of the project site on the recordation date.

The project consists of new land use and development by a state agency, requiring review by the Adirondack Park Agency pursuant to §814 of the Adirondack Park Agency Act, 9 NYCRR 579.1, and 9 NYCRR 4.150 (Executive Order 150). The project will also involve regulated activities within and adjacent to freshwater wetlands requiring a wetlands permit pursuant to 9 NYCRR 578.2(a) and 578.3(n)(1)(iv) and (2) and in part constitutes a rivers project requiring an Agency permit pursuant to 9 NYCRR 577.4(a) and 577.5(b)(1)(ix) and(c)(1).

Based upon receipt of the Notice of Intent and other materials related to the project and due deliberation on said materials, the following findings of fact are hereby made and adopted.

FINDINGS OF FACT

Project Site; Project Overview

1. The project site consists of lands within and adjacent to town-maintained public road rights-of-way of Raquette River Road, Stark Road and Old State Road, lands within and adjacent to the New York State Routes 3 and 56 rights-of-way, and, for areas where wetlands are to be impacted, properties identified on Town of Colton Tax Map Section 181.000, Block 1 as Parcels 1, 2, and 3. Except for portions of state-owned land within highway rights-of-way, the private lands portions of the project site are classified Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use and Resource Management by the Official Adirondack Park Land Use and Development Plan Map.
2. The purpose of the project is to increase the reliability of the electric system in the Tri-Lakes Region (Lake Placid, Saranac Lake and Tupper Lake) and surrounding communities through improvements to system capacity and delivery for the health and safety of area residents.
3. The project will involve these elements:
 - 26.8 miles of a new 46 kilovolt (kV) electric transmission line sharing new wood utility poles and rights-of-way with existing electric distribution lines in some locations and only the new 46 kV line on wood poles within new rights-of-way in other locations. The proposed line will include 15.6 miles of overbuild (combining the new 46 kV line and existing electric 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 the existing distribution corridor and new 46 kV facilities within approximately 11.2 miles of new rights-of-way. Proposed poles will be 70 feet or less in overall height.
 - Much of the route will follow existing public roads and highways. One deviation from this route will be a six mile section of the line to be routed around a portion of forest preserve land designated by the Adirondack Park State Land Master Plan as being in the Raquette Boreal Wild Forest. A portion of the route around the forest preserve will involve a total of approximately 8,000 square feet or 0.18 acre of wetland area to be filled for access road construction. A compensatory wetland mitigation plan is proposed involving

creation of 0.94 acre of wetland areas at two locations to compensate for both this project and a separate project (Project 2005-328 Niagara Mohawk).

- In order to meet NYS Public Service Commission (PSC) requirements, the new line will be located in a 75-foot wide right-of-way to be cleared of trees (ground cover vegetation will not be removed). Overbuild sections in the rights-of-way currently used for distribution lines will involve minimal additional clearing, while new sections of the transmission line will require new cleared right-of-way to a width of 75 feet.
- A new 115/46 kV substation facility within a 110-foot by 180-foot enclosed area to interconnect the proposed line with the existing 115 kV system in the Town of Parishville.
- A new regulator station within a 90-foot by 144-foot enclosed area is to interconnect the proposed line with the existing 46 kV line leading to the Tupper Lake system at the existing Piercefield Substation is to be located in the Town of Piercefield.
- Up to two, 3±-acre marshalling areas for the storage of equipment and supplies are proposed at existing sand and gravel extractions. One area is located on the east side of Route 56; the other on the north side of Route 3. These areas will be restored to their current condition after their use for the project is no longer necessary.
- Easements are to be secured for use of lands located along portions of the transmission line located outside of existing rights-of-way, the regulating station, the substation and marshalling areas.
- No waste disposal within the Adirondack Park is proposed. All wastes generated by the project will be removed for lawful disposal at locations outside the Adirondack Park.
- Herbicides will be used in accordance with applicable state and federal requirements during construction and operation of the project. However, herbicide use will not occur within 100 feet of any stream or wetland as part of this project.
- Project construction will follow an "Environmental Work Plan for the Tri-Lakes Reliability Project" (EWP). A full-time Environmental Inspector will supervise construction activities to insure the project conforms to the project plans and EWP.
- Construction of the project is expected to commence in October 2006 and be completed in August 2008.
- Construction of the project will be undertaken by Niagara Mohawk Power Corporation, also known as National Grid.

The project is described in the Notice of Intent, permit application, a Draft Environmental Impact Statement (DEIS), a Final Environmental Impact Statement (FEIS), and in a report included in Appendix E of the DEIS entitled "Environmental Work Plan for the Tri-Lakes Reliability Project" (EWP). The EWP also contains graphic project plans and details (hereafter referred to as the "project plans").

Background/Prior History

4. The Tri-Lakes regional electrical transmission system, operated by Niagara Mohawk d/b/a National Grid, 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 reliability of service complaint with the Federal Energy Regulatory Commission (FERC), an order was issued by FERC to develop a plan to improve the reliability for the Tri-Lakes Region. PSC mediation between Niagara Mohawk, the Villages and NYPA 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. That agreement along with a separate conversion agreement has also been approved by FERC.

Project Need

5. Immediately prior to the 1980 Winter Olympics a 115 kV line was extended from Lake Colby to Lake Placid. However, since then 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.

Reliability Problems

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, government facilities 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. 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.

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.

Increasing Demand

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.

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. Additions to load in Tupper Lake include the Natural History Museum estimated at 750 kW for winter peak, 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

the 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 a new line which will lessen the load on the existing line so the existing line can more reliably serve its present load.

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 Lake	20.09	24.88	24.82	26.20	26.75	27.66	28.07	28.4 9
Lake Placid	34.68	46.66	50.00	50.50	50.50	51.00	51.00	52.0 0
Niagara Mohawk	48.47	56.09	57.00	57.99	58.86	59.82	60.79	61.7 7
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 Whiteface 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.

Conservation and Demand-side Management

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-Lakes Region and surrounding communities, including numerous energy efficiency upgrades to municipal facilities undertaken by the Tupper Lake and Lake Placid municipal electric systems. Also, electric efficiency information seminars are given, by Niagara Mohawk, on a regular basis covering energy efficiency and demand-side management measures for large industrial users. Niagara Mohawk guides many of its large industrial customers interested in implementing energy efficiency and demand-side management measures to use the programs offered

by the New York State Energy Research and Development Authority which are funded through the system benefit charge.

Recently, 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 and can be renewed for another five years. The recently approved revision to the electric rate structure in Lake Placid will increase electric costs significantly to any home which exceeds a certain usage level to prevent unnecessary heating of empty second homes. Also 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, and 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 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.

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 energy efficiency information seminars covering energy efficiency and demand-side management measures on a regular basis to its industrial customers.

During the past few winters, the combination of public appeals and the temporary addition of diesel generators, continued use of and implementation of energy efficiency measures, 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 Project 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.

Existing Environmental Setting

6. Most of the transmission line route will follow public roads and highways both within existing rights-of-way and areas where expanded and new rights-of-way will be secured by easement from private landowners. Although the route will be located near state-owned forest preserve land identified as the Raquette Boreal Wild Forest Area and forest preserve land adjacent to Dead Creek that is "pending classification" according to the Adirondack Park State Land Master Plan, no portion of the route will be located on forest preserve lands.
7. The project for the most part is located along paved public roads and highways, primarily within existing highway rights-of-way with adjoining private and public forestland. Few areas along the transmission line route are unforested. That section of the transmission line route to be routed around a portion of the Raquette Boreal Wild Forest Area will traverse an area of mixed northern hardwood and softwood forestland that has been actively harvested recently. It will follow the alignment of existing woods roads on the south and a portion of the west sides of the forest preserve. New access roads will be constructed along portions of the north and west sides of the forest preserve to service the transmission line.
8. There are numerous named and unnamed streams and ponds along the transmission line route. A 2,500±-foot long portion of the route located north of Sevey Corners and a 6,300±-foot long portion of it located near Dead Creek are within the river area of the Raquette River which, in these areas, is designated as "scenic" in the New York State Wild, Scenic and Recreational Rivers System. A 3,800±-foot long portion of the route located west of the community of Piercefield and a 1,700±-foot long portion of it located near Dead Creek are within the river area of the Raquette River which, in these areas, is designated as "recreational" in the New York State Wild, Scenic and Recreational Rivers System.

9. Numerous and extensive wetlands are located along the project. Wetlands located within and adjacent to the 75-foot wide right-of-way for the project have been delineated in the field and are depicted on the project plans. In almost all cases the transmission line and its associated access road will be located so that there will be no direct impacts to or loss of wetlands area or function. However, a total of 0.18 acre of wetlands will be filled for access road construction along a portion of the line's route to be located north of the Raquette Boreal Wild Forest area. Wetlands to be impacted by filling consist of deciduous swamp, coniferous swamp and emergent marsh covertypes, having overall value ratings of "2", "3" and "4" pursuant to 9 NYCRR 578.6. Also, several wetlands will be spanned by the transmission line following the existing distribution line route where poles that are now located in wetlands will be removed and either be replaced in the same location or the entire wetland spanned without disturbance to wetlands. A 400±-foot wide portion of Sevey Bog south of the Raquette Boreal Wild Forest area is to be spanned by the transmission line. An existing woods road is to be used to access the line for construction and maintenance. In this area, Sevey Bog is a complex wetland including emergent marsh, bog, and deciduous and coniferous shrub and forested wetland covertypes having an overall value rating of "1".
10. Spruce grouse, a NYS endangered species, has historically been found in the vicinity of Sevey Bog and Dead Creek which are adjacent to the transmission line route. Sevey Bog has been monitored several times since 2000 and no spruce grouse or their signs have been observed. The bog is currently considered unoccupied by spruce grouse. Dead Creek was surveyed for spruce grouse in 2000, 2001, 2004, and 2005. Scant evidence was found only during one year and it is likely that this is a transient site that is not continuously occupied, but receives some immigration from a known downstream site.
11. The vast majority of the project is located in sparsely developed forested open space areas along state highways. However, portions of the transmission line route will follow New York State Route 3 through the unincorporated settlements of Childwold and Piercefield. The regulator station will also be located in an undeveloped area within the hamlet of Piercefield. Over 23 miles of the route will be located in either Rural Use or Resource Management areas. Those portions of the transmission line route located outside the highway right-of-way but within 150 feet of state highways in Rural Use and those portions within 300 feet of these highways in Resource Management are located in critical environmental areas.

Public Notice and Comment

12. The Agency notified all adjoining landowners and other persons as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. The Agency has received 15 letters commenting on the project. Included in these letters are those from State Senator Elizabeth Little, a Franklin County legislator, Adirondack North Country Association, the Saranac Lake Area Chamber of Commerce, and from a landowner adjacent to the project all expressing support for the project. Also included in comment letters received are those from the Adirondack Council, the Association for the Protection of the Adirondacks, the Residents Committee to Protect the Adirondacks, and 8 letters from landowners adjacent to the project expressing concern and/or opposition to the project. The concerns expressed include the request to seek an amendment to the State Constitution allowing the line's placement along New York State Route 56 rather than routing the line around a portion of the Raquette Boreal Wild Forest, burial of the entire line, energy conservation, wildlife impacts, impacts resulting from snowmobile and all terrain vehicle use of the right-of-way, vegetative clearing impacts on landowners' property, property devaluation and growth inducing impacts.
13. NYPA held a State Environmental Quality Review Act public hearing on the DEIS it prepared for the project on January 11, 2006 in Tupper Lake. Numerous comments were received prior to, at and after the hearing. These comments are summarized and NYPA's responses to them are contained in the FEIS.

Other Regulatory Permits and Approvals

14. Portions of the project will require approval from the New York State Department of Environmental Conservation under State Pollutant Discharge Elimination System permitting for stormwater management and will require a new Water Quality Certificate. NYPA will also be seeking authorization from the US Army Corps of Engineers to construct the project under a nationwide permit.
15. Highway Work permitting will be required from the New York State Department of Transportation for those activities located within the highway right-of-way.
16. The Agency was notified in a completed Local Government Notice Form that no approval is required for the project from the Towns of Parishville, Colton and Piercefield.

