

**FINAL
ENVIRONMENTAL IMPACT STATEMENT**

for the

TRI-LAKES RELIABILITY PROJECT



February 17, 2006

SECTION 7
COMMENT LETTERS



SARANAC LAKE AREA CHAMBER OF COMMERCE



Website: www.saranaclake.com
Email: BestTown@saranaclake.com

December 7, 2005

Stephen M. Ramsey, Regional Manager & Community Relations
New York Power Authority
1378 State Route 30
North Blenheim, NY 12131

Dear Stephen,

It was a pleasure meeting you and Arnie Talgo earlier today as I enjoyed learning about the electric transmission line project into Tupper Lake.

As you know, the Saranac Lake Area Chamber of Commerce is an organization that works to foster a positive business environment in our region. It is in that respect that I would like to support your company's efforts to build a new electric transmission line into Tupper Lake.

Our organization works closely with the Tupper Lake Area Chamber of Commerce and we understand the challenges faced by that region's businesses during electrical power shortages. This situation contributes to major loss of revenues which, in turn, means a declined economy of the area.

Having reliable power is at the basis of the business community. Efforts to bring reliable power to rural America have been ongoing since the 1930s. In the 21st Century, it is that much more crucial that small communities such as Tupper Lake can depend on power – something most of us take for granted.

Please know that your efforts are needed and feel free to contact us if you need additional input or efforts to ensure that this project finally becomes reality.

Sincerely,

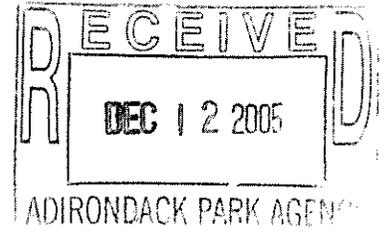
A handwritten signature in black ink, appearing to read "Sylvie".

Sylvie D. Nelson
Executive Director

Mr. & Mrs. Timothy J. Carney
1 Rochelle Road
Norwalk, CT 06854
203-838-1696

December 8, 2005

Mr. John L. Quinn
Environmental Program Specialist
P.O. Box 99
NYS Route 86
Ray Brook, NY 12977



Re: APA Project No. 2005-325, Tri-Lakes Reliability Project

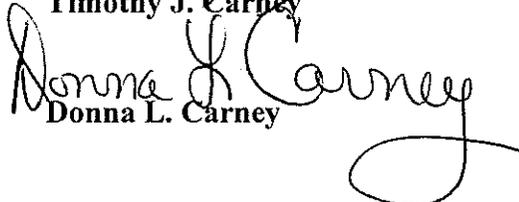
Dear Mr. Quinn:

We are writing to you in reference to a mailing we received today from the Adirondack Park Agency. We feel poles number P4 and P5 should not be placed on private property but should follow Route 3 as do the distribution lines. Placing the poles where noted on the map that was enclosed with the First Public Notice Letter dated December 1, 2005 is either in or adjacent to Resource Management land and there are wet lands in this area that would be disturbed. Placing the poles on the roads avoids all of this.

We own land located at 9596 Route 3, Childwold, NY. We just bought this land three years ago. We are in the process of building a log cabin on the property. We bought this land to get away from the hectic life style in Fairfield County. We strongly disagree with the whole project and have expressed our opposition to the project with both Sean Doyle and Steve Ramsey of NY Power 30. I have also talked to George "Skip" Outcalt, Environmental Specialist from APA. We do not want the area to be developed. We picked the area because it was undeveloped. This has been a major investment for us. We need to protect our investment. We do not want any lines on our property. We do not want our land cleared for right-of-way. They have other alternatives. They do not need to go on our property. We set our cabin back from the road so we would have privacy. If they clear part of our property for a right-of-way we will lose our privacy and it will be an invite for snowmobiles to come on our property to use a cleared trail. We do not want that. Please help us.

We would appreciate the courtesy of a reply. If you have any questions please contact us either by phone 203-838-1696 or email dlckidskastle@aol.com, taipantim@aol.com.

Sincerely,


Timothy J. Carney

Donna L. Carney

DLC

Ernest Hutchins

195 STARK ROAD

SOUTH COLTON N.Y. 13687

December 8 2005

315-262-1149

JOHN L. QUINN

APA PROJECT NO 2005-525

NO. ONE FROM THE POWER AUTHORITY HAS EVER TALKED TO ME ABOUT THIS PROJECT.

HOW MUCH OF OUR PROPERTY DO THEY INTEND TO TAKE?

WHAT IS THE ENVIRONMENTAL IMPACT WITH A HIGH VOLTAGE LINE CLOSE TO OUR HOUSE?

THIS LINE PREVENTS ME FROM SELLING LOTS ON THE RAQUETTE RIVER ROAD. NO ONE WILL BUILD UNDER A HIGH VOLTAGE LINE. WILL I BE COMPENSATED FOR THIS LOSS?

WHAT ABOUT THE LOSS OF OUR TREES?

Ernest Hutchins

Ernest Hutchins

185 STARK ROAD

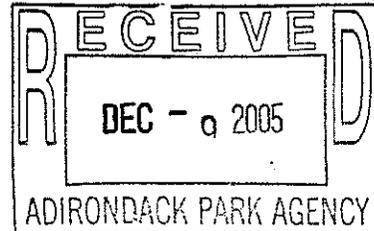
SOUTH COLTON N.Y 13687

December 9 2005

315-262-1149

JOHN L QUINN

APA PROJECT NO. 2005-325



THE NY STATE POWER AUTHORITY AND NATIONAL GRID ALLOW THEIR RIGHT OF WAYS TO BE USED FOR ATV ABUSE. A NATIONAL GRID EMPLOYEE ON THE COLTON TOWN BOARD ENACTED LOCAL ATV LAWS AUTHORIZING ATV USE ON NATIONAL GRID RIGHT OF WAYS.

THE APA WAS INVOLVED IN ENFORCEMENT ACTION ON ATV ABUSE ON MY PROPERTY. WHEREAS NATIONAL GRID REFUSES TO BLOCK ACCESS WHAT PREVENTS THIS PROJECT FROM BECOMING A ATV RACKWAY.

Ernest Hutchins

Ernest Hutchins

185 STARK ROAD

SOUTH COLTON NY 13057

December 10 2005

315-262-1149

John L. Quinn

APA PROJECT NO. 2005-325

Send to me a detailed description of the intentions of the N.Y. STATE POWER AUTHORITY AND NATIONAL GRID WITH REGARDS TO WHAT THEY INTEND TO DO ON MY PROPERTY. TREES they intend to CUT, RIGHT OF WAY they ARE TAKING, ETC.

Send to me the LEGAL documents that give the N.Y. STATE POWER AUTHORITY AND NATIONAL GRID the LEGAL RIGHT TO COME ON MY PROPERTY TO UPGRADE THIS TRANSMISSION LINE AND MAKE CHARGES TO THE RIGHT OF WAY.

Ernest Hutchins

THOMAS P. CULLEN

103 Pam Court
Bohemia, New York 11716

P. O. Box 29
Childwold, New York 12922

12 December 2005

Mr. John L. Quinn
Environmental Program Specialist
Adirondack Park Agency
PO Box 99
NYS Route 86
Ray Brook, NY 12977



Re: APA Project # 2005-325

Dear Mr. Quinn:

I am writing to express my objection and dismay at your consideration of the above captioned project to run power lines through the sensitive wetlands on my property in Piercefield, New York.

Earlier this year Niagara Mohawk and the New York Power Authority ignored my refusal of permission to survey my land, and deliberately trespassed on my property and surveyed my wetlands. After I discovered their markers they apologized and reiterated that the power running through my land to serve the citizens of Tupper Lake, NY will not alleviate the exorbitant electric rates that my neighbors and I pay. The citizens of Tupper Lake already pay extremely low municipal power rates.

I am enrolled in the New York State Forest Land Enhancement Program sponsored by NYSDEC which deems these wetlands a most valuable part of my property. I am enclosing pertinent parts of my FLEP as well as my forester's name to show you the proposed impacted areas.

Mr. Quinn, please mandate these power companies to cease and desist from trespassing upon my land to supply cheap electricity to distant Tupper Lake. Please help me.

Sincerely,

Thomas P. Cullen
103 Pam Court
Bohemia, NY 11716



NEW YORK STATE
Adirondack
parkagency

MAJOR PROJECT PUBLIC NOTICE
APPLICATION RECEIVED
APA PROJECT No. 2005-325

Date: December 1, 2005

The purpose of this Notice is to inform you that the permit application described below was received by the Adirondack Park Agency and to solicit any written comments you may have regarding it at this time. When the application has been deemed complete by the Agency, another notice with a more detailed project description will be provided to you, and you will have another opportunity to provide written comment relevant to the Agency's review.

This notice is being sent to adjoining landowners to the project site to the extent they were identified in the application; the Chairman of the County Planning Board; Chairman of the Regional Planning Board, if any; the chief elected officer, clerk and planning board chairman, if any, of the town or village where the project is located; and the Adirondack Park Local Government Review Board.

It is not necessary to respond to the letter unless you want to do so. If you wish to provide written comments, mail them to John L. Quinn, the assigned APA Environmental Program Specialist.

PROJECT SPONSOR, LOCATION AND DESCRIPTION

The Agency received an application on November 30, 2005 from New York Power Authority for a project proposed in the Towns of Colton, Parishville, & Piercefield, St. Lawrence County, on or near NYS Routes 3 & 56 and River Road. The attached map shows the approximate location of the project site. The Agency is currently reviewing the application for completeness.

The project is briefly described as follows:
Tri-lakes Reliability Project: proposed 46.5 kV overload electric power transmission line construction involving wetlands including construction of two substations and access roads. Proposed route is 26 miles long and begins in Parishville (Stark Falls) at a proposed new 115/46.5 kV substation that will interconnect with the existing 115 kV system and ends at existing Piercefield substation where a new regulator station is to be constructed. Most of the new transmission line route will parallel an existing elective distribution line (the distribution line will be attached to the same new utility poles which will bear the transmission line).

12/1/05

Date

MARK E. SENGENBERGER

Mark E. Sengenberger

Deputy Director (Regulatory Programs)

MES:JLQ:tjd

cc: New York Power Authority, John Suloway
Niagara Mohawk, Mike King

FOREST STEWARDSHIP PLAN

Property Owner: **Thomas Cullen**

Property Address: **10054 St. HWY 3
Piercefield, NY. 17716**

Acres: **19.7**

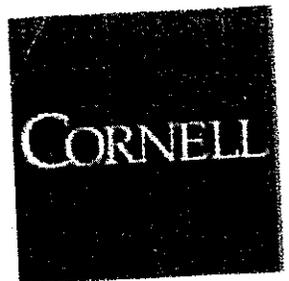
Date Prepared: **August 25, 2005**

Plan Time Frame: **2005-2014**

Prepared by: **Jeff Luoma -
Public Service Forester**



FLEP



FOREST STEWARDSHIP PLAN - BASIC INFORMATION

This forest management plan is developed under the 2002 Federal and State forest stewardship guidelines.

Date Prepared: August 25, 2005
Plan Time Frame: 2005-2014
Property Owner(s): Thomas C. Cullen
Address: 103 Pam Court
Bohemia, New York 11716
Telephone: 613.750.3227
Email: tc_two@yahoo.com
Property Address: 10054 State Highway 3, New York 12938
(Piercefield Township, St. Lawrence County)
Legal description or Directions to Site: Property is accessed from along State Highway 3 several miles southeast of Childwold. There is a driveway 0.5 miles north of the Gale cemetery on the west side of the road.
Property Code: 195.000-6-7.2
Prepared By: Jeff Luoma – Public Service Forester
Company/Institution: NY Dept. of Env. Conservation –
Forest Land Enhancement Program
Preparer Address: 6739 US Highway 11
Potsdam, New York 13676
Preparer Telephone: 315.265.3090
Preparer Email: jwluoma@gw.dec.state.ny.us

APPROVALS

As owner, I agree that this management plan reflects my goals and intentions for the management of this property.

Landowner Signature _____

Date

09 23 05

Preparer Signature _____

Date

9-20-05

LANDOWNER ASSESSMENT and GOALS

Description of resources and interest level of landowner (T.I.M.E.):

Tom is an interested and energetic landowner with some disposable income and time to apply toward land and forest improvement. He is interested in increasing biodiversity on his property and maintaining and improving the health of the forest and land. Tom has owned the parcel for over four years and he is anticipating long-term ownership of the property. He is planning on continuing improvements for access and wildlife/tree diversity in particular. Tom is currently staging the move to eventually reside on the property on a more permanent basis within several years.

Landowner Goals for Property:

Wildlife

- Enhance the diversity of flora and fauna locally.
- Maintain the meadow around the residence.
- Encourage various fruiting and flowering flora.
- Create habitats for a variety of woodland fauna.

Ecology

- Restore/improve the ecosystem health of the property.
- Protect riparian and wet areas.
- Discourage or eliminate invasive non-native species.

