

CONSOLIDATED EDISON CO.

UTILITY CROSSING ACROSS THE BRONX KILL
RANDALLS ISLAND, MANHATTAN TO PORT MORRIS, BRONX

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION (NYSDEC)/ U.S.
ARMY CORPS OF ENGINEERS (USACE)

DRAFT

JOINT APPLICATION FOR PERMIT

July 2008

Submitted to: NYSDEC

Submitted by: Consolidated Edison Co.

Prepared by: PARSONS BRINCKERHOFF

JOINT APPLICATION FOR PERMIT



New York State
United States Army Corps of Engineers

95-19-3 (8/00) pfp

Applicable to agencies and permit categories listed in Item 1. Please read all instructions on back. Attach additional information as needed. Please print legibly or type.

1. Check permits applied for:

NYS Dept. of Environmental Conservation

Stream Disturbance (Bed and Banks)

Navigable Waters (Excavation and Fill)

Docks, Moorings or Platforms (Construct or Place)

Dams and Impoundment Structures (Construct, Reconstruct or Repair)

Freshwater Wetlands

Tidal Wetlands

Coastal Erosion Control

Wild, Scenic and Recreational Rivers

401 Water Quality Certification

Potable Water Supply

Long Island Wells

Aquatic Vegetation Control

Aquatic Insect Control

Fish Control

NYS Office of General Services
(State Owned Lands Under Water)

Lease, License, Easement or other Real Property Interest
Utility Easement (pipelines, conduits, cables, etc.)

Docks, Moorings or Platforms (Construct or Place)

Adirondack Park Agency

Freshwater Wetlands Permit

Wild, Scenic and Recreational Rivers

Lake George Park Commission

Docks (Construct or Place)

Moorings (Establish)

US Army Corps of Engineers

Section 404 (Waters of the United States)

Section 10 (Rivers and Harbors Act)

Nationwide Permit (s)
Identify Number(s)

2. Name of Applicant (Use full name)
Consolidated Edison

Telephone Number (daytime)
(212)780-3888

Mailing Address
4 Irving Place

Post Office
New York

State
NY

Zip Code
10003

3. Taxpayer ID (If applicant is not an individual)

4. Applicant is a/an: (check as many as apply)

Owner Operator Lessee Municipality / Governmental Agency

5. If applicant is not the owner, identify owner here - otherwise, you may provide Agent/Contact Person information.

Owner or Agent/Contact Person Owner Agent /Contact Person

Telephone Number (daytime)

Mailing Address

Post Office

State

Zip Code

6. Project / Facility Location (mark location on map, see instruction 1a.)

County: New York/Town/City/Village: Randalls Is/Port Morris Tax Map Section/Block /Lot Number:

Location (including Street or Road)
utility bridge over Bronx Kill - see map

Telephone Number (daytime)
N/A

Post Office
Randalls Is/Bronx

State
NY

Zip Code

7. Name of Stream or Waterbody (on or near project site)
Bronx Kill

8. Name of USGS Quad Map: Location Coordinates:

Randalls Is/ Central Pk NYTM-E 591415 NYTM-N 4 516868

9. Project Description and Purpose: (Category of Activity e.g. new construction/installation, maintenance or replacement; Type of Structure or Activity e.g. bulkhead, dredging, filling, dam, dock, taking of water; Type of Materials and Quantities; Structure and Work Area Dimensions; Need or Purpose Served)

See attached sheets

For Agency Use Only:
DEC APPLICATION NUMBER

US ARMY CORPS OF ENGINEERS

10. Proposed Use: Private Public Commercial

11. Will Project Occupy State Land? Yes No

12. Proposed Start Date: 9/08

13. Estimated Completion Date: 1/09

14. Has Work Begun on Project? (If yes, attach explanation of why work was started without permit.) Yes No

15. List Previous Permit / Application Numbers and Dates: (If Any)

16. Will this Project Require Additional Federal, State, or Local Permits? Yes No If Yes, Please List: See attached sheets

17. If applicant is not the owner, both must sign the application

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomsoever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Date _____ Signature of Applicant _____ Title _____

Date _____ Signature of Owner _____ Title _____

CONSOLIDATED EDISON CO.

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
(NYSDEC)/US ARMY CORPS OF ENGINEERS (USACE)

JOINT APPLICATION FOR PERMIT

Question 9

Project Description and Purpose (Category of Activity e.g. new construction/installation, maintenance or replacement; Type of Structure or Activity e.g. bulkhead, dredging, filling, dam, dock, taking of water; Type of Materials and Quantities; Structure and Work Area Dimensions; Need or Purpose Served)

Project Description

The proposed project consists of construction of a utility crossing across the Bronx Kill from Randalls Island, Manhattan to Port Morris, the Bronx (see Attachment A). Currently Randalls Island is supplied with electrical power via Yorkville feeders emanating from Con Edison's (Con Ed) Hellgate substation in the Bronx. These feeders also supply power to Manhattan. Construction of the proposed crossing will allow Randalls Island to be powered independently from Manhattan via a network supplied by Con Ed's Bruckner Substation via six feeders.

The proposed utility crossing will consist of three new conduit systems. Each conduit system will consist of a set of 12-6 inch conduits. The new systems will be supported on a new crossing across and directly above the existing Con Edison (Con Ed) utility crossing across Bronx Kill. The supports for the proposed crossing on Randalls Island will be located in Randalls Island Park, a New York City Department of Parks and Recreation (NYCDPR) facility and the supports for the proposed crossing in the Bronx will be located on currently vacant land in Port Morris.

Con Edison will place a deck on the proposed crossing to provide pedestrian and bicycle access to and from Port Morris to Randalls Island. The proposed pedestrian and bicycle crossing, known as the Randalls Island Connector (RIC), is an element of the New York City Economic Development Corporation's (NYCEDC) South Bronx Greenway Project. The South Bronx Greenway project is currently undergoing City Environmental Quality Review (CEQR) and Uniform Land Use Review Procedure (ULURP) approval.

Site description

The Bronx Kill shoreline (Randalls Island and Bronx sides) in the project area is mapped as New York State Department of Environmental Conservation (NYSDEC) designated Littoral Zone (LZ) tidal wetlands. The Randalls Island side of the Bronx Kill shoreline, east of and directly adjacent to the project area, is mapped as Salt Marsh (SM) (NYSDEC Tidal Wetlands Map 590-516). According to the National Wetland Inventory (NWI) map, the Bronx Kill is mapped as E1UBL, estuarine and marine deepwater

habitat. Construction of the proposed crossing will not take place directly within wetlands or in the Bronx Kill but will take place approximately 10 feet from the shoreline within NYSDEC regulated tidal wetland adjacent areas.

Existing Crossing

The existing crossing consists of two systems of 12-4 inch conduits constructed with steel I-beams encased in concrete that are supported by concrete encased steel piers. The existing systems bring electricity from the Hellgate substation in the Bronx to Randalls Island. The existing structures will be left in place and the systems will remain in operation during and after construction of the proposed crossing.

Proposed crossing description

The proposed crossing will consist of a single span pre-fabricated truss supported on driven piles (see Attachment B). The proposed crossing will be approximately 135 feet long and 18 feet wide. Four supports will carry the proposed structure and will be constructed on land approximately 10 feet away from the shoreline of the Bronx Kill.

As shown in Attachment B, a total of approximately 956 cubic yards (cy) of soil will be permanently excavated to construct the proposed crossing. Of the total 956 cy of soil to be excavated, 256 cy of soil will be excavated to install pile caps and retaining walls, and 700 cy will be excavated to create a trench for installation of the new conduit. Approximately 0.0414 acres of clean fill (526 cy) will be placed in the area adjacent to the supports at the approaches to the bridge.

Soil erosion and control measures consisting of hay bales and soil erosion barriers will be placed around the construction area to prevent excavated soil from entering the Bronx Kill. There will be no temporary excavation or fill.

Sequence of Construction

Preparation of the site will include removal of an existing wrought iron fence and a portion of the 12 inch concrete wall upon which it is located. The removal of the fence and wall portion will not require excavation. The fence will be cut at the level of the concrete support. Soil erosion and control measures (hay bales and soil erosion barriers) will be placed around the construction area to prevent soil from entering the Bronx Kill (see Attachment B).

Four steel H piles will be driven at each proposed support location (see Attachment B). Soil will be excavated to place the concrete pile cap and pedestals on top of the piles that will support the proposed crossing. The concrete pile caps will be approximately 6 feet long, 6 feet wide and 2 feet thick. The caps will be cast-in-place and founded on the H piles. Safe operation sheet piling will be used during the excavation for placement of the concrete pile caps.

The superstructure will be prefabricated off-site and assembled on site. The new span will be assembled under the existing Bronx Kill railroad bridge viaduct. The superstructure will then be launched using a counterweight and cranes from the Randalls Island side of the Bronx Kill. The new conduits will then be installed using

utility supports suspended from the new structure. There will be no temporary lay-down areas.

Purpose and Need

The existing electrical power supply to Randall's Island is not adequate to accommodate the future needs of the island. This is due to the aging of the existing systems and the need of additional distribution feeders to meet the requirements associated with the re-development of Randall's Island. Some of the major re-development includes ball fields, new lighting, and general upgrades by the Randall's Island Sports Foundation (RISF) and the Department of Environmental Protection (DEP) waste water treatment facility expansion. Currently the DEP is supplied by a four feeder high tension service and is expanding to a five feeder supply in 2009.

Based on Con Edison's 2008-2017 Area Substation and Sub-transmission Feeder Ten-Year Load Relief Plan, it is projected that the Hellgate substation will exceed its capacity by 103% in the summer of 2009. To meet the needs of Randall's Island and to de-load Hellgate Substation, it is proposed to transfer Randall's Island in its entirety from the Hellgate Substation to the Bruckner Substation prior to the summer of 2009. Six vacant positions at Bruckner will be utilized and new feeders will be routed from the Bruckner Substation to Randall's Island via Submarine Crossing #21 (Bronx Kills).