PROJECT IMPACTS

Wetlands

17. The Environmental Work Plan contains provisions to largely avoid adverse impacts to wetlands such as spanning wetlands where possible, pole for pole replacement where spanning is not possible, no use of herbicides within 100 feet of wetlands, invasive plant species controls, and a variety of soil erosion and sedimentation measures.
18. A combined total of 0.18 acre of wetlands at five locations will be filled to construct an access road along that portion of transmission line route north of the Raquette Boreal State Forest Preserve. Fill areas have been reduced by use of geofabric, geogrids, and cellular confinement materials. 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. Since having vehicular access to all portions of the route is critical for construction and prompt and efficient access for maintenance, since the proposed route is the only reasonable alternative, and since the proposal involves very minor wetlands fills considering its overall length, the project is the only alternative which reasonably can accomplish the applicant's objectives and one which will result in minimal degradation or destruction of wetlands.
19. Compensatory mitigation for the wetland fill and for additional wetland impacts due to permanent right of way clearing and maintenance are proposed to occur near the Tupper Lake substation which is part of a separate project being proposed by Niagara Mohawk (Project 2005-328). 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 both the Niagara Mohawk project (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. NYPA and Niagara Mohawk are committed to providing 0.94 acres of mitigation for these two projects. Additionally, the NYPA has indicated that it will continue to explore opportunities to relocate a 250 foot long section of existing woods road crossing an extension of Sevey Bog as another mitigation measure to offset wetlands impacts. Given the fact that, as proposed, mitigation will not occur near the impact area but rather over 16 miles distant in a different subcatchment of the Raquette River watershed, it is imperative that proposed mitigation also include an "on-site" component by relocating this woods road outside of Sevey Bog or other comparable on-site mitigation.

20. Wetlands shown on the plans and described herein are intended to alert landowners and others that wetlands are present on the project site. However, this may not identify all wetlands on or adjacent to the project site. Landowners and others contemplating development activities apart from those approved based on the plans referenced in this permit should contact the Agency for a further delineation of wetlands.
21. Other than that specifically proposed as part of this project, new land use or development in or proximate to wetlands on the project site should be avoided and, if unavoidable, should first be reviewed and approved by the Agency so that adverse impacts to wetlands can be properly assessed and avoided or mitigated.

Water Resources

22. Impacts to groundwater and surface water during construction will be adequately minimized through adherence to a spill-prevention plan and following soil erosion and sedimentation control and other measures contained in the EWP. Herbicides will only be used outside of a 100-foot wetland and water resources buffer and in accordance with state and federal requirements, therefore, eliminating the potential for contamination of water resources.

Scenic and Recreational Rivers

23. The proposed transmission line will be substantially invisible from the Raquette River within designated scenic and recreational river areas due to intervening forestland.

Air Quality

24. 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 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.

Invasive Plant Species

25. Areas of knotweed (*Fallopia* spp.) and common reed (*Phragmites australis*) have been found along the transmission line route. Prior to the start of construction, detailed field topographic survey and woodland assessments will be completed. A detailed survey for invasive species will be conducted to assure that a comprehensive assessment is completed prior to finalizing construction drawings. Based on the data determined in the field assessment, a remedial program for control of invasives will be prepared including the following measures: each area found to contain invasive species will be quarantined by an enclosure to prevent the spread of plants during construction, appropriate signage will be developed to warn of the invasive species, a management plan will be prepared for each species and area, a copy of the management plan sent to the Agency for approval, the use of straw for mulch will be limited (no hay will be used as per Agency requirements), prior to deployment of equipment, all undercarriage and tracks will be cleaned and free of soil, workers will be informed about the importance of preventing the spread of invasive species, native seed mixes will be applied to exposed soils upon completion of construction.

Protected Species

26. Although it is unlikely that spruce grouse are present at Sevey Bog and Dead Creek in the vicinity of the proposed transmission line route, as a precaution a construction moratorium will be in place in these areas from May 1 to July 31, as this period represents the highest vulnerability to breeding adults and young spruce grouse. No clearing of vegetation, grading or work trail construction or placement of footings or foundations, or pole framing or installation or stringing of electrical wires will be allowed at these locations for the same period. It should also be noted that clearing of overstory trees as is proposed in these areas will result in improved habitat conditions for this species.

Open Space/Aesthetics/Critical Environmental Areas

27. Approximately 15.6 miles or almost 60% of the transmission line route will be located adjacent to existing public roads and highways. Existing poles being 40 to 50 feet in height above grade will be replaced with poles 55 to 70 feet in height above grade. However, the transmission line which will be consolidated with existing electric distribution lines will not represent a new visual intrusion and the taller poles will generally be lower than adjacent trees. The right-of-way is required to be cleared to an overall width of 75 feet to provide adequate separation between the conductors (wires) and vegetation or forest. In

addition, overstory trees adjoining the right-of-way which could fall onto the line will be removed by selective thinning. The cleared right-of-way will, on the road-side of the line, take advantage of the existing cleared road rights-of-way, thereby requiring 37.5 feet of cleared right-of-way on the opposite side of the line, of which some (15 to 25 feet typically) is already cleared. Selected low growing shrub and sapling vegetation will be allowed to grow within the right-of-way. The overall visual effect from clearing will be a slightly wider cleared right-of-way associated with the line and road rights-of-way.

28. Wherever the transmission line is to cross public roads, it will do so at approximately 90 degree angles to reduce long views along its alignment. Most locations also take advantage of road embankments that will further preclude long views.
29. New sections of the transmission line route where distribution lines do not now exist will be offset from roads and employ wooded buffers to reduce visibility of the line from travel corridors.
30. Proper maintenance of undisturbed buffers and proposed tree and shrub plantings along public roads in the vicinity of the proposed substation and regulator station will reduce the overall visibility of these improvements.
31. Retention of existing trees and vegetation along public roads to the maximum extent possible without comprising the integrity of the new line would serve to mitigate adverse impacts to open space and aesthetic resources.

Forest Preserve

32. To avoid traversing the Raquette Boreal Wild Forest forest preserve lands which directly adjoin the paved portion of a 2+ mile long portion of New York State Route 56 in the vicinity of Leonard Pond, the proposed transmission line route will traverse approximately six miles around the Forest Preserve. While avoiding physical intrusion in the forest preserve by routing around it, the line will create a man-made element in the immediate vicinity of this Wild Forest area.

Economic/Fiscal Factors

33. As detailed earlier, the project is being proposed to address, in a timely manner, a severe and long standing problem of unreliable electric power in the Tri-Lakes area due to single source supply. In addition to significant public health and safety risks associated with the sudden and lengthy loss of power, especially during the winter season, the area's unreliable power supply has

also had a negative economic impact in terms of diminished manufacturing productivity, lost commercial sales and lost wages.

34. The improvements included in the Tri-Lakes Reliability Project will have an expected project cost of \$11.9 million for the line construction (excluding design, licensing/permitting and other "soft costs"). Project costs will be shared by NYPA, Niagara Mohawk (now National Grid), and the villages of Lake Placid and Tupper Lake pursuant to the September 2004 agreement which further established the Winter 2008 "in-service" target date for system improvements. As agreed, the improved power line will be owned by NYPA and maintained by Niagara Mohawk through 2012 at which time Niagara Mohawk will acquire ownership.
35. During the projected 19 month construction period, the project will generate an estimated 150 construction jobs.
36. The project sponsor has evaluated the construction and long-term maintenance costs of placement of the power line overhead, and alternatively, underground along the proposed 26.8 mile route. The projected cost per mile of overhead construction is \$332,000. The projected cost per mile of underground construction is \$3,731,000. Overhead placement was proposed for reasons of cost-effectiveness and ease of long-term maintenance.
37. Completion of the proposed reliability project will help address an anticipated impediment to economic expansion in Hamlet and immediately adjacent growth areas of the Tri-Lakes. While more reliable electrical power will not be a significant factor in creating market demand for various land uses in the future, it will nevertheless help to ameliorate a growing constraint.

Historic Sites or Structures

38. By letter dated February 16, 2006, the New York State Office of Parks, Recreation and Historic Preservation advised that in the State Historic Preservation Office's (SHPO) opinion the project will have no adverse impact on historic resources provided a Phase IB survey, following SHPO "Phase I Archeological Report Format Guidelines", is completed and, if necessary, a Phase II site examination is undertaken for any site that is identified during Phase IA/B investigation that cannot be avoided. If any site is determined eligible for listing in the National Register of Historic Places, then either a revised project scope incorporating an Avoidance Plan for the identified site or a Phase III Data Recovery Plan will be developed and submitted to SHPO and any sites subject to data recovery will be protected until an "End of Fieldwork" (EOF) letter is approved by SHPO.

SHPO also advised that it concurs with the conclusions of architectural inventory and a Draft Phase 1A Cultural Resources Investigation (August 2005 and Addendum 1, November 2005) with regard to the identification of historic resources, as follows:

- Adirondack Forest Preserve (National Historic Landmark or NHL): impacts to this historic resource will be adequately avoided or mitigated by creation of "a substantial buffer between the Project and the NHL and will avoid visual impact to the NHL".
- Childwold Memorial Presbyterian Church (National Register Listed): impacts to this historic resource are avoided by NYPA selection of the Route 3 corridor as the preferred option in the vicinity of the church.

Based upon the foregoing, the project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Part 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

Alternatives

39. The Tri-Lakes Reliability Project is being built to remediate the primary deficiency in the existing transmission network which is the radial design (i.e., Tupper Lake area 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). Connecting to the New York State Electric and Gas (NYSEG) system 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 to Tupper Lake, which is at the limit of its reliability to serve its load, does not change. This is why it is necessary to develop a transmission system from the north or west of Tupper Lake.
40. An alternate route from Browns Falls Power Plant in the Town of Fine and terminating at the Piercefield Substation would involve installation of a line along State Route 3 corridor that does not currently have roadside utilities. The introduction of the proposed 46 kV line within this portion of the State Route 3 corridor has the potential of introducing unacceptable visual impacts along this highway corridor by markedly changing the high visual character of the current "parkway" design and roadside landscape. This route would also pass over approximately 1.5 miles of State Forest Preserve and pass immediately adjacent to approximately 3 additional miles of State Forest Preserve. No reasonable routes were identified that would avoid the 1.5 mile portion of the State Forest Preserve. Overall length of this

route is approximately 12 miles longer than the proposed route. A constitutional amendment would be required to traverse the Forest Preserve.

41. A route from Newton Falls in the Town of Clifton terminating at the Piercefield Substation, known as the Alternate Route, would be slightly less than 2 miles longer than the proposed route, also known as the Preferred Route. However, the Alternate Route would involve 7.2 more miles of new right-of-way, an additional approximately 6,000 square feet of wetland filling and 6.5 acres of added vegetative clearing in wetlands, and cost \$3.7 million more in comparison to the Preferred Route.
42. An alternative involving routing the transmission line through forest preserve lands which are directly adjacent to New York State Route 56 was examined. Placement of the line along this highway would require passage of an amendment to Article XIV of the State Constitution, a process that, even if ultimately approved, would take over two years to complete. Concern for very real and present public health, safety and welfare issues dictate against such a delay. There is no guarantee such a constitutional amendment would be approved. Such a delay would also breach the projected time table included in the FERC approval 2004 agreement between 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. Furthermore, burial of the line along Route 56 to avoid the need to remove forest preserve trees would add approximately \$9.2 million to the cost of the project, almost doubling the cost of the project.

HAVING GIVEN DUE CONSIDERATION to the Notice of Intent filed by the New York Power Authority and other materials associated with the project application, and

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project would be consistent with the provisions of the Adirondack Land Use and Development Plan.
2. The Agency has considered the public policy of the State set forth in ECL 24-0103, the statement of legislative findings set forth in ECL 24-0105, and the effect of the project upon the public health and welfare, fishing, flood, hurricane and storm dangers, and the protection and enhancement of the several wetland functions and benefits. The applicable findings of 9 NYCRR Part 578 can be made.
3. The project would be compatible with preservation of the entire wetland with a value rating of "1" and would not result in

degradation or loss of any part of the wetland or its associated values.

