


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit 2016-0058</p>
<p>In the Matter of the Application of</p> <p>NEW YORK STATE ELECTRIC AND GAS (NYSEG)</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: February 6, 2018</p> <p>To the County Clerk: This permit must be recorded on or before April 9, 2018. Please index this permit in the grantor index under the following names:</p> <p>1. New York State Electric and Gas (NYSEG)</p>

SUMMARY AND AUTHORIZATION

This permit authorizes re-building transmission Circuits #871 and #872 in areas classified Moderate Intensity Use, Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Saranac, Clinton County.

This permit shall expire unless recorded in the Clinton County Clerk's Office on or before April 9, 2018, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when at least half the replacement poles have been installed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a 6.3± mile long section of existing utility right-of-way that starts at the NYSEG High Falls Substation on the shoreline of the Saranac River in Moffitsville and ends in the vicinity of Blanchard Road and the Saranac River at the Park Boundary in the Town of Saranac, Clinton County. The project site is located in areas classified Moderate Intensity, Low Intensity and Rural Use on the Adirondack Park Land Use and Development Plan Map.

PROJECT DESCRIPTION

The project as conditionally approved herein involves re-building an existing 46kV transmission line with designated circuits (or “Lines”) 871 & 872, from NYSEG’s High Falls substation to the Adirondack Park boundary in the Town of Saranac. The project is Phase 2 of a larger NYSEG re-build and involves replacing existing 39± foot tall, three-pole structures connected by cross-arms with two 59± foot tall separate poles. Some structures will be replaced with two poles ranging in height from 47 feet to 77 feet above ground level. The majority of the poles over 70 feet in height will be at road and river crossings and at one location where the replacement line crosses an existing 115 kV transmission line. The project involves temporary wetland impacts due to the development of access routes and the construction of the new lines. The project is located entirely within an existing utility right-of-way.

The project will involve an estimated 6.77± acres of temporary wetland impact resulting from the use of matting to access the existing and proposed pole locations. The temporary impacts will be mitigated by removal of the matting and the restoration of the wetlands to pre-construction conditions. When the project is completed there will be a net increase of 140 square feet of wetland. Eighty new poles will be installed in wetlands which will result in approximately 400 square feet of permanent wetland impact. However, to offset the 400 square feet of permanent impact, 108 poles will be removed from wetlands which will result in approximately 540 square feet of wetland mitigation/restoration. Existing poles will be entirely removed from the ground, cut into manageable lengths, and removed from the project area. The remaining holes will be filled with earth spoils from the new poles or clean fill and will be stabilized per the Project SWPPP.

NYSEG will employ a Field Construction Manager on-site during project construction to ensure all design standards are met and wetland impacts are minimized and mitigated, as required. Additionally, per SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002), daily and weekly inspections of all BMP’s are required. NYSEG will contract a third-party representative that meets the inspector requirements to provide these services.

The rebuild project is shown on a set of drawings titled “New York State Electric and Gas, 46 kV Circuit 871, Kent Falls to High Falls, Plan and Profile, Phase 2” prepared by TRC and Iberdrola, USA, stamped and signed by the project engineer October 18, 2017 (hereafter referred to as the “Project Plans”).

The existing and proposed pole heights are described in two documents titled “Lines 871/872 Rebuild Phase 2 – Existing Pole Heights” and “Lines 871/872 Rebuild Phase 2 – Proposed Pole Heights prepared by NYSEG and last revised December 21, 2017.”

The vegetation management for the project is described in a document titled “Detailed Specification for Transmission Right-Of-Way Vegetation Maintenance, Iberdrola USA for the Central Maine Power Company, NYSEG and Rochester Gas and Electric Corporation” dated February 18, 2015 (hereafter referred to as the 2015 Vegetation Management Plan or 2015 VMP). Appendix 3 of the 2015 VMP lists suitable shrubs and trees that can be retained within the right-of-way.

The wetlands subject to this permit are described in a document titled “Line 871/872 Rebuild Project Phase II; Wetland Delineation Report” dated August 2016 prepared by URS. Streams are also included in the report. Field delineated wetlands and streams are shown on Figure 5, “Delineated wetlands and streams map.”

