

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 21 NYCRR 461.13, this Statement of Findings certifies that:

1. The requirements of 21 NYCRR Part 461 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one that minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

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Name of Agency

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Signature of Responsible Official

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Name of Responsible Official

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Title of Responsible Official

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Date

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Address of Agency

**State Environmental Quality Review  
FINDINGS STATEMENT**

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Pursuant to Article 8 State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law and 21 NYCRR Part 461, the New York State Power Authority (NYPA), as Lead Agency, makes the following findings.

Name of Action: Tri-Lakes Reliability Project

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

Location (*Include street address and the name of the municipality and county.*): St. Lawrence County, Towns of Parishville, Colton, and Piercefield

See attached Findings.

Agency Jurisdiction(s): New York Power Authority (NYPA), Adirondack Park Agency (APA), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT)

E.C.L. Section 401 Water Quality Certification, APA Section 806 Shoreline Restriction, 814 State Agency Project, Part 575 Shoreline Restriction of the APA Act, Part 578 Special Provision Relating to Freshwater Wetlands, Part 579 Special Provision Relating to Project Undertaken by State Agencies, Part 577 Special Provision Relating to Wild, Scenic, and Recreational Rivers.

Date Final EIS Filed: February 17, 2006

## FINDINGS STATEMENT

### Tri-Lakes Reliability Project 46kV Line

#### Findings of Fact

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#### I. Description of the Proposed Action

In response to initiatives of elected and municipal officials and interested citizens in the Tri-Lakes Region, an Agreement was executed in September 2004 by and among the Villages of Lake Placid and Tupper Lake, Niagara Mohawk now also known as National Grid (Niagara Mohawk) and the New York Power Authority (“NYPA”) to help alleviate longstanding power problems in the Region through short- and long-term solutions. The Project is one of the long-term solutions identified by Niagara Mohawk and NYPA. The proposed line is to be located in the Adirondack Park in St. Lawrence County, New York. 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 Niagara Mohawk. NYPA is the applicant for all permits and approvals required for construction and operation of the new 46 kV line and associated facilities. Niagara Mohawk is responsible for design, engineering, procurement, construction, installation, testing and overall project management. Niagara Mohawk will operate and maintain the new line after it is energized. NYPA will be owner of the line until 2012 at which time the line will be sold to Niagara Mohawk.

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

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

The Tri-Lakes Reliability Project (the Project) consists of 26.8 miles of a new 46 kilovolt (kV) line sharing wood pole structures and right-of-way (ROW) with existing distribution lines in some locations and only new 46 kV lines on wood poles within new ROW in others and a new 115/46 kV substation facility located in the Town of Parishville and a new regulator station located in the vicinity of the existing Piercefield Substation in the Town of Piercefield. The Project begins in Parishville, NY at a new substation located approximately 3,100 feet north of Stark on the east side of Raquette River Road. The new substation will interconnect with the existing 115 kV system. The 46 kV line proceeds southwest about one-half mile and intersects with Joe Indian Road and proceeds on new right-of-way (ROW) to the west side of State Route 56. The line continues along State Route 56 for about 7.1 miles and proceeds

west for 6 miles around the Raquette Boreal State Forest Preserve. The line rejoins State Route 56 and proceeds south approximately 1.5 miles to Sevey Corners where it intersects with State Route 3. The 46 kV line follows along State Route 3 approximately 4.5 miles to a point one-half mile north of Gale and passes southeast on new ROW for about 4,000 feet and rejoins State Route 3 south and east of Gale. The line parallels State Route 3 about 2.7 miles to a location due southeast of Dead Creek. At this location, the line leaves State Route 3 to avoid steep slopes and traverses 3,800 new feet of ROW. The line rejoins State Route 3 and proceeds into Piercefield. The 46 kV line connects to a new regulator station near the existing Piercefield Substation at the Brascan Hydroelectric facility where the line ends.