Recreation/ Access

- Create access corridors for both tractor/ATV and walking.
- Create a minimally drivable road to southwest corner for neighbor.

Timber

- Create stands that can support occasional timber extraction for personal use.

Other

- Create a vista from upper-central portion of property.

Goal Comments:

Several of the goals are supportive and interrelated. All are reasonably attainable providing due diligence to control the beech.

Tom walking along Highway 3 at a relatively diverse and nicely wooded section of his property. (Aug. 2005)



The full text can be found at the following webpage:

Attracting Woodland Wildlife: A Primer - Gary R. Goff

www.dnr.cornell.edu/ext/forestrypage/pubs/infobroch/by%20topic/attracting_woodland_wildlife_goff.htm

WATER QUALITY

Water quality is the degree to which fresh water has the properties necessary for its intended use, be that wildlife habitat, recreation, drinking, irrigation, or other use. Water is considered polluted if any human or natural disturbance causes it to become unsuitable for its intended uses. Available fresh clean water is scarcer every year, and ensuring adequate supplies of good water has become the primary focus for many forest management operations worldwide. It's important to remember that water quality issues are often a case of cumulative effects. When one landowner misuses chemicals or creates erosion problems, the ecosystem may absorb that problem easily, but when several landowners do the same over a period of time, serious problems unfold.

Certain species of fish, mussels, salamanders, mayflies, etc. require clean water in lakes and rivers in order to survive. Many of these species are threatened or endangered specifically due to the loss of habitat and reduced water quality. Most problems do not occur simply from cutting trees, but rather from the *associated activities resulting in erosion or spilled hazardous waste*. Forest management activities that typically worsen water quality are:

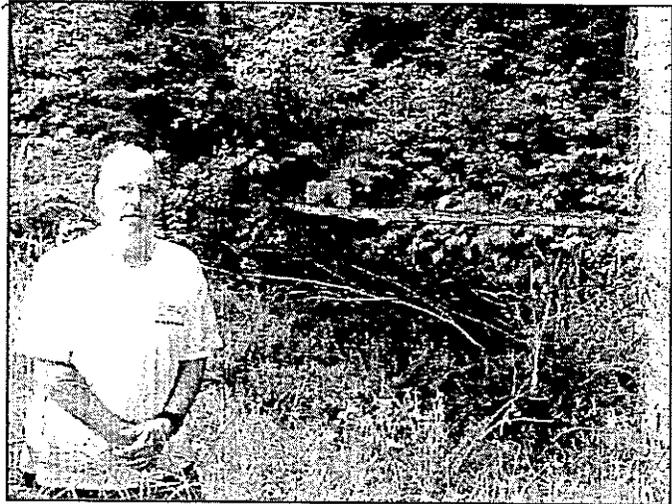
Constructing and using roads and log landings, especially near water bodies.

Skidding, and loading timber.

Using heavy equipment in or near rivers, streams, and wetlands.

Using fertilizers, pesticides, or herbicides.

Not following a site for replanting/reseeding, especially if bare soil is involved.



Tom next to the small 'pond' near the highway. (Aug 2005)

Any of these activities should cause a landowner to stop for a moment and think about how it may affect water. While these are not the only activities that can reduce water quality, improvements in these areas will most likely yield the greatest results.

There are a number of ways to control water quality. Possibly the most effective way is to mandate that *best management practices* (BMPs) are applied on all harvest activities on your land. BMPs are the "optimal operating methods and practices for preventing or reducing water pollution, and protecting wetlands" (Sect. 208 of the U.S. Water Pollution Control Act - 1972). By minimizing soil disturbance and trying to keep a vegetative cover on sites susceptible to erosion, BMPs help protect water quality.

Specific BMP examples depend on the situation, but commonly include installing water bars and culverts, seeding skid trails and landings, pre-harvest planning, and restricting timber harvesting when soils are wet. Scheduling logging operations in wet areas when the *soils are solidly frozen* is a very effective strategy to minimize disturbance when harvesting. Stream crossings should be generally avoided, and temporary bridges should be installed if crossing is absolutely necessary. In addition, all forest operations should be overseen to prevent or immediately *clean up pollution* such as leaking fuel, hydraulic oil, or other hazardous chemicals. Applying a *no-harvest strip* along streams, wetlands, and lakes is an excellent way to

conserve water quality. These 'forested riparian zones' can significantly decrease sediment and nutrient runoff in overland flow and ground water. Since trees are especially effective at stabilizing soils and taking up water and nutrients, clearcuts should be *avoided on steep slopes*. Wherever soil erosion is a threat, silvicultural treatments that maintain an adequate number of trees at all times should be encouraged. Finally, good judgment as soon as a problem is noted cannot be overstated, as many sedimentation and erosion problems occur when new problems aren't addressed. Re-routing that skid trail out of the muck or 'freezing a trail in' can go a long way to alleviate problems.

BIODIVERSITY

Biodiversity is the variety of life and the natural processes that organisms use to live. The concept can include diversity of all kinds of species, genetic variety, and even different ecosystems. Species diversity encompasses the diversity of plants, animals, fungi, insects, slime molds, etc., and is what most people think of when discussing biodiversity.

The level of biodiversity on the earth is indeed being threatened by human causes – mostly by the rampant loss of living space for other species, along with increasing global warming. The current rate of species extinction is now roughly *1,000 times the natural background rate*. This is an especially disturbing statistic, since once a species is gone, it is truly gone forever. In the classic novel, *A Sand County Almanac*, Aldo Leopold writes that "the first rule of intelligent tinkering is to keep all the parts." Through the wholesale elimination of species throughout the world, we are essentially "burning our libraries before we have read all the books." In the northeast U.S., biodiversity is threatened by ever-increasing forest fragmentation from people dividing up the landscape for housing, global warming, pollution issues, and introduced exotic species problems.

Much is not known about the many, many species that are diminishing and disappearing. We don't know what part they play in keeping their natural systems together, what chemicals they may produce that can help humankind, or what value they have as a part of the workings and design of

the earth. Aside from what we may learn from these species, there is also the thought which acknowledges that species have come about from millions of years of natural change and adaptation, and that for humans to manipulate the earth simply for short-sighted gain with the tradeoff of losing one out of ten or even more species worldwide is a tragic and inerasable mistake. Also, many people consider most other plants and animals to have an inherent value and 'right' to share the earth with us. Extinction is a road from which there is no turning back, and one on which humans have currently set themselves to live in a poorer and lonelier world.

A healthy and biodiverse area can provide benefits to people by keeping management options available. There are more opportunities for economic, ecologic, aesthetic, and recreational benefits. Despite all of its benefits, conserving biodiversity is a difficult task with our current economic and political system. In a nutshell, there is no easy way to put a price tag on what a healthy and biodiverse system gives us. This means our business models ignore it and good management is often too complex and in too long of a time frame to become a political issue. There have been studies to try to estimate what healthy and diverse ecosystems give the world, but putting a price on worldwide clean water and air, healthy forests, stable animal populations, disease and pest control, available fish, etc. is all but impossible. The numbers quickly run into the *many trillions of dollars* per year. Good forest management combined with a wide vision can help alleviate species loss and contribute small but very important elements to healthy ecosystems.

Things that land managers/landowners can do to increase and maintain biodiversity:

- Take inventory of current species to identify threatened species: One cannot protect a species unless one knows if and where it exists.
- Identify several appropriate management units: If a rare species is found in ten areas within a property, a manager might designate five of those areas to help sustain that species.
- Promote diversity in planted stands: This can be done by planting several different species or even

'STAND 2' – WET FOREST

CONDITIONS

- Land Area:* 1.5 acres
- Land Use History:* Some hemlock was left after the last harvest several decades ago. These wetter areas were also not harvested as heavily as the dry forest.
- Forest Type:*
- Existing (Approx. Age) -* Hemlock-Hardwoods (25-80):
Hemlock, sugar maple, yellow birch
- Potential -* Hemlock-Hardwoods
- Successional Trend:* Toward more hemlock and more shade-tolerant and existing species such as yellow birch and sugar maple.
- Site Class:* 1
- Forest Health:* Good
- Deer Impact Level:* Moderate to High
- Stocking level:* Well-stocked
- Size Class:* Variable – sapling to sawtimber with mostly small sawlog
- Timber Quality:* Medium
- Habitat and Wildlife Uses:* High - the water access, different food sources, varied cover, and local diversity make this a high-use area for wildlife. Very useful for increasing local diversity of riparian and wetland species. Local water and food source for fauna.
- Recreational Opportunities:* Beautiful part of the property for nature viewing.
- Timber Production Potential:* Medium
- Other Use Potential:* Natural water filtration and channels.
- Water Quality Issues:* High potential for disturbance. The access road to the residence drains into the lower main portion.
- Important Natural Features:* Main water source for local fauna.



Wet forest with many niches and wildlife uses

'STAND 2' – WET FOREST

MANAGEMENT PLAN

- Landowner's Objectives:*
- Manage for diversity.
 - Protect ecological function of water drainage.
- Recommended Prescription and Details:*
- Do not disturb wet areas with construction or heavy equipment.
 - Make sure there are no run-off negative impacts from the driveway.
 - No timber harvest aside from an occasional tree unless a particular species such as hemlock or maple begins to take over.
 - Assess drainage patterns from road runoff during heavy rain to understand where road runoff may go or if additional ditch-outs or a culvert are needed.
 - Cut any intrusive beech.
 - Longer term consideration: Create a non-intrusive gazebo or shelter for wildlife viewing and relaxation.

PLANNED ACTIVITIES:

- Yearly*
- Monitor for stream channel changes, erosion, or blown down trees that may unduly increase erosion.
- 2005*
- Assess road runoff.
- 2006*
- Assess road runoff.
- 2007*
- Install ditch-outs or culvert if appropriate.
- 2008*
- 2009*
- 2010*
- 2011*
- 2012*
- 2013*
- 2014*



NEW YORK STATE
Adirondack
parkagency

ADDOS

**MAJOR PROJECT PUBLIC NOTICE
APPLICATION RECEIVED
APA PROJECT No. 2005-325**

Date: December 1, 2005

The purpose of this Notice is to inform you that the permit application described below was received by the Adirondack Park Agency and to solicit any written comments you may have regarding it at this time. When the application has been deemed complete by the Agency, another notice with a more detailed project description will be provided to you, and you will have another opportunity to provide written comment relevant to the Agency's review.

This notice is being sent to adjoining landowners to the project site to the extent they were identified in the application; the Chairman of the County Planning Board; Chairman of the Regional Planning Board, if any; the chief elected officer, clerk and planning board chairman, if any, of the town or village where the project is located; and the Adirondack Park Local Government Review Board.

It is not necessary to respond to the letter unless you want to do so. If you wish to provide written comments, mail them to John L. Quinn, the assigned APA Environmental Program Specialist.

PROJECT SPONSOR, LOCATION AND DESCRIPTION

The Agency received an application on November 30, 2005 from New York Power Authority for a project proposed in the Towns of Colton, Parishville, & Piercefield, St. Lawrence County, on or near NYS Routes 3 & 56 and River Road. The attached map shows the approximate location of the project site. The Agency is currently reviewing the application for completeness.

The project is briefly described as follows:

Tri-lakes Reliability Project: proposed 46.5 kV overload electric power transmission line construction involving wetlands including construction of two substations and access roads. Proposed route is 26 miles long and begins in Parishville (Stark Falls) at a proposed new 115/46.5 kV substation that will interconnect with the existing 115 kV system and ends at existing Piercefield substation where a new regulator station is to be constructed. Most of the new transmission line route will parallel an existing elective distribution line (the distribution line will be attached to the same new utility poles which will bear the transmission line).

12/1/05

Date

MARK E. SENGENBERGER

Mark E. Sengenberger

Deputy Director (Regulatory Programs)

MES:JLQ:tjd

cc: New York Power Authority, John Suloway
Niagara Mohawk, Mike King



NEW YORK STATE
Adirondack
 parkagency

Via Certified Mail
 APA form October 2002

NOTICE OF INCOMPLETE PERMIT APPLICATION

APA Project No. 2005-325

Project Sponsor: New York Power Authority 123 Main Street White Plains, NY 10601-3170	Authorized Representative: John Suloway
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Date Application Received: November 30, 2005

Type of Project: Electric Power Transmission Line and two substations
 (major public utility use)

Location of Project: Roads: New York State Routes 56 and 3
 Towns of Parishville, Colton, Piercefield, and
 Clifton, St. Lawrence County

Dear Project Sponsor and Authorized Representative:

The Adirondack Park Agency recently received a permit application which provided important information regarding the above-referenced proposed project. After reviewing this information, the Agency has determined that this application is incomplete. The enclosed Requested Information is a list of information required for a complete application. Submission of this information will enable the Agency to deem the permit application as complete and make the necessary determinations as required by law.