4. The project would result in minimal degradation or destruction of wetlands with a value rating of "2" or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.
5. The project would result in the minimum possible degradation or destruction of any part of wetlands with a value rating of "3" or its associated values; is the only alternative which reasonably can accomplish the applicant's objectives; and would, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.
6. With regard to wetlands with a value rating of "4", the project is the only alternative which reasonably can accomplish the applicant's objectives
7. The project would be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act.
8. The project would comply with the applicable restrictions and standards of 9 NYCRR 577.6.
9. The project would not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.
10. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project provided the following conditions are met:
 - a. At least 30 days prior to undertaking any land disturbance activities, the permittee shall provide the Agency with the name and qualifications of an Environmental Inspector with appropriate education and experience with this type of project for its review and written approval in the form of a letter of permit compliance. This person shall monitor all aspects of project construction on a daily basis and shall provide written monthly reports to the Agency whenever work is conducted and contact the Agency within 24 hours of any site related problems. Monthly reports shall fully document the status of compliance with the Environmental Work Plan, project plans and the findings, terms and conditions herein

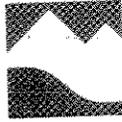
and shall describe all site related problems that have resulted and corrective actions taken.

- b. The Project shall be constructed according to the Environmental Work Plan and the terms and conditions of this permit and order. Any changes to the Environmental Work Plan, supplements to it contained in technical work documents or procedural changes shall be submitted for prior Agency review in the form of a letter of permit compliance or new or amended permit at the discretion of the Agency.
- c. At least 30 days prior to undertaking the project, a plan shall be developed in consultation with the Agency that will address procedures to be followed for any field changes to the project. The nature of any contemplated changes to the design, location and activities associated with the project shall be identified and a procedure to accommodate these changes. Project changes, if approvable, will be approved by a letter of permit compliance or amended or new permit at the discretion of the Agency.
- d. Prior to undertaking any land disturbance activities, the Agency shall be provided with a final plan to control new and existing invasive plant species at the project site and new invasive plant species which do not now exist that may result from this project for its review and approval in the form of a letter of permit compliance. This plan must include provisions for identifying and managing invasive species in any wetland and upland areas scheduled for disturbance, sanitization of project related equipment prior to arrival at the project site or being moved within the project site, and monitoring and control of invasive species both during and after construction. If approvable, the plan will be approved by a letter of permit compliance.
- e. At least 30 days prior to undertaking any land disturbance activities, the Agency shall be provided with a revised Compensatory Wetland Mitigation Plan, prepared in consultation with Agency staff, that will provide for the relocation of the woods road out of wetlands which are part of Sevey Bog and the successful restoration of the road alignment to wetlands or other comparable plan acceptable to the Agency. If approvable, the plan will be approved by a letter of permit compliance.
- f. Prior to undertaking any land disturbance activities, prior written Agency approval in the form of either an amended permit for Project 2005-328 or a new permit shall be obtained for the proposed compensatory wetland mitigation in the Town of Tupper Lake.

- g. Prior to undertaking any ground disturbance activities, the Agency shall be provided with copies of any Phase IB survey, Phase II site examination report, Avoidance Plan, Phase III Data Recovery Plan as requested by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and any correspondence with OPRHP demonstrating the project as not having an impact on historic, archeological or cultural resources. In addition, the Agency shall be provided with any End of Fieldwork letter approved by the OPRHP. No ground disturbance shall occur in any area identified by OPRHP as requiring a Phase IB survey until such time as documentation is provided to the Agency indicating that in OPRHP's opinion there will be no adverse impact on historic, archeological or cultural resources.
- f. No herbicides shall be used during construction or operation of the project within 100 feet of any stream or wetland without prior separate Agency review and approval in the form of a new permit.
- g. Refueling, maintenance and repairs of construction vehicles and the storage of hazardous materials shall only occur at locations greater than 100 feet from all surface waters and wetlands.
- h. Beyond that specifically authorized herein, no "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.
- i. Geotextile silt fencing shall be properly installed and maintained immediately upslope of all waterbodies, drainage courses and wetlands adjoining any area to be disturbed by the project. This fencing shall be maintained until all disturbed soil areas are permanently restored and successfully revegetated.
- j. Any soil areas disturbed by the project shall be promptly and successfully vegetated as soon as practicable with uniform native grass ground cover and in accordance with the Environmental Work Plan.
- k. Inside and within 100 feet of the mean high water mark of the Raquette River, no trees or other vegetation shall be harvested, cut, culled, removed, thinned or otherwise disturbed without prior Agency review and approval.

1. Except as specifically shown on the project plans, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed within 100 feet of the right-of-way of any public road without prior Agency review and approval. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.

- m. The New York Power Authority and National Grid shall work cooperatively with landowners along the transmission line route right-of-way to monitor and prevent unauthorized access to the right-of-way by snowmobiles and all terrain vehicles. All reasonable efforts to preclude such unauthorized use, including posting of appropriate signs and installation of barriers, shall be undertaken promptly by New York Power Authority and/or National Grid.



NEW YORK STATE
Adirondack
parkagency

Transmittal of Permit

Authorized by the Deputy Director, Regulatory Programs

Project/Permit: 2005-325A

To: John Suloway

Enclosed is the original copy of the above numbered permit issued by the Adirondack Park Agency's Deputy Director of Regulatory Programs pursuant to authority delegated by the Agency.

This project may not be undertaken until the permit along with any attached maps is recorded in the office of the **St. Lawrence County Clerk**. In addition, the permit will be void unless it is recorded along with any attached maps on or before **June 15, 2007**, in the names of all owners of record of any portion of the project site on the date of recordation. On the top right corner of the permit, we have provided the names of the landowners to the best of our knowledge on the date the permit is issued. If there are additional landowners, the applicant must add them to the list on the top right of the front page of the permit. *In order for the permit to be recorded in the County Clerk's Office, the applicant must pay the County Clerk the following fees at the time of recording: Twenty-five dollars, and in addition thereto, three dollars for each page or portion of a page of the permit and any attachments to it. The original of the permit will be returned to the applicant by the County Clerk.*

If you find minor factual discrepancies in the permit and accompanying findings, please bring them to the Agency's attention before recording the permit. In most cases these are easily resolved and the Agency will issue a corrected permit if necessary for recording.

If on the other hand you wish to dispute the terms or conditions imposed in the permit, you are entitled to have the Agency Members review the matter and render their own decision before you undertake the project. In this case, provide a detailed written description specifically outlining what terms or conditions of the permit you wish to appeal and why you believe your appeal should be granted. Return it to the Agency on or before **May 16, 2007**. Notices of appeal received after this date will not be considered by the Agency unless you show good cause for not notifying the Agency sooner. Do not, however, record the permit if you intend to appeal its terms.

You should be aware that once you notify the Agency of your intent to dispute the permit, the process will require at least 20 days to allow for public notification. Also, delays can occur depending on when the appeal is filed relative to the regular monthly meeting dates of the Agency. The Agency regularly meets on the second Thursday and Friday of each month.

If you have any questions concerning these procedures, please direct them to the Review Officer named below. Thank you for your cooperation in this matter.

John L. Quinn
Environmental Program Specialist
(518) 891-4050

THIS PERMIT AND ORDER AMENDS PERMIT AND ORDER 2005-325 ISSUED
MARCH 13, 2006



P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050

**APA Project Permit
and Order
2005-325A**

Date Issued: **April 16, 2007**

In the Matter of a Proposal by

NEW YORK POWER AUTHORITY

Subject to Section 814 of the
Adirondack Park Agency Act
and 9 NYCRR 4.150 and for a permit pursuant to
9 NYCRR Parts 577 and 578

To the County Clerk: This permit
must be recorded on or before
June 15, 2007. Please index this
permit in the grantor index
under the following names:

1. New York Power Authority

SUMMARY AND AUTHORIZATION

New York Power Authority (NYPA) is granted an amended permit and order, on conditions, for minor changes to a previously approved 46 kV overhead electric transmission line known as the "Tri-Lakes Reliability Project" by revisions to its alignment, utility pole and stub pole locations, culvert and fill installation, and use of a new location for a marshalling area in the Town of Colton, St. Lawrence County.

This amended project may not be undertaken until this permit and order are recorded in the St. Lawrence County Clerk's Office. This permit and order shall expire unless so recorded on or before June 15, 2007, in the names of NYPA and in the names of all owners of record of any portion of the project site on the recordation date.

Nothing contained in this permit and order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

Why should I care if my septic system fails?

Failing septic systems can:

- cause a serious health threat to your family and neighbors
- degrade the environment, especially lakes, streams and groundwater
- reduce the value of your property
- be very expensive to repair

How will I know if my septic system is failing?

Be alert to these signs of a failing system:

- sewage surfacing over the absorption field (especially after storms or in the spring when groundwater is usually highest)
- sewage back-ups in the house
- lush, green growth over the absorption field
- slow draining toilets or drains
- sewage odors
- the presence of nitrates or bacteria in your drinking well

What is a septic system and how does it work?

A typical septic system contains two major components: a septic tank and an absorption field, sometimes called a leachfield (see *Figure 1*). Wastewater from the house flows into the septic tank. The septic tank is made of concrete, fiberglass or metal and is buried and watertight. The size of the septic tank is based on the number of bedrooms in the residence. All septic tanks must have baffles (internal slabs or tees) at the inlet and outlet to insure proper flow patterns (see *Figure 2*).

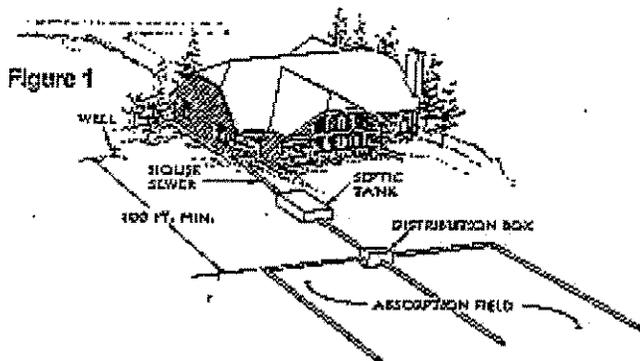
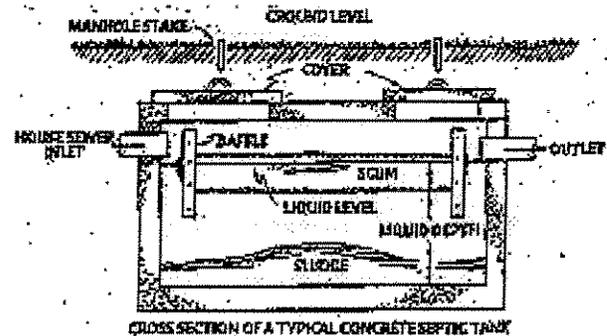


Figure 2



A septic tank allows heavier solids to settle and be partially decomposed by bacteria to form sludge. Light solids and grease (scum) float to the top of the tank where they are retained by the baffles until the tank is pumped. The wastewater from the septic tank (effluent) flows into a distribution box which contains several outlet holes to uniformly distribute the wastewater to the absorption field. Solid plastic pipes, connected to the distribution box outlets, carry effluent to the absorption field. The absorption field contains a series of underground perforated pipes of equal length, laid in trenches about 18 - 24 inches deep, filled with clean stone or washed gravel. The length of trenches required is based on the number of bedrooms in the residence and the soil percolation rate. The effluent coming out of the septic tank contains many microorganisms and pollutants. When this water flows into the through the rock or gravel where it is stored until it is absorbed by the soil. As the effluent enters and flows through the soil, many of the bacteria that can cause diseases are filtered out. Some of the other smaller pathogens, such as viruses, are trapped and held (adsorbed) by the soil molecules. Soils can retain certain nutrients such as phosphorous and some forms of nitrogen.

