

**SUPPLEMENTAL FINAL  
ENVIRONMENTAL IMPACT STATEMENT**

for the

**TRI-LAKES RELIABILITY PROJECT**



**March, 2008**

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

**Project Number** \_\_\_\_\_

**Date:** 3/03/2008

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

Supplemental

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

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

**Name of Action:**

Tri-Lakes Reliability Project

**Description of Action:**

On December 12, 2005, NYPA issued a Positive Declaration for the Tri-Lakes Reliability Project (the Project) which proposed to install a new 46 kV transmission line to upgrade the reliability of the electric system in the Tri-Lakes Region. The Project is being developed as a joint effort between NYPA and National Grid (the Parties). The Parties subsequently prepared a Draft Environmental Impact Statement (DEIS), held public hearings, and issued a Final Environmental Impact Statement (FEIS). NYPA, as lead agency, issued a Findings Statement that accepted the mitigation measures outlined in the FEIS and approved the proposed action. The Parties have received all the necessary regulatory approvals to construct the new 46 kV transmission line along the route described in the FEIS. However, the Parties have evaluated an alternate route to the permitted 6.9-mile section of the transmission line around the Raquette Boreal State Forest Preserve (Forest Preserve). The Parties prepared a Supplemental Draft Environmental Impact Statement (SDEIS), which evaluated the feasibility of re-routing a short segment of the transmission line and discussed the environmental impacts of the proposed alternate route. The proposed route change is to install the transmission line along New York State Route 56 for a distance of 3.4 miles rather than build the previously approved 6.9-mile cross-country segment around the Forest Preserve. The route along Route 56 impacts Forest Preserve lands for a distance of 1.46 miles. NYPA issued a Positive Declaration for the proposed Route 56 alternate route and a Notice of Completion of the SDEIS on January 3, 2008. The public comment period on the SDEIS ended on February 4, 2008. This Supplemental Final Environmental Impact Statement (SFEIS) addresses the public comments received on the SDEIS and provides modifications to sections of the SDEIS to incorporate new or revised information.

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

The Project will be built in the Tri-Lakes Region of New York, in eastern St. Lawrence County within the Adirondack Park. The Tri-Lakes Region is defined as the area including the Villages of Saranac Lake, Tupper Lake and Lake Placid, which are connected to National Grid's area transmission system. The Project is approximately 26 miles long and begins in the Town of Parishville, NY, at a new 115/46 kV substation that interconnects with the existing 115 kV system, and ends in Piercefield at a new regulator station. However, for the purpose of this SFEIS, the Project Area begins approximately 1.0 mile north of the northern boundary of the Forest Preserve on Route 56, ends approximately 0.05 mile south of the southern boundary of the Forest Preserve on Route 56, and addresses only the preferred Route 56 West Alternate Route (West Alternate) through the Forest Preserve.

**Potential Environmental Impacts:**

This SFEIS summarizes the potential adverse environmental impacts arising from the use of the 3.4-mile West Alternate for the proposed transmission line. While this preferred alternate route represents a shorter route with fewer environmental impacts, it still may have significant impacts on some resources. The impacts that have been identified include:

**Soils:** Soil erosion could occur as a result of soil disturbing activities during construction. This would be a short-term, temporary impact. There are areas on the West Alternate where steep slopes and erodible soils coincide. The design of the transmission facilities would take these conditions into consideration, and wood pole structures appropriate for particular soil and slope conditions would be used.

**Forest Cover:** The direct impact to forested areas as a result of right of way (ROW) clearing would be the conversion of successional forest to herbaceous and open shrub cover and the conversion of forested wetlands to scrub-shrub and emergent vegetation. In addition, the removal of existing canopy species would increase moisture loss and surface temperature within the ROW. Approximately 5,003 trees would be cut in the West Alternate ROW, of which 3,077 would be on privately owned lands and 1,926 trees would be on Forest Preserve lands. Adjacent to the transmission line ROW, on lands to remain in the Forest Preserve, hazard trees also must be removed; however a more selective process would be employed based on tree height and distance from the transmission line.

**Wetlands:** Wetlands would be temporarily impacted during construction and may experience temporary changes in hydrology, aesthetic value, and wildlife occurrence. To the extent the West Alternate goes through forested wetlands, operational maintenance of the line would cause the long-term conversion of those areas to low-growing shrub or scrub dominated wetlands.

**Land Use:** The West Alternate would occupy land that is currently part of the Forest Preserve and part of the Route 56 highway ROW. When the Forest Preserve land comes under private control by National Grid it would have to be classified in accordance with Section 805 of the APA Act. The possible classification is either as Resource Management or as Rural Use. A major characteristic of the transmission line ROW is that it would be immediately adjacent to the Route 56 corridor and compatible with the character of the immediately surrounding land.

**Visual:** Expanding the utility ROW, introducing higher poles, tapering the ROW edge, and installing the transmission line in one area where no electric lines currently exist would impact the visual quality of the area. However, the West Alternate would be adjacent to the Route 56 travel corridor.

**A copy of the Draft / Final EIS may be obtained from:**

Contact Person: Arnie Talgo

Address: NYP&A, Clark Energy Center, P.O. Box 191, Marcy, NY 13403

Telephone Number: 1-800-724-0309

**A copy of this notice must be sent to:**

Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1750

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

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

Any other involved agencies

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750

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

**TRI-LAKES RELIABILITY PROJECT  
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## **EXECUTIVE SUMMARY**

## **EXECUTIVE SUMMARY**

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

A Supplemental Draft Environmental Impact Statement (SDEIS) was prepared by Tetra Tech EC, Inc. and The LA Group on behalf of NYPA, the Lead Agency. The SDEIS was accepted as complete and made available for public review on January 3, 2008. The comment period remained open until February 4, 2008. The Adirondack Park Agency (APA) was the only commenter on the SDEIS. The APA comment letter dated February 4, 2008 is included as Attachment 1.

The SDEIS for the Tri-Lakes Reliability Project (Project) is hereby incorporated by reference as part of this SFEIS. The SDEIS also incorporates by reference the DEIS dated November 30, 2005 and FEIS dated February 17, 2006. The SDEIS contains the following sections:

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## BACKGROUND

In response to initiatives of elected and municipal officials and interested citizens in the Tri-Lakes Region, an Agreement was executed in September 2004 by and among the villages of Lake Placid and Tupper Lake, National Grid, and the New York Power Authority (NYPA) to help alleviate longstanding power problems in the Region through short- and long-term solutions. The Tri-Lakes Reliability Project (the Project), a new 46 kilovolt (kV) line and associated facilities from Stark to Piercefield, is one of the long-term solutions identified by National Grid and NYPA. The purpose of the Project is to increase the reliability of the electric system in the Region through improvements to capacity and delivery.

The Project is being developed as a cooperative effort between NYPA and National Grid (also known as the Applicants). NYPA is the applicant for all permits and approvals required for construction and operation of the Project. National Grid is responsible for design, engineering, procurement, construction, installation, testing, and overall Project management. National Grid will operate and maintain the new line after it is energized. NYPA will be owner of the line until 2012, at which time the line will be conveyed to National Grid.

The Draft Environmental Impact Statement (DEIS) for the Project was accepted as complete and made available for public review on November 30, 2005. During the State Environmental Quality Review Act (SEQRA) process in 2005 and 2006, the analysis of alternatives included an evaluation of the feasibility of building a 1.46 mile portion of the line on Raquette Boreal State Forest (Forest Preserve) east of State Highway 56 and Grass River Wild Forest (Forest Preserve) west of State Highway 56 known as the "Route 56 Alternate". A Final Environmental Impact Statement (FEIS) was filed and deemed complete on February 17, 2006. A findings statement was issued which accepted the mitigation measures outlined in the FEIS and approved the proposed action.

On March 13, 2006, the APA approved routing for this 46 kV power line, which runs from Stark to Piercefield ("Stark Falls Alternate"). This approved route does not use the Route 56 corridor through the Forest Preserve; the approved route bypasses the Forest Preserve ("Bypass Route"). The Applicants obtained the required permits from federal, state, and municipal agencies to construct and operate the Stark Falls Alternate using the Bypass Route.

The Route 56 Alternate, which would have generally sited the 46 kV line along State Route 56 from Stark to Sevey Corners, was not selected as a part of the preferred route because of its susceptibility to the "potential for delays as a result of the Forest Preserve issues" (DEIS Appendix A, § 2.4.6). Specifically, there were concerns about a potential need for an amendment to the New York State Constitution (Constitutional Amendment) if the 46kV line was sited along and adjacent to Route 56 ROW, which includes over 1.46 miles of Forest Preserve lands.

The Constitutional Amendment process is lengthy, requiring first, passage of a concurrent resolution in the legislature authorizing the measure to be put on a state-wide ballot, second, passage of the identical resolution by a newly elected legislature after an intervening general election, and third, approval by the voters of the State at a general election. The time required made this option less attractive than the Bypass Route. Because of the pressing need to license and construct the Project, the Route 56 Alternate was not selected as the preferred route.

While the Applicants were moving forward with the Stark Falls Alternate using the Bypass Route, members of four environmental groups encouraged the Applicants to pursue, by Constitutional Amendment, a route through the Forest Preserve adjacent to Route 56. An alignment along Route 56 partly on Forest Preserve lands represents a shorter route with potential for fewer environmental impacts than the cross-country Bypass Route, which is part of the Stark Falls Alternate.

In 2006, the Legislature passed a concurrent resolution authorizing the power line to cross Forest Preserve lands. Second passage was planned for 2007, and it was expected that the measure would be approved by the voters at the 2007 general election. However, the concurrent resolution had technical flaws that were not discovered until 2007. Therefore, first passage of a concurrent resolution that corrected those flaws occurred in 2007. Second passage of the resolution is expected in 2009, after the 2008 intervening legislative election. The proposed amendment is expected to be on a state-wide ballot and approved by the voters in 2009.

The Applicants and the affected communities cannot wait until 2009 to construct the power line because the Project is urgently needed to reinforce the delivery systems for the Lake Placid-Tupper Lake-Saranac Lake area. The existing electric transmission lines and associated facilities in the current configuration have reached their limit to reliably serve the load in the region, while the load of the Tupper Lake-Saranac Lake municipal electric systems continues to grow. Peak demand for electricity on the transmission and subtransmission systems in the Tri-Lakes Region occurs in the winter months, during severely cold weather, when outages can cause the loss of heat, light, and water service in residences, schools, and businesses. These events can create significant concerns for public health and safety. The Project's main purpose is to improve the reliability of the power delivery system to the Tri Lakes region. Power can only be delivered reliably when the line is clear of obstructions, including off right-of-way (ROW) hazard<sup>1</sup> and danger<sup>2</sup> trees.

In advance of the Constitutional Amendment and to accommodate the in-service date, the New York State Department of Environmental Conservation (NYSDEC) agreed to permit the use of lands that are in the Forest Preserve for the construction and operation of the Project. Under the Environmental Conservation Law and applicable regulations, NYSDEC has discretion to enforce compliance with the laws, regulations, rules, and policies affecting the Forest Preserve. NYSDEC has determined that the construction of the power line is in the best interests of the public and, in an agreement with NYPA and National Grid, has exercised its discretion in authorizing the use of the Forest Preserve lands for

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<sup>1</sup> A hazard tree is defined as "any tree that poses a threat to the transmission line because it is dead, diseased or leaning or subject to any other environmentally unstable condition." This definition is not only based on the location and height of the tree but also its condition. This definition encompasses trees outside of the ROW on Forest Preserve lands.