The potential visual and aesthetic impacts are shown in a document titled “Visual Impact Simulation Report” prepared by NYSEG and its consultants dated October 27, 2017.

The project is also described in a document titled “Stormwater Pollution Prevention Plan for Compliance with NYSDEC General Permit GP-0-15-002 for Stormwater Discharges from Construction Activities” prepared by URS and dated October 2017 (hereafter “SWPPP”).

The location of the project is shown on a “location map” titled “NYSEG 871/872 Project – Phase II; Site Location Map” prepared by URS and dated August 2016. A reduced-scale copy of the “location map” for the project dated August 2016 is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this document are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(b)(1)(b), (1)(c)(1)(b), (1)(d)(1)(b), (1)(b)(5), (1)(c)(5), (1)(d)(5), and (1)(d)(1)(e) of the Adirondack Park Agency Act [Executive Law, Article 27], because there will be temporary and permanent impacts to jurisdictional wetlands, the replacement structures will be greater than 40 feet in height on Moderate Intensity, Low Intensity and Rural Use lands, and two poles will be located within a state highway critical environmental area on Rural Use lands. The project is also regulated activity requiring a wetlands permit pursuant to § 578.2 and § 578.3(n)(1)(ii) and (iii) of Agency regulations implementing the Freshwater Wetlands Act [Article 24 of the Environmental Conservation Law], because there will be temporary and permanent impact to jurisdictional wetlands. The project is also a rivers project requiring an Agency permit pursuant to § 577.4(a) and § 577.5(c)(1) of Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act [Article 15, Title 27 of the Environmental Conservation Law], because there will be vegetative cutting and the installation of taller poles, wires and guy wires at new locations within the Saranac River Recreational River area.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Clinton County Clerk's Office.
2. This permit is binding on the permittee, any successors and assigns, and all persons or entities undertaking all or a portion of the project, for as long as the utility lines remain on the site. Copies of this permit and seven sheets of "Project Plans" dated October 18, 2017 shall be furnished by the permittee or its successors and assigns to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

Development

Construction Location, Size and Monitoring

4. This permit authorizes the rebuilding of the 46kV transmission line Circuits #871 and #872 in the location shown and as depicted on the referenced Project Plans and reports. Prior to undertaking the project and within 90 days of issuance of this permit, NYSEG shall submit a revised set of plans showing the size and locations of the "Potential Visual Impact Areas" described in this permit, and noting that there shall be no cutting of or other disturbance to the shrubs and trees listed in Appendix 3 of the 2015 VMP within these "Potential Visual Impact Areas."

Any change to the locations, height, vegetative cutting, wetland mitigation, or any other aspect of the utility rebuild project shall require prior written Agency authorization.

5. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and 9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Saranac River will require a new or amended permit. The undertaking of any activity not authorized by this permit and involving wetlands also requires a new or amended permit.

Documentation of Vegetative Cutting in Potential Visual Impact Areas

6. During construction the NYSEG Field Construction Manager shall observe the vegetation management cutting within the "Potential Visual Impact Areas" to ensure the vegetative cutting complies with Appendix 3 of the 2015 VMP.

Additionally, the Agency shall be provided with color photographs (both in print and digital form) showing the completed vegetative cutting in the "Potential Visual Impact Areas" within 60 days of project completion. The photographs shall be taken from the "Key Observation Points" identified in the "Visual Impact Simulation Report" dated October 27, 2017.

Tree Cutting/Vegetation Removal

7. At no time during construction or subsequent maintenance or cutting cycles shall any of the shrubs or small trees identified in Appendix 3 of the 2015 VMP be cut or otherwise disturbed within the "Potential Visual Impact Areas" described in this permit, except for any shrubs or small trees that are within the "minimum wire clearance zone" at the time of maintenance.

Within 25 feet of the edge of the right-of-way, as much understory vegetation shall remain as possible along the right-of-way.

This shall not prevent the removal of dead or diseased vegetation, rotten or damaged trees, "danger trees" or any other vegetation that presents a safety or health hazard.