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

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

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

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

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

## **II. Administrative Record**

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

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

In 2004, an agreement was signed by the Villages of Tupper Lake and Lake Placid and the power providers, NYPA and Niagara Mohawk, to build a new transmission line and make substation upgrades. In 2005, the Project applicants (NYPA and Niagara Mohawk), selected consultants and began the Environmental Analysis and route selection process.

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

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

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

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

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

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

A NYPA SEQRA public hearing was held on January 11, 2006, at the Ivy Terrace Room of Tupper Lake Housing Authority from 2:00-5:00 PM and 6:00-9:00 PM to allow individuals to make comments or submit written comments. Eighteen persons spoke at the hearing with 11 fully supporting the Project as

proposed. The remaining speakers recognized the need for reliable power but identified other alternative means of improving the transmission system. The public comment period closed on January 31, 2006, 20 days after the public hearing. The APA Project Application was noticed as complete on February 15, 2006.

Publication of the Notice of Completion of the Final Environmental Impact Statement in the Environmental Notification Bulletin (ENB) and filing for public inspection (§ 461.11[d]) has been completed and the FEIS will also be published on the NYPA website. The agencies and public have been given at least 10 calendar days to consider the FEIS (§ 461.13). The FEIS was prepared and submitted to the Authority's Board of Trustees for determination of facts, findings, certification of findings and approval of the actions.

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

### **III. Need for the Project**

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

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

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

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

In addition to the public health and safety issues, the lack of reliable electricity also has significant repercussions on area businesses. Local businesses can incur large financial losses when outages and

voltage problems, of even short durations, can shut down basic business, computer and communication systems and can have devastating financial consequences. For example, Jardin Plastics Solutions, a plastic extrusion facility located in Tupper Lake, estimates that outages cost the company about \$1,500 per hour in lost sales and about \$250 per hour in lost wages (the company employs an average of about 100 people in a three-shift per day operation). After about three hours of outage, employees are sent home without pay. After a one-hour outage, it takes the company three hours to restart production. Thus, the loss for a one-hour outage is really equivalent to about four hours of lost production. Similarly, Tupper Lake Hardwood, a sawmill also located in Tupper Lake, estimates losses of sales and wages in the order of \$850 per hour for each loss, with an additional one hour loss of production due to restart time requirements.

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

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

<b>Table 1: Winter Non-coincident Load Forecast/Actual (MW)</b>								
	<b>2001-2002</b>	<b>2002-2003</b>	<b>2003-2004</b>	<b>2004-2005</b>	<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>
<b>Tupper Lake<sup>2</sup></b>	20.09	24.88	24.82	26.20	26.75	27.66	28.07	28.49
<b>Lake Placid<sup>3</sup></b>	34.68	46.66	50.00	50.50	50.50	51.00	51.00	52.00
<b>Niagara Mohawk<sup>4</sup></b>	48.47	56.09	57.00	57.99	58.86	59.82	60.79	61.77
<b>Total</b>	103.24	127.56	131.82	134.63	136.11	138.47	139.86	142.26

Conversations with the director of the Lake Placid Chamber of Commerce indicate that Lake Placid has seen an increase of approximately 210 hotel rooms in the past five years, which includes the completion of the White Face Lodge. Approximately 90 to 95 rooms will be added when the Marriott Courtyard opens in 2006. Many smaller motels and motor lodges have been transformed and upgraded, but overall the growth in the area has been in the form of second homes and condominiums, which the Chamber does

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

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

<sup>3</sup> Lake Placid load data supplied by Lake Placid on July 11, 2003.

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

not track. In addition to the growth of tourist housing, the Governor has called for the remodeling of the Conference Center in Lake Placid which could further increase tourist visitation to the area (Governor Pataki News Release, November 24, 2004).