<sup>2</sup> A danger tree is defined as "any tree that could invade the wire security zone (within 15 feet of the wire)." This definition is based on the location of the tree and its height which determines if the tree could invade the wire security zone. This definition encompasses trees outside of the ROW on private lands (outside the Forest Preserve).

construction and operation of the 46 kV transmission line (the Agreement). Hazard tree removal has been included as part of the Agreement.

### THE SDEIS

In the Supplemental Draft Environmental Impact Statement (SDEIS), NYPA and National Grid evaluated three alternate alignments to the Bypass Route: the Route 56 East Alternate (East Alternate), the Route 56 West Alternate (West Alternate), and the Route 56 Underground Alternate (Underground Alternate), which would include a portion over Forest Preserve lands. The SDEIS examined the environmental impacts of the three proposed alternate routes through the Forest Preserve along State Route 56. For the purpose of the SDEIS, the Project Area begins approximately 1.0 mile north of the northern boundary of the Forest Preserve on Route 56, ends approximately 0.05 mile south of the southern boundary of the Forest Preserve on Route 56, and includes the routes around and through the Forest Preserve. The above information provides historical context for the Tri-Lakes Reliability Project as currently permitted. The SDEIS only addressed the Project Area as defined herein. The Project Area is described in greater detail in Section 1 of the SDEIS.

The SDEIS described existing conditions within the Bypass Route and Route 56 Alternate Routes and identified the potential impacts of construction and operation. Existing conditions are described in Section 2. The impacts of construction and operation of the alternate routes are compared in Section 3. The effects of construction and operation of the West Alternate are discussed in Sections 4 and 5, respectively, along with any proposed techniques for impact mitigation.

The Bypass Route requires 55 total acres of clearing, of which 3.93 acres are forested wetlands and 0.87 acre is non-forested wetland. The Bypass crosses four regulated streams and three non-regulated streams and is approximately 6.9 miles in length. Permanent wetland impacts include 0.18 acre of fill to enable access trail construction. Approximately 19,000 trees would be removed from the Bypass right of way (ROW). Engineering and construction factors are rated as “difficult” based on the length and off-road location of this route. The Bypass affects four private property owners.

The West Alternate requires approximately 19.5 total acres of clearing, and the East Alternate requires 15 acres of clearing within the ROW. Because wetlands occur on the portion of the route common to both Alternates, the total number of cleared acres on each Alternate includes 1.1 acres of forested wetlands and 0.16 acre of non-forested wetland. The East and West Alternates cross two regulated streams and no non-regulated streams. Visual impacts are considered to be low/moderate for the West Alternate and moderate for the East Alternate. Approximately 3,077 trees would be removed from the West Alternate ROW over privately owned lands, and approximately 1,762 trees would be removed from the East Alternate ROW over privately owned lands. Both routes would require the removal of 1,926 trees in the ROW on lands to be removed from the Forest Preserve. Engineering and construction factors for the West Alternate are rated as standard, and those factors for the East Alternate are rated difficult/standard. The Underground Alternate, although it results in only 2.6 acres of clearing and has minimal visual impacts, requires complex construction methodology and has the highest cost. During construction of the Route 56 Alternate Routes, impacts will generally occur in the immediate vicinity of the ROW. These impacts will be short-term and minimized by the timing of these activities and continuous movement of construction activities along the ROW. The use of appropriate environmental controls as specified in the Environmental Work Plan (EWP), Appendix B of the SDEIS, will avoid or mitigate impacts to environmental resources.

During operation, occasional limited impacts will occur as a result of inspection and maintenance or due to restoration of storm damaged facilities. The most significant operational impact is the potential for incremental long-term visual effects. A significant portion of the Route 56 East and West Alternates is located along existing highway/utility corridors and will be overbuilt with existing utilities in

approximately the same location as existing structures. The exception is the 1.0-mile segment of the West Alternate north of the Forest Preserve, which will be overbuilt with existing utilities that will be transferred from the east side of Route 56 and will be set back approximately 200 feet from the roadway, thereby screening the transmission facilities from view. The portion of the East and West Alternates in the Forest Preserve south of the parcel owned by Willis Coleman, formerly known as the Hamm's in-holding, would be located where no power lines, overhead or otherwise, currently exist. The use of vertical configuration wood poles (similar to existing structures) along existing ROW and horizontal configuration structures in the Forest Preserve would reduce potential impact. Careful structure placement and appropriate ROW vegetation management should further reduce potential visual impact.

Long-term visual impacts also would result from the removal of trees from the transmission line ROW and from the hazard and danger tree zones outside of the ROW. Reliability is the key to the success of this transmission line and cannot be achieved without removing hazard and danger trees, on Forest Preserve lands and on private lands, respectively. Cutting hazard and danger trees would reduce the need for continual maintenance for many years and would significantly minimize the possibility of outages. After hazard and danger tree removal, the herbaceous and shrub layer would be allowed to regenerate. In the Forest Preserve, outside the transmission line ROW, hazard tree removal would occur on a selective basis, determined by the condition of the tree and by certain existing environmental factors (dead, diseased, leaning, or environmentally unstable trees), to preserve the visual quality of the Forest Preserve and minimize unnecessary tree removal.

The Project will enhance the reliability of the power delivery system in the villages and the region and should significantly reduce the number of power outages in the area. Benefits of increased reliability include fewer outages during the winter when the loss of heat can create significant public safety concerns, fewer lost days of school, and fewer losses to area businesses from closure due to outages.

The West Alternate affects three private property owners, and the East Alternate affects four private property owners. The private lands along the northern section of both the East and West Alternates are held by the same land owner. The West Alternate is the route favored by this landowner because he considers it is the best use of the land. For this reason, and based on visual and engineering and construction factors, the West Alternate has been selected as the preferred route.

In the event that for any reason one of the supplemental alternatives is not approved, the Applicants will construct and operate the Project as already approved in the Stark Falls Alternate.

#### THE SFEIS

This SFEIS summarizes the impacts of construction and operation of the Route 56 West Alternate, which has been selected as the Preferred Route, and the measures proposed to mitigate these impacts. Section 1 of the SFEIS discusses impacts and mitigation. In Section 2 of this SFEIS, NYPA responds to the comments submitted by the APA in its letter dated February 4, 2008 and provides modifications to the SFEIS text to incorporate corrected and/or new information.

## **SECTION 1.0**

### **SUMMARY OF IMPACTS**

### **OF THE**

### **PREFERRED ROUTE**

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## 1.0 SUMMARY OF IMPACTS OF THE PREFERRED ROUTE

The following is a summary of impacts of the Route 56 West Alternate, the Preferred Route as determined in the SDEIS for the Tri-Lakes Reliability Project.

### 1.1 Introduction

The Project (APA permit number 2005-325), which includes the Bypass of the Forest Preserve, is currently under construction as approved under the SEQRA process and permitted by the regulatory authorities. National Grid has completed a significant portion of the construction of the northerly portion of the Permitted Route; has commenced construction in the southern portion of the southern portion of the route; and has delayed the start of construction in the area of the Forest Preserve pending review of the SFEIS, SEQRA determination, and revisions to the existing permits. The following discussion concerns the Route 56 West Alternate, which has been selected as the Preferred Route. The mitigation measures described below include, but are not limited to, the methods available and/or proposed for management of construction and operation impacts of the West Alternate.

### 1.2 Environmental Impacts of Construction and Mitigation Measures

The following discussion concerns the Route 56 West Alternate, which has been selected as the Preferred Route. The mitigation measures described below include, but are not limited to, the methods available and/or proposed for management of construction impacts of the West Alternate.

#### 1.2.1 Soils and Slopes

Soil disturbance would be minimal during West Alternate construction. Most soil disturbing construction activities would occur during drier summer months. Tree clearing is proposed to take place in April; pole sleeve excavation from May through August; pole framing and installation from July through September; and conductor stringing from August through October. Streams and wetlands would be avoided to the greatest extent possible. To minimize the potential for soil erosion, the Applicants have proposed the mitigation techniques as described in the EWP, Appendix B of the SDEIS. Soil erosion is a function of soil texture, vegetative cover and slope. Finer textured soils tend to be more erodible than more coarse textured soils. Soils that occur only on nearly level slopes may have soil textures that are highly erodible, but because the soils are nearly level, the erosion hazard is very low while the erodibility may be relatively high. In areas where steep slopes and erodible soils coincide, push braces would be used to provide additional support to the poles. The design of the transmission facilities would take these conditions into consideration, and the structures most appropriate for particular soil and slope conditions would be used.

Vegetation removal would occur within the 75-foot transmission line ROW on private property along Route 56 outside of the Forest Preserve on the West Alternate, or within the 32-foot transmission line ROW on Route 56 within the Forest Preserve. Temporary and permanent erosion control measures, as specified in the EWP, would be used for grading and construction activities. These control devices that would include stabilized construction entrances, use of geotextiles, log culverts, French drains, silt fences, mulch, seeding, rolled erosion control products, turbidity curtains, check dams, sediment basins and dewatering devices.

Following construction, to ensure the long-term stability of the ROW and adjacent properties, disturbed areas would be restored to as natural a state as practicable using conservation seed mixes comprised of native species and low growing native plants. To avoid the introduction of invasive species, hay bales would not be used. If deemed necessary, straw bales might be used, but only on a limited basis.

Approximately 25 percent of the total West Alternate route consists of areas where the mapped soil complexes have high erosion potential and are located on slopes ranging from 15 to 30 percent. In the

areas where the slope is 30 percent or greater, approximately 4 percent of the total ROW crosses potentially highly erodible soils. In the areas where slope is greater than 15 percent, mitigation measures would be used during construction. Such mitigation measures would include rolled erosion control products and geotextile erosion control fabrics, among others listed above. Erosion control practices would be implemented that are tailored to the specific conditions of each area of concern.

### 1.2.2 Forest Cover

Forested uplands account for the greatest amount of land area that will be impacted by construction activities. The existing vegetation within these areas is primarily made up of second or third generation deciduous, coniferous, and mixed forest communities. Vegetation removal may directly impact these areas by converting successional forest to herbaceous and open shrub cover. In addition, the removal of existing canopy species would increase moisture loss and surface temperature within the ROW. These impacts would be greatest on the west side of Route 56 north of the Forest Preserve, which would be off-road, new construction where the landscape is unbroken forest and there is currently no existing ROW. Following construction activities it is expected that natural regeneration of vegetative species would occur; therefore, it is expected that the resulting plant community will be early successional low shrubs and young trees that may be selectively managed every five years.

Existing roads, improved trails, and private driveways would be used to gain access to the ROW on the west side of Route 56 north of the Forest Preserve. Where access to the ROW cannot be achieved via existing roads, a 12-20 foot wide work trail would be constructed of native subsoil materials. Work trails would also be constructed inside the ROW and serve as an access route between transmission line structures and used during construction and maintenance activities. The access road may be stabilized with wood chips as described in the EWP.

In addition to direct impacts from vegetation removal, there could be secondary effects on vegetation that is not removed during construction. Construction of the ROW through forested areas would create vegetation edges where none previously existed. This may expose the species remaining on the edge of the ROW to increased levels of sunlight and wind, which could increase moisture evaporation and wind throws. This could result in a change in species composition adjacent to the ROW, were species adapted for open, dry habitat with direct sunlight may begin to establish.