To accomplish this, three new conduit systems will be installed over the Bronx Kills. Two of these systems will replace the existing systems, and a third new system will be installed. The new conduits will be supported on a combined utility crossing/pedestrian walkway.

The completion of this project will result in:

- Randall's Island being an independent network supplied by the Bruckner Substation
- Hellgate substation operating within capacity
- Yorkville feeders supplying only Manhattan load

Completion of this project will also result in an improvement in the Network Reliability Indicator for the Yorkville Network from .00406 (246 years) to 0.0032 (313 years).

Question 16

Will This Project Require Additional Federal, State, or Local Permits?

Additional State Permits/Approvals

- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) Letter of No Adverse Effect
- New York State Office of General Services (OGS) lands underwater approval

Additional Local Permits/Approvals

- New York City Department of Parks and Recreation (NYCDPR) approval

General Instructions

Incomplete or inaccurate information may delay processing and a final decision on your application

1. Type or print clearly in ink. Attach FIVE copies of additional information required in A. through C. below.
 - A. A USGS map, or equivalent showing the project location. Include on the map wetlands, seasonally wet streams and ditches.
 - B. A sketch plan drawn to scale or with dimensions given or engineering drawings showing location and extent of work as well as view directions of the photographs required in C.
 - C. At least three (3) representative color photographs of the project area and surroundings with time and date when they were taken indicated.
2. Applications by counties, cities, towns, and villages must be signed by the chief executive of that municipality or the head of the department or agency undertaking the project.
3. If someone other than the owner is applicant, written consent of the owner to use the property / facility must accompany the application.
4. The applicant is responsible for obtaining any other federal, state or local permits. Separate authorization or letter of No Jurisdiction should be received from the Department of Environmental Conservation (DEC), Office of General Services (OGS), Adirondack Park Agency (APA) or Lake George Park Commission (LGPC) and the Army Corps of Engineers (ACOE) prior to initiation of work in wetlands or waterways.
5. Location Coordinates (section 8) are expressed in New York Transverse Mercator units or NYTMs (UTM Zone 18 expanded to encompass the entire state). These are based on the North American Datum 1983. If you are able to supply accurate coordinates, please do so. Otherwise the Department will determine them.

Other Requirements

6. If project is an unlisted action pursuant to the State Environmental Quality Review Act regulations - 6 NYCRR Part 617, a completed Part 1 of a Short Environmental Assessment Form must be submitted with the application.
7. If project is a Type 1 action pursuant to the State Environmental Quality Review Act regulations - 6 NYCRR Part 617, a completed Part 1 of a Full Environmental Assessment Form must be submitted with the application.
8. If project is classified as major pursuant to the Uniform Procedures Act regulations - 6 NYCRR Part 621, a completed Part 1 of a Structural Archeological Assessment Form must be submitted with the application.
9. If project requires a federal permit and lies within the Coastal Zone, a completed Federal Consistency Assessment Form must be submitted with the application.
10. If project is within the Adirondack Park, additional information is required by the APA to fully determine permitting applicability.

Special Requirements for Specific Permit Applications

11. Applications for the construction, reconstruction, or repair of a DAM or other IMPOUNDMENT STRUCTURE must be accompanied by Supplement D-1
12. Applications for DOCK, PLATFORM, or MOORING facility permits must be accompanied by Supplement D-2
13. Applications for Water Supply or Long Island Well permits must be accompanied by Supplement W-1
14. Applications for a permit to apply a Chemical to control or eliminate Aquatic Vegetation, Fish or Insects must be accompanied by the proper supplemental form available from the department.
15. Applications for a Wild, Scenic, or Recreational Rivers permit must be accompanied by Supplement WSR-1
16. Applications for a permit to disturb a wetland or waterway by placing fill or performing mechanized land clearing, ditching, channelization, dredging, or excavation activities under Section 404 of the Clean Water Act or Article 24 and 25 of the Environmental Conservation Law should provide a discussion of practicable alternatives considered to avoid, minimize and /or mitigate the proposed project impacts. Particular justification should be given as to why the alternatives are not suitable.

Contact the Regional Permit Administrator, Division of Environmental Permits, at the appropriate DEC office; OGS, APA, LGPC permitting agent; or the respective Corps District Office, as given below, for assistance regarding any of the above requirements. Consult other available application instruction materials for the appropriate permit types.

New York State Agencies:




Department of Environmental Conservation

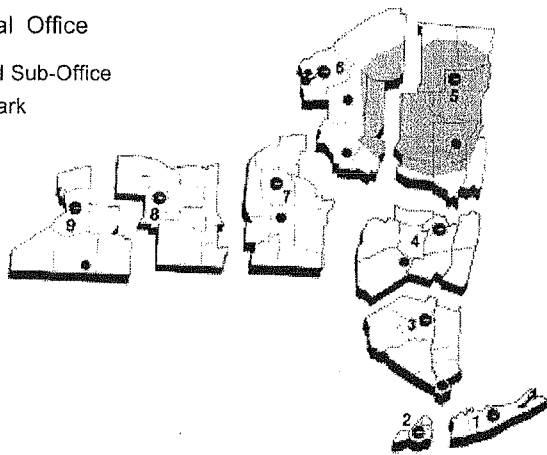
<p>REGION 1 SUNY, 50 Circle Road Stony Brook, NY 11790-3409 (631) 444-0365</p> <p>REGION 2 1 Hunter's Point Plaza 47-40 21st Street Long Island City, NY 11101-5407 (718) 482-4997</p> <p>REGION 3 21 South Putt Corners Road New Paltz, NY 12561-1620 (845) 256-3054</p> <p>REGION 4 1130 North Westcott Road Schenectady, NY 12306-2014 (518) 357-2069</p> <p>REGION 4 Sub-Office 65561 State Hwy 10 Stamford NY 12167-9503 (607) 652-7741</p> <p>REGION 5 PO Box 296, 1115 Route 86 Ray Brook NY 12977-0296 (518) 897-1234</p> <p>REGION 5 Sub-Office PO Box 220, 232 Golf Course Rd Warrensburg, NY 12885-0220 (518) 623-1281</p> <p>REGION 6 State Office Building 317 Washington Street Watertown, NY 13601-3787 (315) 785-2245</p> <p>REGION 6 Sub-Office State Office Building 207 Genesee Street Utica, NY 13501-2885 (315) 793-2555</p>	<p>REGION 7 615 Erie Blvd West Syracuse, NY 13204-2400 (315) 426-7438</p> <p>REGION 7 Sub-Office 1285 Fisher Avenue Cortland, NY 13045-1090 (607) 753-3095</p> <p>REGION 8 6274 E. Avon - Lima Road Avon, NY 14414-9519 (585) 226-2466</p> <p>REGION 9 270 Michigan Avenue Buffalo NY 14203-2999 (716) 851-7165</p> <p>REGION 9 Sub-Office Suite 3 182 East Union Allegany, NY 14706-1328 (716) 372-0645</p> <p>Office of General Services Division of Land Utilization Bureau of Land Management Corning Tower, Empire State Plaza Albany, NY 12242 (518) 474-2195</p> <p>Adirondack Park Agency PO Box 99 Ray Brook NY 12977 (518) 891-4050</p> <p>Lake George Park Commission P.O. Box 749 Fort George Road Lake George NY 12845-0749 (518) 668-9347</p>
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Distribution

1ST COPY Permit Administrator 2ND COPY Corps of Engineers 3RD COPY Program
4TH COPY NYS Agency 5TH COPY Applicant

Legend

-  DEC Regional Office
-  DEC Regional Sub-Office
-  Adirondack Park



United States Army Corps of Engineers

Department of the Army ATTN: Regulatory Branch
New York District, Corps of Engineers, 26 Federal Plaza, New York NY 10278-0090
Telephone
(917) 790-8511 for DEC Regions 1,2 and Westchester and Rockland Counties
(917) 790-8411 for DEC Region 3 except Westchester and Rockland Counties