The Agency is presently reviewing the Draft Environmental Impact Statement (DEIS) which was submitted for its review under the State Environmental Quality Review Act. Our comments on the DEIS will be provided soon. Since the permit application includes DEIS as an integral part, it is requested that response to this Notice of Incomplete Permit Application (NIPA) also include the project sponsor's response to the Agency's comments on the DEIS.

Please be aware that the project review period established by law will not begin until the Agency has received all of the information identified on the enclosed Requested Information and issued a Notice of Complete Permit Application. The project may not be undertaken until a permit has been issued by the Agency. "Undertake" includes, but is not limited to, any construction activities, such as excavation or other land disturbance, tree cutting, and installation of driveways or roads, or in the case of subdivision, the conveyance of any lots.

*This Notice is issued pursuant to Section 809(2)(b) Adirondack Park Agency Act and Section 572.7 of the Adirondack Park Agency Rules and Regulations.

DEC 15, 2005
 Date

MARK E. SENGENBERGER
 Mark E. Sengenberger
 Deputy Director (Regulatory Programs)
 Adirondack Park Agency

cc: Walter Bakowski
 Attachments

New York Power Authority
December 15, 2005
Page 2

REQUESTED INFORMATION

APA Project No. 2005-325

Please provide the information listed below. If you have any questions regarding this Notice of Incomplete Application or the project review process, please contact APA Environmental Program Specialist (EPS) John L. Quinn who is assigned to review your project. If the EPS has not yet been to the project site, please contact the EPS and arrange for a site visit. Site visits should be scheduled well in advance.

Please be advised that if you substantially change the project at any time, the Agency may determine it to be a "new project" which will necessitate recommencing a new application completeness review period and other information pertaining to it may be required.

If the permit application is to be withdrawn, please inform the Agency in writing so Agency records can be kept current and our attention can be focused on active projects.

The following requested information must be provided (3 sets) before the Agency can determine the application complete:

1. The application describes two proposed routes for the transmission line: (i) a 26 mile long "preferred route" from a new substation in the Town of Parishville to the existing Piercefield substation and (ii) a 28 mile long "alternate route" from a new Newton Falls substation to the Piercefield substation. Please confirm that the project sponsor seeks final Agency review and approval only for the "preferred route."
2. The application indicates that Mr. John Suloway is the project sponsor's Authorized Representative. However, Mr. Walter Bakowski has served as the person who routinely corresponds with the Agency and who has been contacted to discuss questions and during preapplication discussions. Please clarify which individual will act as Authorized Representative for the project.
3. Prior discussions between the project sponsor and Agency staff have resulted in an unwritten understanding that Agency review of portions of the project pursuant to §814 of the Adirondack Park Agency Act will be extended from a 30-day review period to 90 days in order for it to run

New York Power Authority

December 15, 2005

Page 3

concurrently with the 90-day review clock for the Part 578 Wetlands and Part 577 Rivers permit jurisdiction portions of the project (see 9 NYCRR 572.1[a] and APA Act Section 809(2)[c]). Please provide written confirmation of this understanding and agreement.

4. The application includes an untitled list referred to in the application as an "abutters list" which includes property owners' names, addresses and Parcel IDs (tax map designations) and a series of maps for adjacent landowners with numbered parcels that do not correspond to the Parcel IDs shown on the list. Revise this list to also include a column containing parcel numbers as shown on the maps provided. Also, provide two sets of adhesive mailing labels and an electronic copy of these labels for these adjoining landowners.
5. Provide a narrative summarizing the process whereby the project sponsor or National Grid will acquire easements for purposes of locating and constructing the "private-land portion" of the power line right-of-way, including a brief description of the procedure involved and references to the statutory authority for acquisition of rights-of-way by eminent domain.
6. Provide a copy of the July 20, 1988 Public Service Commission "Special Plan Condition; PSC Case 27605" which is referenced in Appendix J of the draft environmental impact statement (DEIS).
7. Provide a copy of the most recent report submitted to the Public Service Commission by Niagara Mohawk Power Corporation (National Grid) as required by Ordering Clause 3 of the July 20, 1988 Public Service Commission "Special Plan Condition" (PSC Case 27605) detailing the transmission right-of-way acreage within the Adirondack Park treated or maintained within the preceding year by each technique (using herbicides or not) for controlling undesirable vegetation. (As referenced in DEIS Appendix J, "Appendix 8, Special Plan Conditions Which Apply within the Adirondack Park")
8. Please have the enclosed Local Government Notice Forms filled out and signed by the municipal building inspector, zoning administrator or the planning board chairman for the Towns of Piercefield and Parishville and return them with the rest of the requested information. If these towns do

New York Power Authority
December 15, 2005
Page 4

- not have a building inspector, zoning administrator or planning board, then have the form filled out and signed by the town supervisors.
9. A Memorandum of Understanding exists between the Agency and the New York State Department of Environmental Conservation (DEC) to provide coordinated reviews of projects subject to review jurisdiction by both state agencies. In order to facilitate a coordinated review, please confirm that all necessary application(s) and supporting information have been submitted to DEC and document that DEC has determined the application(s) complete. Provide complete copies of all application materials that have been submitted to and determined complete by DEC. You do not have to duplicate materials already submitted to the Agency, other than identify which materials have been provided to DEC as part of any applications.
 10. Both the application and DEIS indicate that the project may involve cultural resources which are listed or eligible to be listed on the State or National Register of Historic Places. Because of this, please consult with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and provide that Office's recommendations for additional studies or surveys to be done and, based upon these studies, either documentation from OPRHP that the project will not have an impact on "any historic, architectural, or cultural property" pursuant to §14.09 of the Historic Preservation Act of 1980, or its direction for mitigation of any impacts to these resources. Provide copies of all correspondence between the project sponsor and OPRHP, studies or surveys submitted to OPRHP, and meeting notes, including the notes from the August 22, 2005 meeting.
 11. The project will be located largely in areas designated Rural Use and Resource Management by the Adirondack Park Land Use and Development Plan Map. Among the basic purposes and objectives for these land use areas as contained in §805 of the Adirondack Park Agency Act is the need to protect and preserve open space. While the DEIS explains the project sponsor's position with respect to open space impacts for portions of the transmission line along public highways, it does not describe how the project is intended to be consistent with open space protection and preservation (for those portions of it that will not be located adjacent to public roads such as the offsets or the

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substations). Please describe how the project design will be consistent with open space protection and preservation in these undeveloped areas.

12. The project is proposed to include wooded buffers between public roads and those portions of the transmission line that are part of Offset ROW Sections and between the two proposed substations and public roads and, in the case of the Piercefield substation, the Raquette River. Since maintaining the integrity of undisturbed vegetative buffers will be critical to minimizing project visibility, explain how these buffers will be maintained and protected during both construction and operation.
13. Buffers of only 25 to 30 feet in width between substations and public roads may provide inadequate visual screening, as is evidenced in the photosimulations. Assess the feasibility of employing more substantial buffers (such as wider buffers or planting evergreen trees in the buffers) that would provide for increased visual screening.
14. Describe replacement pole locations in relation to existing poles in terms of the typical separation distance and the maximum separation distance.
15. Application of herbicides not only within wetlands but also within 100 feet of wetlands constitutes a "regulated activity" subject to Agency review jurisdiction. Clarify whether herbicides will be used within 100 feet of wetlands both during construction and afterwards and, if their use is proposed in these areas, specific details will be required as part of a permit application including the specific chemicals to be used, amounts, application methods and rates, etc.
16. On Page 6 of the General Information Request, it states that the amount of wetland acreage to be lost will be determined during the preparation of detailed construction plans, but it also seems to indicate that 0.1836 acre would be lost along the Preferred Route and 0.3213 would be lost along the Alternate Route. Also, Page 11 of the Supplemental Information Request states 0.1836 acre of wetland will be filled. However, Table 2-4 which is also referenced indicates "None on the Preferred Route" under Wetland Fill Impacts. Please clarify this apparent discrepancy and, for the route selected for Agency review,

New York Power Authority
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verify the amount of wetland to be filled and the location of the fill(s).

17. The application states that a 1:1 wetland mitigation ratio will be used. Explain how this ratio was determined in light of the Agency's "Compensatory Wetland Mitigation Guidelines" which suggest a 1.5:1 ratio when in "in-kind" compensatory mitigation occurs within the same subcatchment, and the ratios increase when "out-of-kind" mitigation occurs or when it occurs in the major watershed.
18. Application material indicates that the compensatory wetland mitigation site will be transferred to a "conservancy" group. Identify who this group will be and describe the status of discussions with this group regarding the transfer.
19. The description of wetland mitigation approaches which were provided serve for a conceptual review, but lack sufficient detail for review as part of permitting. Select the specific compensatory mitigation site(s) that will meet the ratio needs and provide a detailed compensatory mitigation plan that includes, but is not limited to, a statement of goals, reference wetlands, grading, planting and seeding plans, invasive species prevention methods, permanent and temporary erosion control plans, contingency plans and triggers, and monitoring protocols and schedule. Please consult the Agency's "Compensatory Wetland Mitigation Guidelines" for guidance and information in this regard. You are also encouraged to continue discussions with Agency staff regarding the contents and details for this plan. To assist you in the preparation of a detailed compensatory mitigation plan, the Agency offers the following comments on two of the mitigation approaches which were provided:
 - Mitigation Approach B does not appear appropriate, since Agency staff is aware of no impact to or destabilization of the river shoreline at the Natural History Museum of the Adirondacks site outside of the observation decks.
 - Mitigation Approach C appears to involve an existing wetland crossing that is to be part of the work trail. The proposed detour route would take the work trail around the northerly end of the wetland. Would it be possible to locate both the work trail and the new transmission line to the north of the wetland? This

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Page 7

would allow for restoration of that portion of Sevey's Bog, keep the transmission line in a totally upland position, and avoid all wetland impacts associated with clearing.

20. Control of existing invasive species populations along and adjacent to the transmission line route and prevention of colonization through construction equipment sanitation is an important aspect of this project. Eradication is a difficult task, but it seems that over the three growing seasons that this project will span, it should be possible to eradicate the Japanese knotweed (*Fallopia japonica* var. *japonica*) and the common reed (*Phragmites australis*). Eradication of these invasive populations should be part of the proposal regardless of its applicability as part of a compensatory wetland mitigation plan since project activities have the potential for spreading these species during the ordinary course of work. While the details provided regarding the best management practices to eradicate these species are satisfactory, a commitment to successful eradication for the duration of project construction should be made. In addition, a commitment to invasive species control along the rights-of-way after the project is completed and operational is also sought. Further, since existing populations now extend beyond the rights-of-way and since project activities within the rights-of-way have the potential to spread invasive species to adjacent areas extending beyond the rights-of-way, describe how invasive species populations that now exist or may spread in areas adjacent to the rights-of-way are to be eradicated.
21. Provide a scaled map occupying an entire plan size sheet and jpg image of it depicting the one entire transmission line route and two substations selected for Agency review in relation to labeled roads, waterbodies, settlements, municipal boundaries and Adirondack Park Land Use and Development Plan Map land classification boundaries.
22. Sets of Environmental Work Plan (EWP) Drawings were received on November 30 and on December 5 and they depict variations to the project on at least Sheet 10 (Agency staff has not fully compared all plan sheets to determine whether there are other inconsistencies). Also, two sets of three sheets each of EWP Details were received on December 8. It is unknown whether these detail sheets differ from those previously provided on November 30 and

New York Power Authority

December 15, 2005

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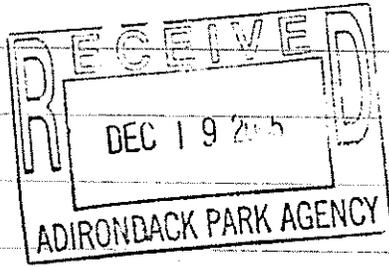
December 5. In order to eliminate confusion caused by these submissions and to include needed revisions, provide 3 complete sets of final Environmental Work Plan (EWP) Drawings and jpg images of these drawings which have been revised (note revision dates and description of revisions on plan sheets) to include:

- a. depiction of the one route being proposed for Agency review,
- b. labeling of all named public roads, water bodies and other named features,
- c. the river area boundaries for all rivers designated as scenic and recreational in the New York State Wild, Scenic and Recreational Rivers System,
- d. field delineated wetland boundaries within 100 feet of all Off ROW Work Trail Locations or other locations where any regulated activity or new land use or development is being proposed.

This will be important for staff presentation of the project to the Agency Board.

23. In addition to more detailed plans provided for activities in and adjacent to wetlands on the Alt1 through Alt6 route, provide final detailed plans drawn to a scale of 1 inch equals 50 feet for all other locations where activities such as pole placements and work trail construction are to occur in or within 50 feet of wetlands, stream crossings, and other critical resource areas. These plans and revisions to the previously provided plans must also depict pole placement locations in relation to field delineated wetlands, and stormwater controls and all temporary and permanent erosion control measures for all areas where soil disturbance is to occur within 50 feet of wetlands and/or streams. Include these plans and jpg images of them as part of the EWP Drawing sets.
24. Will the "terra-cell" cellular confinement system provide sufficient cross drainage at all locations where it will be employed? Will culverts also need to be installed at these locations? If so, provide typical culvert details including sizing criteria.