Potential impacts to forested wetlands are similar to impacts to forested upland areas and are mainly associated with the change from forest vegetation to that of scrub-shrub and emergent vegetation. Because the composition of wetland vegetation is heavily dependent upon hydrology, it is important to avoid rutting of wetland soils by construction equipment. Responsible construction techniques such as exploiting existing roads for access to wetland sites and the use of matting, as detailed in Section 4.4.2 of the EWP, would help to minimize rutting. Woody wetland vegetation that must be removed during construction would generally be left where it falls, unless it is feasible to remove it by use of a winch line without causing damage to the wetland.

Non-forested areas within the ROW consist of emergent and scrub-shrub wetlands, residential areas, recently logged lands, and existing maintained ROW. Impacts to non-forested wetlands and areas already disturbed by logging are expected to be short term and the vegetation should return to pre-construction conditions in one to two growing seasons. The impacts to maintained ROW would vary depending on the width and the type of vegetation adjacent to the existing ROW. In many of these areas the vegetation consists primarily of various grasses and weeds commonly used for roadside stabilization.

The width of vegetation removal along Route 56 would be wider than the current Route 56 roadway ROW. The tree clearing along the Route 56 ROW would be either 32 feet from the centerline adjacent to Forest Preserve lands or 37.5 feet from the centerline on private lands, increasing the overall width of the ROW. However, the ROW of the portion of the West Alternate north of the Forest Preserve would be

between 100 and 400 feet off the roadway, thereby retaining the existing ROW width on that portion of Route 56. There are vegetation edges along the existing Route 56 maintained ROW; therefore, ROW vegetation removal for the West Alternate is not expected to contribute to a change in species composition. On the remainder of the West Alternate ROW, detectable changes in the forest cover would depend on the quality of the forest impacted. In the areas where the ROW has been maintained and managed, the tree stands may be less mature; therefore, the visual impact of tree removal would be minimal. According to the “Adirondack Atlas” (Jenkins 2004), the Project Area was part of agricultural lands and areas affected by forest fires prior to 1916. These areas were subsequently planted with pines, and natural re-growth occurred where planting did not occur. In the Forest Preserve where cutting is prohibited, the trees tend to be larger. There, the removal of large trees as part of the ROW preparation would be more conspicuous. Regardless, conversion of forested lands to herbaceous and open shrub cover as a result of vegetation removal along an existing, maintained ROW would not be as significant as clearing in unbroken forest.

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

One means of determining impacts to Forest Preserve lands is to assess the number of trees to be cut. Three separate field investigations were conducted to determine the number of trees to be cut on the Route 56 Alternates. The complete field reports are included in Appendix E, “Tree Count Estimates.” Approximately 5,003 trees would be cut in the West Alternate ROW. Of those 5,003 trees, 3,077 trees are in the 75-foot ROW on privately owned land and 1,926 trees are in the 32-foot ROW outside of the NYSDOT ROW on Forest Preserve land.

**Table 1-1: Trees to be Removed within Forest Preserve Lands Along NYS Route 56**

Tree Species	Number Counted	Trees within DOT ROW	Trees outside DOT ROW
Abies balsamea (Balsam Fir)	401	68	333
Acer rubrum (Red Maple)	241	39	202
Acer saccharum (Sugar Maple)	173	16	157
Amelanchier sp. (Shadbush)	3	-	3
Betula alleghaniensis (Yellow birch)	9	-	9
Betula papyrifera (Paper Birch)	21	6	15
Betula populifolia (Gray Birch)	10	1	9
Fagus grandifolia (American Beech)	85	5	80
Larix laricina (Tamarack)	170	21	149
Malus sylvestris (Wild Apple)	1		1
Ostrya virginiana (Hop Hornbeam)	9	1	8
Picea mariana (Black Spruce)	7	2	5
Picea rubens (Red Spruce)	64	15	49

**Table 1-1: Trees to be Removed within Forest Preserve Lands Along NYS Route 56**

Pinus resinosa (Red Pine)	464	254	210
Pinus strobus (White Pine)	540	83	457
Pinus sylvestris (Scotch Pine)	96	96	-
Populus balsamifera (Balsam Poplar)	18	-	18
Populus grandidentata (Bigtooth Aspen)	67	18	49
Populus tremuloides (Quaking Aspen)	96	17	79
Prunus serotina (Black Cherry)	107	16	91
Thuja occidentalis (Eastern White Cedar)	2	-	2
<b>Totals</b>	<b>2,584</b>	<b>658</b>	<b>1,926</b>

The Project's main purpose is to increase the reliability of the power delivery system to the Tri Lakes region. Power can only be delivered reliably when the line is clear of obstructions and hazard and danger trees. To ensure this level of reliability, it is absolutely necessary to remove off ROW hazard trees outside of the 32 foot ROW in the Forest Preserve and danger trees outside of the 75 foot ROW on private lands as soon as vegetation removal for the line and pole placement are complete. This would provide a dependable transmission line immediately after it is energized. From a reliability perspective, it is preferable to remove danger trees as well as hazard trees, but the removal of trees in the Forest Preserve is a controversial issue. Therefore the removal of trees in the Forest Preserve is more selective than in areas outside the Forest Preserve.

The northern 1.0 mile of the proposed route along Route 56 is located on private lands and would consist of a 75 foot wide ROW with danger tree rights obtained for an additional 50 to 60 feet on either side of the ROW. Where danger tree rights have been obtained on private lands, all trees that are of a height that could potentially contact the transmission line would be removed, leaving smaller trees, underbrush, and shrubs. On Forest Preserve lands, trees also must be removed; however a more selective process would be employed.

Between June 13 and 15, 2007 and on July 24 and 25, 2007, danger trees were counted along Route 56 on Forest Preserve lands. A conservative estimate of danger trees in the Forest Preserve for the entire length of the Route 56 Alternate routes was 1,005. Danger trees were identified based on height only, and species recorded.

The Agreement authorizes the removal of hazard trees outside of the transmission line ROW on Forest Preserve lands. The limited acreage available for construction of the line on lands to be removed from Forest Preserve severely constrained design; therefore, NYPA, National Grid and DEC developed a more flexible definition of a hazard tree that includes "environmentally unstable conditions" as well as the traditional criteria of "dead, diseased or leaning".

### 1.2.3 Streams

The majority of the stream crossings occur on streams that are perennial. The West Alternate crosses only two streams. Potential impacts to surface waters are likely to be minimal and occur during the construction. Construction methods employed to minimize impacts to surface waters include silt fencing, dewatering structures, silt bags, and mats according to permit specifications and the plan drawings as described in the EWP.

Areas adjacent to the two streams crossed by West Alternate facilities would be allowed to revegetate with herbaceous and low growing shrubby vegetation. Also, low-growing vegetation and ground cover immediately adjacent to stream banks would be preserved. In addition, reseeding would occur within

14 days of the crossing. Native plantings may be used to help stabilize banks and any wetland disturbances to reduce degradation in environmentally sensitive areas.

Transmission facilities have been engineered as practicable to avoid pole placement in stream banks. To compensate for streamside vegetation removal, a complex of sun tolerant low growing grasses, forbs and shrubs would be encouraged in accordance with the National Grid long-term vegetation management plan.

Stream banks disturbed during construction would be restored to their original contour and adequately stabilized, to the greatest extent practicable. Procedures used to ensure stabilization would include segregation of excavated soils and restoration to original horizons, revegetation with conservation grasses and clover, installation of erosion control blankets on all exposed surfaces following final grading, use of transplanted wild plantings to provide additional bank stabilization, and use of rip-rap to stabilize stream banks that exhibit chronic erosion problems.

Wild, Scenic, and Recreational Rivers are regulated by both the NYSDEC and APA. The Raquette River is classified as a Scenic River in the vicinity of the West Alternate and is therefore subject to two sets of rules. The NYSDEC administers the law and rules for Wild, Scenic, and Recreational Rivers (6NYCRR 666) statewide and in Adirondack Park for lands held by New York State and State Agencies. The APA regulates private land use as it relates to Wild, Scenic, and Recreational Rivers. Each regulation has a river area that surrounds the river corridor. The NYSDEC river area is the land within 0.5 mile of the river bank while the APA river area is 0.25 mile of river bank.

The two sets of rules regulate similar activities and are both concerned in this case with the visual impact of the poles on the river and the river area. The Project has minimized the visual impact of the poles to the greatest extent practical. The poles are located within the Route 56 corridor and are heavily screened from the river and the river area by vegetation and topography. There will be no impact to the scenic nature of the river or the river areas as a result of this Project.

#### 1.2.4 Wetlands

Wetland impacts on the West Alternate include only ROW vegetation removal. Wetland impacts have been avoided and minimized to the greatest extent practicable through careful line and work trail routing. Section 578.3(p) of the APA Act does not regulate clearing of wetlands less than three acres. Using the calculated wetland clearing impacts and the EWP mapping, it was determined that there would be no impacts equal to or greater than 3 acres to any one wetland.

#### 1.2.5 Archaeological Resources

The West Alternate would not require any avoidance measures because there have been no archeological sites identified on this route. However, West Alternate construction techniques could involve ground disturbing activities that have the potential to impact undisturbed human remains. If ground-disturbing activities result in the exposure of unanticipated human remains, work would stop temporarily in the immediate vicinity of the discovery. National Grid would consult with New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to determine the appropriate steps to evaluate the discovery and to develop acceptable mitigation measures. Construction activities would resume only following written confirmation from the OPRHP that the mitigation measures were satisfactorily implemented.

#### 1.2.6 Architectural and Historical Resources

The Forest Preserve is an NHL property based on its political history. The West Alternate would use six acres of Forest Preserve lands for construction of the 46 kV transmission line. However, construction of the West Alternate would not impact the NHL status of the Forest Preserve. The only impact to the NHL

(removal of Forest Preserve lands) would be mitigated by the addition of private lands into the Forest Preserve. The private parcel proposed to be added to the Forest Preserve is located along the south branch of the Grass River within the Town of Clare. Construction activities are not expected to have any effect on the NHL.

#### 1.2.7 Land Use

Construction of the West Alternate would not significantly impact the land use of the area. Construction would not encourage a shift in existing land uses nor encourage new land uses in the area. The only changes in land use would occur in the Forest Preserve south of the Coleman parcel where the new 46 kV line would be constructed where no electric lines currently exist. In these situations, land would be cleared for the ROW and maintained as a dedicated utility corridor. Wherever possible, to reduce overall clearing and land use impacts, the ROW follows existing distribution corridors.

Land along the West Alternate is classified by APA as Rural Use and Resource Management. In Rural Use and Resource Management lands, major public utilities have a secondary compatibility rating. Lands along state highways adjacent to Rural Use and Resource Management areas are regulated by the APA as critical environmental areas (CEAs). In locations in the travel corridor's CEAs where poles and local distribution lines already exist, the construction of the West Alternate transmission facilities, including higher poles and a wider ROW, would not significantly alter the character of the ROW. An offset from the NYSDOT ROW was considered, but was rejected because of the need to remove more land from the Forest Preserve and of the closer proximity of the transmission line ROW to the River Area.

The lands required for the transmission line ROW would be removed from the Forest Preserve by the proposed Constitutional Amendment. Part of the Constitutional Amendment requires that other lands be added to the Forest Preserve from private land stock. The land use classification of these new lands would be changed from private to state-owned Forest Preserve.

#### 1.2.8 Visual

Visual impact is assessed in terms of the anticipated change in visual resources, including whether there would be a change to the visual character or quality of significant scenic and aesthetic resources. Construction activities that may result in visual impacts include ROW vegetation removal, access road construction, installation of poles, conductor stringing, traffic management and horizontal directional drilling and trenching. These potential impacts are discussed below.