The information in this flyer was compiled from existing sources by Adirondack Park Agency staff. For further information, contact your County Health Department or the New York State Health Department District Office serving your area as listed in your telephone directory's white pages.

CARING FOR YOUR SEPTIC SYSTEM

A septic system must be properly and maintained to protect your health, property value, water resources and provide many years of trouble-free service. This information flyer is designed to help you to do that by answering some commonly asked questions.

How should I care for my septic system?

- DO learn the location of your septic tank and absorption field. Keep a sketch of it handy for service visits and keep a record of pumping, inspections and other maintenance (see Maintenance Record).
- DO inspect and pump out the septic tank on a regular basis. The frequency generally depends on the size of the tank and the amount of wastewater generated in the household (see Table 1). The New York State Health Department recommends the contents of the septic tank be pumped every two to three years or when the total depth of sludge and scum exceeds one-third of the liquid depth of the tank. The use of a garbage disposal will increase the amount of solids in the tank by as much as 50% and increase the pump out frequency accordingly. The cost to pump out your septic tank will depend on the size of your septic tank and the pump out contractor's transportation and disposal costs. Consult the yellow pages of your telephone directory to find licensed septic tank cleaners.

Maintenance Record

Keeping a record of your septic system maintenance experience will help you anticipate when the next cleaning may be needed.

Size of Tank

gallons

Date	Work Done	Firm	Cost

Estimating septic tank pumping frequencies in years. These figures assume there is no garbage disposal unit in use. Source: Pennsylvania State University Cooperative Extension Service.

- DO practice water conservation. Repair dripping faucets and leaky toilets, run washing machine and dishwashers only when full, avoid long showers, and use water-saving features in faucets, shower heads and toilets.
- DO divert roof drains and surface water from driveways and hillsides away from the septic system. Keep sump pumps and house footing drains away from the septic system as well.
- DON'T use caustic drain openers for a clogged drain. Instead use boiling water or a drain snake to open clogs. Keep all toxic and hazardous chemicals out of your septic system. Even small amounts of paints, varnishes, thinners, waste oil, photographic solutions, pesticides and other organic chemicals can destroy the biological digestion taking place within the system.
- DON'T dump grease or fats down the kitchen drain. They solidify and the accumulation may contribute to blockages in the system.
- DON'T use commercial septic tank additives such as yeasts, bacteria, enzymes or chemicals. These products usually do not help and some may hurt your system in the long run.
- DON'T drive over the absorption field with cars, trucks or heavy equipment.
- DON'T plant trees or shrubbery in the absorption field area. The roots will get into the lines, plugging them up.
- DON'T cover the absorption field with a hard surface such as concrete or asphalt. Grass is the best cover for the field. The grass will not only prevent erosion, but will help remove excess water.
- DON'T use your toilet as a trash can by dumping nondegradables down your toilet or drains.
- DON'T enter your septic tank. Individuals have died from gas asphyxiation.

If I maintain my septic system as recommended, how long will it perform satisfactorily?

Most septic systems will fail eventually. These systems are designed to have a useful life of 20 to 30 years, under the best conditions. Eventually, the soil in the soil absorption field becomes clogged with organic material, making the system unusable. If the septic tank is not routinely pumped out, the absorption system will need to be replaced much sooner.

(over please)

AGENCY JURISDICTION

The project as originally approved consists of new land use and development by a state agency, requiring review by the Adirondack Park Agency pursuant to §814 of the Adirondack Park Agency Act, 9 NYCRR Section 579.1, and 9 NYCRR Section 4.150 (Executive Order 150). The project will also involve regulated activities within and adjacent to freshwater wetlands requiring a wetlands permit pursuant to 9 NYCRR Sections 578.2(a) and 578.3(n)(1)(iv) and (2) and in part constitutes a rivers project requiring an Agency permit pursuant to 9 NYCRR Sections 577.4(a) and 577.5(b)(1)(ix) and(c)(1).

AMENDED PROJECT DESCRIPTION AS PROPOSED

The project as originally proposed is a 26.8-mile long, 46 kV overhead electric transmission line including adjacent access roads, a regulator station and a substation as described in Permit and Order 2005-325. The requested amendments involve:

- Revisions to the electric transmission line's alignment at five locations.
- Installation of additional, intermediate utility poles at 24 locations.
- Installation of stub poles for span guys at 13 locations.
- Installation of a culvert and fill at one location.
- Uses of a portion of a former sawmill logyard as marshalling or staging area for the storage of equipment and supplies. This area will be restored to its current condition after its use for the project is no longer necessary.

The requested amendments are described in a letter dated March 19, 2007 and its accompanying maps, photographs and "Environmental Work Plan - Notice of Minor Change" forms and are shown on a set of plans (10 sheets) entitled "Tri-Lakes Reliability Project, Townline-Piercefield #32, 46kV, Plan & Profile Index Sheet" prepared by National Grid and dated March 15, 2007 (1 index sheet) and "Tri-Lakes Reliability Project, Townline-Piercefield #32, Final Design Drawings" (9 sheets) prepared by Commonwealth Associates, Inc and dated March 16, 2007 (referred to herein as the "March 2007 amended project plans"). The original, full-scale maps and plans referenced in Permit and Order 2005-325 and this amended permit and order and the previously provided "Environmental Work Plan for the Tri-Lakes Reliability Project" are the official plans for the project.

FINDINGS OF FACT

Findings of Fact 1 through 42 as contained in Permit and Order 2005-325 which was issued on March 13, 2006 are incorporated herein by reference and remain in effect.

43. By letter dated March 19, 2007, NYPA made a request to amend Agency Permit and Order 2005-325 for an electric transmission line and adjacent access roads, a regulator station and a substation. The requested amendments involve the northerly-most 8.5 miles of the approved electric line. Additional changes to the project are contemplated, but final plans for them have not been developed.
44. The requested amendments include:
- Revisions to the electric transmission line's alignment at five locations along Raquette River Road and New York State Route 56 and off Stark Road. The line will be located on the opposite side of Route 56 from its previously approved alignment at three of these locations.
 - Installation of additional, intermediate utility poles at 24 locations along Route 56 to avoid excessively long spans which would otherwise require utility poles in excess of 70 feet in height.
 - Installation of stub poles for span guys at 13 locations along Route 56.
 - Installation of a culvert and fill at one location along Route 56 not involving jurisdictional wetlands to facilitate placement of a new utility pole. Contrary to what is shown as two additional proposed culvert and fill locations on "Notice 06-08B" on Sheet 8 of 26 of the March 2007 amended project plans, these improvements will not occur and are instead replaced by "Notice 06-08C" on Sheet 8 of 2/26 which avoids the need for them.
 - Use of a portion of a former sawmill logyard (Town of Colton Tax Map Ref.: 136-1-1.2; Reputed Owner: Thew) as marshalling or staging area for the storage of equipment and supplies. This area will be restored to its current condition after its use for the project is no longer necessary.
45. The requested amendments are to improve the line's overall alignment by avoiding abrupt turns, improve separation between utility poles and road pavement and/or structures, reduce the number of span guys, improve guy wire locations, provide the necessary electrical safety clearances, and avoid wetland impacts.
46. The requested amendments do not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the issuance of Permit and Order 2005-325 pursuant to §809(8)(b)(1) of the Adirondack Park Agency Act.

CONCLUSIONS OF LAW

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project as amended would be consistent with the provisions of the Adirondack Land Use and Development Plan.
2. The Agency has considered the public policy of the State set forth in ECL 24-0103, the statement of legislative findings set forth in ECL 24-0105, and the effect of the project upon the public health and welfare, fishing, flood, hurricane and storm dangers, and the protection and enhancement of the several wetland functions and benefits. The applicable findings of 9 NYCRR Part 578 can be made.
3. The project would be compatible with preservation of the entire wetland with a value rating of "1" and would not result in degradation or loss of any part of the wetland or its associated values.
4. The project would result in minimal degradation or destruction of wetlands with a value rating of "2" or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.
5. The project would result in the minimum possible degradation or destruction of any part of wetlands with a value rating of "3" or its associated values; is the only alternative which reasonably can accomplish the applicant's objectives; and would, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.
6. With regard to wetlands with a value rating of "4", the project is the only alternative which reasonably can accomplish the applicant's objectives.
7. The project would be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act.
8. The project would comply with the applicable restrictions and standards of 9 NYCRR Section 577.6.
9. The project as amended would not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

10. The project as amended would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project provided there is adherence to all conditions contained in Permit and Order 2005-325 and the "Environmental Work Plan for the Tri-Lakes Reliability Project" referenced herein is followed.

NOW THEREFORE, upon all of the foregoing and under authority delegated to the Deputy Director, Regulatory Programs, it is ORDERED, that these findings be duly reported to the New York Power Authority.

PERMIT and ORDER issued this 16th day
of April, 2007.

ADIRONDACK PARK AGENCY

BY: MARK E. SENGENBERGER
Mark E. Sengenberger
Deputy Director (Regulatory Programs)

STATE OF NEW YORK)
COUNTY OF ESSEX) ss.:

On the 16th day of April in the year 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Mark E. Sengenberger, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Tracy J. Frechette (Dorrah)
Notary Public

TRACY J. FRECHETTE
Notary Public - State of New York
Qualified in Essex County
No. 01FR6114799
Commission Expires Aug. 23, 2007

MES:JLQ:RRT:tjd



NEW YORK STATE
Adirondack
parkagency

Transmittal of Permit

Authorized by the Deputy Director, Regulatory Programs

To: **John Suloway**

Project/Permit: **2005-325B**

Enclosed is the original copy of the above numbered permit issued by the Adirondack Park Agency's Deputy Director of Regulatory Programs pursuant to authority delegated by the Agency.

This project may not be undertaken until the permit along with any attached maps is recorded in the office of the **St. Lawrence** County Clerk. In addition, the permit will be void unless it is recorded along with any attached maps on or before **November 16, 2007** in the names of all owners of record of any portion of the project site on the date of recordation. On the top right corner of the permit, we have provided the names of the landowners to the best of our knowledge on the date the permit is issued. If there are additional landowners, the applicant must add them to the list on the top right of the front page of the permit. *In order for the permit to be recorded in the County Clerk's Office, the applicant must pay the County Clerk the following fees at the time of recording: Twenty-five dollars, and in addition thereto, three dollars for each page or portion of a page of the permit and any attachments to it. The original of the permit will be returned to the applicant by the County Clerk.*

If you find minor factual discrepancies in the permit and accompanying findings, please bring them to the Agency's attention before recording the permit. In most cases these are easily resolved and the Agency will issue a corrected permit if necessary for recording.

If on the other hand you wish to dispute the terms or conditions imposed in the permit, you are entitled to have the Agency Members review the matter and render their own decision before you undertake the project. In this case, provide a detailed written description specifically outlining what terms or conditions of the permit you wish to appeal and why you believe your appeal should be granted. Return it to the Agency on or before **October 17 2007**. Notices of appeal received after this date will not be considered by the Agency unless you show good cause for not notifying the Agency sooner. Do not, however, record the permit if you intend to appeal its terms.

You should be aware that once you notify the Agency of your intent to dispute the permit, the process will require at least 20 days to allow for public notification. Also, delays can occur depending on when the appeal is filed relative to the regular monthly meeting dates of the Agency. The Agency regularly meets on the second Thursday and Friday of each month.

If you have any questions concerning these procedures, please direct them to the Review Officer named below. Thank you for your cooperation in this matter.

John L. Quinn
Environmental Program Specialist
(518) 891-4050

THIS PERMIT AND ORDER AMENDS PERMIT AND ORDER 2005-325 ISSUED MARCH 13, 2006

 <p>Adirondack parkagency</p> <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit and Order 2005-325B</p>
<p>In the Matter of a Proposal by</p> <p>NEW YORK POWER AUTHORITY</p> <p>Subject to Section 814 of the Adirondack Park Agency Act and 9 NYCRR 4.150 and for a permit pursuant to 9 NYCRR Parts 577 and 578</p>	<p>Date Issued: September 17, 2007</p> <p>To the County Clerk: This permit must be recorded on or before November 16, 2007. Please index this permit in the grantor index under the following names:</p> <p>I. New York Power Authority</p>

SUMMARY AND AUTHORIZATION

The New York Power Authority (NYPA) is granted an amended permit and order, on conditions, for a minor change to a previously approved 46 kV overhead electric transmission line known as the "Tri-Lakes Reliability Project" involving the construction of a temporary work platform by installation of a culvert and fill in wetlands adjacent to New York State Route 56 in the Town of Colton, St. Lawrence County.

