


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit <b>2019-0074</b></p>
<p>In the Matter of the Application of</p> <p><b>NATIONAL GRID Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: October 14, 2020</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. National Grid</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a rebuild of an existing 115 kV transmission line including structures greater than 40 feet in height within an existing utility right-of-way in areas classified Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use, Resource Management and Industrial Use on the Adirondack Park Land Use and Development Plan Map in the Towns of Ticonderoga, Crown Point and Moriah, Essex County and the Towns of Putnam and Dresden, Washington County.

This authorization shall expire unless recorded in both the Essex and Washington County Clerk's Offices within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded 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 five years of the date the permit is recorded in the County Clerk's Offices. The Agency will consider the project in existence when all the replacement structures 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 pre-existing utility right-of-way extending approximately 40 miles between the Republic Steel Substation in the Town of Moriah, Essex County, to the boundary of the Adirondack Park in the Town of Dresden, Washington County. The project site contains areas classified Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use, Resource Management and Industrial Use on the Adirondack Park Land Use and Development Plan Map. Portions of the project site are located along NYS Routes 9N and 22 and various County and Town roads. The project site crosses over Lake George in Ticonderoga and over South Bay of Lake Champlain in Dresden.

Wetlands of various covertypes, sizes and values exist within and adjacent to the right-of-way. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by a pre-existing 1930s era 115 kV transmission line including approximately 400 utility pole structures ranging in height from 39 feet to 133 feet above grade.

Agency Permits 2008-0300 and 2013-0222 authorized the installation of structures greater than 40 feet in height on the project site.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a rebuild of two segments of the existing 115 kV transmission line, known as the Ticonderoga-Republic #2 and Ticonderoga-Republic #3, extending between the Republic Steel Substation in the Town of Moriah and the Ticonderoga Substation in the Town of Ticonderoga and between the Ticonderoga Substation and the boundary of the Adirondack Park in Dresden. The refurbishment work proposed by National Grid continues outside of the Adirondack Park boundary to the Whitehall Substation in the Town of Whitehall, Washington County.

Within the boundary of the Adirondack Park, a total of 191 existing wooden utility pole structures ranging in height from 39 to 66 feet above grade will be refurbished or replaced with steel utility pole structures ranging in height from 43 to 74 feet above grade. The project also includes the installation of two new independent poles adjacent to existing structures for osprey nesting purposes. All areas of potential construction activity are located within the existing transmission line right-of-way and existing access routes to each pole structure will be utilized during construction.

The project is shown on the following maps, plans, and reports (Project Plans):

- “SIR Figure 1: Regional Project Location,” prepared by EDR, and dated May 15, 2019 (Location Map);
- “SIR Figure 2: APA Land Use,” prepared by EDR, and dated July 17, 2020 (Land Use Map);
- “Work List,” prepared by National Grid, received by the Agency August 20, 2020 (Work List);
- “Refurbishment Project – Structure and Wire Design Package,” prepared by Vanderweil, and dated May 22, 2020 (Design Package);
- “Ticonderoga – Republic 2 & Ticonderoga – Whitehall 3, 115 kV Asset Condition Refurbishment Project,” prepared by EDR, and dated August 2020 (Stormwater Pollution Prevention Plan); and
- “APA Project #2019-008 Revised Visibility Assessment,” prepared by EDR, and dated July 24, 2020 (Viewshed Analysis).

A reduced-scale copy of the Work List is attached as a part of this permit for easy reference. The original, full-scale maps and plans and reports described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the construction of any structure in excess of 40 feet in height on Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use and Resource Management lands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in or excavation of a wetland in the Adirondack Park.

### **CONDITIONS**

#### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The portion of the project located in the Towns of Moriah, Ticonderoga and Crown Point shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. The portion of the project located in the Towns of Dresden and Putnam shall not be undertaken until this permit has been recorded in the Washington County Clerk's Office.
3. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the rebuilt transmission line remains on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

4. 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 and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
5. This Permit supersedes Permits 2008-0300 and 2013-0222 in relation to the project site. The terms and conditions of Permits 2008-0300 and 2013-0222 shall no longer apply to the project site.
6. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2019-0074, issued October 14, 2020, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

### **Development**

#### **Construction Location and Size**

7. This permit authorizes the rebuilding and refurbishment of two segments of the existing 115 kV transmission line, known as the Ticonderoga-Republic #2 and Ticonderoga-Republic #3 in the location shown and as depicted on the Project Plans. Any change to the structure locations, structure heights, vegetative cutting, wetland mitigation or other aspect of the project shall require prior written Agency authorization.
8. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development on Rural Use lands not authorized herein within 150 feet of the rights-of-way of NYS Routes 9N or 22 will require a new or amended permit and the undertaking of any new land use or development on Resource Management lands not authorized herein within 300 feet of the rights-of-way of NYS Routes 9N, 22 and 185 will require a new or amended permit.

#### **Structure Color**

9. All non-wood replacement structures shall have a non-reflective or matte finish.

#### **Lighting**

10. Any new lighting on the project site associated with the replacement structures authorized herein shall require prior written Agency approval.

#### **Tree Cutting/Vegetation Management/Site Disturbance**

11. All tree cutting and vegetation removal necessary for construction and ongoing maintenance shall be undertaken as described in the Project Plans.

12. No herbicides shall be applied within 100 feet of any wetland boundary.
13. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization, except for the removal of trees that present a safety or health hazard.
14. Between April 1 and October 31, no work or site disturbance shall occur on the portion of the project site located between Lake Road and Pulpit Point Road in the Town of Putnam without prior written Agency authorization, except for as necessary for emergency electric service restoration efforts.

#### **Plantings**

15. All upland seed mixes used for site restoration and soil stabilization shall be as described in the Project Plans and in no case shall species identified as invasive be used.

#### **Wetlands**

16. Any work within wetlands shall be scheduled and conducted during drier periods (not during major storm events, spring runoff, or thawing conditions) to avoid and minimize erosion of soils and to prevent silting and muddying of wetlands or surface waterbodies.
17. 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 structures or anchors removed from wetlands shall be completely removed. No portion of any removed structures or other equipment shall remain in wetlands.

#### **Invasive Species Control/Sanitizing Equipment**

18. 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 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.

#### **Stormwater Management/Erosion Control**

19. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan included in the Project Plans.

**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 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 Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use, Resource Management land use areas;
- c. will be consistent with the overall intensity guidelines for the Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use, Resource Management land use areas;
- 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;
- 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; and
- g. will result in minimal degradation or destruction of the wetland or its associated values and provides an essential public benefit.

PERMIT issued this       day  
of                               , 2020.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Robert J. Lore  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the       day of                                in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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.

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Notary Public