Herbicides

8. No herbicides shall be applied within 100 feet of wetlands, the Saranac River, or other streams or water bodies.

Wetlands

9. The undertaking of any activity involving wetlands not specifically authorized herein shall require a new or amended permit. All temporary impacts to wetlands shall be mitigated by utilizing matting for accessing poles in wetlands and by removing the matting and restoring the impacted wetland to its original condition, including but not limited to its size, shape and function. Any poles and/or anchors removed from wetlands shall be completely removed. No portion of the poles shall remain in wetlands.
10. Temporary construction access, detour and work pad facilities shall be entirely removed following completion of construction activities, and the affected and adjacent area successfully restored to its preconstruction condition, including replacement vegetation per the SWPPP.

Invasive Species Control/Sanitizing Equipment

11. NYSEG and its contractors shall undertake the project in compliance with the Environmental Energy Alliance of New York's "Best Management Practice for Preventing the Transportation of Invasive Plant Species" dated April 26, 2012. When brought from off-site, all equipment, including but not limited to trucks,

excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location, away from streams and wetlands, to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

Reports

12. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

Stormwater Management/Erosion Control

13. The project shall be undertaken in compliance with the SWPPP.

FINDINGS OF FACT

Background/Prior History

1. The 46 kV transmission line, subject to this permit, Circuits #871 and #872, were first constructed in the 1940's to a 23kV standard utilizing a lightweight three-pole horizontal conductor configuration with cross arms. The lines were then re-insulated in the 1960's to 46kV capacity. The conductors are approximately 74 years old with many splices and the poles range in age from 55 to 60 years old. The conductor and poles are rated in "poor" condition. The cross-arms were judged to be "Very Poor" and many poles have severe ant damage and are rotting. To improve reliability and maintenance of the two circuits, each circuit will be re-built on two separate poles without cross arms. This will allow NYSEG to safely work on one circuit while the other circuit remains in service. Due to reliability and safety concerns, NYSEG plans to rebuild the circuit and reclaim the right-of-way to its full 100-foot width.

The circuits provide power to over 3,660 customers, including Clinton Correctional Facility (Dannemora Prison) and move excess hydro-generation electricity to the power grid.

As described in the application, the loads on Circuits #871 and #872 would not be adequately served by replacing the two lines with a single high-capacity circuit. The optimal re-construction method is maintaining two circuits but separating each on to their own series of structures (vertical configuration). Upgrading the existing circuits to current electrical standards will increase reliability and worker safety during construction and for long term operation.

For 46kV conductors, the National Electrical Code requires a minimum vertical clearance between transmission wires and obstacles below, such as vegetation or the ground, of 18.7 feet. NYSEG requires a stricter minimum of 24 feet to account for minor construction deviations in the field during construction and unplanned deviations associated with inaccurate or incomplete field survey work and/or desktop office design.

Design Changes and Alternatives

2. NYSEG considered alternative pole configurations, heights, distances between poles, and hardware when preparing the project design and during the application process. In the vicinity of the Town of Saranac Park, pole heights were lowered and pole spacing was shortened to minimize potential visual and aesthetic impacts. At the river and highway crossings, NYSEG adjusted pole spans and heights to ensure the poles were set back as far as possible from the edge of the highway or the mean high water mark of the river.

Project Site

Potential Visual Impact Areas

3. Agency staff, in consultation with NYSEG staff identified “Potential Visual Impact Areas”, including state highway crossings, designated recreational river crossings and viewpoints from important public use areas such as town roads and a town park. Due to the project's potential visual impact to the character of these areas, Agency staff recommended the right-of-way vegetation be managed in the “Potential Visual Impact Areas” to mitigate these impacts. The areas include the 12 Key Observation Point (KOP) sites and 5 river crossings shown in the “Visual Impact Simulation Report” dated October 27, 2017. The locations of the “Potential Visual Impact Areas” are shown on the "project plans" dated October 18, 2017. The list of “Potential Visual Impact Areas” include:
 - a. KOP1 and RC 5, located at replacement poles 166 A and B at the Saranac River crossing near the Southern High Falls Substation. The “Potential Visual Impact Area” is the area within 200 feet of the west shoreline of the Saranac River.
 - b. KOP2, KOP3 and RC3, located at replacement poles 158 A and B, 153 A and B and 152 A and B at the Hardscrabble Road and Saranac River crossings. The “Potential Visual Impact Area” is the area within 200 feet of the mean high water mark of the Saranac River.
 - c. RC 4, located at replacement poles 153 A and B on the Saranac River. The “Potential Visual Impact Area” is the area within 200 feet of each shoreline of the Saranac River.
 - d. KOP4, KOP 5 and RC2, located at replacement poles 143 A and B and 144 A and B at the Saranac River crossing at Bowen Road. The “Potential Visual Impact Area” is the area within 200 feet of the southwest shoreline of the Saranac River.