The northern one mile of the West Alternate is offset from the Route 56 corridor several hundred feet. Therefore, the visual impacts associated with construction activities are confined to the two access locations along Route 56. Visual impacts during construction along the eastern edge of Route 56 would be associated with ROW vegetation removal, grubbing, installing poles, stringing conductors and placement of traffic management setups in accordance with NYSDOT specifications. In general, construction activities would be very similar to routine roadway and local distribution ROW maintenance that occurs along Route 56 from Pole 182 to the end of Coleman's parcel. Several pieces of construction equipment would be present along the corridor for a few months. Depending on the time of the year, exposed soils could result in fugitive dust. This fugitive dust would be controlled by periodic wetting as described in the EWP.

#### 1.2.9 Transportation

An analysis of traffic impacts associated with the construction of the West Alternate must encompass vegetation removal, material delivery, and installation activities because all of these activities would require travel on or work adjacent to Route 56. Construction of the West Alternate would result in minor traffic delays and additional vehicular traffic on the local roadway network. Construction would cause short-term lane closures along the Route 56 corridor. Most of the vegetation removal and pole setting

activities would occur between April and September. This schedule would impact traffic during the summer months when seasonal visitation is highest. However, notification of any anticipated lane closures would be posted and provided to local media outlets for distribution prior to construction of that section of ROW. Detour routing of traffic would not be necessary because the work along Route 56 is not anticipated to require closure of the entire roadway, and lane closures are not anticipated to cause extensive delays for motorists. Lane closures would be clearly marked with cones or similar barriers, and flag personnel would direct and control traffic. In addition, construction workers would be required to park in one of the staging areas identified for the Project and would be transported to the construction sites as a group.

### **1.3 Environmental Impacts of Operation and Mitigation Measures**

#### **1.3.1 Soils and Slopes**

Operation of the West Alternate is anticipated to have no effect on soils within the ROW or on adjacent properties. Once operational, the only activity that would occur on the ROW would be routine maintenance and emergency repairs to the 46 kV line and regular vegetation maintenance (mowing, brush cutting, etc.), neither of which are soil disturbing activities.

#### **1.3.2 Forest Cover**

National Grid generally requires that all danger and hazard trees be removed outside of a transmission line ROW to maintain reliability. In the case of the West Alternate ROW on Forest Preserve lands, this would require selective hazard tree identification and removal in a zone approximately 50 feet outside of the ROW. A selective clearing method would be used adjacent to Forest Preserve lands. All trees outside of the ROW that meet the definition of hazard tree under the Agreement would be considered for removal, subject to approval by DEC.

Reliability is the key to the success of this transmission line, and reliability cannot be achieved without the removal of hazard and danger trees along the length of the ROW. This includes both the portion of the ROW that is adjacent to Forest Preserve lands and the portion of ROW on private lands. Hazard tree removal has been included as part of the initial administrative action (the Agreement) that allows for construction of the line on Forest Preserve lands. The Agreement authorizes hazard tree removal in the Forest Preserve. Cutting hazard trees during construction would greatly reduce the chances of fallen trees creating outages. The cutting of danger and hazard trees would virtually eliminate the chances of fallen trees creating outages.

The Agreement authorizes removal of hazard trees outside of the 32 foot transmission line ROW on lands that remain in the Forest Preserve. After ratification of the Constitutional Amendment, the mechanism for hazard tree maintenance on Forest Preserve lands would be a temporary revocable permit (TRP) from the NYSDEC. A TRP is required from the NYSDEC for use of state lands for certain purposes, including the use and maintenance of ROWs or easements on Forest Preserve lands.

#### **1.3.3 Streams**

The loss of vegetation that serves to shade surface waterbodies can lead to an increase in water temperatures and related adverse effects to local fisheries. An inspection and monitoring program is proposed on a 5-year schedule to locate vegetation growth and the presence of danger and hazard trees that have the potential to interfere with transmission line operation. Vegetation determined to be a threat would be removed. Stream warming is not expected to be an issue during the operation phase of the West Alternate, primarily because the amount of vegetation being removed would not cause great changes in the amount of light penetrating to the ground. The relatively narrow ROW width proposed (75 feet on private lands and 32 feet in the Forest Preserve) and maintenance of a scrub-shrub or herbaceous cover

adjacent to streams and wetlands would provide adequate amounts of shade species to help sustain existing water temperatures.

#### 1.3.4 Wetlands

The post-construction species composition within wetlands crossed by the ROW is expected to be characteristic of local scrub-shrub and emergent non-forested cover types. Impacts to these areas resulting from 5-year management schedule would be limited to the effects of maintaining low-growing vegetation within wetlands in the ROW. Inspection and monitoring would be conducted along the ROW to determine whether vegetation has reached heights considered to pose a threat to the normal operation of the transmission line. Woody vegetation, in or out of wetlands, that has grown to a height that could potentially compromise the transmission line would be considered for removal or trimming. However, selective clearing is unlikely to affect the vegetation composition of wetlands within the ROW.

The APA, NYSDOT, NYSDEC, and the Adirondack Nature Conservancy have worked together to inventory and control invasive vegetative species in the Park by developing management plans specific to certain locations. Invasive species control was conducted in 2006 in compliance with the Right of Way Vegetation Management Plan. National Grid would follow the guidelines outlined in the invasive species management plans during the operation phase of the West Alternate.

#### 1.3.5 Cultural Resources

It is anticipated that operation impacts to archeological resources would be minimal. Operation and maintenance of West Alternate facilities would have no effect on archeological resources because no additional ground disturbing activities are anticipated.

#### 1.3.6 Land Use

The West Alternate would have a negative effect on the northern most parcel of this route by limiting the recreational use of the property. However, operation of the West Alternate would not significantly impact land use in the area. Following the Route 56 corridor, the transmission line essentially maintains the current use and minimizes the introduction of utilities among non-utility land uses. Construction of the 46 kV transmission line adjacent to the existing NYSDOT ROW reduces the overall amount of land being committed to development. This expansion of the transportation corridor in Rural Use and Resource Management areas is an appropriate use of corridors to consolidate development. The six acres being removed from the Forest Preserve for the transmission line may be reclassified as Resource Management or Rural Use. Because six acres are less than either of the required minimum lot sizes, no building rights would be associated with this land. In Resource Management or Rural Use lands the construction of a major public utility has a secondary compatibility rating. As a secondary compatible use, it does not change the fundamental character of the area.

The 46 kV transmission line would require the removal of trees in the ROW. Currently in an area classified as Rural Use there is a local distribution line that ends at the Coleman parcel. This local distribution line is within the NYSDOT ROW and is not subject to intensive management. The 46 kV transmission line would, on the contrary, have a ROW that would be cleared of trees.

A major public utility has a secondary compatibility rating under the Adirondack Park Land Use Plan. Secondary compatible uses “are those which are generally compatible with such areas depending upon their particular location and impact upon nearby uses and conformity with overall intensity guidelines for such areas.” The West Alternate is generally compatible with existing land use, particularly the overbuild portion of the routes, which follows the APA’s guidance regarding the consolidation of utilities. The intensity of the tree removal activity has been moderated by building adjacent to the NYSDOT ROW. In the areas adjacent to Forest Preserve, the forest edge would be subject to a restricted level of clearing.

The Applicants would not provide formal access to Forest Preserve lands at any location along the West Alternate. Any use of the existing canoe carry trailhead access point is at the risk of the user and would remain that way once the West Alternate is operational.

### 1.3.7 Visual

The general character of the Project area, with gently rolling hills and medium to dense forest cover, prevents the opportunity for long, open vistas. As a result, routine operation and maintenance of the West Alternate would result in little visual impact. However, there would be certain activities that may result in localized visual impacts. These activities include: inspection, maintenance and repair, and vegetation management. Also, the structures and conductors would be viewed for the operational life of the West Alternate.

At a minimum, transmission lines and support structures are inspected by aerial and ground surveillance on an annual basis. The inspections would be conducted to locate damaged lines, structures, and conductors, and to report any conditions that may adversely affect transmission operations or the area surrounding the transmission facilities. During inspections, the condition of vegetation in the ROW and access roads would also be noted. Inspection observations would be used to plan routine maintenance and vegetation management. Maintenance and repair to poles and the line would occur as needed. Maintenance and repair work would be visually the same as routine maintenance and repair work on existing lines.

Vegetation would be periodically cleared to maintain adequate clearance from conductors and poles. Vegetation management would include controlling vegetation within the ROW and removing trees adjacent to the ROW that could fall onto the conductors and/or poles. Vegetation control would mainly be achieved by mowing with tractor-mounted brush mowers.

### 1.3.8 Traffic and Transportation

Operation and maintenance of the West Alternate would have little effect on area transportation systems. It would generate minimal traffic, introducing new vehicles in the area during routine maintenance activities as workers use the local road network to access the ROW. In the event of emergency maintenance activities that might occur during an outage event, additional repair and maintenance vehicles would be using the local road network. This would occur infrequently and have little effect on the local traffic.

## 1.4 Unavoidable Adverse Environmental Impacts

In both construction and operation of the proposed 46 kV line, adverse impacts are unavoidable. During construction of the proposed facility, impacts such as construction noise, air emissions, traffic delays on Route 56, and temporary displacement of animals and birds, are unavoidable and adverse, but of short duration and/or contingent on mitigation. In the long-term, operation of the proposed line would result in impacts such as changes in land use for newly acquired ROW, some loss of forest habitat, and changes in visual quality which would last for the life of the Project.

The following table identifies unavoidable adverse impacts that would occur as the result of construction and operation of the West Alternate Route.

**Table 1-2 Unavoidable Adverse Impacts**

<b>Table 1-2: Unavoidable Adverse Impacts</b>		
<b>Impact</b>	<b>Long or Short-Term</b>	<b>Mitigation</b>
Erosion and Sedimentation	Short-term for duration of construction	Detailed plans have been developed to minimize erosion and sedimentation.

**Table 1-2: Unavoidable Adverse Impacts**

Impact	Long or Short-Term	Mitigation
Displacement of species in edge habitat	Short-term for duration of construction	Displaced individuals would most likely move to adjacent undisturbed areas during construction.
Periodic disturbance and displacement of wildlife from ROW maintenance	Intermittent long-term	Limit maintenance activities during breeding and nesting seasons. Limited use of herbicides in ROW.
Alteration of wetlands	Long-term	Minimize vegetation removal in wetlands. Protect areas around wetlands. No herbicide applications in wetlands
Clearing or alteration of habitat in ROW	Long-term	Maximize use of previously disturbed road or utility corridors.
Loss of canopy tree species in forested wetlands/creation of scrub shrub wetlands	Long-term	Selective vegetation removal and selective retention of compatible low-growing species would be used in wetland areas.
Change in Land Use for Acquired ROW	Long-term	Maximize use of existing utility and roadway corridors/ROW.
Addition of new visual elements along Route 56 adjacent to Forest Preserve	Long-term	Consolidation of proposed 46 kV line with existing utilities. Use of wood poles. Routing along existing road or utility corridors wherever possible. Minimize vegetation removal on embankments and near shorelines. Use of selective clearing and plantings.

### **1.5 Irreversible and Irretrievable Commitment of Resources**

Construction of the West Alternate would involve a commitment of a range of natural, physical, human, and fiscal resources. ROW acquired for the construction and subsequent operation of the 46 kV line would constitute a semi-permanent commitment for the life of the Project.