MES:JLQ:tjd



ERNEST HUTCHINS

185 STARK ROAD

SOUTH COLTON N.Y. 13687

December 16 2005

315-262-1149

JOHN L. QUINN

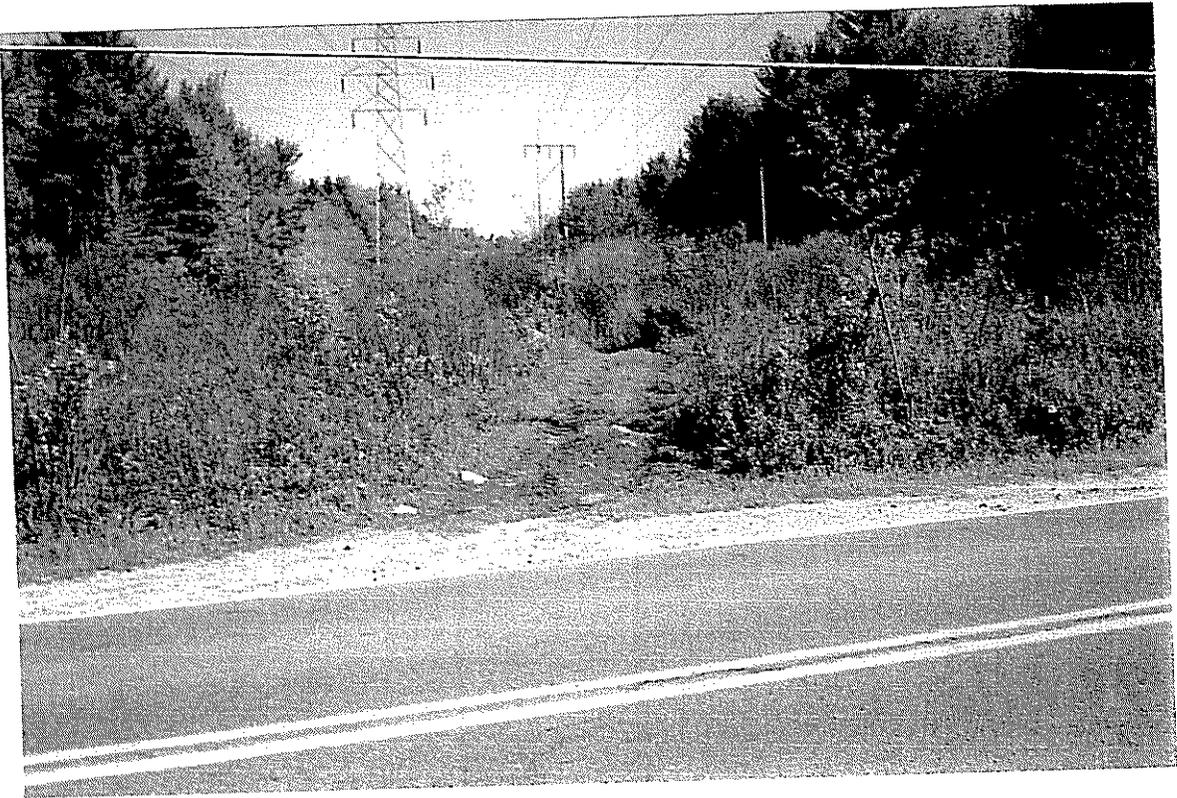
APA PROJECT NO. 2005-325

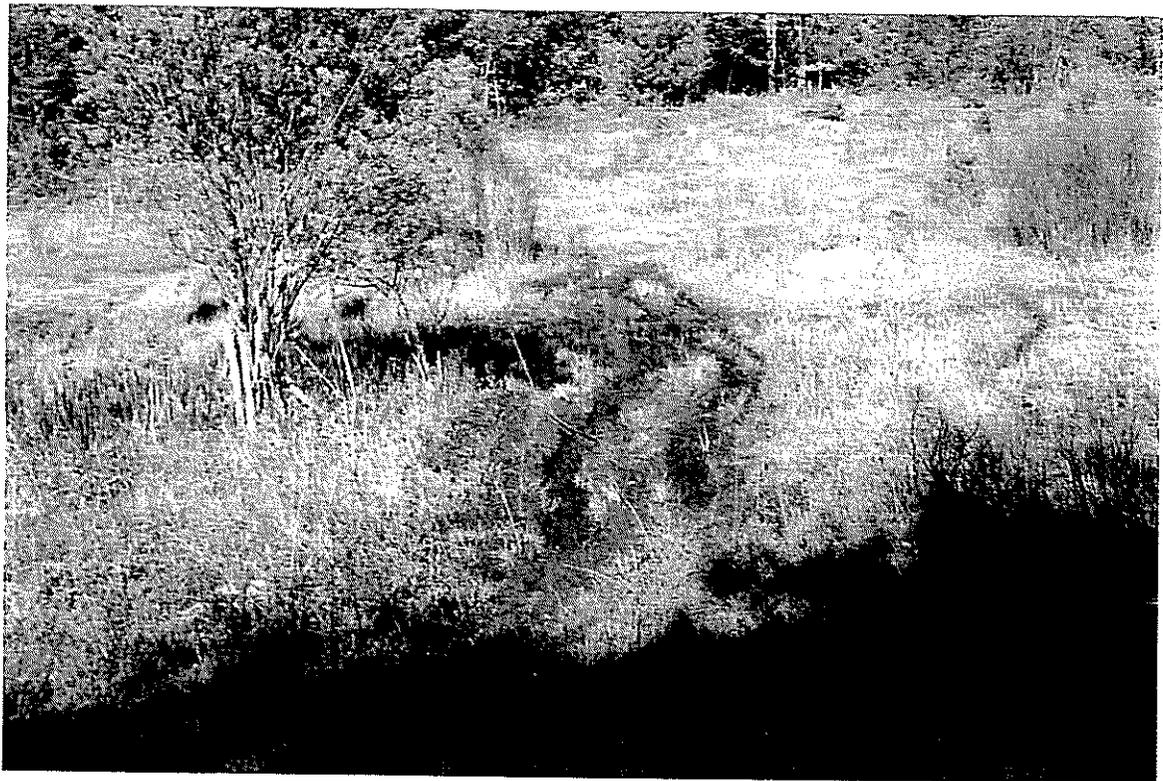
Enclosed Pictures of ATV Abuse ON
NATIONAL GRID TRANSMISSION EASEMENTS IN THE
TOWN OF COLTON. NATIONAL GRID REFUSES TO
block ACCESS.

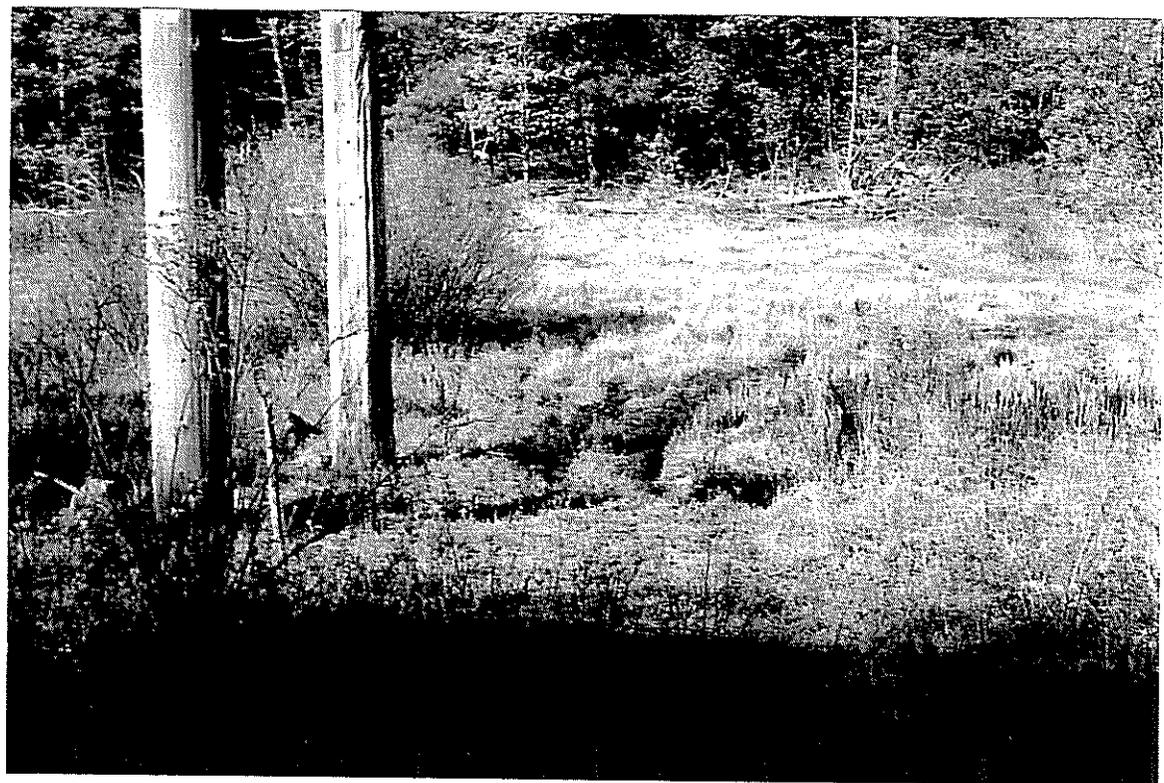
THIS SAME ATV ABUSE WILL BE ALLOWED BY
THE N.Y. STATE POWER AUTHORITY AND NATIONAL
GRID ON APA PROJECT NO. 2005-325

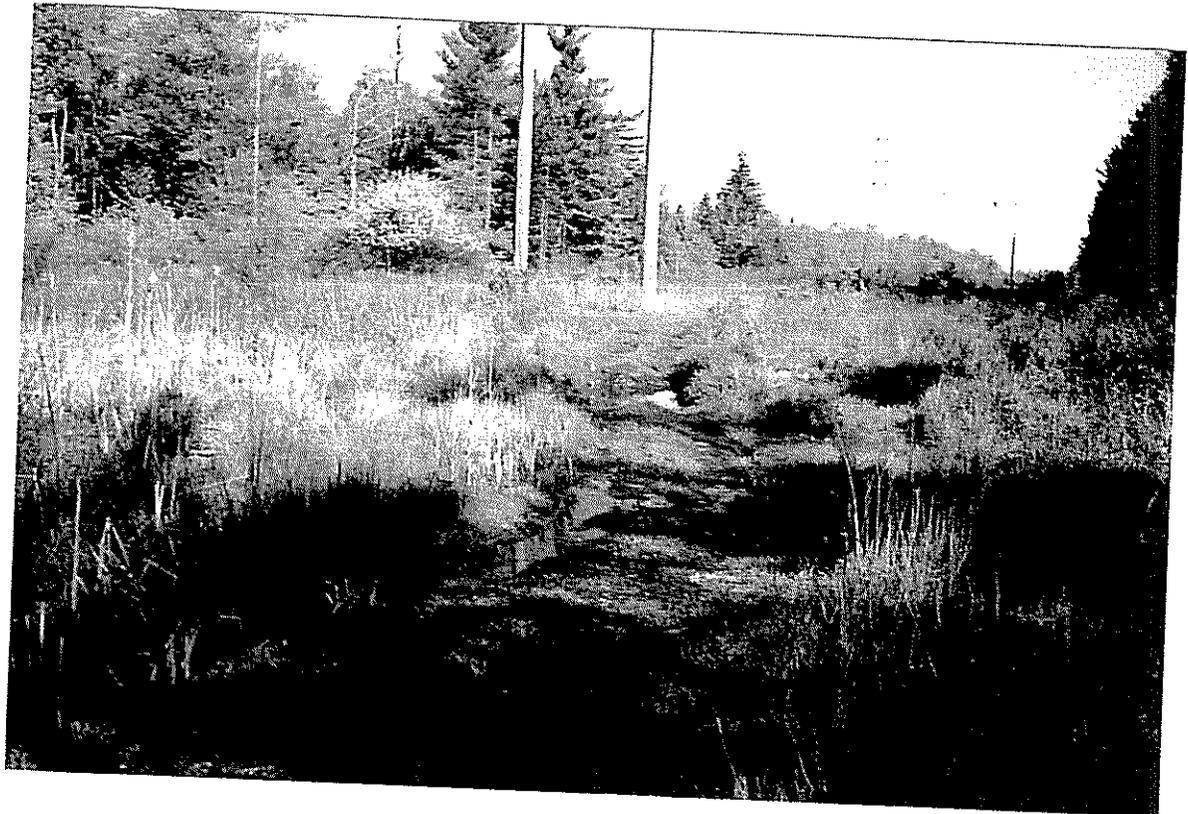
I request A GUARANTEE FROM THE APA THAT
ATV'S WILL BE KEPT OFF OUR PROPERTY.