- e. KOP6 and RC 1, located at replacement poles 136 A and B, 137 A and B, 138 A and B, 139 A and B, 140 A and B and 141 A and B. The “Potential Visual Impact Area” is the right-of-way from proposed poles 136 and B to proposed poles 141 A and B on the Saranac River.
- f. KOP7 and 7A, located at replacement poles 131 A and B and 132 A and B on NYS Route 3. The “Potential Visual Impact Area” is within 200 feet of the tree line north of Route 3 and east of the school bus parking and garages. There is an open field between Route 3 and the forested tree line.
- g. KOP8, located at replacement poles 107 A and B, 108 A and B, 109 A and B and 110 A and B at the intersection of Picketts Corners and Bucks Corners Roads. The “Potential Visual Impact Area” is the right-of-way from proposed poles 107 A and B to poles 110 A and B.
- h. KOP11, located at replacement poles 66 A and B on NYS Route 3. The “Potential Visual Impact Area” is the area within 200 feet of east and west sides of Route 3.
- i. KOP12, located at replacement poles 63 A and B and 64 A and B at the Saranac River crossing west of Blanchard Road. The “Potential Visual Impact Area” is the area within 200 feet of east and west shorelines of the river.

Water Resources/River Area

- 4. The project site crosses the Saranac River at six locations and no work will occur within the mean high water mark of the river. Replacement poles will be located within the river area and in some cases within 150 feet of the mean high water mark.

There will be vegetative cutting within the river area to maintain the existing utility right-of-way. The vegetative cutting will be undertaken in compliance with the 2015 VMP and the conditions of this permit.

Wetlands

- 5. Wetlands involved in the project are shown in the “Wetland Delineation Report,” dated August 2016, and prepared by URS as described above. The wetlands are predominantly shrub swamp, forested and emergent marsh wetlands having a value rating of “2” and “3,” depending upon the specific wetland complex. There will be 6.77± acres of temporary wetland impact that will be mitigated by utilizing matting for accessing poles in wetlands and by removing the matting and restoring the wetlands to pre-construction conditions once the new poles have been installed. There will be no net loss of wetlands and there will be approximately 140 square feet of net gain of wetlands. Cumulatively, there will be 400± square feet of permanent wetland impact involving individual wetland complexes over the 6.3± mile right-of-way due to the installation of 80 poles in wetlands, with each pole involving approximately 5 square feet of fill. However, 108 poles will be removed from wetlands and approximately 540 square feet of wetland will be restored, resulting in a net gain of 140 square feet of wetlands. Additional wetlands not described herein or depicted on the “Project Plans” may be located on or adjacent to the project site.

Critical Environmental Areas (CEA)/Other Sensitive Areas

6. Approximately 2 miles of the southern section of the transmission line is located within one quarter mile of the Saranac River and the line crosses NYS Route 3 in two places. The northern crossing of Route 3 is located in Rural Use and the replacement poles and wires will be located within the State highway CEA. New replacement poles, anchors, hardware and wire will be installed within the river area and state highway right-of-way.

NYS Public Service Commission (PSC)

7. PSC does not have jurisdiction over the rebuild and replacement of Lines 871 and 872. However, the proposed crossing of the 46 kV line with NYSEG's existing 115kV line 911 transmission line will result in one additional structure and will increase the height of one existing structure by 10 feet. Therefore, on the 115kV electric transmission line, PSC Part 102 regulations apply and require a notification report be submitted to Department of Public Service staff.