The removal of six acres of land from the Forest Preserve for construction of the transmission line would permanently change the character of that land. However, these lands have been adjacent to roadway development, which has changed the character of the forest. Prior to establishment of the Forest Preserve, the road corridor was a county highway. In the 1920s, the NYSDPW completed upgrades of the road corridor, which probably included intrusion into the Forest Preserve. The installation of telephone and electric distribution lines to Hamm’s Inn involved work on Forest Preserve lands. Also, plantation planting of conifers, found in a number of locations within the Forest Preserve, shows that this portion of the Forest Preserve has changed substantially since its creation. Reclamation plantings were common after fires, and there have been fires in the vicinity of Carry Falls Reservoir (McMartin B., 1994). The West Alternate would result in the long-term elimination of existing forest cover on the six acres subject to the pending Constitutional Amendment. In the short term, these six acres would be controlled by NYSDEC administrative actions that would specify and limit the use of the land. Eventually, the six acres would be classified into either a Resource Management or Rural Use land use category that would determine the allowable uses. Additionally, an APA permit would control future use of the transmission line ROW corridor as part of its findings or permit conditions.

Along with the Constitutional change, the Forest Preserve’s overall size is protected by a provision that requires adding private land into the Forest Preserve when lands are removed from it. The land that would be added to the Forest Preserve is located in the Town of Clare and is along the shore of the South Branch of the Grass River. This maintains the Forest Preserve’s overall size. Converting formerly private lands into Forest Preserve lands would change the tax status of the parcel in the Town of Clare. The loss of tax revenues from private land owners in the Town of Clare would be small due to the size of the parcel being transferred. The Town of Clare would receive minimal additional tax revenues from New York State for the additional Forest Preserve land. The Town of Colton real property tax assessment would increase by a small amount.

The overall consequences of the removal of the six acres from the Forest Preserve for the West Alternate are: less environmental impacts, better use of land resources, improved or consistent amount of Forest Preserve land in the Adirondack Park, and minor changes in tax revenues in both the Towns of Clare and Colton.

Construction and operation of the West Alternate would also require consumption of fossil fuels. Additionally, the West Alternate would require expenditure of labor, and natural resources would be used in the fabrication and preparation of necessary construction materials. These expenditures would be, for the most part, irretrievable. However, they are not in short supply, and their use would not have an adverse effect upon continued availability of these resources.

**SECTION 2**

**RESPONSES TO COMMENTS**

**AND**

**REVISIONS TO SDEIS**

## 2.0 RESPONSES TO COMMENTS AND REVISIONS TO THE SDEIS

The only comments received during the public comment period for the SDEIS were from the APA in a letter dated February 4, 2008. These comments are listed below in their entirety. Responses to the comments are provided. In some cases, sections of the SDEIS have been changed or modified to incorporate new or revised information; these sections also are provided below with changes indicated by bold italics:

**Comment 1: Reference is made in several locations in the SDEIS to the proposed 6-acres of Forest Preserve land that is to be acquired as the transmission line right-of-way. The Agency understands that the combined total running length of these so acquired is 2.2 miles and that the right-of-way will measure 32 feet in width. It, therefore, appears that the total combined area that would actually be needed for this right-of-way acquisition would be 8.53 acres (i.e., 2.2 miles x 5,280 feet/mile x 32 feet divided by 43,560 square feet/acre equals 8.53 acres). Explain this apparent discrepancy. Also, provide a map showing the dimensions and size of each of the proposed Forest Preserve strips of land to be conveyed to National Grid.**

Response 1: The commenter has misread the language in the SDEIS. On Page 3-3, Section 3.3.1, of the SDEIS, for example, it states that “within the Forest Preserve, the West Alternate is 1.86 miles long, 0.5 miles from the northern boundary (Pole 182) to the Willis Coleman Parcel (Pole 192), 0.4 miles along the Coleman Parcel (from Pole 192 to Pole 198), and 1.0 miles to the southern boundary of the Forest Preserve (Pole 228).” As shown on Figure 2 (Map 2 of 4) in the SDEIS, the Coleman Parcel is private; therefore, the 0.4 mile distance along it should be subtracted from the 1.86 mile length described as “within the Forest Preserve.”

- 1.86 miles – 0.4 miles = 1.46 miles, which are adjacent to Forest Preserve lands.
- 1.46 miles x 5,280 feet/mile = 7,708 feet.
- 7,708 feet x 32 feet (ROW width) = 246,681 square feet.
- 246,681 square feet/43,560 square feet/acre =  $\pm 5.7$  acres, which is the approximate acreage to be removed from the Forest Preserve.

A set of five maps showing the dimensions and size of each of the proposed Forest Preserve strips of land to be conveyed to National Grid is provided in Attachment 2. The ROW boundary of Route 56, the boundaries of the individual parcels of Forest Preserve to be conveyed to National Grid, and the related boundaries of the adjacent Forest Preserve parcels reflect ongoing field surveys performed by and under the direction of National Grid. Said surveys are not yet complete, and the lines depicted on the maps are subject to such minor adjustments as may be reflected in the completed boundary surveys.

**Comment 2: In the SDEIS, when discussing tree removal necessary for transmission line construction versus clearing needed for reliability, as both relate to Forest Preserve lands (see, e.g., ES-3, first paragraph), it is not always clear whether the tree removal being discussed relates to clearing within the transmission line right-of-way or that which is proposed to occur on state lands remaining Forest Preserve. It is requested that the SDEIS text clearly distinguish between tree removal being proposed on the approximately 6-acre portion of the Forest Preserve lands subject to the Constitutional Amendment (that are proposed to become National Grid right-of-way owned in fee) on the one hand and tree removal that would be needed on lands remaining Forest Preserve (referred to in some portions of the SDEIS as removal of hazard or danger trees) on the other hand.**

Response 2: Modifications have been made to the following sections:

Page ES-3 1st paragraph

The West Alternate requires approximately 19.5 total acres of clearing, and the East Alternate requires 15 acres of clearing *within the transmission line ROW*. Because wetlands occur on the portion of the route common to both Alternates, the total number of cleared acres on each Alternate includes 1.1 acres of forested wetlands and 0.16 acre of non-forested wetland. The East and West Alternates cross two regulated streams and no non-regulated streams. Visual impacts are considered to be low/moderate for the West Alternate and moderate for the East Alternate. Approximately 3,077 trees would be removed from the West Alternate ROW over privately owned lands, and approximately 1,762 trees would be removed from the East Alternate ROW over privately owned lands. Both routes would require the removal of 1,926 trees in *the ROW on lands to be removed from the Forest Preserve*. Engineering and construction factors for the West Alternate are rated as standard, and those factors for the East Alternate are rated difficult/standard. The Underground Alternate, although it results in only 2.6 acres of clearing and has minimal visual impacts, requires complex construction methodology and has the highest cost. During construction of the Route 56 Alternate Routes, impacts will generally occur in the immediate vicinity of the ROW. These impacts will be short-term and minimized by the timing of these activities and continuous movement of construction activities along the ROW. The use of appropriate environmental controls as specified in the Environmental Work Plan (EWP), Appendix B of this SDEIS, will avoid or mitigate impacts to environmental resources.

Preferred Route: Route 56 West Alternate  
Construction Assessment  
Page 3-3 last paragraph and Page 3-4 1st paragraph

The width of clearing along Route 56 would be wider than the current Route 56 roadway ROW. The tree clearing *on* the Route 56 *transmission line* ROW would be either 32 feet from the centerline adjacent to Forest Preserve lands or 37.5 feet from the centerline on private lands, increasing the overall width of the ROW. However, the ROW of the portion of the West Alternate north of the Forest Preserve would be between 100 and 400 feet off the roadway, thereby retaining the existing roadway ROW width on that portion of Route 56. There are vegetation edges along the existing Route 56 maintained ROW; therefore, *vegetation removal* for the West Alternate Route is not expected to contribute to a change in species composition. On the remainder of the West Alternate ROW, detectable changes in the forest cover would depend on the quality of the forest impacted. In the areas where the ROW has been maintained and managed, the tree stands may be less mature; therefore, the *vegetation removal* would *have minimal visual impact*. In the Forest Preserve where cutting is prohibited, the trees tend to be larger and in some areas have been replanted as monoculture forest stands to aid in reforestation of damage after regional forest fires in the early 20th century. There the *removal* of large trees as part of the ROW preparation would be more conspicuous. Regardless, conversion of forested lands to herbaceous and open shrub cover as a result of clearing along an existing, maintained ROW would not be as significant as clearing in unbroken forest.

As shown on Table 3.1.1, the West Alternate requires 19.5 total acres of clearing, of which 1.1 acres are forested wetlands and 0.16 acre is non-forested wetland. The West Alternate crosses two regulated streams. No endangered species habitats have been identified on the West Alternate. Approximately 3,077 trees would be removed from the West Alternate ROW on private lands and 1,926 from *the ROW on lands to be removed from the Forest Preserve*. The section of ROW on the west side of Route 56 north of Forest Preserve from Pole 161 to Pole 181 would be set back between 100 and 400 feet from the roadway, thereby screening the construction in this area from view. Visual impacts would be associated with ROW clearing, grubbing, installing poles, stringing conductors and placement of traffic

management setups. Several pieces of equipment (described in more detail in Section 4) would be present along the corridor for a few months.

Operation Assessment  
Page 3-5 4th paragraph

To maintain the reliability of the transmission facilities on the West Alternate, it will be necessary to continue to remove *danger and hazard* trees as part of the vegetation management program. *Danger* trees would be removed along Route 56 north and south of the Forest Preserve outside the 75-foot ROW. In the Forest Preserve outside the 32-foot ROW *hazard* tree removal *is* covered by the Agreement *with DEC*. The northern 1.0 mile of the proposed route along Route 56 is located on private lands and would consist of a 75 foot ROW (37.5 feet from the centerline) with danger tree rights obtained for an additional 50 to 60 feet beyond the ROW. Where danger tree rights have been obtained on private lands, all trees that are of a height that could potentially contact the transmission line would be removed, leaving smaller trees, underbrush, and shrubs. *Adjacent to the 6 acre ROW*, on lands *to remain in* the Forest Preserve, *hazard* trees also must be removed; however a more selective process would be employed based on tree height and distance from the transmission line.

Route 56 East Alternate  
3.4.2 Construction Assessment  
Page 3-6 paragraph 2

As shown on Table 3.1-1, the East Alternate requires 15 total acres of clearing, of which 1.1 acres are forested wetlands and 0.16 acre is non-forested wetland. The East Alternate crosses two regulated streams and no non-regulated streams. No endangered species habitats have been identified on the East Alternate. Unlike the West Alternate, the East Alternate would be placed at the easterly edge of the Route 56 DOT ROW for the entire length of the route. Approximately 1,762 trees would be removed from the East Alternate ROW on private lands and 1,926 *from the ROW on lands to be removed from the* Forest Preserve. Visual impacts would be similar to those described for the West Alternate but would be longer in duration because there is more construction in the immediate vicinity of Route 56. Engineering and construction factors are rated as “difficult/standard” based on the location of the ROW along the Route 56 transportation corridor and the need for more traffic mitigation measures than required for the West Alternate. South of Pole 182, specifically between proposed Poles 211 and 217, the East Alternate contains some erodible soils on steep slopes, requiring push braces to support the poles.

Operation Assessment  
Page 3-6 paragraph 7

Operation impacts of the East Alternate would be similar to those of the West Alternate, except on the portion of the route north of the Forest Preserve where the East Alternate ROW is along the east side of Route 56. The northern 1.0 mile of the proposed route along Route 56 is located on private lands and would consist of a 75 foot ROW (37.5 feet from the centerline) with danger tree rights obtained for an additional 50 to 60 feet beyond the ROW. Where danger tree rights have been obtained on private lands, all trees that are of a height that could potentially contact the transmission line would be removed, leaving smaller trees, underbrush, and shrubs. *Adjacent to the 6 acre ROW*, on lands *to remain in* the Forest Preserve, *hazard* trees also must be removed; however a more selective process would be employed based on tree height and distance from the transmission line. Vegetation control would mainly be achieved by mowing with tractor-mounted brush mowers. North of the Forest Preserve, these vehicles would be visible from the Route 56 travel corridor on the East

Alternate because there would be no intervening vegetation to screen the ROW, as there on the West Alternate.