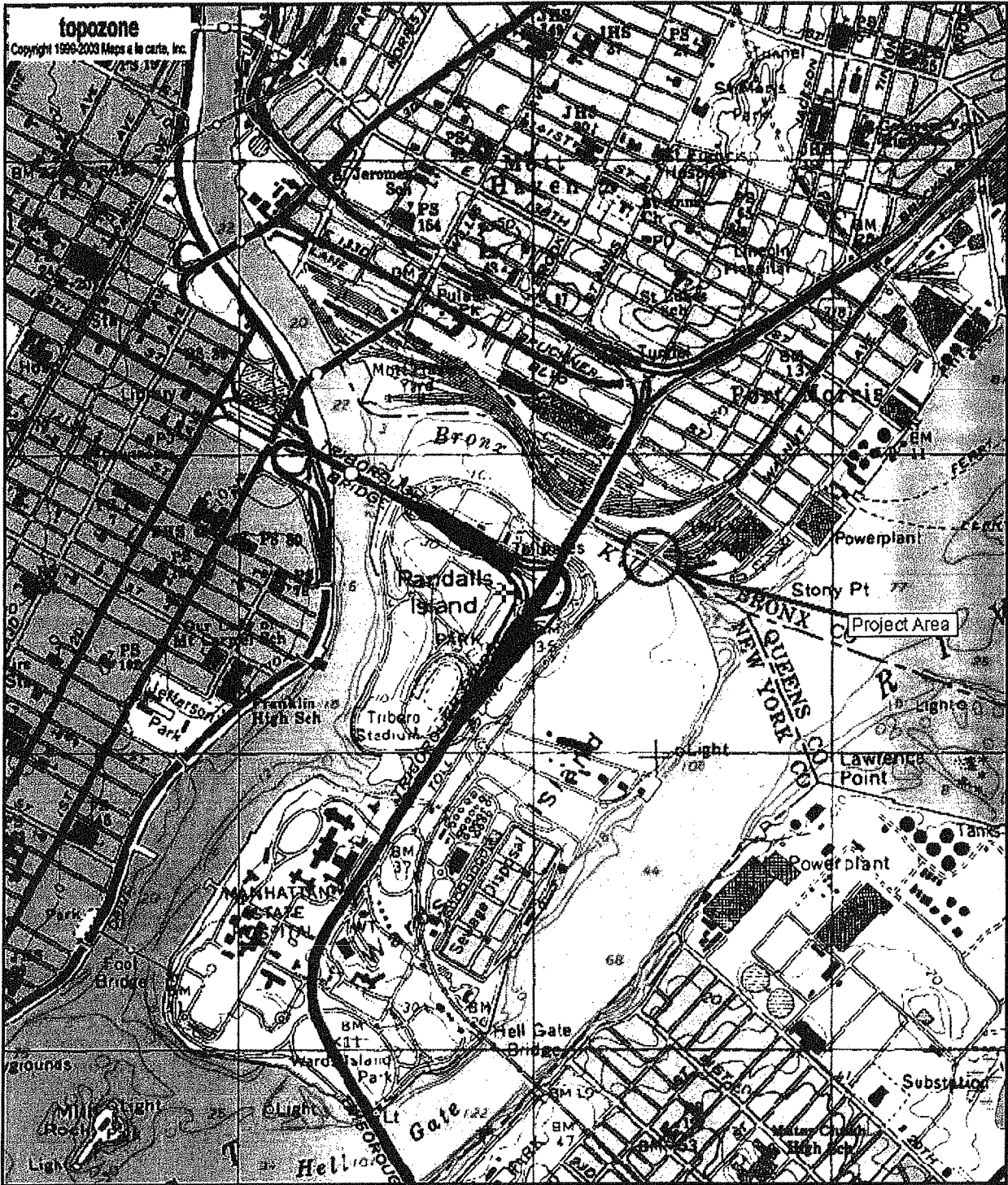
Upstate Regulatory Field Office Telephone (518) 266-6350 - DEC regions 4,5
1 Buffington Street, Watervliet, NY 12189-4000

Buffalo District, Corps of Engineers Telephone (716) 879-4330 - DEC regions 6, 7, 8, 9
1776 Niagara Street, Buffalo NY 14207-3199

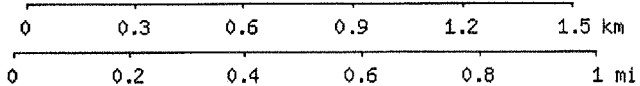
TABLE OF CONTENTS

- New York State Department of Environmental Conservation/US Army Corps of Engineers Joint Application for Permit and attached sheets
- ATTACHMENT A—USGS Location Map
- ATTACHMENT B—Design Plans Showing Photograph Views
- ATTACHMENT C—Site Photographs
- ATTACHMENT D—NYS Office of General Services Correspondence
- ATTACHMENT E— Special Requirements for Specific Permit Applications
- ATTACHMENT F—Short Environmental Assessment Form
- ATTACHMENT G –US Army Corps of Engineers Letter – No Permit Required

ATTACHMENT A
USGS LOCATION MAP



topozone
 Copyright 1999-2003 Maps & Co. Inc.
 1/27/03 11/17



UTM 18 590933E 4516756N (NAD83/WGS84)
Randalls Island, USGS Central Park (NY,NJ) Quadrangle
 Projection is UTM Zone 18 NAD83 Datum

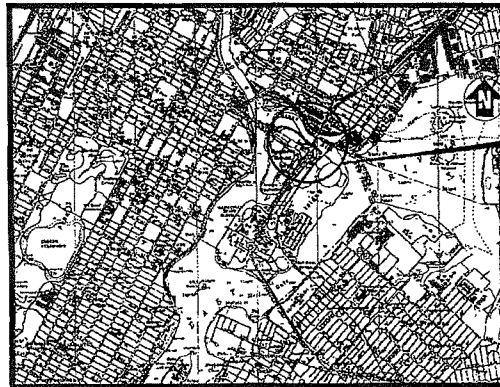
M *
 N *
 G
 M=-13.225

CONSOLIDATED EDISON CO.	
Randalls Island Utility Crossing	
FIGURE NO. 1	USGS MAP

***ATTACHMENT B
PLANS SHOWING PHOTOGRAPH
VIEWS***

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

BRONX KILL UTILITY CROSSING



PROJECT S

PRELIMINARY

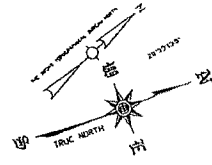
LOCATION PLAN
N.T.S.

INDEX OF DRAWINGS	
G-1P	GENERAL PLAN
G-2P	ELEVATION
S-1P	TYPICAL SECTION

ESTIMATE OF QUANTITIES				
ITEM NO	DESCRIPTION	UNIT	QUANTITY	FINAL
201.07	CLEARING AND GRUBBING	ACRE	-	-
202.XXX	REMOVAL OF CONDUIT BANKS AND SUPPORTS	LS	1	-
203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	CY	-	-
203.06	SELECT FILL	CY	-	-
206.02	TRENCH AND CULVERT EXCAVATION	CY	-	-
209.0103	TEMPORARY EROSION & SEDIMENT CONTROL PLAN	LS	-	-
551.XXX	STEEL H-PILES	FT	-	-
552.XXX	TEMPORARY SHEET PILING	SF	-	-
555.0104	FOOTING CONCRETE, CLASS A	CY	-	-
555.0105	CONCRETE FOR STRUCTURES, CLASS A	CY	-	-
556.0201	GALVANIZED BAR REINFORCEMENT FOR STRUCT.	LBS	-	-
559.0696	PROTECTIVE SEALING OF CONCRETE	SF	-	-
559.9110	ANTI-GRAFFITI COATING	SF	-	-
564.8XXX	PEDESTRIAN BRIDGE	LS	1	-
565.1921	TYPE E.L. BEARING (0 TO 56.2 KIPS)	EA	4	-
562.XXX	CONDUITS AND HANGERS	LS	1	-
699.040001	MOBILIZATION	LS	1	-



REVISIONS

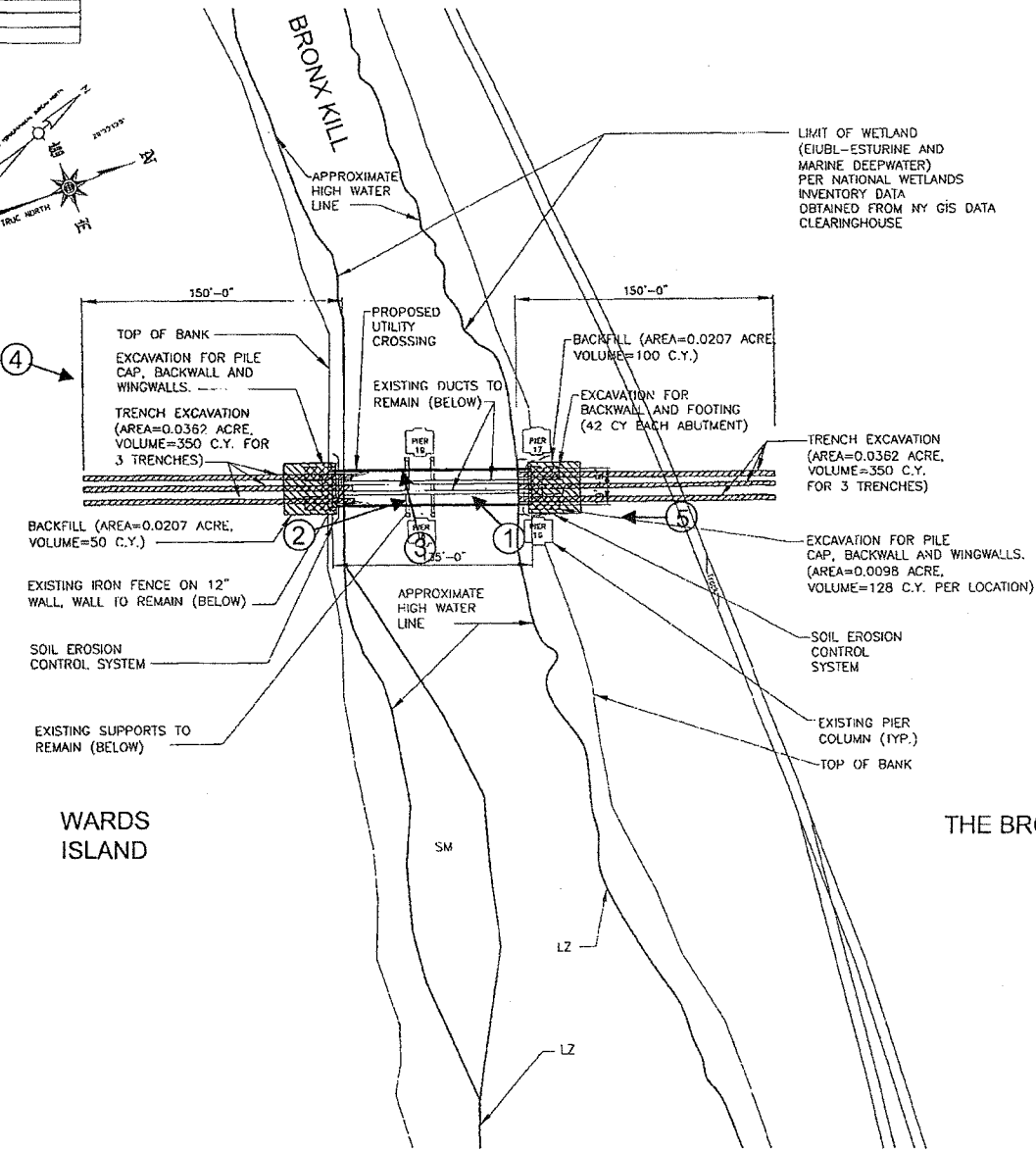


LIMIT OF WETLAND (E1UBL-ESTURINE AND MARINE DEEPWATER) PER NATIONAL WETLANDS INVENTORY DATA OBTAINED FROM NY GIS DATA CLEARINGHOUSE