This amended project may not be undertaken until this permit and order are recorded in the St. Lawrence County Clerk's Office. This permit and order shall expire unless so recorded on or before November 16, 2007, in the names of the New York Power Authority and in the names of all owners of record of any portion of the project site on the recordation date.

Nothing contained in this permit and order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project as originally approved consists of new land use and development by a state agency, requiring review by the Adirondack Park Agency pursuant to §814 of the Adirondack Park Agency Act, 9 NYCRR 579.1, and 9 NYCRR 4.150 (Executive Order 150). The project will also involve regulated activities within and adjacent to freshwater wetlands requiring a wetlands permit pursuant to 9 NYCRR 578.2(a) and 578.3(n)(1)(iv) and (2) and in part constitutes a rivers project requiring an Agency permit pursuant to 9 NYCRR 577.4(a) and 577.5(b)(1)(ix) and(c)(1).

AMENDED PROJECT DESCRIPTION AS PROPOSED

The project as originally proposed is a 26.8-mile long, 46 kV overhead electric transmission line including adjacent access roads, a regulator station and a substation as described in Permit and Order 2005-325. The requested amendment involves:

- Construction of a temporary work platform by installation of a culvert and fill in wetlands to facilitate rock drilling for pole installation. The culvert and fill will be removed upon completion of line construction and the area will be returned to its existing grade and revegetated.

The requested amendment is described in an "Environmental Work Plan - Notice of Minor Change" form and accompanying maps.

FINDINGS OF FACT

Findings of Fact 1 through 42 as contained in Permit and Order 2005-325 which was issued March 13, 2006 and Findings of Fact 43 through 46 as contained in Permit and Order 2005-325A which was issued April 16, 2007 are incorporated herein by reference and remain in effect.

47. By letter dated September 12, 2007, NYPA made a request to amend Agency Permit and Order 2005-325 for an electric transmission line and adjacent access roads, a regulator station and a substation. The requested amendment is located along the northerly-most 8.5 miles of the approved electric line. Additional changes to the project are contemplated, but final plans for them have not been submitted.
48. The requested amendment is for the construction of a temporary work platform by installation of a culvert and fill on filter fabric in wetlands within the New York State Route 56 right-of-way to facilitate rock drilling necessary for pole installation.

The culvert and fill will be removed upon completion of line construction and the area will be returned to its existing grade and revegetated.

49. The requested amendment will involve a temporary wetland impact to wet meadow/emergent marsh covertime wetlands which have an overall value rating of "2" pursuant to 9NYCRR 578.6. Wetlands will become reestablished after the culvert and fill are removed and the area is regraded to its existing grade.
50. The requested amendment does not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the issuance of Permit and Order 2005-325 pursuant to §809(8)(b)(1) of the Adirondack Park Agency Act.

CONCLUSIONS OF LAW

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project as amended would be consistent with the provisions of the Adirondack Land Use and Development Plan.
2. The Agency has considered the public policy of the State set forth in ECL 24-0103, the statement of legislative findings set forth in ECL 24-0105, and the effect of the project upon the public health and welfare, fishing, flood, hurricane and storm dangers, and the protection and enhancement of the several wetland functions and benefits. The applicable findings of 9 NYCRR Part 578 can be made.
3. The project would be compatible with preservation of the entire wetland with a value rating of "1" and would not result in degradation or loss of any part of the wetland or its associated values.
4. The project would result in minimal degradation or destruction of wetlands with a value rating of "2" or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.
5. The project would result in the minimum possible degradation or destruction of any part of wetlands with a value rating of "3" or its associated values; is the only alternative which reasonably can accomplish the applicant's objectives; and would, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.

6. With regard to wetlands with a value rating of "4", the project is the only alternative which reasonably can accomplish the applicant's objectives
7. The project would be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act.
8. The project would comply with the applicable restrictions and standards of 9 NYCRR 577.6.
9. The project as amended would not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.
10. The project as amended would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project provided there is adherence to all conditions contained in Permit and Order 2005-325 and the "Environmental Work Plan for the Tri-Lakes Reliability Project" referenced herein is followed.

NOW THEREFORE, upon all of the foregoing and under authority delegated to the Deputy Director, Regulatory Programs, it is

ORDERED, that these findings be duly reported to the New York Power Authority.

RECEIVED
SEP 20 2007
LICENSING



NEW YORK STATE
Adirondack
parkagency

Transmittal of Permit

Authorized by the Deputy Director, Regulatory Programs

To: John Suloway

Project/Permit: 2005-325C

Enclosed is the original copy of the above numbered permit issued by the Adirondack Park Agency's Deputy Director of Regulatory Programs pursuant to authority delegated by the Agency.

This project may not be undertaken until the permit along with any attached maps is recorded in the office of the **St. Lawrence** County Clerk. In addition, the permit will be void unless it is recorded along with any attached maps on or before **December 3, 2007**, in the names of all owners of record of any portion of the project site on the date of recordation. On the top right corner of the permit, we have provided the names of the landowners to the best of our knowledge on the date the permit is issued. If there are additional landowners, the applicant must add them to the list on the top right of the front page of the permit. *In order for the permit to be recorded in the County Clerk's Office, the applicant must pay the County Clerk the following fees at the time of recording: Twenty-five dollars, and in addition thereto, three dollars for each page or portion of a page of the permit and any attachments to it. The original of the permit will be returned to the applicant by the County Clerk.*

If you find minor factual discrepancies in the permit and accompanying findings, please bring them to the Agency's attention before recording the permit. In most cases these are easily resolved and the Agency will issue a corrected permit if necessary for recording.

If on the other hand you wish to dispute the terms or conditions imposed in the permit, you are entitled to have the Agency Members review the matter and render their own decision before you undertake the project. In this case, provide a detailed written description specifically outlining what terms or conditions of the permit you wish to appeal and why you believe your appeal should be granted. Return it to the Agency on or before **November 2, 2007**. Notices of appeal received after this date will not be considered by the Agency unless you show good cause for not notifying the Agency sooner. Do not, however, record the permit if you intend to appeal its terms.

You should be aware that once you notify the Agency of your intent to dispute the permit, the process will require at least 20 days to allow for public notification. Also, delays can occur depending on when the appeal is filed relative to the regular monthly meeting dates of the Agency. The Agency regularly meets on the second Thursday and Friday of each month.

If you have any questions concerning these procedures, please direct them to the Review Officer named below. Thank you for your cooperation in this matter.

John L. Quinn
Environmental Program Specialist
(518) 891-4050

THIS PERMIT AND ORDER AMENDS PERMIT AND ORDER 2005-325 ISSUED
MARCH 13, 2006

 <p>Adirondack parkagency</p> <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit and Order 2005-325C</p>
<p>In the Matter of a Proposal by</p> <p>NEW YORK POWER AUTHORITY</p> <p>Subject to Section 814 of the Adirondack Park Agency Act and 9 NYCRR 4.150 and for a permit pursuant to 9 NYCRR Parts 577 and 578</p>	<p>Date Issued: October 3, 2007</p> <p>To the County Clerk: This permit must be recorded on or before December 3, 2007. Please index this permit in the grantor index under the following names:</p> <p>1. New York Power Authority</p>

SUMMARY AND AUTHORIZATION

New York Power Authority (NYPA) is granted an amended permit and order, on conditions, for minor changes to a previously approved 46 kV overhead electric transmission line known as the "Tri-Lakes Reliability Project" involving the proposed use of a new location for a marshalling area in an area designated as Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Piercefild, St. Lawrence County.

This amended project may not be undertaken until this permit and order are recorded in the St. Lawrence County Clerk's Office. This permit and order shall expire unless so recorded on or before December 3, 2007 in the names of NYPA and in the names of all owners of record of any portion of the project site on the recordation date.

Nothing contained in this permit and order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project as originally approved consists of new land use and development by a state agency, requiring review by the Adirondack Park Agency pursuant to §814 of the Adirondack Park Agency Act, 9 NYCRR Section 579.1, and 9 NYCRR Section 4.150 (Executive Order 150). The project will also involve regulated activities within and adjacent to freshwater wetlands requiring a wetlands permit pursuant to 9 NYCRR Sections 578.2(a) and 578.3(n)(1)(iv) and (2) and in part constitutes a rivers project requiring an Agency permit pursuant to 9 NYCRR Sections 577.4(a) and 577.5(b)(1)(ix) and(c)(1).

AMENDED PROJECT DESCRIPTION AS PROPOSED

The project as originally proposed is a 26.8-mile long, 46 kV overhead electric transmission line including adjacent access roads, a regulator station and a substation as described in Permit and Order 2005-325. The requested amendment involves:

- Temporary use of a 3±-acre portion of a former sawmill site as marshalling area for offices to be housed in trailers, parking, and the storage of equipment and supplies. This area will be restored to its current condition after its use for the project is no longer necessary.

The requested amendment is described in a letter dated September 26, 2007 and its accompanying maps, photographs, an "Environmental Work Plan - Notice of Minor Change" form, and is shown on a map entitled "Marshalling Yard, Typical Site Layout, Potential Maximum Use" prepared by the LA Group (referred to herein as the "September 2007 amended project plan"). The original, full-scale maps and plans referenced in Permit and Order 2005-325, Permit and Order 2005-325A Permit and Order 2005-325B and this amended permit and order and the previously provided "Environmental Work Plan for the Tri-Lakes Reliability Project" are the official plans for the project.

FINDINGS OF FACT

Findings of Fact 1 through 42 as contained in Permit and Order 2005-325 which was issued on March 13, 2006, Findings of Fact 43 through 46 as contained in Permit and Order 2005-325A which was issued April 16, 2007, and Findings of Fact 47 through 50 as contained in Permit and Order 2005-325B which was issued on September 17, 2007 are incorporated herein by reference and remain in effect.

51. By letter dated September 26, 2007, NYPA made a request to amend Agency Permit and Order 2005-325 for an electric transmission line and adjacent access roads, a regulator station and a substation. The requested amendment involves the temporary use

of a portion of a former sawmill site (Town of Piercefield Tax Map Ref.: 207-4-3.11; Reputed Owner: Rayonier Forest Resources, L.P.) as marshalling area for offices to be housed in trailers, parking, and the storage of equipment and supplies.

52. A 3+-acre marshalling yard, which may be surrounded by perimeter fencing at the discretion of the contractor, is to be located in a 6.4 acre clearing associated with a long-abandoned sawmill. The following improvements, reflecting maximum site usage, will be located within the marshalling area: up to four trailers to house offices for National Grid, the project contractors (two trailers), and a staff breakroom; a chemical toilet; roll off containers for waste and material storage; a double-walled 10-foot by 20-foot (maximum footprint) fuel tank; unpaved parking areas for staff and visitors, trucks and worker vehicles; and a 80-foot by 80-foot (maximum) utility pole storage area. This area will be restored to its current condition after its use for the project is no longer necessary.
53. The property on which the marshalling area is to be located is encumbered by a conservation easement administered by the New York State Department of Environmental Conservation. In a September 26, 2007 letter, the New York State Department of Environmental Conservation advised of its approval for this temporary use since it is located at an acceptable location and is allowable under the terms of the conservation easement.
54. There are no streams or wetlands located within 100+ feet of the proposed marshalling area.
55. The requested amendment does not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the issuance of Permit and Order 2005-325 pursuant to §809(8)(b)(1) of the Adirondack Park Agency Act.