#### Section 4

##### Soils and Slopes

##### Page 4-1 paragraph 3

Clearing would occur within the 75-foot transmission line ROW on private property along Route 56 outside of the Forest Preserve on the West Alternate, or within the 32-foot transmission line ROW on Route 56 *adjacent to* the Forest Preserve. Temporary and permanent erosion control measures, as specified in the EWP, would be implemented as appropriate, for grading and construction activities. Erosion and sediment control devices that would be implemented include stabilized construction entrances, use of geotextiles, log culverts, French drains, silt fences, mulch, seeding, rolled erosion control products, turbidity curtains, check dams, sediment basins and dewatering devices. The application of these devices is described in detail in the EWP.

##### Page 4-4 paragraph 1

The width of clearing along Route 56 would be wider than the current Route 56 roadway ROW. The tree clearing on the Route 56 *transmission line* ROW would be either 32 feet from the centerline adjacent to Forest Preserve lands or 37.5 feet from the centerline on private lands, increasing the overall width of the ROW. However, the ROW of the portion of the West Alternate north of the Forest Preserve would be between 100 and 400 feet off the roadway, thereby retaining the existing ROW width on that portion of Route 56. There are vegetation edges along the existing Route 56 maintained ROW; therefore, *vegetation removal* for the West Alternate is not expected to contribute to a change in species composition. On the remainder of the West Alternate ROW, detectable changes in the forest cover would depend on the quality of the forest impacted. In the areas where the ROW has been maintained and managed, the tree stands may be less mature; therefore, the *vegetation removal would have minimal visual impact*. According to the “Adirondack Atlas” (Jenkins 2004), the Project Area was part of agricultural lands and areas affected by forest fires prior to 1916. These areas were subsequently planted with pines, and natural re-growth occurred where planting did not occur. In the Forest Preserve where cutting is prohibited, the trees tend to be larger. There, the *removal* of large trees as part of the ROW preparation would be more conspicuous. Regardless, there will be conversion of forested lands to herbaceous and open shrub cover as a result.

##### Page 4-7 paragraph 1

Table 4.3-1, “Wetland Crossings – West Alternate” presents data on each of the wetland crossings, expressed in terms of acres of new ROW or linear feet. Acreage of wetland was determined by directly measuring the area of the wetlands within the proposed ROW. Impacts that would occur at these areas are primarily associated with vegetation *removal* necessary to prepare the ROW and construct the facilities. In these instances, *vegetation removal* is removing tree canopy and some of the shrub layer but leaving the lower growing herbaceous plants. In locations where the proposed 46 kV line does not follow an existing distribution line, a new 75-foot-wide ROW would be *on private lands*, and a 32-foot ROW would be *adjacent to* Forest Preserve lands. It was assumed that along existing distribution lines, ROW is already cleared and maintained on a regular basis by National Grid, typically 12.5 feet on either side of the centerline of the existing ROW. The addition of the 46 kV line (overbuild) would require an additional 25 feet of *tree removal* beyond the 12.5 feet on either side to maintain a 75-foot ROW. In these situations only the new clearing (beyond the 12.5

feet on either side of the centerline) was considered a new impact to wetlands and is presented in Table 4.3-1.

Page 5-1 paragraphs 3-5

National Grid generally requires that all danger and hazard trees be **removed** outside of a transmission line ROW to maintain reliability. In the case of the West Alternate ROW **where the line will be built on lands to be removed from the Forest Preserve**, this would require an additional 50 feet of **hazard tree removal**. A selective clearing method would be used adjacent to Forest Preserve lands to the greatest extent practicable. All trees outside of the ROW that **meet the definition of hazard tree under the Agreement** would be **considered for removal subject to approval by DEC**.

Reliability is the key to the success of this transmission line, and reliability cannot be achieved without **the removal of hazard and danger trees** along the length of the ROW. This includes **both** the portion of the ROW that is adjacent to Forest Preserve lands **and the portion of the ROW on private lands**. No allowance for **hazard** trees would be made in the Constitutional Amendment, therefore, **hazard** tree removal must be included as part of the initial administrative action that allows for construction of the line. The Agreement authorizes **hazard** tree removal in the Forest Preserve. Cutting **hazard** trees during construction would **greatly reduce the chances of fallen trees creating outages**. **Cutting danger and hazard trees would** virtually eliminate the chances of fallen trees creating outages.

The Agreement authorizes removal of **hazard** trees outside of the 32 foot transmission line ROW on lands that remain in the Forest Preserve. After ratification of the Constitutional Amendment, the mechanism for danger tree maintenance on Forest Preserve lands would be a temporary revocable permit (TRP) from the NYSDEC. A TRP is required from the NYSDEC for use of state lands for certain purposes, including the use and maintenance of ROWs or easements on Forest Preserve lands.

**Comment 3: Notice of Completion of Draft/Final EIS: The SDEIS states at numerous points that National Grid requires that all danger and hazard trees be cleared outside of a transmission line right-of-way to maintain reliability and that removal of danger and hazard trees beyond the 32-foot wide right-of-way would require "an additional 50 feet of selective clearing... ." (see Notice of Completion of Draft SDEIS page 2.) Explain how the 50-foot distance was determined. Is it measured from the transmission line or the 15-foot setback from the "wire security zone" (see page 4-5, last para.)?**

Response 3: The 50-foot off ROW danger tree removal zone is based on the assumed average tree height of the forest communities along the entire project route (26 miles). The 50 feet is measured from the edge of the transmission line ROW, not the wire security zone.

Danger trees are to be cut on private lands outside of the 75 foot transmission line ROW, in the 50 foot danger tree removal zone where National Grid obtains danger tree removal rights. Hazard trees, as defined in the Agreement, will be cut under the supervision of the NYSDEC in advance of the Constitutional Amendment on lands that are to remain in the Forest Preserve.

As described in the Agreement, all hazard trees greater than 3 inches in diameter at breast height to be cut outside of the Forest Preserve must be tallied, and DEC must approve such tree cutting in advance. In addition, it has been agreed that a maximum of 1,000 hazard trees may be cut in the Forest Preserve. Therefore, only very selective hazard tree cutting will occur outside of the 6 acres.

Modifications have been made to the following section:

Notice of Completion, 3rd paragraph

Forest Cover: The direct impact to forested areas as a result of right of way (ROW) clearing would be the conversion of successional forest to herbaceous and open shrub cover and the conversion of forested wetlands to scrub-shrub and emergent vegetation. In addition, the removal of existing canopy species would increase moisture loss and surface temperature within the ROW. Approximately 5,003 trees would be cut in the alternate route ROW, of which 1,926 trees would be on Forest Preserve lands. National Grid *generally* requires that all danger and hazard trees be cleared outside of a transmission line ROW to maintain reliability. ***This would require an additional 50 feet of selective clearing of danger trees outside of the ROW along private lands and selective hazard tree clearing (as defined in the Agreement) on Forest Preserve lands outside of the 6 acres.***

Page 4-5 last paragraph

The Agreement authorizes the removal of *hazard* trees outside of the transmission line ROW on Forest Preserve lands. The limited acreage available for construction of the line on lands to be removed from Forest Preserve has constrained design. A *hazard* tree outside of the six acres is defined as “*any tree posing a threat to the transmission line because it is dead, diseased, leaning or subject to any other environmentally unstable condition,*” and must be removed for reliability purposes.

**Comment 4: SDEIS Executive Summary (page ES-2) states that "New York State" has agreed to permit the use of Forest Preserve for the NYS Route 56 re-route project. Identify which governmental entity of the state is being referred to in this statement. Provide a copy of any signed agreement to this effect. If no written agreement has been signed, provide a statement signed by an appropriate official at New York State Department of Environmental Conservation (DEC) setting forth the DEC's position on this project and whether in its view the project can lawfully be undertaken in advance of the Constitutional Amendment, including a statement of the rationale for that position.**

Response 4: Modifications have been made to the following section:

Page ES-2 Paragraph 3

In advance of the Constitutional Amendment and to accommodate the in-service date, *the New York State Department of Environmental Conservation (NYSDEC)* agreed to permit the use of lands that are in the Forest Preserve for the construction and operation of the Project. Under the Environmental Conservation Law and applicable regulations, NYSDEC has discretion to enforce compliance with the laws, regulations, rules, and policies affecting the Forest Preserve. NYSDEC has determined that the construction of the power line is in the best interests of the public and, in an agreement with NYPA and National Grid, has exercised its discretion in authorizing the use of the Forest Preserve lands for construction and operation of the 46 kV transmission line (the Agreement). *Hazard* tree removal has been included as part of the Agreement.

A copy of the signed agreement between NYPA, National Grid, and NYSDEC is provided in Attachment 3.

**Comment 5: Section 1.1.3: Provide a copy of the revised Constitutional Amendment language that has already been approved by the Legislature during one Legislative Session. Provide all supporting mapping and other illustrative and descriptive materials prepared as background for and used to generate the proposed language.**

Response 5: The Constitutional Amendment language approved by the Legislature is provided in Attachment 4.

**Comment 6: Section 1.1.3: Provide a copy of the Settlement Agreement approved by the Federal Energy Regulatory Commission**

Response 6: The Revised Tri-Lakes Agreement submitted to the FERC is provided in Attachment 5.

**Comment 7: Section 1.1.3: Explain why the NYPA and National Grid would continue to pursue a Constitutional Amendment should the legislature fail to act or the referendum vote fail to succeed.**

Response 7: The Agreement among National Grid, NYPA, and NYSDEC states that, in the absence of a constitutional amendment, NYSDEC will allow National Grid and NYPA to use six acres of Forest Preserve under NYSDEC jurisdiction to construct, maintain, repair, and replace the transmission line so long as National Grid and NYPA are pursuing a constitutional amendment.

**Comment 8: Section 3.5: The assessment of the underground alternate identifies unknown soil and or bedrock conditions as being as part of the reasoning for its complexity and higher cost. The surficial geology for this area identifies the parent material as being either part of a kame or outwash plain. This would imply that the materials may predictably be deep soils of sand and gravel and that the presence of bedrock may not be a significant influence on construction cost. Actual soil conditions should be further evaluated before discarding the underground alternate as too costly. Has there been an estimate of the type, distance and extent of rock or bedrock in the 2.2 mile distance of Forest Preserve that would require rock boring to place an underground line? Is it possible to provide an estimate of that amount in advance? The applicant has determined that engineering and construction factors are rated as "complex" based on the construction methodology required for the underground portion of the route. How much of that assessment relates to concerns related to rock boring? Describe any other pre-construction methodologies to evaluate the feasibility of undergrounding the 2.2 mile section. Provide a detailed cost estimate and a cost-benefit analysis for installing an underground line through the Forest Preserve sections of this route. Include a discussion of how undergrounding the transmission line could avoid concerns about the extent of danger tree removal.**

Response 8:

A.) The underground cost estimate was never meant to be an exhaustive in depth assessment but, rather an order of magnitude assessment to compare with the overhead options. It was however, more than a desktop evaluation.