- LEGEND:**
- EXCAVATION
 - BACKFILL

- WETLAND CATEGORY**
- LZ LITORAL ZONE
 - SM COASTAL SHOALS BARS AND MUDFLATS
 - WETLANDS CATEGORY BOUNDARY

Indicates direction of photo



PLAN

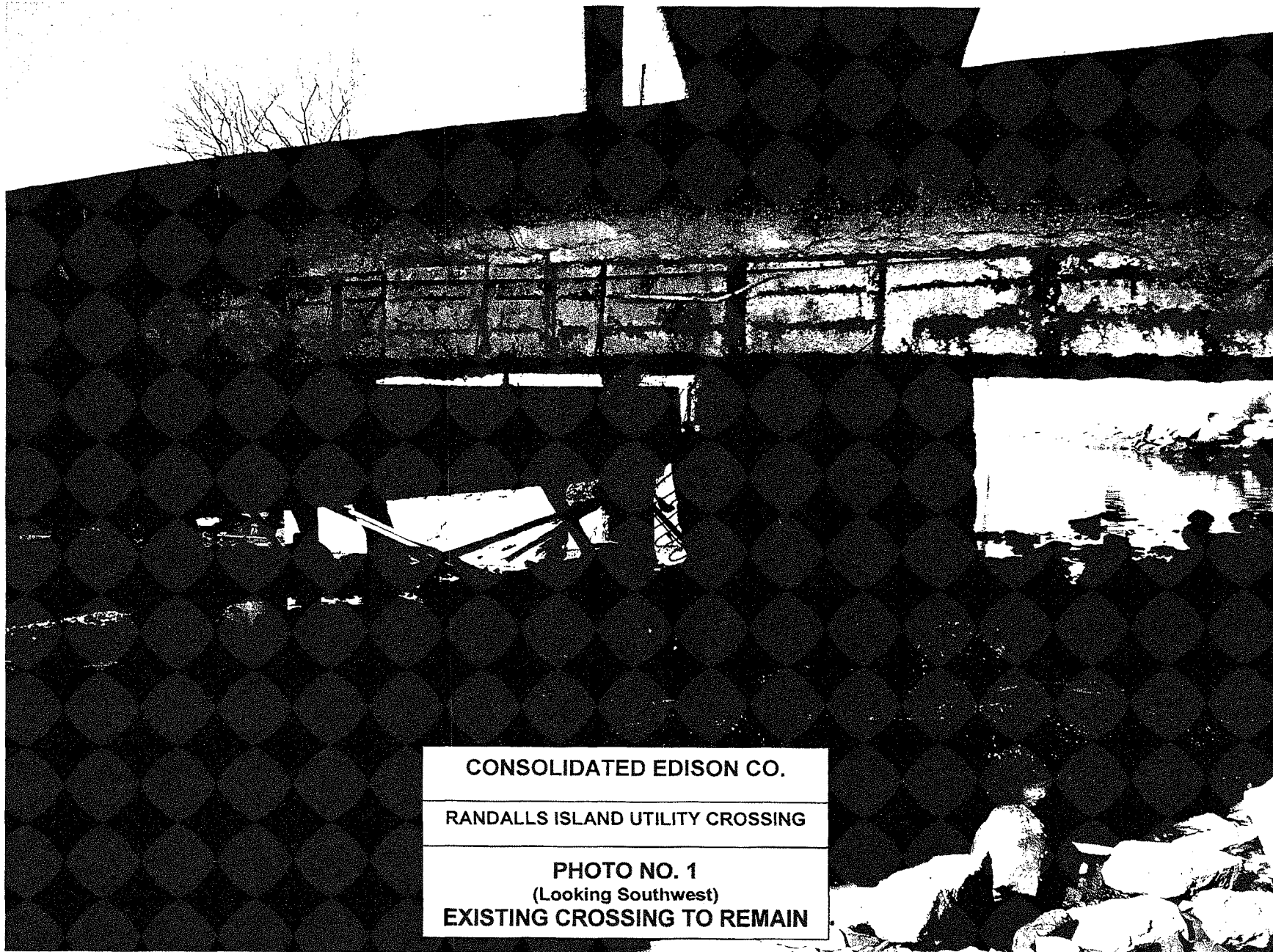
WARDS ISLAND

THE BRONX

GENERAL PLAN	
CONSOLIDATED EDISON CO. OF NEW YORK, INC.	
BRONX KILL UTILITY CROSSING	
SHEET NO.	OF
G-1P	
SCALE: 1/8" = 1'-0"	DATE: 11/1/00
SCALE: 1/4" = 1'-0"	DATE: 11/1/00
APPROVALS	
DESIGNER	FOR DEPT. MANAGER
DIST. ENG.	DEPT. CHIEF & DISTRICT

DO NOT SCALE THIS DWG., USE DIMENSIONS AS SHOWN

ATTACHMENT C
SITE PHOTOGRAPHS



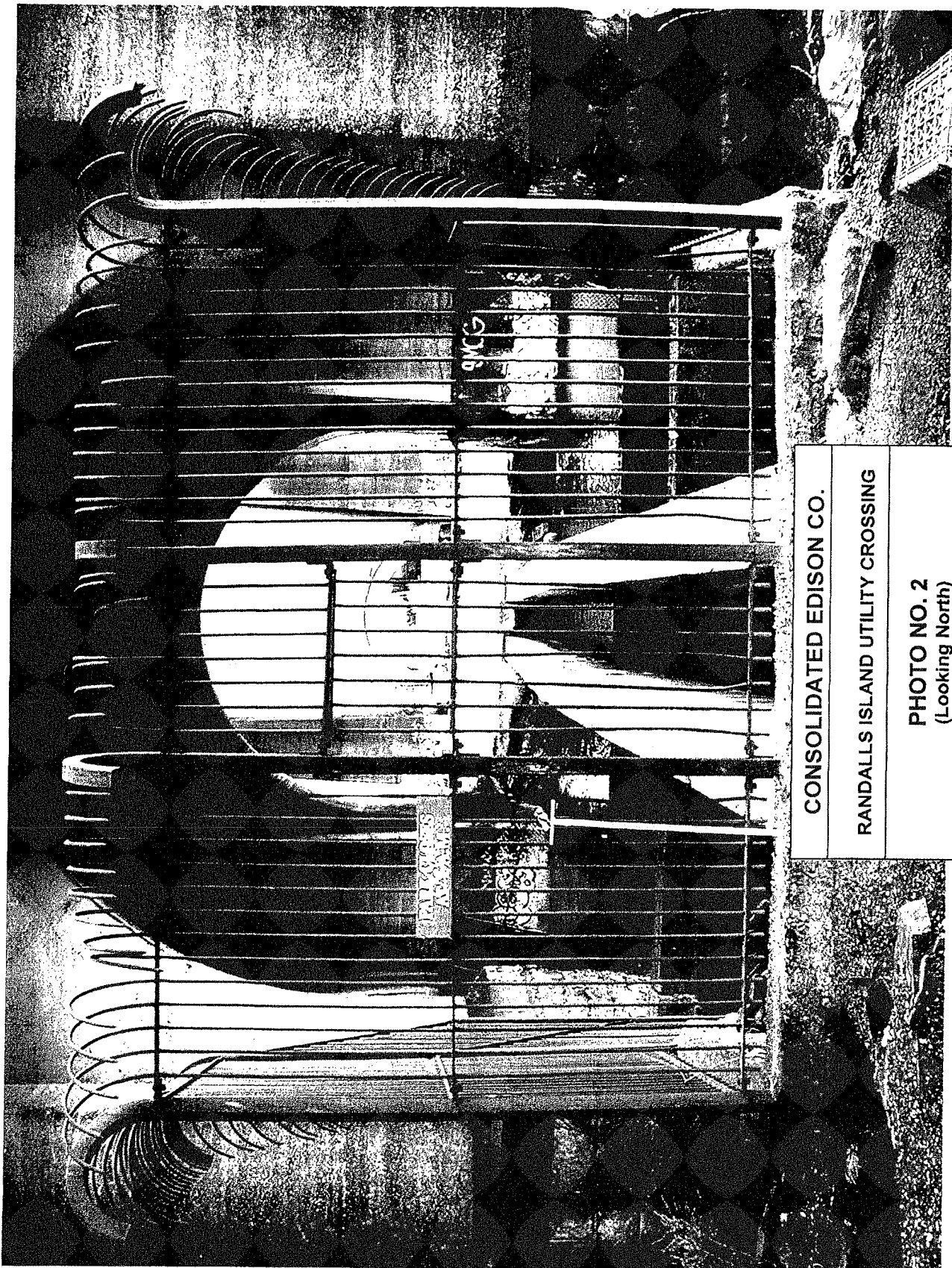
CONSOLIDATED EDISON CO.