Visual Impact Assessment

8. The applicant provided a Visual Impact Simulation Report ("VIS") of the proposed utility line rebuild, including numerous visual simulations. Approximately 5.25± miles (83±% of the project) consists of "back lot" transmission lines and the visual impacts will be very limited or non-existent due to screening from existing vegetation, distance, or intervening development. Public viewpoints were analyzed, including six locations where the utility line crosses the Saranac River, two locations where the line crosses NYS Route 3, and a few locations where the line crosses public highways and is close to residential use areas. Seventeen of these locations were determined to be "Potential Visual Impact Areas" also described as "Key Observation Points" in the VIS due to potential visibility from important public areas such as state highways, town roads, a Town Park and recreational river crossings. A more detailed assessment of potential visual impacts was conducted and subsequently photo simulations were prepared.

The project may have adverse visual impacts to the identified "Potential Visual Impact Areas" and visual resources of the Adirondack Park as seen from the KOPs, which consist of viewpoints along the Saranac River, Route 3 and other public use areas. The taller poles, wires and hardware will make the two circuit transmission line substantially more visible from public use areas along the Saranac River, Route 3, Town Roads and other public use areas. The majority of the transmission line runs "back lot" and is not visible from public use areas.

Vegetation

9. The 100-foot-wide right-of-way passes through forested areas and open agricultural use fields. The right-of-way is managed as two distinct areas known as the “wire zone” and “border zone”. Both zones are devoid of large trees that could potentially threaten the lines. Vegetation within the right-of-way is managed on a 6-year cycle.

NYSEG Vegetation Management Plan

10. The 2011-2015 Vegetative Management Plan describes the “wire zone”, the “minimum wire clearance zone”, the “minimum clearance achieved at the time of maintenance”, and the “border zone”. Each zone has its own set of standards depending upon the load of the circuit. The minimum clearance required at the time of maintenance for a 46 kV circuit is 17 feet. In this case the wire zone is 57 feet wide centered in the right-of-way and the border zone is 20.5 to 22.5 feet wide on each side of the right-of-way. On a typical 59-foot-tall pole the bottom of the “minimum clearance achieved at the time of maintenance is approximately 19.75 (19’9”) feet above the existing grade at the pole. Where there is line sag in between the poles, the distance above the existing grade is less, depending upon the pole spacing and the amount of line sag.

NYSEG’s VMP practices are used to develop naturally occurring, relatively stable, low-growing plant communities. Over time, these communities reduce the invasion and density of tall growing undesirable vegetation.

Environmental Monitoring

11. As per the SPDES General Permit for Stormwater Discharges from Construction Activity, the owner or operator of each construction activity shall have a trained contractor inspect the erosion and sediment control practices and pollution prevention measures within the active work area daily. A Qualified Inspector will conduct a site inspection at least once every seven days. Weekly inspections will be conducted until activities have been completed or activities are temporarily suspended.

Soils

12. Soils vary widely over the 6.3± mile project site from glacial tills, outwash sands, stony glacial outwash, excessively drained, well-drained, poorly drained to hydric soils in the wetland areas.

Slopes

13. Slopes along the transmission line are generally flat with some isolated areas having moderately sloping hills and valleys along the river.

Rare, Endangered and Threatened Species

14. A report titled "Rare, Threatened, and Endangered Species Report" was produced by URS consulting dated August 2016. The report is based on field reconnaissance and finds that no "Rare, Threatened, and Endangered" species are on the project site and none will be affected by the project. Agency staff have found no evidence of rare, threatened, or endangered species on the project site.

Historic Sites or Structures

15. By letters dated February 27, 2017 and August 17, 2017, the New York State Office of Parks, Recreation and Historic Preservation determined that the project will have no impact upon the cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

Nearby Land Uses

16. The 6.3± mile long utility right-of-way traverses (1) approximately 1.65 miles of a Recreational River area where land uses consist of rural residential and open space agricultural and recreational uses, (2) a section of NYS Route 3 with a mix of commercial uses and the Saranac Central School District complex, (3) two "back lot" right-of-way sections approximately 3.75 miles in length that adjoin forested areas, and (4) several areas approximately 1.5 miles long where the transmission line passes through rural residential areas, open space agricultural and recreational use areas, and crosses town roads.

Access

17. Access for construction of the project will have substantial temporary wetland impacts. Requiring NYSEG and its contractors to minimize and mitigate temporary impacts will avoid permanent impacts to wetlands.