Ernest Hutchins

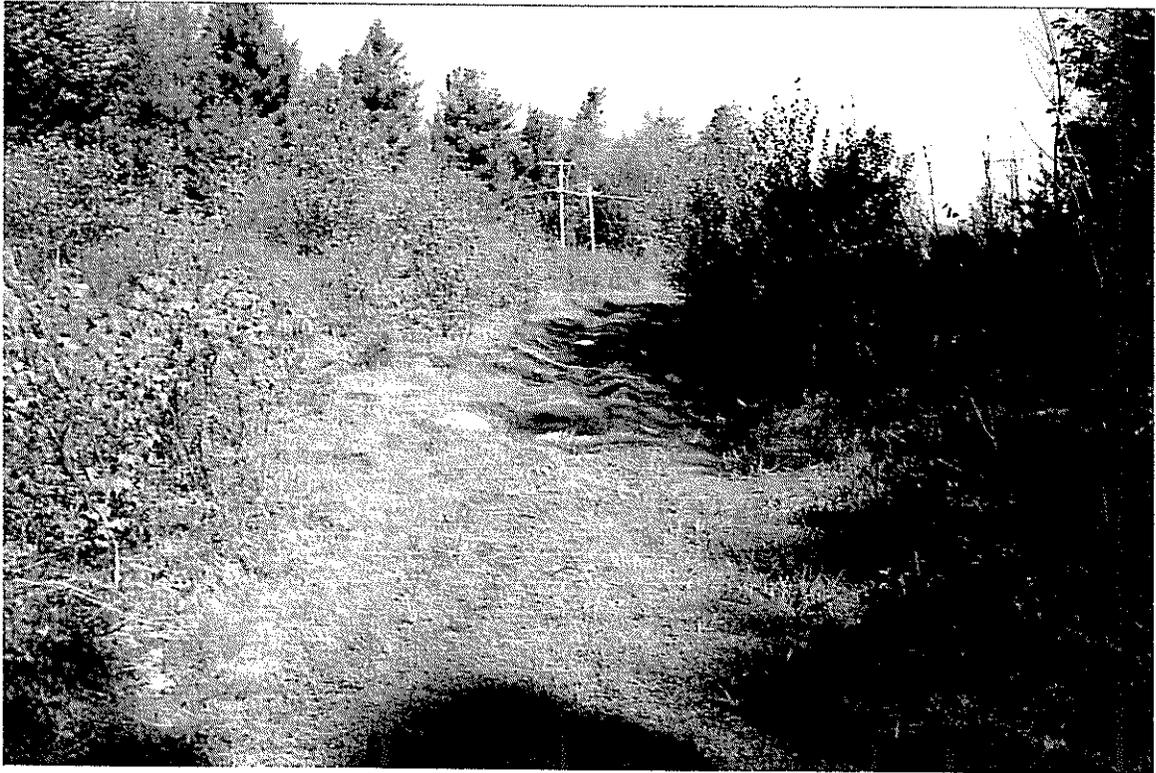


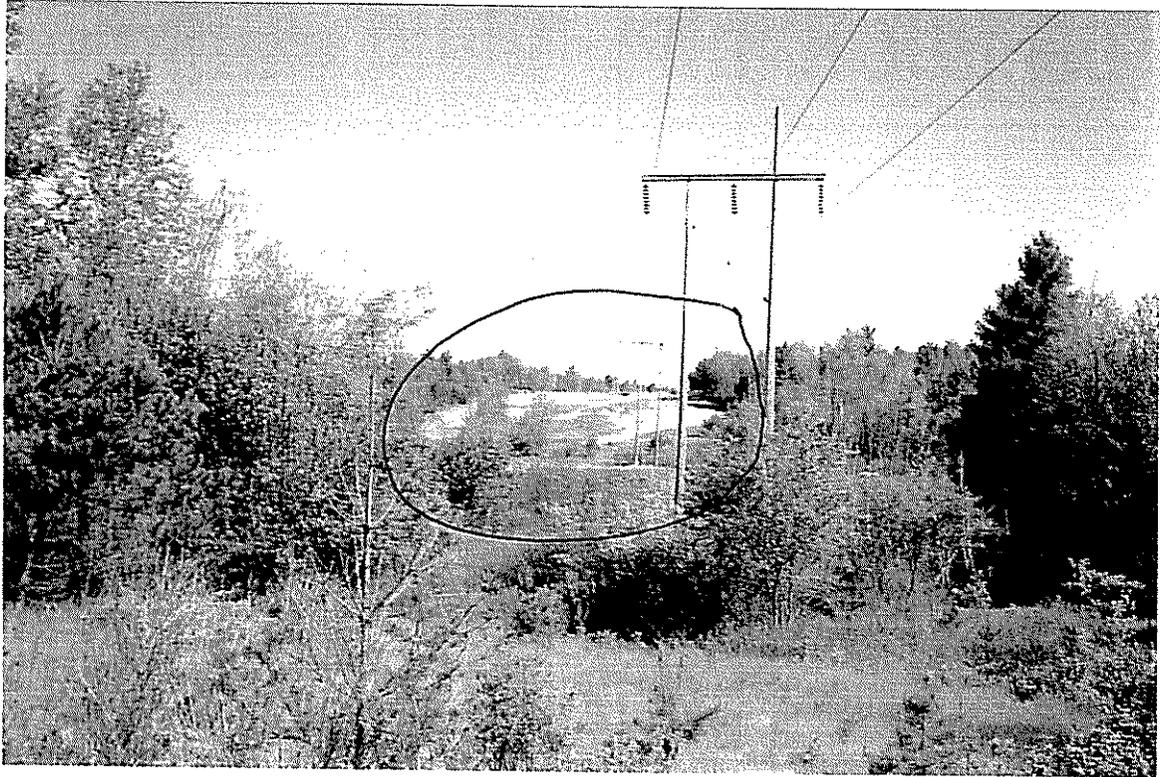
















January 9, 2006

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

Re: Comments on Draft Environmental Impact Statement -- Tri-Lakes Reliability Project [Agency Project 2005-325 (New York Power Authority)]

Dear Mr. Suloway:

This letter contains the Adirondack Park Agency's comments on the November 30, 2005 "Draft Environmental Impact Statement for the Tri-Lakes Reliability Project" (DEIS) which you submitted to the Agency for its review as an "involved agency" pursuant to 6 NYCRR 617.2(s), 617.9(a)(3) and 617.12.

Since the DEIS is also part of New York Power Authority's (NYPA) application (Agency Project 2005-325) seeking agency approval and Section 814 review for the 46kV transmission line, substation and regulating station NYPA is proposing, it is expected that responses to the following Agency comments on the DEIS will be included as part of NYPA's response to the Agency's December 15, 2005 Notice of Incomplete Permit Application (NIPA), as was requested in the NIPA. These comments are being provided in advance of the SEQOR comment deadline to enable NYPA to promptly address them. Please be advised that the Agency may, after further review of the DEIS and receipt of additional comments from the public, both as part of our review of the project application and as a result of the scheduled public hearing, provide additional comment prior to the mandatory deadline.

Volume I:

1. Section 1.1.3 (Page 1-7): The word "Use" should be deleted from "Adirondack Park State Land Use Master Plan".
2. Table 1.4-4 (Pg. 1-16): The lengths of the routes and amount of "Wetland - Permanent Fill" are inconsistent with

other figures provided elsewhere in the DEIS and its Appendices and in the application materials. This must be clarified by providing accurate and consistent figures for the route lengths and the amount of wetland filling. It is imperative that these inconsistencies be corrected and that the Agency fully understand exactly how much loss of wetland area is to result from this project, since this information is necessary to determine the amount of compensatory wetland mitigation needed.

3. Section 1.14.6 (Page 1-18): In areas where existing electric distribution lines are to be replaced, describe replacement pole locations in relation to existing poles in terms of the typical separation distance and the maximum separation distance.
4. Figures 1.1-10: It appears that by careful pole and guying placement final siting of the transmission line could more closely follow snowmobile trail and logging road alignments to take advantage of existing clearing along those existing improvements. By doing so, excessive vegetative clearing and related adverse open space impacts can be minimized while still providing for safe travel by snowmobiles and log trucks.
5. Figures 1.1-10 and 1.1-11. Since maintaining the integrity of undisturbed vegetative buffers will be critical to minimizing project visibility in offset sections, explain how these buffers will be maintained and protected during both construction and operation.
6. Figures 1.1-16 and 1.1-18: Minimum undisturbed vegetated buffers should graphically be shown between the two proposed substations and existing cleared public road rights-of-way. Buffers of only 25 to 30 feet in width between substations and public roads will provide inadequate visual screening, as is evidenced in the photo simulations (See Photo Simulations for Newton Falls Substation and Stark Falls Substation in Appendix D). More substantial buffers (such as wider buffers or planting evergreen trees in the buffers) that would provide for increased visual screening should be employed. Since maintaining the integrity of undisturbed vegetative buffers will be critical to minimizing visual impact of the substations, explain how these buffers will be maintained and protected during both construction and operation.

7. Section 1.1.4.3 (Page 1-15): The discussion of open space resources which makes the Adirondack Park unique and how this project may affect same is too cursory and discussion of protection of such resources is limited to only the area of the preferred route along roadways. This discussion should be expanded to also address areas of the transmission line routes which are not located adjacent to public roads (i.e., the offset areas) and the substations.

8. Section 1.3.1 (Page 1-45): A copy of the New York State Public Service Commission (PSC) order issued to New York State utilities (PSC Case 04-E-0822, June 20, 2005) should be included as an appendix in the DEIS. Reference to "Appendix G" should read "Appendix J". Also, the issue of herbicide use needs clarification, particularly where such use will be in or adjacent to wetlands. The first statement in Ordering Clause 1.e. in what may have been taken from the PSC order applying to the Adirondack Park reads "Herbicides shall not be used within a minimum horizontal distance of 100 feet of a potable water supply or *regulated wetlands* (emphasis added) or protected waters. Buffer zones shall be maintained around *other wetlands* (emphasis added), perennial and intermittent streams, and waterbodies as follows..." A second, following statement reads "Herbicides shall not be used within a minimum horizontal distance of 100 feet of a potable water supply or regulated wetlands or standing water *where the need for herbicide buffer zones has been established by regulation pertaining to protecting waters or by specific herbicide label restrictions* (emphasis added). Herbicide buffer zones shall be maintained around other wetland, perennial and intermittent streams, and waterbodies as follows..." Wetlands greater than one acre in size or which have free interchange with a waterbody are regulated wetlands within the Adirondack Park. If the first statement is taken from the PSC order, herbicide use within 100 feet of regulated wetlands in the Adirondack Park is precluded. This appears to be somewhat contradicted in the second statement and in the second bulleted item on Page 1-45. Clarification on the permissibility of herbicide use within 100 feet of wetlands as it relates to the PSC order needs to be provided. Please note that if herbicides are to be used in or adjacent to wetlands as part of the construction and maintenance of this project, then specific details will be required as part of a permit application including the specific chemicals to be used, amounts, application methods and rates and documentation demonstrating that the proposed

herbicide use will not degrade or destroy wetlands and their associated values. (See also Agency comments on Section 4.8 and Volume III, Appendix E, Section 4.3.1.1 below).

9. Section 2.1 (Page 2-1): The number of hotel and housing units currently scheduled to be constructed in Lake Placid, Saranac Lake and Tupper Lake should be quantified. Also, reference is made in this section to Section 3.14.4 which does not exist. Please correct.
10. Section 2.3.1.3 (Page 2-16): In addition to summarizing public comment as has been done in Appendix I, copies of all actual written comments should also be included in this appendix.
11. Section 3.11.5 (Page 3-92): The discussion of Rural Use and Resource Management areas should state that one of the basic purposes for these areas pursuant to NYS Executive Law section 805(3)(f) and (g) is the need to protect and preserve open space resources which are essential to the unique character of the Adirondack Park.
12. Section 3.12 (Page 3-94): Although related somewhat to visual resources, open space resources should be addressed as a separate heading especially since much of the transmission lines' routes and both substations are located in either Rural Use or Resource Management areas where open space protection and preservation is crucial to maintaining the unique character of the Adirondack Park.
13. Section 3.14.1 (Page 3-102): The discussion of the Adirondack Club and Resort ends with the statement: "In its fourth year of operation the Club and Resort is anticipated to attract over 500,000 people." This figure is incorrect and appears substantially higher than figures being mentioned by the Adirondack Club and Resort's project sponsor for inclusion in that permit application. A more accurate figure should be provided based upon consultation with that project sponsor's representative.
14. Section 3.14.3 (Page 3-104): The 1990 report, "The Adirondack Park in the Twenty First Century," was not produced by the Adirondack Park Agency. It was instead the product of the NYS Commission on the Adirondacks in the 21st Century, a temporary study commission having no formal relationship to the Agency.