RANDALLS ISLAND UTILITY CROSSING

PHOTO NO. 1

(Looking Southwest)

EXISTING CROSSING TO REMAIN



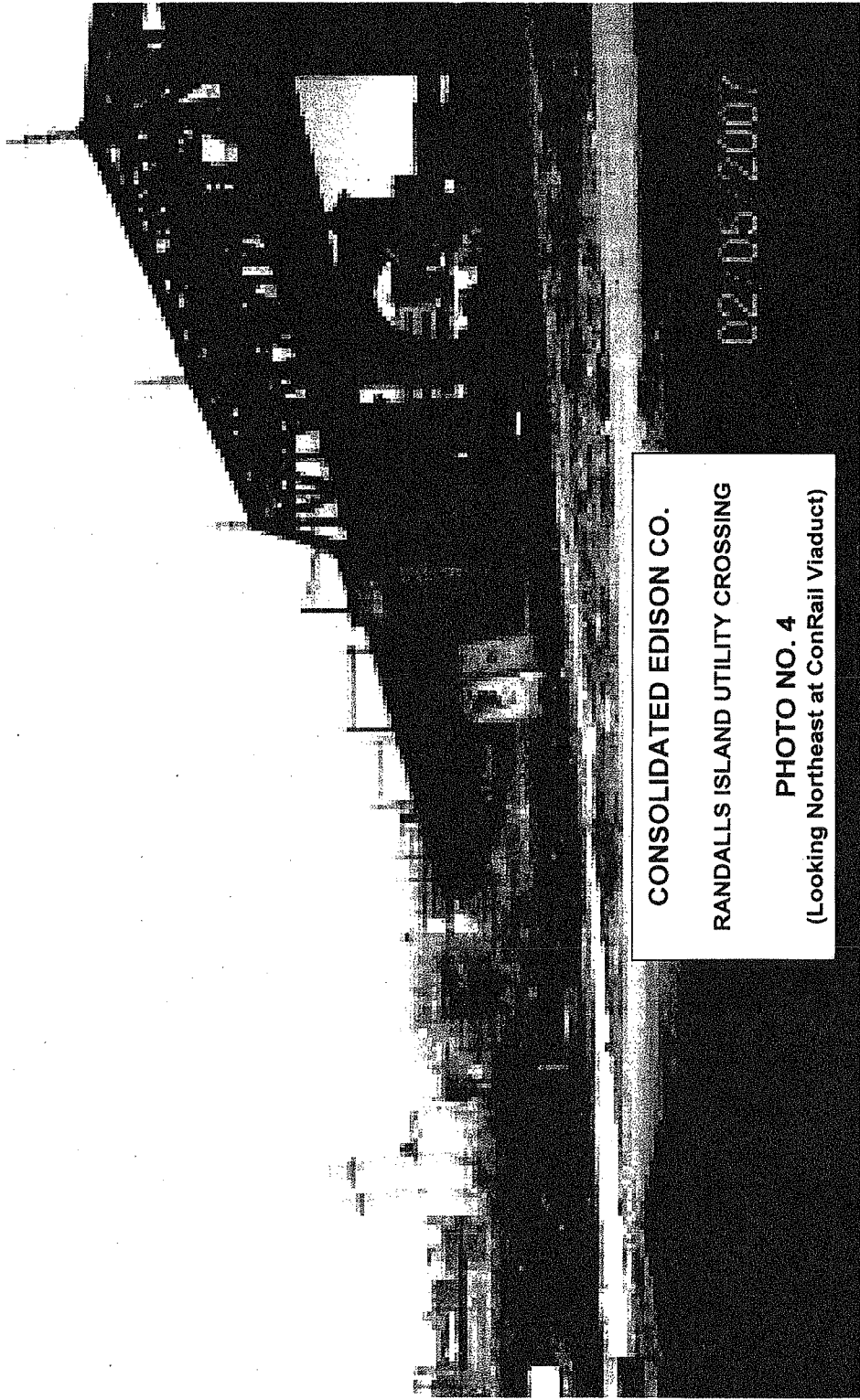
CONSOLIDATED EDISON CO.
RANDALLS ISLAND UTILITY CROSSING
PHOTO NO. 2
(Looking North)



CONSOLIDATED EDISON CO.

RANDALLS ISLAND UTILITY CROSSING

PHOTO NO. 3
(Looking Northwest at high tide)



CONSOLIDATED EDISON CO.
RANDALLS ISLAND UTILITY CROSSING
PHOTO NO. 4
(Looking Northeast at ConRail Viaduct)

02-05-2007



CONSOLIDATED EDISON CO.
RANDALLS ISLAND UTILITY CROSSING
PHOTO NO. 5
(Looking South at ConRail Viaduct)

**Existing Utility
Crossing**

ATTACHMENT D
NYS OFFICE OF GENERAL
SERVICES CORRESPONDENCE

Lozano, Genaro

From: Graham, Laura [Laura.Graham@ogs.state.ny.us]
Sent: Tuesday, March 25, 2008 11:28 AM
To: Rosenthal, Andrea
Cc: Bauder, Alan
Subject: FW: Bed of Bronx Kill ownership

Good Morning. In response to your question regarding ownership of the bed of the Bronx Kill, please be advised that the State of New York claims Sovereign ownership. There are grants that have been issued along the shoreline. For more specific information, please advise me of the upland location. Thank you.

From: Rosenthal, Andrea [mailto:Rosenthal@pbworld.com]
Sent: Monday, March 24, 2008 4:26 PM
To: Bauder, Alan
Subject: Bed of Bronx Kill ownership

Alan,

Is the bed of the Bronx Kill state owned?

Thank you-

Andrea Rosenthal

Andrea Rosenthal
Parsons Brinckerhoff
Ports & Marine Technical Resource Center

Office (212) 465-5228
Fax (212) 465-5753

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7/7/2008

***ATTACHMENT E
SPECIAL REQUIREMENTS FOR
SPECIFIC PERMIT APPLICATIONS***

CONSOLIDATED EDISON CO.

UTILITY CROSSING ACROSS THE BRONX KILL
RANDALLS ISLAND, MANHATTAN TO PORT MORRIS, BRONX

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
(NYSDEC)/US ARMY CORPS OF ENGINEERS (USACE)

JOINT APPLICATION FOR PERMIT

SPECIAL REQUIREMENTS FOR SPECIFIC PERMIT APPLICATIONS

Item 16.

Applications for a permit to disturb a wetland or waterway by placing fill or performing mechanized land clearing, ditching, channelization, dredging, or excavation activities under Section 404 of the Clean Water Act or Article 24 and 25 of the Environmental Conservation Law should provide a discussion of practicable alternatives considered to avoid, minimize and/or mitigate the proposed project impacts. Particular justification should be given as to why the alternatives are not suitable.

The Bronx Kill shoreline (Randalls Island and Bronx sides) in the project area is mapped as New York State Department of Environmental Conservation (NYSDEC) designated Littoral Zone (LZ) tidal wetlands. The Randalls Island side of the Bronx Kill shoreline, east of and directly adjacent to the project area, is mapped as Salt Marsh (SM) (NYSDEC Tidal Wetlands Map 590-516). According to the National Wetland Inventory (NWI) map, the Bronx Kill is mapped as E1UBL, estuarine and marine deepwater habitat. Construction of the proposed crossing will not take place directly within wetlands or in the Bronx Kill but will take place approximately 10 feet from the shoreline within NYSDEC regulated tidal wetland adjacent areas.

The No Action alternative would involve leaving the current utility crossing in place. The proposed utility crossing would not be built and therefore, the additional power required for the NYCDEP Wards Island WPCP expansion would not be available.

Placing a utility crossing where the supports would be outside of the NYSDEC tidal wetlands regulated area would require a crossing of over 400 feet in length. The longer the crossing, the deeper the structure required. A crossing 400 feet long would require a structure over 25 feet in depth. The existing railroad trestle limits the height of a structure that could be placed underneath it to less than 15 feet. Since a 25 feet deep structure could not fit beneath the railroad trestle, building a span without supports within the regulated area is not possible and therefore, is not practicable.

ATTACHMENT F
SHORT ENVIRONMENTAL
ASSESSMENT FORM



CONSOLIDATED EDISON CO.

UTILITY CROSSING ACROSS THE BRONX KILL
RANDALLS ISLAND, MANHATTAN TO PORT MORRIS, BRONX

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
SHORT ENVIRONMENTAL ASSESSMENT FORM (EAF) FOR UNLISTED ACTIONS

PART 1 – PROJECT INFORMATION

6. Describe Project Briefly

Project Description

The proposed project consists of construction of a utility crossing across the Bronx Kill from Randalls Island, Manhattan to Port Morris, the Bronx (see Attachment A). The supports for the proposed crossing on the Randalls Island side will be located in Randalls Island Park, a New York City Department of Parks and Recreation (NYCDPR) facility.

The existing electric supply to Randall's Island is not adequate to accommodate the future needs of the island. This is due to the aging of the existing systems and the need of additional distribution feeders to meet the requirements associated with the re-development of Randall's Island. Some of the major re-development includes ball fields, new lighting, and general upgrades by the Randall's Island Sports Foundation (RISF) and the Department of Environmental Protection (DEP) waste water treatment facility expansion. Currently the DEP is supplied by a four feeder high tension service and is expanding to a five feeder supply in 2009.

The proposed crossing will be constructed directly above the existing Consolidated Edison (Con Ed) utility crossing. The existing crossing and the proposed crossing are beneath the Bronx Kill Bridge which is eligible for listing on the National and State Register of Historic Places.

A deck will be placed on the proposed crossing to provide pedestrian and bicycle access to and from Port Morris to Randalls Island. The proposed pedestrian crossing, known as the Randalls Island Connector (RIC), is an element of the New York City Economic Development Corporation's (NYCEDC) South Bronx Greenway Project. The South Bronx Greenway project is currently undergoing City Environmental Quality Review (CEQR) and Uniform Land Use Review Procedure (ULURP) approval.