Engineers from Vanderweil Associates conducted a field trip in October, 2005 to (among other analyses) evaluate an underground option from the northern to the southern boundary of the Forest Preserve along Route 56. No borings or soil cores were obtained during this inspection, and no rock information was assumed during the preparation of the cost estimate. The cost estimate was based on regular soils or sand (where observed along the southern section). The underground alternate was assumed to be located on the eastern side of Route 56 to avoid an AT&T buried telephone line and also to avoid potential disturbance to Fox Marsh, a large wetland complex adjacent to the western edge of State Route 56.

A cost sheet has been provided in Attachment 6. As can be seen from the cost estimate, over 20 percent of the alignment, the Engineer assumed sandy soils. The other 80 percent was assumed regular soils. Had the need for rock borings been identified, (through the observance of bedrock outcrops), the cost estimate would have been considerably higher to account for the added time and complexity to bore through rock. The majority of the construction is done by trench construction and a detail of the trench is included in Attachment 6. Over 4,400 linear feet of the

underground option would require sheet piling to prevent the sandy soils from collapsing in on the trench. This also requires additional cost for sheet pile materials and installation. Also, the majority of the wetlands and streams associated with the wetlands would be avoided by horizontal directional drilling. HDD technique requires considerable advance preparation of the equipment placement. The underground option would cost approximately \$9.8 million to construct (minus land acquisition costs).

One other component that was not evaluated during the initial stages is the requirement to construct riser structures (see Attachment 6) at either end of the underground segment where the underground cable transitions to overhead lines. These typically would be located on large conspicuous poles which would appear considerably larger than the other poles with significantly more insulators thereby adding a negative visual element to the Underground Option.

B.) The ROW associated with the Underground Option would be approximately 20 feet wide and would not require cutting of danger trees. Underground transmission lines include an electrical vault approximately 4 feet x 5 feet every 800 to 600 feet. The ROW in the area of the vaults would be slightly wider but would not require clearing of danger trees.

**Comment 9: Section 3.5.3: Explain the applicant's experience, if any, as to the frequency of "cable faults" (underground explosions) in similar 2.2 mile sections of underground sub-transmission lines.**

Response 9: National Grid has very little 46 kV underground cable in New York and New England. There is no design standard for this voltage class for its system. Most of National Grid's experience with sub transmission voltage (<115 kV) is with the 34.5 kV lines that are part of the Albany, Syracuse and Buffalo networks. National Grid's networks are designed to a double contingency. This means that two cable failures on two separate supplies will not adversely affect a particular network. There may be five or six different supplies to each network in an urban setting that provide numerous levels of back up resources to provide uninterrupted service.

Even if the cost and environmental impacts of multiple redundant cables were not an issue, there is only one supply source for the Tri-Lakes Reliability Project, (Townline substation), so a separate redundant cable would not help if there were a failure. A complete spare cable installation would be electrically connected in parallel to the primary installation. This creates a more complex above ground transition structure to be built in the ROW (see Attachment 6, Sheet 3 of 3) as well as several cable vaults. A fault on the primary line would trip the circuit breaker at Townline substation, which would cut off the source of power for the spare cable installation.

In the event of an outage, the line would need to be patrolled to determine if the problem was on the overhead section. If the problem could not be found on the overhead section, the underground connections at both ends would need to be disconnected to determine which cable had the problem. The closest location of personnel with the expertise and equipment to do this work would be Syracuse or Albany (at least 3 ½ hours away). The location of the cable break and its repair could take two to four days. While overhead lines are more susceptible to outages, it is far easier for local crews to detect the location of the failure and repair it.

A 46 kV underground line is a non-standard cable that is not kept in the inventory of supplies by National Grid. It is not feasible to purchase and store extra cable since it is expensive, will deteriorate while stored, and may never be useful. The practical delay between fault detection, identification of repair supplies needed, sourcing supplies from wire producers, and repair implementation is several days.

Underground cable failures are either a result of thermal stress or insulation break down, mechanical external excavation by outside contractors not using dig safe, or failure of the cable

splices every 600 to 800 feet. National Grid has 227 sub transmission circuits in its Eastern Division, many of which are combined with overhead lines. In 2000, the 34.5 kV McClellan #10 line, which consists of 1.47 miles of underground cable, was the sixteenth worst performing circuit of the 227 in the Eastern Division. However, there are no comparable data for the Tri-Lakes Region to estimate the frequency of cable failure on a 46 kV underground line.

**Comment 10: Section 4.1: Agency regulations do not preclude the use of hay bales. Rather, the Agency encourages the use of straw bales instead of hay bales as a way to control the spread of invasive plant species.**

Response 10: Noted. NYSDEC generally does not endorse the use of any type of bales. Modifications have been made to the following section:

Page 4-2 1st paragraph after bullets

To ensure the long-term stability of the ROW and adjacent properties, following construction, disturbed areas would be restored to as natural a state as practicable using conservation seed mixes comprised of native species and low growing native plants. Hay bales would not be used to avoid the introduction of invasive species. Straw would be used *only on* a limited basis, *if at all*.

**Comment 11: Section 4.2: Selection of the more than 1,000 danger trees to be removed was based upon tree heights only. Explain why topographic conditions were not factored into danger tree selection and the effect topographic conditions will have on danger tree selection. If additional danger trees will need to be removed based upon both tree heights and topographic conditions, provide the actual numbers of trees to be removed. Also, the discussion of the number of danger trees to be removed does not put them into the context of the total number of trees on lands to remain as part of the Forest Preserve. This deficiency needs to be corrected.**

Response 11: The estimate of the quantity of hazard trees has led to a maximum allowable number of trees to be cut of 1,000 on lands to remain in the Forest Preserve. The cutting of hazard trees on lands to remain in the Forest Preserve is regulated by the Agreement (see Attachment 3), and all hazard trees must be approved by NYSDEC prior to cutting. The 1,000 tree estimate is a maximum, and it is anticipated that the actual hazard tree count, which must be approved by DEC prior to cutting, will be significantly less than this maximum estimate.

Any discussion of vegetation removal to occur on lands to remain in the Forest Preserve refers only to the number of trees to be removed from the hazard tree zone, which is estimated to be 1,000, not in the entire Forest Preserve. The following response estimates the number of trees that will be left in the hazard tree zone, as defined below.

Existing covertime tree stem counts from the lands outside of the NYSDOT ROW and within the 6 acres, for trees greater than 3 inches dbh, were extrapolated to the hazard tree zone (on lands to remain on the Forest Preserve). The hazard tree zone was defined, for the purpose of this estimate, as the length along Route 56 that is within Forest Preserve lands and extends 50 feet outside of the transmission line ROW (typical width acquired for danger tree removal on the rest of the line). This method provides an estimate of 3,500 trees greater than 3 inches dbh that exist within the defined hazard tree zone. However, it is anticipated that approximately 1,000 of these trees will be identified as hazard trees to be cut on Forest Preserve lands. This is equivalent to a maximum of approximately 28% of the trees on Forest Preserve lands within the hazard tree zone. It is highly likely that less than 28% will be identified and cut.

On the northern part of the already permitted transmission line ROW where construction and danger tree clearing has already occurred, danger tree clearing is barely perceptible. This danger

tree clearing was conducted with no NYSDEC supervision, demonstrating that National Grid and its contractors are conducting responsible and minimal necessary danger tree removal. Supervised hazard tree removal on the Forest Preserve lands will be even less perceptible.

**Comment 12: Section 4.4: Provide documentation from the New York State Office of Parks, Recreation and Historic Preservation that either the project will not have an impact on "any historic, architectural, or cultural property" pursuant to 14.09 of the Historic Preservation Act of 1980, or its direction for mitigation of any impacts to these resources.**

Response 12: Based on the results of Phase 1A and 1B investigations, NYPA has concluded that the West Alternate will not adversely affect historic properties listed in or eligible for inclusion in the State or National Registers of Historic Places. Based on these findings, no further archaeological investigations are recommended. The draft Phase 1B report was submitted to the OPRHP on February 27, 2008, and any additional correspondence, including the letter of no adverse impact from the OPRHP, will be forwarded to the APA as soon as it is available. (A copy of the transmittal letter is included as Attachment 7.) Section 572.1(d) of the APA Rules and Regulations indicates that when good cause is established showing that a process is underway the APA may continue its review process.

**Comment 13: Section 4.4.2: Identify the specific location, size and tax map designation of the lands in the Town of Clare that are proposed to be added to the Forest Preserve in exchange for the lands to be removed from the Forest Preserve as part of this project.**

Response 13: The parcel in the Town of Clare (Parcel #178.00-1-10) is located between Tooley Pond Road and the south branch of the Grasse River. It is 9.31 acres. See Attachment 8 for the survey map.

**Comment 14: Section 4.5.2.3: Portions of the project will be located on private land in the designated river area (within 1,320 feet of the river bank) of the Raquette River where restrictions and standards contained in 9 NYCRR Part 577 apply to any development therein. Among these restrictions and standards is a requirement that river area utility uses (not subject to review under Article 7 or 8 of the Public Service Law) be located and constructed as to minimize visibility from river and the river area (emphasis added) of support structures, lines, cables, pipes and other associated equipment and accessories. Explain how the project has been designed to minimize its visibility within the river area.**

Response 14: There are fewer areas within the 0.25 mile river area along the portions of the West Alternate referred to in Comment 14 than what was originally proposed for undergrounding. (See SDEIS Figure 2, Maps 2 of 4 and 4 of 4.) In addition, there is no potential for visibility of these poles from the river or the river area due to screening by topography and vegetation; therefore, there is no need to further reduce visibility.

**Comment 15: Section 4.5.2.3: With respect to the application of the DEC river regulations for State lands as they relate to DOT right of way (which is to remain State land), demonstrate compliance with the river area permit, variance and development standards requirements pursuant to 6 NYCRR 666.8, 9 and 13. (On their face, these regulations would appear to extend the river area to one half mile from the river bank, establish a permit requirement for major public utility use projects and apply a pole height maximum of 40 feet within designated river areas.)**

Response 15: The applicability of 6NYCRR Part 666 to this segment of the Project is under review by the NYSDEC staff. If this rule is determined to be applicable, it is likely that a variance will be granted for those poles that exceed 40 feet in height. Section 572.1(d) of the APA Rules and Regulations indicates that when good cause is established showing that a process is underway, the Agency may continue its review process.

Wild, Scenic, and Recreational Rivers are regulated by both the NYSDEC and APA. The NYSDEC administers the law and rules for Wild, Scenic, and Recreational Rivers (6NYCRR 666) statewide and in Adirondack Park for lands held by New York State Agencies. The APA regulates private land use as it relates to Wild, Scenic, and Recreational Rivers. Each regulation has a river area that surrounds the river corridor. The NYSDEC river area is the land within 0.5 mile of the river bank while the APA river area is land within 0.25 mile of river bank. Regulated activities are similar for both rules except that under the NYSDEC rule, major public utility structures in the river area of the Scenic or Recreational Rivers and River Communities are limited to 40 feet in height.

The threshold of review for this Project to construct a 46 kV line is the development of a major public utility (over 15 kV, 6NYCRR 666.3(gg)) in the river area within 0.5 miles of the Raquette River.

Construction of the line may require a variance or a determination that the Project will not adversely affect the river resource (6NYCRR 666.9(d)(1, 2)).

The table below identifies the pole by number and indicates whether the site is regulated by the APA or by the NYSDEC; Table 1, Poles Within 0.25 or 0.50 Miles of the Raquette River on Private or State Lands. Poles on private land within a 0.25 mile of the Raquette River are under the jurisdiction of the APA. Poles on state land (NYSDOT ROW or NYS Forest Preserve) and within 0.50 miles of the Raquette River are regulated by NYSDEC. Many of the poles in the NYSDOT ROW do exceed 40 feet in height, therefore, a variance or waiver from the NYSDEC may be required.