15. Section 3.14.3 Employment (Page 3-106): The project currently under review by the Agency is the Adirondack Club and Resort, not the Adirondack Park and Resort. Also, while projected job generation figures were provided for the Natural History Museum of the Adirondacks, no such projection was made for the Adirondack Club and Resort project which is another significant future project in impact area. Projected job generation figure(s) should be provided based upon consultation with that project sponsor's representative.
16. Section 4.3 (Page 4-4): While rock excavation may not be extensive, it is inconclusive as to how such excavation will proceed, regardless of how limited it will be. If blasting is to be used, a blast plan and noise (and ground vibration) impact assessment and mitigation should be addressed.
17. Section 4.6.4 (Page 4-8): More specific compensatory mitigation measures for loss to wetland area and function need to be identified and discussed. A specific compensatory mitigation plan, prepared in accordance with the Agency's "Compensatory Wetland Mitigation Guidelines," including a statement of goals, reference wetlands, grading, planting and seeding plans, invasive species prevention methods, permanent and temporary erosion control plans, contingency plans and triggers, and monitoring protocols and schedule is requested.
18. Section 4.6.4.1.2 (Page 4-9): Mitigation Approach B (Raquette River) should be eliminated, since Agency staff is aware of no existing impact to or destabilization of the river shoreline at the Natural History Museum of the Adirondacks site which would warrant mitigation.
19. Section 4.6.4.1.3 (Page 4-9): Mitigation Approach C (Sevey Bog Road Reclamation): Specific mitigation measures should be given priority and pursued at this location, given its proximity to the wetland areas to be impacted. The proposed detour route would take the work trail around the northerly end of the wetland. The feasibility of locating both the work trail and the new transmission line to the north of the wetland which would allow for restoration of that portion of Sevey's Bog, keep the transmission line in a totally upland position, and avoid all wetland impacts associated with clearing should be assessed.

20. Section 4.8 (Pages 4-15 and 16): The issue of herbicide use in proximity to wetlands needs to be further addressed (See also Agency comment regarding Section 1.3.1 above and Agency comment regarding Volume III, Appendix E, Section 4.3.1.1 below). The bracketed information added to what is quoted as being from the PSC Ordering Clause suggests that a regulated wetland means a "NYS DEC wetland" and that is incorrect. It is the Agency's understanding that this order applies solely to the Adirondack Park where Part 578 of the Agency Rules and Regulations apply and not New York State Department of Environmental Conservation regulations. Contrary to what is stated, Agency regulations do establish "jurisdictional buffers" (see 9 NYCRR 578.3(n)(2) and 578.11). A copy of the Empire State Electric Energy Research Corporation's (ESEERCO) report entitled "Determination of the Effectiveness of Herbicide Buffer Zones in Protecting Water Quality on New York State Powerline Rights-of-Way" referenced in this section should be included in an appropriate DEIS appendix. The discussion in this section seems to suggest that wetlands within the Adirondack Park are somehow deserving of less protection than those outside of the park which the Agency wholeheartedly rejects.
21. Section 4.9.1 (Page 4-9): Cultural resource surveys should be conducted and copies included as appendices. All written agreements, correspondence and meeting notes between the applicant and New York State Office of Parks, Recreation and Historic Preservation (OPRHP) should be included in an appendix. Impact assessment and mitigation measures should be prepared in consultation with OPRHP and either a determination from or agreement with OPRHP provided.
22. Section 4.9.2 (Page 4-9): All written agreements, correspondence and meeting notes between the applicant and New York State Office of Parks, Recreation and Historic Preservation (OPRHP) should be included in an appendix. Impact assessment and mitigation measures should be prepared in consultation with OPRHP and either a determination from or agreement with OPRHP provided.
23. Section 4.10.2 (Page 4-18): The sentence "The proposed Tri-Lakes Reliability Project will not pass through a NY State Forest Preserve." should be changed to read "The transmission line route proposed for the Tri-Lakes

Reliability Project will not pass through NY State Forest Preserve lands."

24. Section 4.10.3 (Page 4-19): The discussion of the involved Adirondack Park Land Use and Development Plan Map land use areas should discuss the extent to which the project will conform to the purposes, policies and objectives of each. In particular, identification and discussion of the extent to which the project will impact open space in the involved Rural Use and Resource Management areas and how those impacts will be mitigated must be provided.
25. Section 4.11 (Page 4-20): Use of the phrase "as well as 9 NYCRR Part 577 (New York State Wild, Scenic, and Recreational Rivers System)" at the end of the last sentence in the fourth paragraph is not understood and appears to be out of context. The 30 percent clearing restrictions appears to relate to shoreline vegetative cutting restrictions for navigable water bodies contained in §806 of the Adirondack Park Agency Act and not those of 9 NYCRR Part 577 (New York State Wild, Scenic and Recreational Rivers System), which latter restrictions generally preclude the removal of any vegetation within 100 feet of designated rivers. This should be clarified and corrected and the extent to which the project will conform to vegetative cutting restrictions within designated rivers areas explained.
26. Section 4.12.1 (Page 4-22): Further description of the extent of and both short-term and long-term visual impacts to be created by additional vegetative clearing along existing public roads is needed. The short-term visual effects caused by the loss of branching on the side of trees and removal of under story vegetation needs to be explained and more accurately depicted graphically on representative photo simulations in the Visual Impact Assessment (Appendix D).
27. Section 4.12.3 (Page 4-22): A detailed description of visual impacts created by the two substations and the regulating station and mitigation measures to address these impacts is needed.
28. Section 4.12.4 (Page 4-25): While it is understood that there could be variety in wood and pole classes which would allow for color variation, discuss whether it is possible to have contract specifications require dark color poles so

that they would stand out less against the darker background vegetation. Also, weathering of lighter poles would result in even lighter poles that would contrast with the darker background vegetation.

29. Section 5.6 (Page 5-4): The issue of herbicide use in proximity to wetlands needs to be further addressed (See comment regarding Sections 1.3.1 and 4.8). Also, additional detail describing how all-terrain vehicle use in wetlands will be precluded needs to be provided.
30. Section 5.10.1 (Page 5-9): The reference to the density restriction for "Resource Management" areas should be changed to read "42.7 acres." instead of 42.5 acres.
31. Section 5.10.2 (Page 5-10): The second sentence should read "... the Raquette Boreal Wild Forest Area of the State Forest Preserve. . ."
32. Section 5.10.4 (Page 5-10): The cross reference to section 5.11 should read 5.12.
33. Section 9.6 (Page 9-2): The term "minimal placement of fill in wetlands" is vague. Please quantify and clarify.

Volume II:

Appendix A:

1. Section 2.4.2 (Page 18): Add to end of fifth sentence in the first paragraph ". . . ; it became effective on January 1, 1895." In the second paragraph, third sentence, delete comma [","] after "(APA)" and add "Environmental" after "Department of". Also, add "and their rights-of-way" after "Highways" in the fourth sentence of this paragraph. After the word "administration" delete the words "specified that there" in the second sentence of Footnote 1.
2. Section 2.4.3 (Pages 18 and 19): The second sentence of the first paragraph should read: "Route 56 is also a designated travel corridor for which management guidelines and criteria are established by the Adirondack Park State Land Master Plan (2001) ("Master Plan") promulgated by APA and approved by the Governor." The beginning of the third sentence in this paragraph should read: "The Master Plan defines..." instead of "The APA defines..." The fourth and fifth sentences of this paragraph should be replaced with:

"The APA Act requires DOT to comply with section 814 review procedures for new land use or development activity in areas of Travel Corridors under DOT jurisdiction. Portions of the Travel Corridor under the jurisdiction of DEC are administered according to DEC's 'care and custody' authority in the ECL and guidelines for management and use from the Master Plan (Master Plan, p.98, 49, 46)." In the first sentence of the second paragraph, replace "APA" with "Master Plan". Reference to APA permits should read "APA Permits 86-1036 and 86-1036A" in the last sentence of the fourth paragraph.

3. Section 2.4.4 (Page 19): In the last portion of the first sentence in the third paragraph replace "concerning the Adirondack Park." with "concerning classification and management of State-owned lands within the Adirondack Park." Replace "Park lands" with "State-owned lands" in the second sentence of this paragraph and change reference to 2.4.8 to 2.4.7. Change the reference from 2.4.8 to 2.4.7 in the fourth paragraph.

4. Section 2.4.7 (Page 20): Suggest after "NYS Chapter Laws" inserting a new section entitled "Statutory Authority" as follows:

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

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

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

5. Section 2.4.7 (Page 21): Replace "APA Master Plan" with "Adirondack Park State Land Master Plan".
6. Section 2.4.8.3 (Page 23): Delete the word "be" from next to last sentence of the first paragraph on this page.

Appendix C:

1. A copy of the November 2005 Report Addendum No. 1 Phase 1A report should be included in this appendix. Further, a report containing the results of Phase 1B testing as recommended in the Phase 1A report should also be included in this appendix.

Appendix D:

1. Photo Simulations provided appear to accurately represent future or long-term conditions after adjoining trees have branched out and under story vegetation has become reestablished. However, additional photo simulations depicting and representative of more immediate or short-term effects of vegetative clearing should be provided (See also comments on Section 4.12.1).

Volume IV:

Appendix E: (Comments provided are based upon Agency review of the revised version of this appendix received at the Agency on December 21, 2005)

1. Section 1.5.1.1 (Pages 1-4 and 1-5): This discussion of Agency jurisdiction is flawed. It is incomplete and mixes elements of the laws administered by the Agency, the rules and regulations implementing them and interpretations. At a minimum the first bulleted item on Page 1-4 should be changed to read "All wetlands that are 1.0 acres in size or larger or located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation."
2. Section 1.6.3 (Page 1-7): An Environmental Inspector will manage environmental compliance associated with the project. Explain how frequently this person will be on-site. Will this person be present on a daily basis or periodically visit the site? Also, a compliance mechanism should be developed for situations where field conditions dictate a deviation from the approved plans.
3. Section 2.4 (Page 2-3): Explain why it is stated that it is Niagara Mohawk's responsibility and not the applicant's (NYPA) to insure the cultural resources investigation is complete or that SHPO approval to proceed is obtained in each area prior to construction.
4. Section 2.7 (Page 2-9): Wetland filling of 8,256 square feet along the Preferred Route is inconsistent with 7,930 square feet stated in Table 1.4-4 and other amounts included in the applications. Also, 0.18 acre equals 7,841 square feet and not 8,256 square feet. It is imperative that these inconsistencies be corrected and that the Agency

fully understands exactly how much loss of wetland area is to result from this project.

5. Table 4-2 (Page 4-2): The list includes at least two species that, although having desirable growth habits for right-of-way use, are invasive and should as a matter of course be discriminated against during right-of-way vegetation maintenance activities. The two species are multiflora rose (*Rosa multiflora*) and privet (*Ligustrum* spp.). In addition, the list of scientific names should be reviewed for misspellings.
6. Table 4-3 (Page 4-22): The use of chemical dust inhibitors should be discouraged. Water should be the dust inhibitor of choice. Other selections may be suitable but only upon review on a case by case basis.
7. Section 4.3.1 (Page 4-33): All parts of all abandoned poles should be routinely removed whether they occur in wetlands or uplands. The minor, temporary disturbance to wetlands caused by removal activities is well worth the removal of pole ends even though not technically considered to be hazardous waste. The wetland disturbance can be mitigated by proper construction practices and restoration activities.
8. Section 4.3.1.1 (Pages 4-41 and 4-42): As previously discussed, the insertion of "[NYS DEC wetland]" and "[APA and ACOE wetlands]" changes the meaning of the original text of what appears to be NYSPSC Case 27605 Ordering Clause 1.e. As included, it would seem that the ordering clause requires a higher level of wetland protection outside the Adirondack Park. In fact, Appendix 8 from which this section is taken is specific to the Adirondack Park within which there are virtually no wetlands jurisdictional to the DEC or that are regulated by the DEC. Within the Adirondack Park, the Adirondack Park Agency administers the APA Act (EL Article 27) and the NYS Freshwater Wetlands Act (FWA) (ECL Article 24), both of which define "wetlands" and "regulated activities" which require permits when undertaken within the boundaries of wetlands or outside of wetlands if there is, "...(i) any form of pollution, including installing a septic tank or sewer outfall, discharging sewage treatment effluent or other liquid wastes into or so as to drain into a freshwater wetland; or (ii) any other activity which substantially impairs the functions served by or the benefits derived

from freshwater wetlands set forth in section 25-0105 of the Freshwater Wetlands Act,..." (9 NYCRR Section 578.3[2]).

Reference to "jurisdictional buffers" in the first paragraph on Page 4-42 is incorrect. Even though the APA Act, the FWA or the implementing Rules and Regulations do not specify a set buffer distance from wetlands and other water bodies, it is clear that the intent is a broad view of wetland protection which includes review over activities occurring outside wetlands which substantially impair their functions or benefits. It has always been the Agency's interpretation that any activity requires a permit if it is likely to substantially impair the wetland, regardless of its distance from the wetland in question.