It is estimated that well over \$2.0 million has been spent on proactive conservation and demand side management programs that have been implemented by the municipal electric systems in the Villages of Tupper Lake and Lake Placid over the past 20 years to reduce demand and thus relieve system constraints. Other energy conservation and demand-side measures have been implemented in the Tri-Lakes Region and surrounding communities, including demand-side management programs for large industrial users served by Niagara Mohawk. Representative programs are described in Table 2. Recent, more extensive measures include a permanent moratorium on the installation of new electric boilers in Lake Placid which began in September 2003 and a five-year moratorium on the installation of electric heat in new homes in Tupper Lake which started in December 2004. Helping to reduce the potential for outages are: voltage reductions and rolling black/brown-outs during periods of peak demand; installation of temporary local generation and voltage enhancing equipment, a system of public appeals to residents and businesses from the local electric utilities; and the Villages of Tupper Lake and Lake Placid requesting reduced use is instituted when the forecast calls for extremely cold temperatures. In addition to energy conservation programs, Niagara Mohawk has also conducted a number of studies and develops regular (monthly during peak demand periods) plans for load shedding and peak shaving as part of its overall load management planning.

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

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

classes. Niagara Mohawk continues to offer its Demand-Side Management program to its industrial customers.

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

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

#### **IV. Environmental Impacts During Construction of the Project and Mitigation Measures**

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

##### **1. Geology/Soils/Topography**

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

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

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

There will be areas of the Project that traverse soils that are moderately to highly erodible. The Tunbridge and Lyman soil series have only a slight erosion hazard on slopes less than 15 percent; however, about one mile due east of Sevey Corners, where slopes are greater than 15 percent,

they are moderately to severely erodible. Other soil series, in areas with slopes of greater than 15 percent, may be moderately erodible. Soil erosion mitigation measures will be employed as specified by an EWP. Some of the measures identified in the EWP include minimizing exposure of soil, use of erosion control fabrics, rolled erosion control mats, and limiting clearing near water and wetland resources.

## **2. Groundwater**

Impact on groundwater during construction of the Project will be minimized through implementation of a spill-prevention plan, management, and reporting as covered in the EWP. Herbicides will be used in the ROW outside of the 100-foot wetland and water resources buffer, therefore eliminating the potential for groundwater contamination.

## **3. Surface Water**

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

## **4. Agricultural Resources**

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

## **5. Air Quality**

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

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

## **6. Terrestrial/Aquatic Ecology**

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

The 75-foot ROW is the minimum ROW required to provide adequate separation between the conductors (wires) and vegetation or forest. The Project will utilize the existing network of paved

and wood trails for access and 16.2 miles of ROW is adjacent to state or local roads. Low growing vegetation and selected shrub and sapling species will be allowed to grow within the 75-foot ROW, providing edge type habitat for upland and wetland wildlife species.

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

Mitigation for the wetland fill will occur at the Tupper Lake substation which is part of the Niagara Mohawk SVC project. The goal of the proposed mitigation is to create 0.94 acres of a combination of palustrine scrub/shrub and emergent wetlands in two locations. This would be used as compensatory mitigation to offset the impacts of construction of the SVC (0.27 acres of impact) and the 0.18 acres of wetland impact along the 46 kV line at a replacement ratio of approximately 2:1 within the same major watershed. NYPA and Niagara Mohawk are committed to providing 0.94 acres of mitigation for these two projects. Additionally, the applicant will continue to explore removing roadfill on the north side of Sevey Bog as another mitigation measure to offset wetlands impacts.

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

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

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

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

## **7. Transportation**

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

## 8. Land Use

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

	<b>Hamlet</b>	<b>Moderate Intensity</b>	<b>Low Intensity</b>	<b>Rural Use</b>	<b>Resource Management</b>	<b>Industrial</b>	<b>Wild Forest</b>
<b>Preferred Route</b>	0.7	2.3	0.5	12.7	10.6	0	0

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

Public utilities are considered a primary use in Hamlet and Industrial land use areas and are considered compatible with the character of those land use classifications. As a secondary compatible use identified in the APA Act, the proposed Tri-Lakes Reliability Project is an allowed use in areas classified as Moderate Intensity, Low Intensity, Rural Use, and Resource Management. The Preferred Route is located adjacent to roadways for about 15.6 miles, and will require about 11.2 miles of clearing for new ROW.