The Bronx Kill shoreline (Randalls Island and Bronx sides) in the project area is mapped as New York State Department of Environmental Conservation (NYSDEC) designated Littoral Zone (LZ) tidal wetlands. The Randalls Island side of the Bronx Kill shoreline, east of and directly adjacent to the project area, is mapped as Salt Marsh (SM) (NYSDEC Tidal Wetlands Map 590-516). According to the National Wetland Inventory (NWI) map, the Bronx Kill is mapped as E1UBL, estuarine and marine deepwater habitat. Construction of the proposed crossing will not take place directly within wetlands

or in the Bronx Kill but will take place approximately 10 feet from the shoreline within NYSDEC regulated tidal wetland adjacent areas.

The existing crossing consists of two duct banks constructed with steel I-beams encased in concrete that are supported by concrete encased steel piers. The existing duct banks bring electricity from the Bronx to Randalls and Wards Islands. The existing structures will be left in place and the duct banks will remain in operation during and after construction of the proposed crossing.

The proposed crossing will consist of a single span pre-fabricated truss supported on driven piles (see Attachment B). The proposed crossing will be approximately 135 feet long and 18 feet wide. Four supports will carry the proposed structure and will be constructed on land approximately 10 feet away from the shoreline of the Bronx Kill.

As shown in Attachment B, a total of approximately 956 cubic yards (cy) of soil will be permanently excavated to construct the proposed crossing. Of the total 956 cy of soil to be excavated, 256 cy of soil will be excavated to install pile caps and retaining walls, and 700 cy will be excavated to create a trench for installation of the new conduit. Approximately 0.0414 acres of clean fill (526 cy) will be placed in the area adjacent to the supports at the approaches to the bridge.

Soil erosion and control measures consisting of hay bales and soil erosion barriers will be placed around the construction area to prevent excavated soil from entering the Bronx Kill. There will be no temporary excavation or fill.

Sequence of Construction

Preparation of the site will include removal of an existing wrought iron fence and a portion of the 12 inch concrete wall upon which it is located. The removal of the fence and wall portion will not require excavation. The fence will be cut at the level of the concrete support. Soil erosion and control measures (hay bales and soil erosion barriers) will be placed around the construction area to prevent soil from entering the Bronx Kill (see Attachment B).

Four steel H piles will be driven at each proposed support location (see Attachment B). Soil will be excavated to place the concrete pilecap and pedestals on top of the piles that will support the proposed crossing. The concrete pile caps will be approximately 6 feet by 6 feet and 2 feet thick. The caps will be cast-in-place and founded on the H piles. Safe operation sheet piling will be used during the excavation for placement of the concrete pile caps. The superstructure will be prefabricated off-site and assembled on site. The new span will be assembled under the existing Bronx Kill railroad bridge viaduct. The superstructure will then be launched from the Randalls Island side of the Bronx Kill. The new conduits will then be installed using utility supports suspended from the new structure. There will be no temporary lay-down areas.

10. Does the Action Involve a Permit Approval, or Funding, Now or Ultimately From Any Other Governmental Agency (Federal, State, or Local)

State Permits/Approvals

- New York State Department of Environmental Conservation (NYSDEC) Tidal Wetlands Permit
- New York State Office of General Services (OGS) lands underwater approval
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) Letter of No Adverse Effect

New York City Approvals

- New York City Department of Parks and Recreation (NYCDPR) approval

ATTACHMENT G
US ARMY CORPS OF ENGINEERS
LETTER – NO PERMIT REQUIRED



REPLY TO

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

Eastern Permits Section

Date: 6 June 2008

SUBJECT: Permit Application by Consolidated Edison
NAN-2008-708-EJE

Consolidated Edison
c/o: Parsons Brinckerhoff
Attention: Genaro Lozano
One Penn Plaza
New York, NY 10119

Dear Mr. Lozano:

The New York District of the U.S. Army Corps of Engineers received your application for a Department of the Army (DA) permit dated April 18, 2008 for in-water construction activities located below the mean high tide line and/or discharge of fill material below the spring high tide line into waters of the United States. The project entails the installation of a utility crossing of the Bronx Kill.

Please be advised we have reviewed the Joint Application, and based solely upon the information provided, it appears that a Department of the Army is not required for your proposal. There appears to be no discharge of fill material into water of the United States, and the crossing would be located directly above an existing crossing with no impacts to navigable waters.

The Department of the Army regulates construction activities in navigable waterways and discharges of dredged or fill material into water of the United States, including inland and coastal wetlands. If your proposal would involve such work, and has not been portrayed as such in your Joint Application, you should contact this office immediately so that a project-specific determination can be made as to whether a Department of the Army permit will be required.

Please note that this determination does not eliminate the need to obtain any other Federal, State or local authorization required by law for the proposed work illustrated in the attached plans, including any required permit or Water Quality Certification from the New York State Department of Environmental Conservation (NYSDEC) or a Coastal Zone Management consistency certification from the New York State Department of State (NYSDOS).

Submit any inquiries to Stacey M. Jensen, Project Manager, at (917) 790-8420.

Sincerely,



6 June 2008

FR George Nieves
Chief, Eastern Permits Section

Enclosures

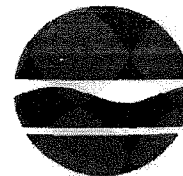
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 2

47-40 21ST Street, Long Island City, NY 11101-5407

Phone: (718) 482-4997 • FAX: (718) 482-4975

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

October 9, 2008

Gwen Keeble, EH&S
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, New York 10003

Re: NYSDEC Permit No. 2-9902-00092/00001
Consolidated Edison Company of New York
Utility Bridge over Bronx Kill
Bronx to Manhattan
between Brooklyn & Manhattan
New York, New York
6NYCRR Part 608 - Water Quality Certification
ECL Article 15 - Protection of Waters
ECL Article 25 - Tidal Wetlands
NOTICE OF PERMIT ISSUANCE

Dear Ms. Keeble:

Enclosed is your permit. Please read it carefully. Compliance with all permit conditions is required.

Please be advised that Natural resource Permit Condition 2 required submission of the attached Notice of Intent to Commence Work at least 5 days prior to beginning work.

Technical questions regarding this matter should be directed to Susan Maresca in the NYSDEC Bureau of Marine Resources at 718 482-6464. Administrative questions should be directed to Tammy Greco in the NYSDEC Division of Environmental Permits.

Sincerely,

Harold J. Dickey
Deputy Regional Permit Administrator

cc: NYSDEC Marine Resources
NYSDEC Law Enforcement



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

CONSOLIDATED EDISON COMPANY OF
NEW YORK INC
4 IRVING PL RM 828
NEW YORK, NY 10003-3502
(212) 460-4413

Facility:

CON ED - BRONX KILL CROSSING
RANDALLS ISLAND TO PORT MORRIS
NEW YORK & BRONX, NY

Facility Location: in SEVERAL COUNTIES in THIS REGION **Village:** Bronx - Manhattan

Facility Principal Reference Point: NYTM-E: NYTM-N:

Latitude: Longitude:

Project Location: Randall's Island, Manhattan to Poert Morris, Bronx - Bronx Kill

Authorized Activity: Utility and Pedestrian Crossing.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 2-9902-00092/00001

New Permit

Effective Date: 10/9/2008

Expiration Date: 12/31/2010

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 2-9902-00092/00002

New Permit

Effective Date: 10/9/2008

Expiration Date: 12/31/2010

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 2-9902-00092/00003

New Permit

Effective Date: 10/9/2008

Expiration Date: 12/31/2010

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: JOHN F CRYAN, Regional Permit Administrator

Address: NYSDEC REGION 2 HEADQUARTERS
47-40 21ST ST
LONG ISLAND CITY, NY 11101 -5407

Authorized Signature:

Date 10/9/08

Permit Components



NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;
EXCAVATION & FILL IN NAVIGABLE WATERS**

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Parsons Brinkerhoff, "Consolidated Edison Co. of New York, Inc. - Bronx Kill Utility Crossing", received by NYSDEC on July 10, 2008.
2. **Notice of Intent to Commence Work** At least five (5) days prior to the start of work. Permittee must complete and submit the attached "Notice of Intent to Commence Work" form to the NYSDEC Bureau of Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Susan Maresca).
3. **Post Construction Photographs** Within 30 days of the completion of work, Permittee must provide post-construction photographs of the work area to: NYSDEC Bureau of Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Susan Maresca).
4. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
5. **Storage of Construction Equipment & Materials** The storage of construction equipment and materials must be confined to within the project work site and or upland areas greater than 20 linear feet from the tidal wetland boundary.
6. **No Equipment Below High Water** Equipment operation below apparent high water is strictly prohibited.
7. **No Disturbance to Vegetated Tidal Wetland** There must be no disturbance to vegetated tidal wetlands as a result of the permitted activity.
8. **Dredging is Prohibited** This permit does not authorize and dredging.
9. **Concrete / Leachate Discharges Prohibited** During construction, concrete or leachate must not escape or be discharged, nor will washings from transit mix trucks, mixers, or other devices enter tidal wetlands and or protected buffer areas.
10. **Best Management Practices**
Best management practices must be employed to prevent the loss of construction materials, debris, and sediment from entering the waterways. Such practices may include, but are not limited to silt fencing,



hay bales, and floating booms.

11. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

12. Soil Containment All disturbed areas where soil will be temporarily exposed or stockpiled for longer than one (1) week must be contained by a continuous line of staked hay bales/silt curtain (or other NYSDEC approved method) placed on the seaward side between the fill and wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

13. Soil Stabilization All areas of soil disturbance resulting from this project must be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

A. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).

B. Stabilized as per specifications identified on project plans referenced in Natural Resource Permit Condition 1.

C. Temporarily stabilized with straw or hay mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization must be maintained until a mature vegetative cover is established.

14. Debris Removal Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

15. Debris Disposal All demolition and construction debris must be properly disposed of at a licensed facility.

16. Disposal of Excavated Material All excavated material must be moved to an approved upland site and be retained so as to not re-enter any water body, tidal wetland, or protected buffer area.