This entire section should be re-written (See also Agency comment regarding Volume I, Sections 1.3.1 and 4.8 above). It is unclear whether the Agency ever reviewed or commented on the Draft PSC Case 27605 or ESEERCO's "Determination of the Effectiveness of Herbicide Buffer Zones in Protecting Water Quality on New York State Powerline Rights-of-Way." It is also unclear whether or not any Agency comments were incorporated into the PSC Case. While it is true that the Agency's Rules and Regulations do not specify a set buffer for regulated activities, this should not be interpreted as license to lessen setback requirements or to reduce care for wetlands. Rather, it is an indication that substantial leeway has been given the Agency, as part of its review of a permit application, to review and assess impacts on a case by case basis depending on the active ingredient, application method, terrain, target vegetation, surface hydrology, soil conditions, meteorological conditions, etc.

High Volume Stem Foliar on Page 4-42 and Low Volume Backpack Stem Foliar on Page 4-43 both refer to "APA guidelines". It is unclear what guidelines are being cited. Please provide the appropriate "APA guidelines."

Provide the specifications for the "Brown Bush Monitor" mower unit with herbicide application attachment mentioned under Mowing and Cut Stubble Herbicide Treatment on Page 4-44.

Section 6.2.1 (Page 6-4): The discussion under F. APA Permit Requirements is a much simpler and more accurate statement regarding use of herbicides in proximity to wetlands than other discussions elsewhere in the DEIS in

4.3.3.1. In fact, this section seems more straightforward than previous herbicide related sections. It does not include reference to the NYSPSC Case 27605 Ordering Clause or the ESEERCO document. The information elsewhere in the DEIS should be reviewed and brought into conformance. Also, explain why Niagara Mohawk's Environmental Department is responsible for obtaining APA permits and not NYPA, the applicant.

9. Section 6.2.5 (Page 6-10): Does this list include all herbicides specified for use on this transmission line? If not, revise to include all others. Under what circumstances will each identified herbicide be used (i.e. treatment methods, clearing methods, right-of-way maintenance, etc.)? Will they be used as single chemical applications or in tank mixes? Provide MSD sheets for each herbicide to be used in conjunction with this project and during continued maintenance.
10. The symbol for Off ROW Existing Work Trail Location does not appear in the legend of the reduced-scale Environmental Work Plan Sheets included in this appendix. Unless full-scale drawings have been provided to the public and other interested and involved agencies, the locations of these trails will be difficult to understand. Also, it is unclear whether wetlands were delineated for both existing and new Off ROW Work Trail Locations. Either confirm that all wetlands within 100 feet of these trails have been field delineated and are shown on these drawings or revise the drawings to depict all such field delineated wetlands.
11. Environmental Work Plan Sheets should all include stormwater management devices and erosion and sediment control measures. The plans should clearly depict the appropriate measure or device and the location of each on the plans. Protection of wetlands and waterbodies should be clearly addressed.
12. Detail Sheet 3 of the Environmental Work Plan Sheets does not provide a cross-section for the rock check dam detail. The setting of the lip invert lower than the attachment to the surrounding grade at either end of the check dam is critical. Provide a detail showing the rock check dam cross-section.

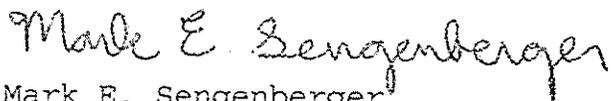
13. Details of any wetland or stream crossings should be provided on more detailed (1 inch equals 50 feet) Environmental Work Plan Sheets.

Appendix I:

1. In addition to the summary of public comments received which are contained in this appendix, copies of all actual written comments themselves should be included in the appendix. The Agency also requests that it be provided with copies of all written comments received in response to the DEIS through the formal comment period which ends January 31, 2006. Also, the Agency has received six letters to date commenting on this proposal. Copies of these letters are enclosed. It is expected that NYPA's response to all pertinent public comment will be provided to the Agency and included in the Final Environmental Impact Statement.

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

Sincerely,



Mark E. Sengenberger
Deputy Director (Regulatory Programs)

Enclosures (Comment letters)

MES:JLQ:tjd

cc: Walter Bakowski, Tetra Tech
Sandra LeBarron, DEC
Carey Babyak, DOT
Ruth Pierpont, OPRHP
James Plumley, Town of Colton Code Enforcement Officer
Tim O'Brien, Town of Parishville Code Enforcement Officer
Flora McCuen, Town of Piercefield Code Enforcement Officer
John Quinn, EPS

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New York Power Authority
North Blenheim, NY

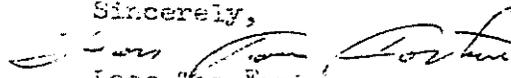
Dear Mr. Ramsey:

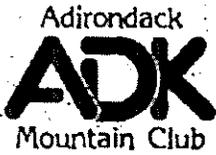
My view and that of everyone I've talked to in the communities involved - is that the Power Authority should proceed with the construction of the 16KV line in the quickest and least expensive manner possible.

We have suffered inconvenience and economic loss long enough.

The loud-mouth environmental bastards from North Creek & elsewhere, who are not directly affected, should have no input in the matter. These irrational people have already wasted millions of taxpayer dollars without doing anything significant for the environment.

Sincerely,


Leon Tom Fortune



January 31, 2006

Conservation
Education
Recreation
Since 1922

Stephen Ramsey
New York Power Authority
Blenheim Gilboa Visitors Center
1378 State Route 30
North Blenheim, New York 12131

RE: Tri-Lakes Electric Reliability Project DEIS

Dear Mr. Ramsey:

On behalf of the Adirondack Mountain Club, I would like to take this opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the proposed Tri-Lakes Electric Reliability Project.

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e-mail: adkinfo@adk.org
Web site: www.adk.org

The Adirondack Mountain Club (ADK) represents over 30,000 hikers, cross-country skiers and paddlers. ADK is dedicated to the protection and responsible use of New York State's Forest Preserve and other wild lands and waters.

North Country Operations
P.O. Box 867
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Reservations: 518-523-3441
Office: 518-523-3480
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ADK is concerned about the impact of the preferred alternative on any future westward expansion of the Raquette Boreal Wild Forest. The preferred alternative outlined in the DEIS would head south on Route 56 until reaching the Raquette Boreal Wild Forest and then head west in order to avoid the Forest Preserve. The route would then head east again following Route 56 and then Route 3 to connect with the existing substation in Piercefield.

According to the DEIS a new right of way (ROW) would be necessary in order to bypass the Forest Preserve. The new ROW would pass north of Crooked Lake for just over two miles to the western boundary of the Forest Preserve. At the western end of the Forest Preserve the preferred route would turn southeast and then east on a new ROW for approximately 4 miles before returning to Route 56. The DEIS points out that 3.3 of these four miles is along an old logging road.

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



Additionally, the alternative route outlined in the DEIS, beginning in Newton Falls and ending at the existing Piercefield substation, would also require a significant amount of new ROW construction in order to accommodate the new transmission line. This alternative route would require 153 acres of cleared upland in close proximity to sections of the Oswegatchie River and the South Branch of the Grass River.

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

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

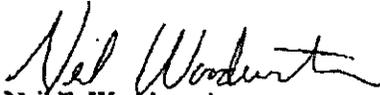
However, adoption of a constitutional amendment permitting the construction of the transmission line through the Forest Preserve in the existing Route 56 right of way would be required by law.

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

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

Thank you for the opportunity to express our views on this important matter.

Sincerely,


Neil F. Woodworth
Executive Director



The Association for the Protection of The Adirondacks

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January 31, 2006

Steve Ramsey
New York Power Authority
Blenheim-Gilboa Visitors Center
1378 State Route 30
North Blenheim NY 12131

Re. Tri-Lakes Reliability Project, Draft Environmental Impact Statement

Dear Steve:

After careful review of the Draft EIS and discussions with NYPA, DEC and others, we offer the following comments on the Draft EIS. We are concerned for the health and safety of those residents who are now subject to an unreliable power supply in Tupper Lake and other places in the Tri-Lakes region, and that is why we have devoted our time and attention to this important proposal by the Power Authority. We are also very concerned with the protection and ecological integrity of the Adirondack Park region, its constitutional safeguards pertaining to the NYS Forest Preserve, and to the energy futures of this unique region which relate directly to issues of environment, community and sustainability of human communities in the Park.

Constitutional Issues:

The Association remains convinced that the New York Power Authority and National Grid lack the constitutional authority to build and operate a major 46-kV power line on Forest Preserve lands abutting State Route 56 in the Adirondack Park. Our firm and reasoned conviction remains that such use of the Forest Preserve would abrogate specific provisions of Article XIV of the NYS Constitution. It stands to reason that state authorities and governments should not run roads and power lines through "forever wild" lands without proper authorization in the form of an amendment from the Legislature and the voting public.

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

Thank you for considering the Association in your Estate Planning

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Forest Preserve law of 1885 tells us that the lands under State Route 56, which may have been acquired in 1882, nonetheless became part of the Adirondack Forest Preserve in 1885 and subject to the NYS Constitution in 1895.

It certainly would be helpful in this DEIS and for future environmental reviews in either Adirondack or Catskill Parks to have the constitutional issues surrounding a crossing of Forest Preserve by a major utility line fairly and expansively discussed. Surely, there is a written DEC opinion that NYPA relied upon in its decision-making. The current DEIS fails to include it or any mention of it. It merely states that "DEC expressed concern that siting along this route might require a constitutional amendment." This "concern" then caused NYPA to consider Route 56 as infeasible due to its "susceptibility to potential delays as a result of Forest Preserve issues," hence rejecting it from your list of preferred routing alternatives. We subsequently learned at your November 1, 2005 briefing in Albany that the constitutional concerns centered on the number of trees on the Forest Preserve that would have to be cut outside the DOT Right of Way. As stated at our January 25, 2006 briefing, we were told that Forest Preserve trees 24-37 feet outside the Route 56 ROW would have to be cut for an overhead line, amounting to approximately 4 acres of tree removal. These facts should be brought out in the DEIS.

Preferred Alternative, the Route 56 Bypass

After reading sections of the DEIS and to NYPA presentations, we are forced to conclude that the six mile long loop around the Forest Preserve to the west of Route 56 on lands classified by the Adirondack Park Agency as Resource Management would cause, in our opinion, undue adverse impacts on the natural resources of the Adirondack Park. The permanent clearing of 55 acres of spruce and fir and low-elevation boreal habitat in order to create new 75' power line right of way is very concerning, as is the crossing of 22 forested wetlands by the power line.

While these lands appear separated from the formally identified low-elevation boreal ecosystem by Route 56 to the east, there are features on the western side of the road that closely resemble the low-elevation boreal and which, after further study, could be added to the ecosystem and to the Forest Preserve in the future. Remote, boreal river systems, boggy wetlands, and forests of spruce and fir contain features that are of regional and global significance and that exist only in a few other places in the Northeast. Their unique, irreplaceable features have been well studied and documented since 1972. Regulatory and private nongovernmental agencies should provide strict protection or avoid unnecessary damage wherever possible. The spruce grouse, one of New York's most threatened species, lives in these lowland boreal areas, along with other rare, threatened, and unusual wildlife such as the white-winged crossbill, boreal chickadee, gray jay, and Lincoln's sparrow. Boreal ecosystems and the special wildlife that live in them are vulnerable to the physical damage, noise, and pollution that accompany motorized recreation.

Aside from the initial tree cutting and disturbance along this 6-mile long bypass, the route would be permanently marred by cutting, foot and motorized access, whether authorized

or not. The power line and ROW would be run very near to the famed Seveys Bog, home of the endangered spruce grouse.

We conclude that the proposed six-mile long Route 56 bypass for the power line and ROW pose unacceptable risks to the natural resources of the Adirondack Park which can not be adequately mitigated and which should not be permitted by the Adirondack Park Agency. The DEIS provides a cursory treatment of the physical and ecological impacts of this bypass. Finally, we also ask whether the remoteness of the electric line proposed along this six mile bypass would jeopardize its maintenance and the long-term electric service reliability issues that the project claims to solve.

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

The Association's Position on the ROW and Routing

This pole for pole replacement utilizing the existing Route 56 ROW as much as possible is clearly the best choice from environmental, constitutional, and electric reliability standpoints. A constitutional amendment in the form of a land exchange for lands of equal or greater value for addition to the NYS Forest Preserve is needed to run the power line down Route 56. The amendment process should begin immediately in the current session of the NYS Legislature. If NYPA requires about 5 acres of Forest Preserve to run the line here, it should be providing funding for at least 50 acres of Forest Preserve elsewhere. This can be done though the constitutional land exchange and through a direct payment from NYPA for Forest Preserve purchase elsewhere in Franklin or St. Lawrence Counties.