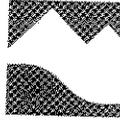
CONCLUSIONS OF LAW

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project as amended would be consistent with the provisions of the Adirondack Land Use and Development Plan.
2. The Agency has considered the public policy of the State set forth in ECL 24-0103, the statement of legislative findings set forth in ECL 24-0105, and the effect of the project upon the public health and welfare, fishing, flood, hurricane and storm

dangers, and the protection and enhancement of the several wetland functions and benefits. The applicable findings of 9 NYCRR Part 578 can be made.

3. The project would be compatible with preservation of the entire wetland with a value rating of "1" and would not result in degradation or loss of any part of the wetland or its associated values.
4. The project would result in minimal degradation or destruction of wetlands with a value rating of "2" or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.
5. The project would result in the minimum possible degradation or destruction of any part of wetlands with a value rating of "3" or its associated values; is the only alternative which reasonably can accomplish the applicant's objectives; and would, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.
6. With regard to wetlands with a value rating of "4", the project is the only alternative which reasonably can accomplish the applicant's objectives
7. The project would be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act.
8. The project would comply with the applicable restrictions and standards of 9 NYCRR Section 577.6.
9. The project as amended would not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.
10. The project as amended would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project provided there is adherence to all conditions contained in Permit and Order 2005-325 and the "Environmental Work Plan for the Tri-Lakes Reliability Project" referenced herein.



NEW YORK STATE
Adirondack
parkagency

Transmittal of Permit & Order

Authorized by the Deputy Director, Regulatory Programs

To: Mr. John Suloway

Project/Permit & Order: 2005-325D

Enclosed is the original copy of the above numbered permit & Order issued by the Adirondack Park Agency's Deputy Director of Regulatory Programs pursuant to authority delegated by the Agency.

This project may not be undertaken until the permit along with any attached maps is recorded in the office of the St. Lawrence County Clerk. In addition, the permit will be void unless it is recorded along with any attached maps on or before **December 31, 2007**, in the names of all owners of record of any portion of the project site on the date of recordation. On the top right corner of the permit, we have provided the names of the landowners to the best of our knowledge on the date the permit is issued. If there are additional landowners, the applicant must add them to the list on the top right of the front page of the permit. *In order for the permit to be recorded in the County Clerk's Office, the applicant must pay the County Clerk the following fees at the time of recording: Twenty-five dollars, and in addition thereto, three dollars for each page or portion of a page of the permit and any attachments to it. The original of the permit will be returned to the applicant by the County Clerk.*

If you find minor factual discrepancies in the permit and accompanying findings, please bring them to the Agency's attention before recording the permit. In most cases these are easily resolved and the Agency will issue a corrected permit if necessary for recording.

If on the other hand you wish to dispute the terms or conditions imposed in the permit, you are entitled to have the Agency Members review the matter and render their own decision before you undertake the project. In this case, provide a detailed written description specifically outlining what terms or conditions of the permit you wish to appeal and why you believe your appeal should be granted. Return it to the Agency on or before **November 30, 2007**. Notices of appeal received after this date will not be considered by the Agency unless you show good cause for not notifying the Agency sooner. Do not, however, record the permit if you intend to appeal its terms.

You should be aware that once you notify the Agency of your intent to dispute the permit, the process will require at least 20 days to allow for public notification. Also, delays can occur depending on when the appeal is filed relative to the regular monthly meeting dates of the Agency. The Agency regularly meets on the second Thursday and Friday of each month.

If you have any questions concerning these procedures, please direct them to the Review Officer named below. Thank you for your cooperation in this matter.

John L. Quinn
Environmental Program Specialist
(518) 891-4050

THIS PERMIT AND ORDER AMENDS PERMIT AND ORDER 2005-325 ISSUED
MARCH 13, 2006

 <p>Adirondack parkagency</p> <p>P.O. Box 99 · Ray Brook, New York 12977 · (518) 891-4050</p>	<p>APA Project Permit and Order 2005-325D</p>
<p>In the Matter of a Proposal by</p> <p>NEW YORK POWER AUTHORITY</p> <p>Subject to Section 814 of the Adirondack Park Agency Act and 9 NYCRR 4.150 and for a permit pursuant to 9 NYCRR Parts 577 and 578</p>	<p>Date Issued: October 31, 2007</p> <p>To the County Clerk: This permit must be recorded on or before December 31, 2007. Please index this permit in the grantor index under the following names:</p> <p>1. New York Power Authority</p>

SUMMARY AND AUTHORIZATION

The New York Power Authority (NYPA) is granted an amended permit and order, on conditions, for minor changes to a previously approved 46 kV overhead electric transmission line known as the "Tri-Lakes Reliability Project" by revisions to its alignment and utility pole and stub pole heights and locations in the Towns of Colton and Piercefild, St. Lawrence County.

This amended project may not be undertaken until this permit and order are recorded in the St. Lawrence County Clerk's Office. This permit and order shall expire unless so recorded on or before December 31, 2007, in the names of NYPA and in the names of all owners of record of any portion of the project site on the recordation date.

Nothing contained in this permit and order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project as originally approved consists of new land use and development by a state agency, requiring review by the Adirondack Park Agency pursuant to §814 of the Adirondack Park Agency Act, 9 NYCRR Section 579.1, and 9 NYCRR Section 4.150 (Executive Order 150). The project will also involve regulated activities within and adjacent to freshwater wetlands requiring a wetlands permit pursuant to 9 NYCRR Sections 578.2(a) and 578.3(n)(1)(iv) and (2) and in part constitutes a rivers project requiring an Agency permit pursuant to 9 NYCRR Sections 577.4(a) and 577.5(b)(1)(ix) and(c)(1).

AMENDED PROJECT DESCRIPTION AS PROPOSED

The project as originally proposed is a 26.8-mile long, 46 kV overhead electric transmission line including adjacent access roads, a regulator station and a substation as described in Permit and Order 2005-325. The requested amendments involve:

- Revisions to the electric transmission line's alignment at 12 locations.
- Use of different height utility poles and addition or relocation of utility poles and associated anchoring systems.
- Installation of additional, intermediate utility poles at several locations.
- Installation of stub poles for span guys at seven locations.

The requested amendments are described in a letter dated September 26, 2007 and its accompanying maps, photographs and "Environmental Work Plan - Notice of Minor Change" forms (Notice Nos.: 07-01 through 07-14 and 07-Span) prepared by National Grid and "Tri-Lakes Reliability Project, Townline-Piercefield #32, Preliminary Design Drawings" (10 sheets; Pages 14/26 through 23/26) prepared by Commonwealth Associates, Inc and dated September 20, 2007. The original, full-scale maps and plans referenced in Permits and Orders 2005-325, 2005-325A, 2005-325B, and 2005-325C and this amended permit and order are the official plans for the project.

FINDINGS OF FACT

Findings of Fact 1 through 42 as contained in Permit and Order 2005-325 which was issued on March 13, 2006, Findings of Fact 43 through 46 as contained in Permit and Order 2005-325A which was issued April 16, 2007, Findings of Fact 47 through 50 as contained in Permit and Order 2005-325B which was issued on September 17, 2007, and Findings of Fact 51 through 55 as contained in Permit and Order 2005-325C which was issued on October 3, 2007 are incorporated herein by reference and remain in effect.

56. By letter dated September 26, 2007, the NYPA made a request to amend Agency Permit and Order 2005-325 for an electric transmission line and adjacent access roads, a regulator station and a substation. The requested amendments involve portions of the approved electric transmission line located along New York State Route 56 proximate to Sevey Corners and along New York State Route 3.
57. The requested amendments include:
- Revisions to the electric transmission line's alignment at 12 locations along New York State Routes 56 and 3. The line will be located on the opposite side of Route 3 from its previously approved alignment at eight of these locations.
 - Use of different height utility poles and addition or relocation of utility poles and associated anchoring systems.
 - Installation of additional, intermediate utility poles at several locations along Route 3 to avoid excessively long spans which would otherwise require utility poles in excess of 70 feet in height.
 - Installation of stub poles for span guys at seven locations along Route 3.
58. The requested amendments are to improve the line's overall alignment by avoiding abrupt turns, improve separation between utility poles and road pavement and/or structures, reduce the number of span guys, improve guy wire locations, provide the necessary electrical safety clearances, and avoid additional wetland impacts.
59. The Agency notified all landowners whose properties are involved in the proposed changes. The Agency received letters from or on behalf of three landowners expressing concern or opposition to the project regarding the location of the transmission line and the amount of vegetative cutting to occur along it.
60. The requested amendments do not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the issuance of Permit and Order 2005-325 pursuant to §809(8)(b)(1) of the Adirondack Park Agency Act.

CONCLUSIONS OF LAW

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project as amended would be consistent with the provisions of the Adirondack Land Use and Development Plan.
2. The Agency has considered the public policy of the State set forth in ECL 24-0103, the statement of legislative findings set forth in ECL 24-0105, and the effect of the project upon the public health and welfare, fishing, flood, hurricane and storm dangers, and the protection and enhancement of the several wetland functions and benefits. The applicable findings of 9 NYCRR Part 578 can be made.
3. The project would be compatible with preservation of the entire wetland with a value rating of "1" and would not result in degradation or loss of any part of the wetland or its associated values.
4. The project would result in minimal degradation or destruction of wetlands with a value rating of "2" or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.
5. The project would result in the minimum possible degradation or destruction of any part of wetlands with a value rating of "3" or its associated values; is the only alternative which reasonably can accomplish the applicant's objectives; and would, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.
6. With regard to wetlands with a value rating of "4", the project is the only alternative which reasonably can accomplish the applicant's objectives
7. The project would be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act.
8. The project would comply with the applicable restrictions and standards of 9 NYCRR Section 577.6.
9. The project as amended would not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

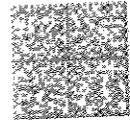
Project and Permit No.: 2005-325D

Permit was recorded on: _____ (DATE)

Instrument No.: _____

Book: _____ Page: _____

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DATE _____ APPLICANT OR REPRESENTATIVE _____



Adirondack Park Agency
Post Office Box 99
Ray Brook, New York 12977

CERTIFIED MAIL



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STATE OF NEW YORK
EXECUTIVE DEPARTMENT
ADIRONDACK PARK AGENCY
P.O. BOX 99
RAY BROOK, NEW YORK 12977

John Suloway
NY Power Authority
123 Main Street
White Plains, NY 10601-3170

10601+3170-99 0017



April 16, 2007

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

**RE: Condition C of Agency Permit and Order 2005-325;
Letter of Permit Compliance**

Dear Mr. Suloway:

This is in response to your March 19, 2007 letter which, among other things, contains NYPA's plan to address field changes to the project as required by the above-referenced condition. This plan proposes that Agency review will not be sought for the following project changes which do not involve wetlands:

- a. Revision in pole heights as long as new pole heights are less than 70 feet above grade.
- b. Minor revisions to access trail alignments (i.e., construct trail on one side of poles instead of the other side).
- c. Adjustments to pole guying.
- d. Changes in vegetative clearing disposal (i.e., chip and remove instead of chip in place to satisfy New York State Department of Transportation request for removal from their right-of-way).
- e. Shorter span lengths to maintain electrical safety clearances for underbuild distribution or third party attachments.
- f. Adjustment of pole locations within the approved right-of-way to facilitate service connections for distribution, telephone and cable as needed.
- g. The above project changes are to be tracked internally and documented on final as-built construction drawings which will be provided to the Agency.

Please be advised that the Agency approves this plan with the following stipulations:

- i. With respect to (b), (c) and (f) (above), any revised trail alignments, pole guying or pole locations outside of the approved power line right-of-way or

John Suloway
April 16, 2007
Page 2

- that involve relocating a pole or any portion of the power line alignment on the opposite side of a public road or highway must obtain prior Agency approval in the form of an amended permit.
- ii. With respect to (d) (above), any other vegetative clearing disposal method change beyond chip and remove instead of chip in place must obtain prior Agency approval in the form of an amended permit or separate letter of permit compliance.
 - iii. Final construction plans depicting as-built conditions must be provided to the Agency as soon as possible after project completion.
 - iv. Prior Agency approval in the form of either a separate letter of permit compliance or an amended permit must be obtained for any other project changes beyond those specifically described in this plan and as set forth above.
 - v. Prior Agency approval in the form of either a new or amended permit must be obtained for any project changes that are to be located in or within 100 feet of wetlands.