*Table 1. Poles Within 0.25 or 0.50 Mile of the  
Raquette River on Private or State Lands*

Pole #	Pole Height	Within 0.5 Miles of the Raquette River		Within 0.25 Miles of River and on Private Land	Variance or Waiver Required
		Located on NYSDOT ROW	Located on NYS Forest Preserve		
183	52	X			X
184	47.5	X			X
185	52	X			X
186	47.5	X			X
187	43	X			X
188	56.5	X			X
189	52	X			X
190	52		X		X
191	52	X			X
192	61	X			X
197	47.5	X			X
198	43		X		X
199	43		X		X
200	43		X		X
201	38.5		X		
202	40		X		
203	40		X		

Pole #	Pole Height	Within 0.5 Miles of the Raquette River		Within 0.25 Miles of River and on Private Land	Variance or Waiver Required
		Located on NYSDOT ROW	Located on NYS Forest Preserve		
204	40		X		
205	38.5	X			
206	38.5	X			
207	38.5	X			
208	38.5		X		
209	38.5		X		
210	43		X		X
211	38.5	X			
212	38.5	X			
213	47.5	X			X
214	52	X (push brace)			X
215	43	X			X
216	38.5	X			
217	47.5		X		X
218	38.5	X			
219	38.5	X			
220	38.5	X			
221	38.5	X			
222	43		X		X
223	43		X		X
224	38.5		X		
225	38.5		X		
226	38.2		X		
227	47.5		X		X
228	43		X		X
229	N/A			X	
287	N/A			X	

The construction of standard wood utility poles along Route 56 will not impact the scenic values of the Raquette River area. The Raquette River is in a valley with a water surface elevation of between 1,420 ft. above MSL at Moody Falls to 1,386 ft. above MSL at the Carry Falls Reservoir. Immediately west of the river is a series of hills that are at an elevation of 1,500-1,520 ft. above MSL. Route 56 is also at variable grades. Starting in the north, the Route 56 high point is at 1,517 ft. above MSL and in the south, the elevation is 1,440 ft. above MSL at the feeder stream for Sevey Bog. The various photographs in the SDEIS clearly show that the Route 56 corridor has variable grades and is cut into the local grades. The Route 56 corridor is surrounded by trees. The tree heights for the purpose of the Visual Impact Analysis (VIA) submitted as part of the SDEIS were assumed to be 50 feet (see SDEIS Appendix D). The tree heights, coupled with the variations in elevations, create a significant visual barrier between Route 56 and the Raquette River. This combination of trees and topography is between 1,550 and 1,570 feet above MSL in elevation, which creates a visual barrier. This will conceal the poles, which are frequently shorter than the surrounding trees and on the western facing slope. The poles on state land currently held by NYSDOT as part of the Route 56 ROW are between 38-70 feet above

grade. Given the height of trees, existing topography, topographic slope, and overall distance from the river, the majority of the poles will not be visible from the river.

The potential visibility of pole tops is extremely limited. A river user boating on the water will not, in most instances, be able to see or identify the pole tops at a distance of over 1,000 feet. An angler standing still in the river may be able to distinguish a pole top when carefully viewing the hillside. The limited visibility will not detract from the recreational experience on the river since the number of poles and pole tops visible is very limited.

The SDEIS included an evaluation of alternatives to constructing along Route 56, including the no-action alternative (Section 3.1), and constructing the previously approved Bypass Route (Section 3.2). Construction of the Bypass will be outside of the river area, but has increased impacts related to forest clearing and wetland fills.

This Project is necessary to reinforce the power supply in the Tri-Lakes Region and to protect the public health and safety (see DEIS Section 1.1.2). The NYSDEC Part 666 River Rules allows for a variance to protect public health, safety, and welfare function (666.9(3)).

As a variance, special rules apply to public utilities (6NYCRR 666.9(3)) and are identified below. A public utility does not have to prepare an analysis of economic hardship since its profits are controlled by the state. A public utility does not have absolute freedom in selecting sites for facilities since the structures must connect together in order to deliver a service. The criteria for variances related to public utilities require that the Project is safe and is necessary to meet the public need.

The River Rule (6NYCRR 666.9(3)) recognizes the special standards for state agencies.

“In the case of applicants which are state agencies or municipal corporations, the granting of a variance must be equally as environmentally protective of the river values identified in Section 666.7(e) of this Part in compliance with the provisions(s) to be varied and must fulfill a public health, safety, or welfare function.”

There is also a provision for a waiver from the need for a variance when it is clear that there will not be an adverse impact to the river area.

The River Rule (6NYCRR 666.9(7)(d))

“(d) Any land use or development which, but for this subdivision, would require a variance due to noncompliance with one or more specific standards or criteria in this Part, may be permitted by the Department without such variance if:

- (1) The Department determines that the Project, if approved, will not adversely impact any affected river resource; and
- (2) The Project satisfies all other applicable standards and criteria, including the standards for permit issuance set forth in Section 666.8 of this Part.

For the purposes of this subdivision, a determination of complete application pursuant to Part 621 of this Title shall not preclude the Department from requiring an applicant to submit additional information in the event that one or more potential significant adverse impacts are identified and a variance is necessary for the Project to proceed.”

This Project meets the public health, safety, general welfare, and need as described in DEIS Section 1.1.2. The specific need or environmental advantages of building along Route 56 are described in Sections 3.3 and 4 of the SDEIS. The Project will be constructed in accordance with procedures and standards of National Grid and applicable national electrical codes. The Project will be constructed in a safe manner.

This Project will not change either the flow or ecology of the river, since this Project does not involve the water of the river. There will not be any land development along the river which eliminates the potential for wildlife, wildlife corridors, geological resources, and botanical resource impacts. The cultural and archeological resources of the river area will be protected as a result of the comprehensive pre-construction survey, which recommends avoidance of the eligible areas. Scientific features of the river or river area are protected by avoiding work in the river and minimizing the disturbance in the river area. The construction of the transmission line ROW adjacent to the road mitigates the disturbance and reduces the overall impacts.

**Comment 16: Section 4.7: Discuss whether helicopters will be used to construct the project and, if so, provide a detailed description of the use of these aircraft including total number of days of use, hours and days of operation, landing areas to be used, traffic control measures needed, etc.**

Response 16: At this time, it is not anticipated that helicopters would be used along the West Alternate. Timing conflicts and availability of the helicopters is likely to preclude their use. However, if such use becomes feasible, the NYPA and/or National Grid will apply to APA for a change to the permit. A detailed description of helicopter use for this section of the line cannot be provided at this time.

**Comment 17: Section 5.2.1: Provide a copy of all documents related to Public Service Commission (PSC) Case 04-5-0322. It appears that the term "danger tree" used in the context of this case may differ from the same term used in Section 4.2. Explain this apparent discrepancy. Provide written concurrence from the DEC regarding the appropriateness of issuing Temporary Revocable Permits for the removal of danger trees as part of continued line maintenance.**

Response: The June 2005 PSC Order on ROW Management Practices is provided in Attachment 9. In response to the August 2003 blackout, the PSC prepared a report, dated February 2004, which addressed the potential causes of the blackout. A discussion of ROW management was included in the Initial Blackout Report dated August 14, 2003 as an Appendix. The PSC noted that “[c]ontinuous control of vegetation capable of growing into, or near to, overhead electrical transmission and distribution lines is critical to public safety and electrical system reliability.” As a result of this report, the PSC began an investigation into the ROW management practices of electric utilities in New York. This investigation resulted in the issuance of the June 2005 PSC Order on ROW Management Practices (Case 04-E-0822). The PSC Order is meant to prevent outages, not simply to react to outages once they occur. The PSC, on page 13 of the Order, expands its preliminary definition of danger trees to include “any trees rooted outside of a ROW that due to its proximity and physical condition (i.e. mortality, lean, decay, cracks, weak branching, root lifting, or other instability) poses a particular danger to a conductor or other key component of a transmission facility.” Whether the words used by the PSC to define a danger tree vary slightly from National Grid’s definition, the objective remains the same, to remove vegetation that has the potential to affect the reliability of the transmission line.

NYSDEC understands that permanent maintenance will be required outside of the transmission line ROW on Forest Preserve lands. Initial hazard tree clearing is authorized under the Agreement. After the Constitutional Amendment is passed, NYSDEC will entertain requests for TRP’s to cut hazard trees for long term maintenance and reliability.

**Comment 18: Section 5.3.1: Indicate whether herbicides will be used on lands to remain in the Forest Preserve.**

Response 18: No herbicides will be used in the Forest Preserve pursuant to the Agreement between NYSDEC, National Grid, and NYPA.

**Comment 19: Section 5.5.5: Clarify whether any easements will be granted to provide for continued public access for the Jamestown Falls road access point to the Raquette River. Describe the applicant's intention regarding continued public access to the Raquette River via the Moody Falls Canoe Carry 'railhead in light of the fact the applicant cannot support this use since it involves unsafe conditions. Does the applicant intend to preclude public access across the right-of-way to be obtained in fee from New York State at this trailhead?**

National Grid is obligated to maintain existing access points to the Raquette River across the transmission line ROW, by easement across the ROW, at Jamestown Falls Road and the Moody Falls Canoe Carry trail head. See Section 4.5.2.4 of the SDEIS. Other than the existing Jamestown Falls Road and Moody Falls Canoe Carry trailhead, National Grid is not obligated to allow public access across the transmission line ROW, and all such access will be at the risk of the user. Current access to Forest Preserve lands is known to exist along Route 56 in non-designated areas and is at the risk of the user. National Grid is not obligated to maintain or encourage this type of use.

**Comment 20: Drawings and other figures refer to the Grasse River Wild Forest unit. The DEC has selected NYS Route 56 as the boundary between the Raquette Boreal Wild Forest unit on the eastern side of highway and the Grasse River Wild Forest unit on the western side. Narrative and mapping information should be revised reflect this when referring to the State lands within the project area.**

Response 20: Maps 1 through 7 have been revised with appropriate labels on each side of State Route 56, and a legend describing the location of each wild forest unit as follows:

Grass River Wild Forest: Bounded on the west and north by the Adirondack Blue Line, on the north and east by State Route 56, and on the south by State Route 3 and the Oswegatchie River.

Raquette Boreal Wild Forest: Bounded on the north by Stark Road, Joe Indian Road and Joe Indian Pond, on the east by the West Branch of the St. Regis River and the St. Lawrence County Line, on the south by State Route 3, and the west by State Route 56.

(See Attachment 10)

**Comment 21: Figure 6: Revise the map to depict wetlands in the vicinity of both the East Alternate and the West Alternate routes.**

Response 21: There are no wetlands within 100 feet of the East and West Alternate routes north of the northern boundary of the Forest Preserve (i.e., poles 161 to 192). The wetlands along Route 56 are shown on Figure 6 and include:

S11-1A/B  
S11-1D  
S11-1E/F  
S11-1G/H/I/J  
S12-1A  
S12-1B

**Comment 22: Appendix 3 - Environmental Work Plan (EWP): The alternate routes included in the SDRTS are not included in the EWP multi-color maps. Provide these maps (ENS Maps S-10 through S-13) for both alternate routes.**

Response 22: A full size, to scale set of multi-colored EWP maps have been provided for the East and West Alternate Routes under separate cover. EWP sheets for the rest of the Project will not be provided as they already have been provided to the APA as hard copy and compact disk in the past.