If an amendment to Article 14 is introduced and passed in the current legislative session, it could be reintroduced in the next elected legislature in 2007 and brought to a vote in the fall of 2007. The Association would support a well-worded, carefully constructed land exchange that would result in a net benefit to the public and the NYS Forest Preserve. We can not vouch for others, but we reasonably believe that other organizations will also support such an amendment and exchange. If so, it would receive popular support at the polls. Planning and permitting for the Route 56 45 kV line should begin immediately in parallel with a political process to move forward first passage of an amendment. The Adirondack Park Agency should informally pull together a small meeting of attorneys at the earliest possible opportunity to discuss the constitutional issues surrounding this power line, and the relationship of those issues to the permitting process. The decision to route the line overland or underground should be based mostly on reliability considerations.

Impacts of the Proposed Action on the Use and Conservation of Energy

The power line is supposed to be part of a larger "package" of energy delivery and control facilities, conservation/efficiency programs, and at least one alternative generation system. We learned this from the Governor's press release, and in various

statements made in the DEIS. However, the DEIS doesn't even attempt to deal seriously with these energy use and conservation issues behind the "reliability" project. As it stands, the DEIS really only assesses the power line and some technical control equipment at substations. This amounts to a major segmentation of the larger project, which flies in the face of SEQRA.

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

We have no idea how much power a biomass plant might generate, but Tupper Lake will only gain 10 mega watts from the new power line. Even more savings could be had if all new development in the region were required to at least be built to *Energy Star* standards. And there may be other ways to increase the reliability of the existing system, rather or in addition to another power line.

Induced, and Secondary Development

The DEIS boldly states that the project will have no direct effect on the use and conservation of energy in the region, and have no stimulus on new growth and demand "beyond what is normally projected for this area." We disagree and find a shocking lack of analysis for this conclusion. Lacking such analysis, the reader finds in the DEIS an unstated assumption that the region wants and needs to grow and develop more second homes, businesses, and other energy-consuming infrastructure that the proposed project will accommodate...for a while. It seems to assume that the Adirondack Land Use and Development Plan administered by the Adirondack Park Agency will regulate such development to control any negative effects of growth. So, the new power line would provide about a 37% increase in Tupper Lake's available power (10 more mega watts) and about 30% more in Lake Placid (15 more mega watts).

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

The DEIS recognizes that Michael Foxman's proposed project will result in about 700 new residences (estimated to include about 234 full-time new residents) and about 60 hotel units, and that it will attract about 500,000 so-called visitors after the first 4 year. But it doesn't suggest any conservation, efficiency, or regulatory mitigation for such development. The Association believes that this development seems to have been a factor in deciding to move quickly to furnish the Tri-Lakes with added power. Put another way, the proposed Adirondack Club and Resort development would not be possible without this proposal. How much of the new 10 mega watts this proposal total

would require we do not know. For comparison, Tupper Lake's peak winter load is now about 27 mega watts. Since the resort would include ski lifts, snow-making equipment, a hotel, and about 700 new homes, it's reasonable to assume that a significant portion of the new power would be absorbed by the proposed Club and Resort.

In Lake Placid, the new convention center is mentioned, but, like the new hotel and other business demands noted in the DEIS, no conservation or efficiency or regulatory controls are proposed in the document and no limits to growth are contemplated.

The DEIS perpetuates the wasteful, inefficient Use of energy

In essence, the power line proposal could be part of an "Energy-Smart Park" approach to dealing with existing energy problems for a Park touted around the world as a model for of sustainable development. However, it fails to approach the problem in this way. The new power line proposal would provide more reliable power, promote a lot of new development, but it also would result in another, more severe crisis of power involving more people, businesses, and energy demands in short order. Under these circumstances then, with power even more costly and hard to come by, it will be even more difficult to retrofit the Park's energy infrastructure and bring its energy demands under control.

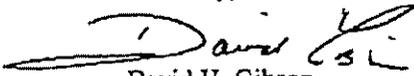
NYPA and its partners should and could do much more in this DEIS to combine the new power line with a comprehensive, innovative set of energy conservation and efficiency programs to advance the ideal of an Energy Smart Park. For example, the Association suggests:

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

By adopting all or some of these ideas, NYPA would help to promote the greening of the Park's energy future, not the perpetuation of its energy, and environmental, as well as economic and community problems.

Thank you for considering our comments. We look forward to opportunities for continued dialogue on this project and DEIS in the weeks ahead.

Sincerely,



David H. Gibson
Executive Director



Michael G. DiNunzio
Director of Special Projects

Cc: John Suloway, NYPA
Mike Sengenberger, APA
Richard H. Lefebvre, APA
Ken Hamm, DEC
Jim Ferreira, DEC
Lynette Stark, DEC
Charles G. Fox, Executive Chamber

Peter Bauer, RCPA
John Sheehan, TAC
Neil Woodworth, ADK
Board of Trustees and Staff

January 31, 2006

Steve Ramsey
Community Relations—Regional Manager
New York Power Authority
1378 State Route 30
North Blenheim, NY 12131

Dear Mr. Ramsey:

The Adirondack Council thanks the New York Power Authority for the opportunity to comment on the Tri-Lakes Reliability Project. As you may know, the Adirondack Council is a non-profit conservation organization with 18,000 members from throughout the Park, the state, and the country. Our mission is to ensure the ecological integrity and wild character of New York's Adirondack Park.

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

If a new power line is truly needed in the Tri-Lakes area, it should be installed *underground along existing roads within existing right-of-ways*, even if burial increases the costs. The preferred route (from Stark Falls then south on Rt 56 then east on Rt 3) is generally more desirable than the alternate route (from Newton Falls east); but as much as possible, the line should be buried along existing roads. The detour around Forest Preserve near Sevey's Bog would be wasteful and ecologically harmful, needlessly extending the length of the power line and fragmenting rare low-elevation boreal forest. Indeed, the detour would take the line through lands proposed by the Adirondack Council in 1988 for a Low Elevation Boreal Heritage

Reserve (2020 Vision, Volume 1, Biological Diversity: Saving All the Pieces, p.23-25). The line detour could thus harm Spruce Grouse, Black-backed Three-toed Woodpecker, bog lemmings, and other boreal species and fragile plant communities rare in the Adirondacks.

It would be better to keep the line along Rt 56 to minimize fragmentation of habitat and allow maintenance from the existing road. Along with the high ecological costs of the long detour, veering from the road and crossing many wetlands and streams would entail significant engineering and maintenance problems and costs.

The Council recognizes that the town of Tupper Lake and the New York Power Authority wish to see this line built as soon as possible. We also recognize that NYPA hoped to avoid Constitutional issues by routing the line around the Forest Preserve block west of Route 56. Adding to the ecological concerns expressed above, the Council objects to the circuitous detour on several other grounds:

- 1) If the line is *buried* along the Rt. 56 right-of-way, tree-cutting would be reduced from 11 acres to 2 and wetlands crossings would be eliminated from this portion of the line.
- 2) We are aware of your concern over the ill-defined nature of the Rt. 56 right-of-way through the Raquette Boreal Wild Forest. We share your concern that Constitutional protections for the Forest Preserve are, in this case, in conflict with ecological protections – even if New York Telephone did not. We tend to agree with our colleagues at the Association for the Protection of the Adirondacks that the quickest and most reliable means of securing legal permission to bury the line on the right-of-way is through a Constitutional Amendment. The Council is willing to consider supporting narrowly and carefully written resolutions introduced by this Legislature (2005-06) and the next Legislature (2007-08) that would create a Constitutional amendment that could be voted on by all New Yorkers in the 2007 statewide election.
- 3) The Adirondack Council understands your desire to undertake this project in the 2008 construction season and will work with the NYPA to expedite the approval of both a Constitutional Amendment and the enabling legislation needed to carry it out.
- 4) The Power Authority was called upon to build this line because privately owned power companies had refused to undertake the project. While an investor-owned utility company might justifiably balk at the long-term cost of burying any portion of the line, the Power Authority is not a private power company beholden to profit-oriented shareholders, nor is it a state agency

constrained by Legislative spending limits. NYPA has the authority to sell bonds and the resources to design a line that makes the least possible negative impact on the environment – and on the Constitutional protections for the Forest Preserve. The additional short-term costs of burying the power line would be more than offset by avoiding the inevitable aesthetic damage caused by overhead wires, and the long-term maintenance of exposed poles and lines.

- 5) The current single-source power supply in Tupper Lake is inadequate due to its poor reliability. Wires strung from poles are exposed to ice storms, heavy snow, high winds, falling trees, mud slides, auto accidents, and extreme temperature swings, all of which can cause outages. A buried line, as you know, has none of those reliability drawbacks.
- 6) Your desire to keep the right-of-way accessible 365 days per year would necessitate your plowing and maintaining a six-mile-long service road through a forest bejeweled with ponds and wetlands. Experience tells us that this will be an enormous expense that may not be a desirable legacy to eventual owners National Grid (NG). If NG refuses full-time maintenance, your reliability improvements will be neutralized.
- 7) In addition, since the road will not be a public highway, we expect that it will become an attractive nuisance, luring snowmobilers and all-terrain vehicle riders. Unregulated roads such as this have become notorious throughout the Park as ATV riders use them to gain access to off-limits and ecologically sensitive areas. Your road would provide easy illegal ATV access into the western side of the Raquette Boreal Wild Forest and into Sevey's Bog, in a place where law enforcement officials will be at a great disadvantage. The outrageous damage and vandalism carried out by ATV riders in other areas of St. Lawrence County and the Adirondack Park should be enough reason, by itself, to reject the detour away from Route 56.

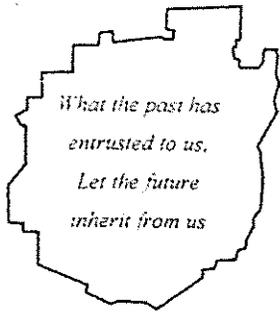
To conclude, the Adirondack Council asks the New York Power Authority, as well as the Department of Environmental Conservation and Adirondack Park Agency, to do all in their power to encourage conservation, recycling, and efficiency over new power facilities. To the extent that new power lines are needed, we ask that you route them underground along existing roads, within existing right-of-ways.

Comment:

Respectfully,

John Davis
Conservation Director

Cc Ross Whalcy and Dick LeFebvre, APA
Denise Sheehan, DEC
Arnie Talgo, NYPA



*Clean Water
Sustainable Forestry
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Residents' Committee to Protect the Adirondacks

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January 31, 2006

Mr. John Suloway
New York Power Authority
Blenheim-Gilboa Pumped Storage Power Project Visitors Center
1378 State Route 30, Box 898
North Blenheim, NY 12131

RE: RCPA Comments on Draft EIS for the Tri-Lakes Electric Reliability Project

Dear Mr. Suloway,

The Residents' Committee to Protect the Adirondacks (RCPA) appreciates the opportunity to provide comments on the Draft Environmental Impact Statement of the New York Power Authority's (NYPA) Tri-Lakes Electric Reliability Project that seeks to construct a new power line from Newton Falls/Stark Reservoir to Tupper Lake. The RCPA recognizes the need for public safety for improving the delivery of electricity to Tupper Lake, but has a number of concerns that we believe should be addressed in NYPA's Final Environmental Impact Statement and application to the Adirondack Park Agency (APA). Please find the RCPA's comments below:

Constitutional Issues and County Route 56

NYPA has proposed a preferred route that utilizes Route 56 until it meets Forest Preserve on the west side of the road and then routes west around parts of the Raquette-Boreal Wild Forest. The RCPA objects to the proposed bypass of the Raquette-Boreal Wild Forest. This bypass will be highly disruptive to the forest system west of Route 56. The Route 56 bypass would disrupt roughly 55 acres of forest lands, while burying the line in the Route 56 corridor would disrupt two acres of forestlands in the Forest Preserve. NYPA claims that it cannot place the powerline along Route 56 due to constitutional issues associated with Forest Preserve ownership by stating in the DEIS "Because of the pressing need to license and construct the 46 kV line to improve the reliability of the electrical delivery system in the Tri-Lakes Region, the Route 56 Alternate, which may be susceptible to the potential for delays as a result of the Forest Preserve issues, was not selected as the

preferred alternative." Hence, the accelerated and artificial time frame for this project appears to force NYPA to disrupt 55 acres of forests as opposed to two acres along the highway corridor.

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

If the corridor is found to be solely owned by St. Lawrence County, RCPA urges that burying the line become the preferred alternative in a way that does not harm or impact the Forest Preserve. If this cannot be accomplished, or if the Route 56 corridor is found to be Forest Preserve, then the RCPA calls upon NYPA to adjust its project time frame and pursue a Constitutional Amendment to exchange the lands in the Raquette Boreal Wild Forest for comparable lands in another location. An amendment process could be accomplished by November 2007.

Preferred Course of Action: Constitutional Amendment

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

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

Maintenance Costs

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

Power Usage/Energy Conservation in Tupper Lake

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

The RCPA looks forward to reviewing a formal application to the APA on this project and continuing to provide meaningful input as the project progresses. On behalf of the Board of Directors of the Residents' Committee to Protect the Adirondacks, please let me express our gratitude for the opportunity to share our concerns on this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" and last name "Bauer" clearly distinguishable.

Peter Bauer
Executive Director

CC: APA Staff