Stormwater Management

18. Due to the proximity of the project to the Saranac River and substantial wetland areas, erosion and sediment control and stormwater management plans have been prepared and will be implemented during construction of the project. There will be an on-site field construction manager during the duration of the project. All inspection reports will be maintained in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity.

Public Notice and Comment

19. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. No comments have been received.

DEC and USACE Permitting

20. The proposal requires a NYSDEC General Permit GP-0-15-002 for Stormwater Discharges from Construction Activities because it includes more than one acre of land disturbance.
21. The project will be undertaken pursuant to the US Army Corps of Engineers Nationwide Permit 12 that authorizes construction, maintenance and repair of utility lines.

PROJECT IMPACTS

Visual/Open Space/Aesthetics

22. The utility poles that will be 59 feet above existing grades will be at an elevation similar to surrounding average tree canopy and will be visible in the right-of-way. The 26 taller poles that will range in height from 61 feet to 77 feet above existing grades will be above the existing tree canopy in most cases and more visible than the 59-foot-tall structures.
23. While the design of the project will minimize some of the visual impacts from taller utility poles, wires and hardware in many sections of the project, the taller poles and associated vegetative cutting proposed along the right-of-way will be visible from off-site locations. The proposal includes leaving small trees and shrubs and groundcover along the right-of-way border area and under utility lines in some cases. These techniques will soften the potential visual impacts, but will not eliminate them.
24. Increasing the pole and wire heights to comply with current National Electrical Code and NYSEG standards will have an adverse visual and aesthetic impact on the character of the Adirondack Park, two sections of Route 3 and a section of the Saranac River Recreational River area. The taller poles and associated vegetative cutting will substantially change the appearance of the transmission line corridor. Restricting the height of the poles and limiting vegetative cutting within the "Potential Visual Impact Areas" will partially mitigate the impacts.

Wetlands

25. Provided the development authorized herein is undertaken in the location depicted on the "Project Plans" and in accordance with the conditions of the permit, the entire wetland will be preserved, except for the areas where the footprint of the poles must be located within the wetland boundaries, and the project will result in minimal destruction of the wetland and its values.
26. Requiring written authorization prior to any change in the authorized location of poles and anchors on the project site will allow the Agency to ensure that the location and manner of construction will not further impact wetlands. A new or amended permit will be required for any future activity that involves wetlands pursuant to 9 NYCRR § 578.

Soils/Surface Waters/Groundwater

27. Requiring NYSEG and its contractors to undertake the project in compliance with the SWPPP, to have a field construction manager throughout the project and to maintain reports in compliance with the SWPPP will prevent stormwater erosion and sediment impacts to wetlands, streams, ground and surface waters and the Saranac River.

Invasive Species

28. Requiring NYSEG and its contractors to undertake the project in strict compliance with the Environmental Energy Alliance of New York's "Best Management Practice for Preventing the Transportation of Invasive Plant Species" dated April 26, 2012 will reduce the likelihood of spreading invasive plants to the project site and adjoining properties. Additionally, inspection and cleaning of construction vehicles and tools prior to use on the project site, or after use in an area with invasive plant species will also reduce the likelihood of spreading invasive plants to the project site and adjoining properties.

Historic Sites or Structures

29. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR § 426.2 for the purposes of implementing § 14.09 of the New York State Historic Preservation Act of 1980.

Nearby Land Uses

30. The existing line has a visual and aesthetic impact on nearby and adjoining land owners and the public. The rebuilt line with an increase in the height of the poles will have an increased visual and aesthetic impact on the nearby and adjoining landowners.

Economic/Fiscal Factors

31. Re-building the deteriorating and un-reliable transmission line will allow for substantially improved infrastructure to provide safer and more reliable electric service to the residents the line currently serves and other users who benefit from the generating facilities the line serves.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Moderate Intensity Use, Low Intensity Use and Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use, Low Intensity Use and Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state;
- g. will result in minimal degradation or destruction of the wetland or its associated values, is the only alternative which reasonably can accomplish the applicant's objectives, and, weighing the benefits of the activity against its cost and the wetland values lost, will provide a net social and/or economic gain to the community;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this day
of , 2018.

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber III
Deputy Director (Regulatory Programs)

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

REW:TES:slp