17. Removal of Debris and Excess Material Any debris or excess material from construction of this project must be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in tidal wetlands or tidal wetlands adjacent area or protected buffer areas.

18. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

19. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

20. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.



21. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

22. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

23. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

24. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available



for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 2 HEADQUARTERS
47-40 21ST ST
LONG ISLAND CITY, NY11101 -5407

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees,



and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

NYSDEC Marine Resources
Attn. Susan Maresca
N.Y.S.D.E.C Region 2 Office
47-40 21st Street
Long Island City, N.Y. 11101

Re: NYSDEC Permit No. 2-9902-00092/00001
Consolidated Edison Company of New York
Utility Bridge over Bronx Kill
Bronx to Manhattan
between Brooklyn & Manhattan

Dear Ms. Maresca:

In accordance with Special Condition 2 of the referenced permit, I hereby serve notice to commence work on _____, 200 ____.

This is also to certify that, having read this entire permit, I am fully aware of and understand the general and special conditions therein, and agree to comply with all such conditions further understand that prior to undertaking any modification to the subject work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

Signature of Permittee

Signature of Contractor

Name of Permittee (please print)

Name of Contractor (please print)

Street Address of Contractor

City, State, & Zip Code of Contractor

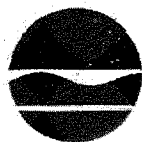
Telephone Number of Contractor

WARNING

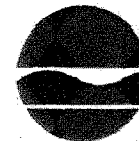
The permittee and his contractor (if any) are required to follow all permit conditions. Violations of the permit may lead to legal action, including the imposition of substantial monetary fines and corrective work.

cc: Environmental Permits

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of the approved work and any Department conditions applied to the approval, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number 2-9902-00092/00001

Expiration Date December 31, 2010

Regional Permit Administrator

John F. Cryan
47-40 21st Street

Long Island City, New York 11101
(718) 482-4997

NOTE: This notice is NOT a permit

OWNER: The People of the State of New York	
PERMITTEE: Consolidated Edison Company of New York	
ADDRESS: 4 Irving Place-Room 1638, New York, New York	TELEPHONE: 212-460-1327
LOCATION OF PROPERTY TO BE USED: Bronx Kill , from Bronx to Randalls Island	
PERMITTED USE: Install conduits for electrical cables running through a pre-fabricated truss supported on driven piles	
TERM OF USE: One Year *See below Term 1	FEE: \$417.00
DATE OF USE OR USE TO BEGIN: Effective date of permit	END DATE:

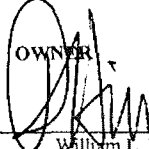
TERMS AND CONDITIONS

1. The permittee agrees to provide the owner with an as-built survey of the easement area within one year of the effective date of the permit herein granted showing the location of all cables and appurtenant structures. The permittee further agrees that said survey is subject to revision prior to final approval by the owner and issuance of an easement. Failure to submit the survey within one year of the effective date of the permit, or to provide the owner with any requested revisions, will result in termination of any present and future rights herein granted.
2. The permit hereby granted is granted only with respect to the cable(s) generally described in the application and shown on the map or plan which accompanies the application. If the proposed cable(s) is not maintained or shall not have been maintained or used for a period of three (3) years, then in such event, the permittee agrees at the expense of the permittee and at no expense to the owner to remove at once said cable(s) from the land of the owner hereby affected and to leave the land in as nearly the same condition as possible as it was prior to the installation hereby authorized unless agreed to by the owner and permittee. In the event the cable(s) is abandoned in place, such abandonment shall be subject to the review and approval of the owner.
3. The permission hereby granted may not be transferred, assigned or otherwise given by the permittee to any other person or persons without the prior written permission of the Commissioner of General Services of the State of New York.
4. The permittee shall be liable for and shall pay all damages that may arise or occur to the owner and shall save the owner harmless from all claims for damages in consequence of the installation, maintenance, use, and/or removal of the said cable(s) or by reason of any work done or authorized by or under this permit and, at the expense of the permittee, will defend all suits brought on account thereof.
5. The permittee agrees to provide liability insurance in the amount of \$3,000,000 per occurrence and \$5,000,000 in aggregate, and shall name the owner as insured under the policy or policies of insurance coverage so provided. The Permit number is to appear on the Certificate of Insurance.
6. The permit hereby granted is intended to affect only the right, title and interest of the owner in the aforescribed parcel of land.

The undersigned permittee hereby agrees to abide by and carry out the terms and conditions of this permit.

PERMITTEE

By: Kathleen F. Bell
Title: Vice President

OWNER


By: _____
William L. Hill, Deputy Commissioner
Real Property Management and Development
for the Commissioner of General Services

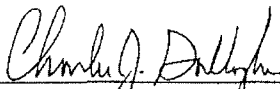
Date: December 19, 2008

Approval Date: 1/7/09

ADDRESS:
NYS Office of General Services
Real Estate Planning & Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, New York 12242
(518) 474-2195

STATE OF NEW YORK }
 : SS.:
COUNTY OF NEW YORK }

On the 19th day of December, in the year 2008 before me, the undersigned, personally appeared KATHERINE L. BODEN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public, State of New York
Qualified in County of: *Queens*
My Commission Expires *9/30/09*

CHARLES J. GALLAGHER
Notary Public, State of New York
No. 01GA4694445
Qualified in Queens County
Commission Expires Sept. 30, 2009

ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED

Hamilton, Bermuda

CERTIFICATE OF INSURANCE

(Excess Liability)

This Certificate is furnished to the Certificate Holder named below as a matter of information only. Neither this Certificate nor the issuance hereof modifies the policy of insurance identified below (the "Policy") in any manner. The Policy terms are solely as stated in the Policy or in any endorsement thereto. Any amendment, change or extension of the Policy can only be effected by a specific endorsement issued by the Company and attached to the Policy.

The undersigned hereby certifies that the Policy has been issued by Associated Electric & Gas Insurance Services Limited (the "Company") to the Named Insured identified below for the coverage described and for the policy period specified.

Notwithstanding any requirements, terms or conditions of any contract or other document with respect to which this Certificate may be issued or to which it may pertain, the insurance afforded by the Policy is subject to all of the terms of the Policy.

NAME OF INSURED: Consolidated Edison Company of New York, Inc.

PRINCIPAL ADDRESS: 4 Irving Place, New York, New York 10003-3502

POLICY NUMBER: X0007A1A08 POLICY PERIOD: From: 4/28/2008 To: 4/28/2009

RETROACTIVE DATE: 4/28/1987

DESCRIPTION OF COVERAGE: Claims-First-Made Excess Liability Policy covering claims for Bodily Injury, Property Damaged and Personal Injury arising from the operations described below. (Includes Sudden and Accidental Pollution Liability, Auto Liability)

LIMIT OF LIABILITY: \$5,000,000 per occurrence and in the aggregate, where applicable. In Excess of \$7,500,000 Self Retention

ADDITIONAL INSURED: The Certificate Holder is an additional Insured under the Policy but only: (i) to such extent and for such Limits of Liability (subject always to the terms and Limits of Liability of the Policy) as the Named Insured has agreed to provide insurance for the Certificate Holder under the following contract: Interim Permit Number: LUW01377

and (ii) with respect to the following operations: the terms and conditions set forth in the agreement / Permit (Permit Number: LUW01377) between Con Edison and the New York State Office of General Services

Should the Policy be cancelled, assigned or changed in a manner that is materially adverse to the Insured(s) under the Policy, the undersigned will endeavor to give 30 days advance written notice thereof to the Certificate Holder, but failure to give such notice will impose no obligation or liability of any kind upon the Company, the undersigned or any agent or representative of either.

DATE: December 19, 2008

ISSUED TO: The People of the State of New York, its Officials, and its Agencies ("Certificate Holder") c/o New York State Office of General Services

ADDRESS: Real Estate Planning & Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, New York 12242

AEGIS INSURANCE SERVICES, INC.

BY: Sandra X. Johnson

At Jersey City, New Jersey



Consolidated Edison Company
of New York, Inc.
4 Irving Place
New York NY 10003
www.conEd.com

December 19, 2008

State of New York Office of General Services
Real Estate Planning and Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, New York 12242

Dear Sir / Madam,

Consolidated Edison Company of New York, Inc. ("Con Edison") a New York City and Westchester County based utility, self-insures its Workers' Compensation and Disability Benefits Insurance. A copy of the authorization from the New York Workers' Compensation Board is evidenced on the attached certificates.

Con Edison, like other major corporations and New York City self-insures a portion of our liability insurance program. Con Edison defends and settles all claims and litigation filed against us by all entities and individuals for injuries and/or property damage up to \$7.5 million each loss. This self-insurance program also applies to any claims arising from the operation of our fleet of automobiles and trucks.

Con Edison also carries substantial excess liability insurance above this \$7.5 million limit for litigation alleging bodily injury and/or property damage claims, filed against it. This self-insurance program would be applicable in the event of any bodily injury or property damage claims arising from the activities associated with the terms and conditions related to the agreement / permit (Permit Number LUW01377) between Con Edison and the New York State Office of General Services.

Your office can utilize this letter as certification of our liability self-insurance program and position.

Regards,

Edward F. Murray
Edward F. Murray
Senior Analyst

C: File



New York State Department of Motor Vehicles—Insurance Services Bureau

**APPROVAL TO USE INSURANCE IDENTIFICATION
CARDS AND CERTIFICATES**

The person named below has approval to use the checked Identification Cards and/or Certificates when applying for motor vehicle registrations:

Consolidated Edison Co. of NY
4 Irving Place
New York, NY 10003

Approval/Certificate No.: 1
Date of Approval: 12/27/2007

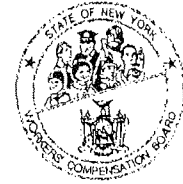
- FS-3A — New York State Self Insurance Certificate - Self Insurer(Art.8), Calendar Year
- FS-80 — New York State Insurance Identification Card - Self Insurer(Art. 6), Calendar Year 2008.
- FS-83 — Financial Security Bond on File.