Thank you for submitting the plan for minor project changes for Agency approval. If you should have any questions regarding this approval and its stipulations, please do not hesitate to contact John Quinn or me. The Agency looks forward to continuing our cooperative working relationship with NYPA and National Grid representatives on this project.

Sincerely,

Mark E. Sengenberger

Mark E. Sengenberger
Deputy Director (Regulatory Programs)

MES:JLQ:RRT:tjd

cc: J. Quinn



August 9, 2006

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

**Re: Letter of Permit Compliance for Invasive Plant Species
Control Plan; Condition 10d of Agency Permit and Order
2005-325**

Dear John:

This letter is to inform you that, pursuant to the above-referenced condition, the Agency hereby approves the August 4, 2006 report entitled "Right-of-way Vegetation Management Plan, Invasive Plant Species Management Addendum" which was submitted on the New York Power Authority's behalf on August 7 by The LA Group. We look forward to receiving and promptly reviewing a signed application for permit under General Permit 2003G-1R for the management of invasive plant species in and within 100 feet of wetlands for this project as is indicated in the report.

Please do not hesitate to contact me if you should have any questions.

Sincerely,

Mark E. Sengenberger
Deputy Director (Regulatory Programs)

MES:JLQ:tjd

cc: Tracy Miller, The LA Group
Scott Shupe, National Grid
D. Spada
J. Quinn
R. Terry



August 7, 2007

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

**RE: Condition 10a of Agency Permit and Order 2005-325;
Environmental Inspector; Letter of Permit Compliance**

Dear Mr. Suloway:

This is in response to your August 3 letter and its accompanying statement with Mr. Scott D. Shupe's qualifications requesting Agency approval for Mr. Shupe to serve as the Environmental Inspector (EI) for this project on a temporary basis. You indicated that you will provide the name and qualifications for a permanent EI for Agency review and approval at a later time.

Please be advised that pursuant to the above-cited Condition, the Agency hereby approves Mr. Shupe to temporarily serve as the EI for this project. We look forward to receiving the name and qualifications of a permanent EI once that person has been retained for our subsequent review and approval.

Please do not hesitate to contact John Quinn or me if you should have any questions.

Sincerely,

Mark E. Sengenberger
Deputy Director (Regulatory Programs)

MES:JLQ:tjd

cc: J. Quinn



NEW YORK STATE
Adirondack
parkagency

August 8, 2007

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

**RE: Condition 10e of Agency Permit and Order 2005-325;
Sevey Bog Road Relocation; Letter of Permit Compliance**

Dear Mr. Suloway:

This is in response to your June 21 letter and its accompanying supplement to the Compensatory Wetland Mitigation Plan regarding relocation of the woods road out of Sevey Bog and restoration of that portion of the road to wetlands and your August 6 letter clarifying that supplement.

Please be advised that pursuant to the above-cited Condition, the Agency hereby approves the supplement to the Compensatory Wetland Mitigation Plan and clarification to it you provided.

Please do not hesitate to contact John Quinn or me if you should have any questions.

Sincerely,

Mark E. Sengenberger
Deputy Director (Regulatory Programs)

MES:JLQ:tjd

cc: J. Quinn



August 3, 2007

John Quinn
Adirondack Park Agency
1133 Route 86
PO Box 99
Ray Brook, NY 12977

SUBJECT: APA Permit 2005-325
Tri-Lakes Reliability Project
Cultural Resources

Dear Mr. Quinn:

Article 10.g of subject permit requires that prior to any ground disturbance activities, the Agency shall be provided with copies of any Phase IB survey, Phase II site examination report, Avoidance Plan, Phase III Data Recovery Plan and any correspondence with Office of Parks Recreation and Historic Preservation (OPRHP) demonstrating the project as not having an impact on historic archeological or cultural resources.

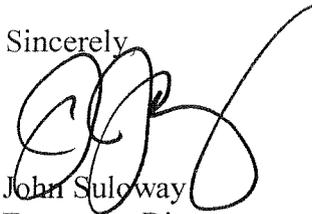
To meet that requirement please find enclosed:

- Letter from OPRHP dated February 16, 2006 and signed by James Warren stating that subject project will have no adverse effect with certain conditions.
- Letter from OPRHP dated July 6, 2007 and signed by Cynthia Blakemore stating that the State Historic Preservation Office has no concerns about the first 8.6 miles of the route from the Town Line Road Substation to the boundary of the Adirondack Forest Preserve.
- Report of Phase IB Archeological Investigation for the Tri-Lakes Reliability Project, ST. Lawrence County, New York prepared by A.D. Marble & Company, February 2007. This study investigated several noncontiguous sections, including three along the first 8.6 miles of the route.

- Phase IB Archeological Investigation Addendum Report No. 1 for the Tri-Lakes Reliability Project, ST. Lawrence County, New York prepared by A.D. Marble & Company, June 2007. This study supplements the above mentioned February 7 document and presents the results of archaeological investigations conducted to complete Phase IB testing along the first 8.6 miles of the route. Only one potentially significant archeological resource was identified. That resource is being avoided so a Phase II Site Evaluation is not necessary. The addendum report provided information necessary for SHPO's letter of no effect dated July 6, 2007.

Should you have any further questions on this matter, please contact me at 914-287-3971.

Sincerely,



John Suloway
Executive Director
Licensing, Implementation and Compliance

Enclosures

cc: Ed Alkiewicz
Walter Bakowski
James Bunyan
Michael King
Dean Long
Mark Malone
Mark Sengenberger
Scott Shupe



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

Bernadette Castro
Commissioner

February 16, 2006

William V. Slade
Vice President
New York Power Authority
123 Main Street
White Plains, New York 10601

Re: NYPA/USACE/APA
Tri-Lakes Reliability Project
St. Lawrence County
05PR04217

Dear Mr. Slade:

Thank you for your letter of December 19, 2005, by which you submitted the *Draft Architectural Inventory, Tri-Lake Reliability Project, etc.*, dated December 2005, for review by the New York State Historic Preservation Office (SHPO). We have reviewed this and previous submissions in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. following comment.

Based on the documentation submitted, it is the SHPO opinion that the proposed Tri-Lakes Reliability Project will have No Adverse Effect on historic resources if the following conditions, either now incorporated into the project design or to be conducted as the project is developed, are implemented. In addition, fulfillment of these conditions will satisfy the New York Power Authority's obligation to consider potential impacts to historic resources in accordance with Section 14.09 of the NYS Parks, Recreation & Historic Preservation Law of 1980

Buildings & Structures

Based on our review of the above noted architectural inventory and the *Draft Phase 1A Cultural Resources Investigation, etc.*, (August 2005 and *Addendum 1*, November 2005,) the SHPO concurs with the conclusions of these reports with regard to the identification of historic resources, as follows.

- Adirondack Forest Preserve (National Historic Landmark): impacts to this previously identified historic resource will be adequately avoided or mitigated by creation of "a substantial buffer between the Project and the NHL and will avoid visual impact to the NHL" (Draft Architectural Inventory, p 13, "Findings and Conclusions").
- Childwold Memorial Presbyterian Church (Nation Register Listed): impacts to this previously identified historic resource will be avoided by NYPA selection of the Route 3 corridor as the preferred option in the vicinity of the church.
- Iron Pony Pratt Truss Bridge over the South Branch of the Grassé River (identified during survey): the SHPO concurs with the report's finding that this structure meets National Register

Criteria A & C. Impacts to this resource will be avoided by burying the cable in the vicinity of the bridge, as proposed.

Questions regarding historic buildings and structures and their eligibility for inclusion in the State or National Register of Historic Places may be addressed to Lynn Garofalini, 518 237-8643, extension 3267.

Archeology:

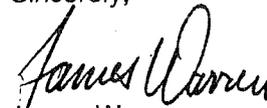
The Phase IB survey will need to be completed for the selected corridor to the satisfaction of the SHPO following the SHPO "*Phase I Archaeological Report Format Requirements*."

A Phase II site examination will be undertaken for any site that is identified during Phase 1A/B investigation if the site cannot be avoided.

If a site is determined eligible for listing in the National Registers Historic Places, the project sponsor will develop and submit for SHPO approval either 1) a revised project scope incorporating an Avoidance Plan for the identified site(s), or 2) a Phase III Data Recovery Plan (DRP). Sites subject to data recovery will be protected until the End of Fieldwork (EOF) letter is approved by the SHPO.

Questions relating to the archeological component may be directed to Cynthia Blakemore at (518) 237-8643, extension 3288. If you have any general questions regarding this review, please call me at (518) 237-8643, extension 3283 or email me at james.warren@oprhp.state.ny.us.

Sincerely,



James Warren
Historic Sites Restoration Coordinator

Copy: Mark E, Sengenberger, Deputy Director, APA

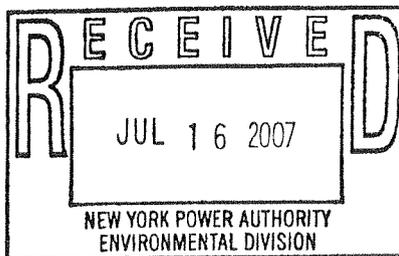


**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com



Elliot Spitzer
Governor

Carol Ash
Commissioner

July 6, 2007

William V. Slade
New York Power Authority
Environmental Division
123 Main Street
White Plains, New York 10601

Re: CORPS PERMITS, APA, DEC, NYPA
Tri-Lakes Reliability Power Project
Towns of Clifton, Colton, Parishville and
Piercefield, St. Lawrence County
05PR04217

Dear Mr. Slade:

The State Historic Preservation Office (SHPO) has reviewed the information submitted for this project. Our review has been in accordance with Section 106 of the National Historic Preservation Act and relevant implementing regulations.

The SHPO has previously provided a determination for a No Adverse Effect for this project with certain conditions that would need to be met (see enclosed letter). At this time the SHPO understands that the Phase IB archeological survey will be conducted for the entire Area of Potential Effect (APE) of the "Permitted Route". No construction related activities should be conducted within the remainder of the "Permitted Route" until the SHPO has reviewed and approved the Phase IB survey and/or Phase II reports. Furthermore, the project previously reviewed will continue to have No Adverse Effect if the conditions outlined are met.

Our office has reviewed the Phase IB Addendum Report No.1 (June, 2007) for the northern connection (8.6 miles) from the Town Line Road Substation to the boundary of the Adirondack Forest Preserve, a National Historic Landmark (NHL). The SHPO has no further concerns regarding this section of the route since the *Stark Site (A08905.000109)* is not within the Area of Potential Effect (APE) and will be avoided.

As you know, Section 106 Part 800.10 of NHPA provides for special requirements for protecting National Historic Landmarks. Our previous review **did not** include comments on a proposal for the Route 56 Alternative through the NHL

Adirondack Forest Preserve. If a constitutional amendment is passed in the Legislature in November, 2007, that would allow the transmission line to continue along Route 56 through Forest Preserve, it would be necessary to provide sufficient details regarding this proposed new alternative in order for the SHPO to review and comment on the potential effect this would have on the NHL and any other historic properties that may be present for this new alternative.

If you have any questions regarding archeology, please call me at (518) 237-8643, extension 3288. For questions regarding buildings and structures, contact Lynn Garofalini at extension 3267, or Jim Warren at extension 3283 for questions regarding historic properties.

Sincerely,

A handwritten signature in black ink that reads "Cynthia Blakemore". The signature is written in a cursive style with a large initial "C".