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

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

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

## 9. Visual Resources

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

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

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

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

## **10. Historic and Archaeological Resources**

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

Project construction techniques may involve ground-disturbing activities that have the potential to affect prehistoric or historic significant archeological resources. NYPA met with the OPRHP in August 2005 to discuss the Project. NYPA's Phase IA background research and surface survey of the Project area resulted in the identification of a number of historic period archeological surface sites. NYPA will undertake Phase IB subsurface testing at historic sites identified during Phase IA investigations to address the potential impact of the Project to these localities. Additionally, NYPA will perform Phase IB field investigations in undisturbed areas of the Project to determine the presence of subsurface archaeological sites within the Area of Potential Effects (APE). If Phase IB investigations reveal the presence of cultural resources that are potentially eligible for inclusion on the State or National Registers of Historic Places and if these properties cannot be avoided by the Project, then NYPA will perform Phase II investigations to determine if the resources qualify as historic properties. Mitigation for qualifying properties will be developed in consultation with OPRHP and in accordance with accepted protocols.

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

## **11. Noise**

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

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

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

## **V. Environmental Impacts During Operation of the Project and Mitigation Measures**

### **1. Geology/Soils/Topography**

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

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

### **2. Groundwater**

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

### **3. Surface Water**

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

### **4. Agricultural Resources**

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

## **5. Air**

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

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

## **6. Terrestrial/Aquatic Ecology**

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

## **7. Transportation**

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

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

## **8. Land Use**

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

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

A major public utility is a secondary compatible use in Rural Use and Resource Management lands. As a secondary compatible use, a major public utility can be permitted to be constructed in those areas when it is determined, due to the nature and intensity of the use, that it does not affect the resources of the Park. The resources of the Park are all lands, land uses, and activities that take place within the boundary of the Park and, that, by their variety and interrelationships make

the Park unique. To be compatible, the impacts of the Preferred Route cannot be widely visible or make a significant change in the visual setting that would impact the open space character or change the intensity of land use.

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

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

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

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

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

## **9. Visual**

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

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

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

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

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

## **10. Historical and Archaeological Resources**

It is anticipated that operation impacts to archeological cultural resources will be minimal. No new ground disturbance is expected to occur as a result of the operation of the proposed Project. However, if new ground disturbance becomes necessary as a result of project operation, and if this will take place in an area of the Project not previously surveyed, then it may be necessary for Niagara Mohawk to consult with the OPRHP, APA and NYSDEC about the potential of the area to contain archeological resources that may meet the criteria for eligibility to the SRHP and/or the NRHP. If ground-disturbing activities take place and if they result in the exposure of unanticipated human remains or potentially significant archeological resources, work will temporarily stop in the immediate vicinity of the discovery. Niagara Mohawk will consult with OPRHP, NYSDEC and the APA to determine the appropriate steps to take to evaluate the discovery and to develop an appropriate mitigation. Once the mitigation (which may involve professional archeological data recovery or another alternative mitigation) has been implemented, the project operation activities may resume following written confirmation from the OPRHP, DEC, and the APA that the mitigation measures were satisfactorily implemented.

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

## **11. Noise**

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

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

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

## **VI. Cumulative Impacts**

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

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

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

## **VII. Conclusions**

The New York Power Authority, as Lead Agency for the Tri-Lakes Reliability Project has determined that the issuance of permits is supported by the following:

1. NYPA has been responsible for determining the scope, content and adequacy of the Environmental Impact Statement and all the Appendices.

2. The EIS and Appendices demonstrate that this Project will be capable of meeting all federal and state regulatory standards and criteria.
3. Extensive efforts have been made to avoid negative impacts upon environmental, agricultural, archaeological and historical resources, rare, threatened and endangered species, wetlands and water resources, land use impacts, and visual resources. In cases where there are effects, mitigation measures have been identified and will be implemented so that the Project has the least possible negative impacts on the environment.