FS-3B(8/99)

By: *Desiree Tefft*



STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
SELF-INSURANCE OFFICE
20 PARK STREET - ROOM 206
ALBANY, NY 12207



(518) 402-0247
FAX (518) 402-6199

COMPLIANCE WITH DISABILITY BENEFITS LAW
(Pursuant To Section 220, subd. 8 of the Disability Benefits Law)

EMPLOYER Consolidated Edison Company of New York, Inc.	FEDERAL EMPLOYER IDENTIFICATION NUMBER 13-5009340
	LOCATION OF OPERATIONS New York State
ADDRESS (HOME OR MAIN OFFICE) 4 Irving Place Rm 1901 New York, NY 10003	OPERATIONS TO BEGIN ON OR ABOUT: Self-Insured Status Effective: July 1, 1950 Carrier ID No.: B346005

There are on file with the Workers' Compensation Board, documents indicating that the above-named employer has complied with the Disability Benefits Law with respect to all of his or her employees in the following manner:

- By approved self-insurance pursuant to Section 211, subdivision 3 of the Disability Benefits Law.
- By a combination of approved self-insurance pursuant to Section 211, subdivision 3 of the Disability Benefits Law and insurance with authorized insurance carrier(s).

Date: January 2, 2008

By: *Gina Wagoner*
Gina Wagoner
WC Examiner



STATE OF NEW YORK
 WORKERS' COMPENSATION BOARD
 SELF-INSURANCE OFFICE
 20 PARK STREET - ROOM 206
 ALBANY, NY 12207



Office of the Secretary

I, **Sandra M. Olson**, Secretary to the Workers' Compensation Board of the State of New York, **DO HEREBY CERTIFY**, that

Consolidated Edison Company of New York, Inc.
 has secured compensation to its employees as a self-insurer in the following manner:

- Pursuant to Section 50, subdivision 3 of the Workers' Compensation Law.
- Pursuant to Section 50, subdivisions 3 and 4 of the Workers' Compensation Law (County, city, village, town, school district, fire district or other political subdivision).
- Pursuant to Article 5 of the Workers' Compensation Law (County Self-Insurance Plan).

The status of self-insurer was effective as of **July 8, 1914** and such status still remains in full force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Workers' Compensation Board this 3rd day of **January 2008**.

STATUS CONFIRMED

By *Gina Wagoner*
 Gina Wagoner
 Self-Insurance Office

Sandra M. Olson
 Secretary to the Board

THIS INDENTURE made this *22nd* day of *June*, 2009, between THE PEOPLE OF THE STATE OF NEW YORK acting by John C. Egan, their Commissioner of General Services in the Executive Department, with offices at Mayor Erastus Corning 2nd Tower, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12242, hereinafter referred to as the "Grantor," and Consolidated Edison Company of New York, Inc., having its principal office at 4 Irving Place, Room 1638, New York, New York 10003, hereinafter referred to as the "Grantee,"

WITNESSETH, that the Grantor, pursuant to Section 3, subdivision 2 of the Public Lands Law and Findings of the Commissioner dated *June 22*, 2009 and in consideration of the sum of Four Hundred Seventeen and 00/100 Dollars (\$417.00), lawful money of the United States of America, paid by the Grantee and upon the terms and conditions hereinafter expressed, does hereby give and grant unto the Grantee and successors and assigns of the Grantee, the right, privilege and easement to install, maintain and operate a single-span truss supported on driven piles and conduits for electric cables and appurtenances thereof, hereinafter collectively referred to as the "electric cables", on the parcels of land underwater hereinafter described:

All that tract, piece or parcel of land now or formerly under the waters of the Bronx Kills, situate in the City, County, and State of New York, bounded and described as follows:

BEGINNING at a point having coordinates of North 229909.033 and East 1007415.618

in the southwest bounds of a grant of lands underwater to Gouverneur Morris, dated March 30, 1888, and recorded in the New York State Department of State in Book 47 of Patents, at page 14, said bounds also being the United States Bulkhead Line of 1881,

thence, from said POINT OF BEGINNING: S. 48° 27' 29" W., through the Bronx Kills, a distance of 23.94 feet to a point on the present high water line of the Bronx Kills at Randalls Island, said point having coordinates of North 229893.157 and East 1007397.700;

thence N. 51° 20' 12" W., along said present high water line, a distance of 17.57 feet to a point having coordinates of North 229904.136 and East 1007383.977;

thence N. 39° 35' 55" W., continuing along said present high water line, a distance of 17.69 feet to a point having coordinates of North 229917.769 and East 1007372.700;

thence N. 48° 27' 29" E., through the Bronx Kills, a distance of 12.97 to a point in the southwest bounds of said grant to Gouverneur Morris and the United States Bulkhead Line of 1881, said point having coordinates of North 229926.371 and East 1007382.409;

thence S 62° 25' 54" E., along said grant to Gouverneur Morris and United States Bulkhead Line of 1881, a distance of 37.46 feet to the point or place of BEGINNING.

Said parcel contains 678 square feet of land, more or less.

All coordinates are referenced to the New York State Plane Coordinate System, NAD 83 (feet), Long Island Zone.

As shown on a map entitled, "State of New York Office of General Services Submerged Land Application Map in the Application of Consolidated Edison of New York for an Easement of Lands Now or Formerly Under the Waters of the Bronx Kills," dated December 17, 2008, prepared by Robert Castillo and filed in the New York State Office of General Services in Albany, New York as O.G.S. Map No. 2109.

This grant of easement is for a term of twenty-five (25) years, commencing as of January 7, 2009, unless sooner terminated as hereinafter provided, and is made and accepted subject to the following covenants, conditions and restrictions:

1. At the termination of the easement hereby granted, the Grantee, for itself and its successors in interest hereunder, agrees, at its own expense and at no expense to the Grantor, to remove at once the electric cables installed or maintained hereunder from the land affected hereby and to leave said land in as nearly the same condition as possible as it was prior to the construction hereby authorized.
2. The easement hereby granted is granted only with respect to the electric cables described in Grantee's application and shown on the maps or plans accompanying the application or substantially as so described. If the electric cables shall not be maintained and used for a period of three years, this easement shall cease and

determine, without action to such effect being taken by the Grantor, and all the rights of the Grantee and its successors hereunder shall then terminate; and, furthermore, in such event, the provisions for removal as above set forth shall apply in the same manner and with the same effect as so set forth.

3. The construction, reconstruction, installation, repair, maintenance and operation of the electric cables shall be in accordance with all applicable safety rules and regulations and so as not to constitute a hazard or nuisance to persons and property, and shall be in compliance with all applicable statutes, laws and ordinances, federal, state or municipal, and with the codes, rules, regulations and orders of any governmental department, office, board, commission or other body having jurisdiction in the matter.
4. In the event of the abandonment of said easement and the removal of said electric cables, the easement herein granted shall terminate and revert to the Grantor, free and clear of any and all liens, mortgages or encumbrances, and without any affirmative action by the Grantor.
5. The easement herein granted shall not be assigned by the Grantee without the prior written consent of the Grantor.
6. Grantee assumes all risk in the construction, reconstruction, installation, repair, maintenance, operation and/or removal of the electric cables referred to in this Indenture, and shall be solely responsible and answerable in damages for any and all accidents and injuries to person or property (including death), and hereby covenants and agrees to indemnify and hold harmless the Grantor from any violation by Grantee, its agents, employees, or contractors, of any law, ordinance, rule or regulation affecting or relating to the construction, reconstruction, installation, repair, maintenance, operation and/or removal of said electric cables, and from any and all claims, suits, losses, damages or injuries to person or property (including death) of every kind and nature whether direct or indirect, arising out of the construction, reconstruction, installation, repair, maintenance, operation and/or removal thereof, or the carelessness, negligence or improper conduct of the Grantee or any contractor, servant, agent or employee thereof and to pay for and on behalf of the Grantor any and all charges, fees, expenses, costs or judgments arising therefrom. The Grantee agrees, upon being requested so to do, to assume the defense and to defend, at its own cost and expense, any action brought at any time against the Grantor in connection with any such claim, suits, losses or liens as aforesaid.
7. The easement hereby granted is intended to affect only the right, title and interest of the Grantor in the aforescribed parcel of land.

The word "Grantee" shall be construed as if read "Grantees" whenever the sense of this Indenture so requires. The use of the neuter pronoun in any reference to "Grantee" shall be construed to include any individual "Grantee," and the word "successors" shall be construed as if read "heirs" whenever the sense of this Indenture so requires.

All the covenants, terms and conditions in this Indenture shall inure to the benefit of and be binding upon the executors, administrators, successors and assigns of the respective parties hereto, the same as if they were in every case named and expressed.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed by its duly authorized representative on the day and year first above written.

THE PEOPLE OF THE STATE OF NEW YORK

By John C. Egan
John C. Egan
Commissioner of General Services

STATE OF NEW YORK }
: SS.:
COUNTY OF ALBANY }

On the day of June 22, in the year 2009, before me, the undersigned personally appeared John C. Egan, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Frank P. Pallante
Notary Public, State of New York
Qualified in County of:
My Commission Expires:

FRANK P. PALLANTE
Notary Public, State Of New York
No. 02PA6073097
Qualified In Albany County
Commission Expires April 15, 20 10

Approved as to form this 21 day
of July, 2009

ANDREW M. CUOMO
Attorney General

By Gary T. Deery B
Principal Attorney