Cynthia Blakemore
Historic Preservation Program Analyst

Enclosure: Letter dated 2/16/06

cc. R. Quiggle, NYPA
John Quinn, APA

PHASE IB ARCHAEOLOGICAL INVESTIGATION

Tri-Lakes Reliability Project
St. Lawrence County, New York



Towns of Colton, Parishville, and Piercefield, New York
February 2007

Prepared for:

New York Power Authority
123 Main Street
White Plains, New York 10601

Prepared by:



A.D. Marble & Company
375 East Elm Street
Suite 200
Conshohocken, Pennsylvania 19428

PHASE IB ARCHAEOLOGICAL INVESTIGATION ADDENDUM REPORT NO. 1

Tri-Lakes Reliability Project St. Lawrence County, New York



Towns of Colton, Parishville, and Piercefield, St. Lawrence County, New York
June 2007

Prepared for:



New York Power Authority
123 Main Street
White Plains, New York 10601

Prepared by:



A.D. Marble & Company
375 East Elm Street
Suite 200
Conshohocken, Pennsylvania 19428



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
NEW YORK POWER AUTHORITY
123 MAIN ST
WHITE PLAINS, NY 10601
(914) 671-6405

Facility:
TRI LAKES RELIABILITY PROJECT
ST RTES 3 & 56
COLTON, NY

Facility Location: In MULTIPLE TOWNS in ST LAWRENCE COUNTY

Facility Principal Reference Point: NYTM-E: NYTM-N:
Latitude: Longitude:

Authorized Activity: Construction of three rock ford crossings of two streams on the power line route. One stream, A15P910-581, will have two crossings and stream A15P910-1053 will have the third crossing.

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 6-4099-00048/00001

New Permit

Effective Date: 3/27/2006

Expiration Date: 12/31/2009

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: BRIAN D FENLON, Regional Permit Administrator
Address: NYSDEC REGION 6 HEADQUARTERS
STATE OFFICE BUILDING|317 WASHINGTON ST
WATERTOWN, NY 13601

Authorized Signature: Brian D Fenlon

Date 3/22/2006

Distribution List

US ARMY CORPS OF ENGINEERS
DAVID S SMITH
MARK CRAIG
DREW CAVANAGH



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Facility Location Map
Permit Sign

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION

- 1. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
- 2. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the New York Power Authority..
- 3. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
- 4. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 5. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project



hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 6 HEADQUARTERS
STATE OFFICE BUILDING|317 WASHINGTON ST
WATERTOWN, NY13601

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or



revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

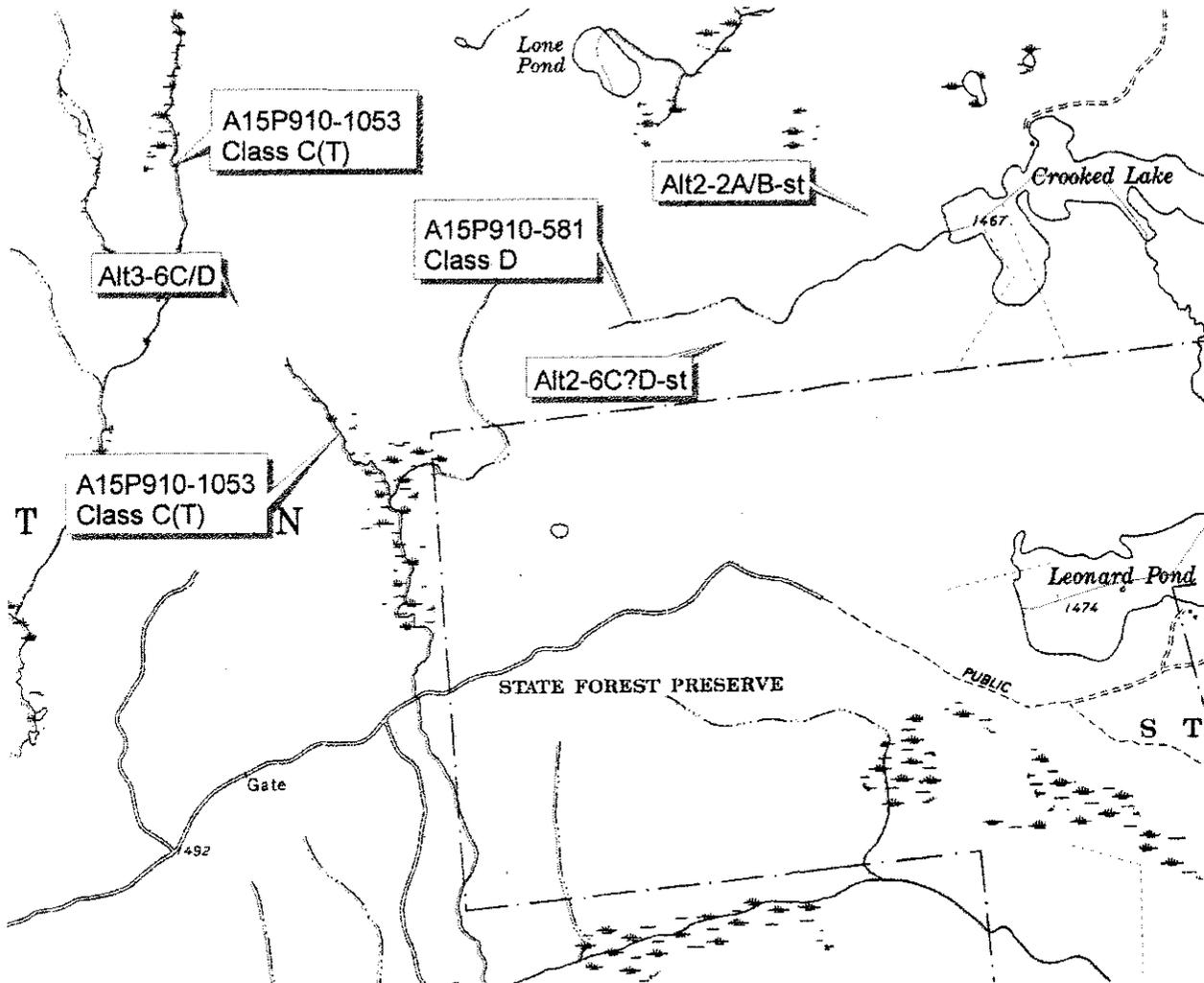
Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.





NOTICE

The permittee shall notify DEC at least seven (7) days prior to project commencement and within seven (7) days of project complete. Notification will be during business hours (8:30 am to 4:45 pm).

NOTIFICATION PROCEDURE:

CALL THIS NUMBER: 315-785-2558

LEAVE THIS MESSAGE:

YOUR NAME: N.Y. POWER AUTHORITY

PERMIT NUMBER: 6-4099-00048/00001

AGENT: DREW CAVANAGH

A copy of this permit, including all maps and drawings mentioned in special conditions, is to be available for inspection by DEC personnel at all times during the life of the project. Failure to produce a copy of this permit upon request by a DEC representative is a violation of this permit and is sufficient grounds for an order to immediately cease all work on the project.

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of the approved work and any Department conditions applied to the approval, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number 6-4099-00048/00001 Regional Permit Administrator

Expiration Date 12-31-09

Brian O. Fenlon

NOTE: This notice is NOT a permit

New York State Department of Environmental Conservation
Division of Water
Bureau of Water Permits, 4th Floor
625 Broadway, Albany, New York 12233-3505
Phone: (518) 402-8111 • **Fax:** (518) 402-9029
Website: www.dec.state.ny.us



8/28/2007

New York Power Authority
John Suloway
123 Main Street
White Plains NY 10601-3170

**Re: ACKNOWLEDGMENT of NOTICE of INTENT for
Coverage Under SPDES General Permit for Storm
Water Discharges from CONSTRUCTION
ACTIVITY General Permit No. GP-02-01**

Dear Prospective Permittee:

This is to acknowledge that the New York State Department of Environmental Conservation (Department) has received a complete Notice of Intent (NOI) for coverage under General Permit No. GP-02-01 for the construction activities located at:

Tri-Lakes Reliability Project
Route 3
Colton NY 13625-

County: St. Lawrence

Pursuant to Environmental Conservation Law (ECL) Article 17, Titles 7 and 8, ECL Article 70, discharges in accordance with GP-02-01 from the above construction site will be authorized **5** business days from **8/23/2007** which is the date we received your final NOI, unless notified differently by the Department.

The permit identification number for this site is: NYR **10N413**. Be sure to include this permit identification number on any forms or correspondence you send us. When coverage under the permit is no longer needed, you must submit a Notice of Termination to the Department.

This authorization is conditioned upon the following:

1. The information submitted in the NOI received by the Department on **8/23/2007** is accurate and complete.
2. You have developed a Stormwater Pollution Prevention Plan (SWPPP) that complies with GP-02-01 which must be implemented as the first element of construction at the above-noted construction site.
3. Activities related to the above construction site comply with all other requirements of GP-02-01.

4. Payment of the annual \$50 regulatory fee, which is billed separately by the Department in the early fall. The regulatory fee covers a period of one calendar year. In addition, as of September 1, 2004, construction stormwater permittees will also be assessed an initial authorization fee of \$50 per acre of land disturbed and \$300 per acre of future impervious area. The initial authorization fee covers the duration of the authorized disturbance.

5. You have obtained all necessary Uniform Procedures Act (UPA) permits. You should check with your Regional Permit Administrator for further information. (Note: Construction activities cannot commence until all UPA permits have been issued.)

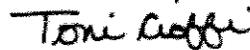
6. Before disturbing greater than 5 acres of soil at any one time, you have obtained approval from our regional office. You should contact the regional office listed below to have your construction sequencing plan reviewed.

Steve Botsford
NYS Department of Environmental Conservation - Region 6
State Office Bldg., 317 Washington Street
Watertown, NY 13601

Please be advised that the Department may request a copy of your SWPPP for review.

Should you have any questions regarding any aspect of the requirements specified in GP-02-01, please contact Dave Gasper at (518) 402-8114 or the undersigned at (518) 402-8109.

Sincerely,



Toni Cioffi

Environmental Program Specialist 1

cc: RWE - 6
SWPPP Preparer

The LA Group, PC (Russ Pittenger, RLA)
Dean R. Long
40 Long Alley
Saratoga Springs NY 12866-

New York State Department of Environmental Conservation
Division of Water, Region 6
Dulles State Office Building, 317 Washington Street, Watertown, New York 13601-3787
Phone: (315) 785-2513 • FAX: (315) 785-2422
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

October 2, 2007

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

Re: SPDES General Permit for Stormwater Discharges from Construction Activity General Permit No. GP-02-01, for Tri-Lakes Reliability Project (Permit I.D.# NYR10N413)

Dear Mr. Suloway:

This office is in receipt of the Stormwater Pollution Prevention Plan (SWPPP) for the above-referenced project and the LA Group's September 19, 2007 letter within which the Department's approval is requested to disturb more than five (5) acres of soil at a time during construction. Approval is granted to disturb up to 7.5 acres, subject to the following:

1. The SWPPP submitted for this project ("Environmental Work Plan for the Tri Lakes Reliability Project", Issued August 27, 2007) is adhered to, and;
2. All conditions of General Permit No. GP-02-01 are complied with.

This is not authorization to start construction! The Department's granting of approval to disturb more than five (5) acres at a time during construction of the project does not relieve the owners/operators of the project from obtaining and complying with any other State or local permits or approvals, including completion of State Environmental Quality Review, and complying with the conditions thereof. In particular, any sewer extensions must be reviewed and approved by this Department prior to construction. Nor does this approval relieve the owners/operators from any responsibilities regarding the prevention of water quality violations.

As stated in GP-02-01, the Department may deny or terminate coverage under this permit and require coverage under another State Pollutant Discharge Elimination System permit at any time based on a review of the Notice of Intent, the SWPPP, or other relevant information such as the results of a facility inspection. The granting of approval to disturb more than five (5) acres at a time does not diminish this authority.

October 2, 2007

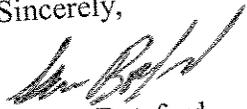
-2-

John Suloway

A copy of this letter must be included with the SWPPP maintained at the construction site.

Should you have any questions regarding this letter, please contact me.

Sincerely,



Steven Botsford
Regional Water Engineer
Region 6

SB: aml

cc: Tracy Miller, LA Group
Jim Bunyan, National Grid

