



Line 28 Transmission Project

Part of Southern Tier Interconnection Project

Case 10-T-0283

Environmental Management and Construction Plan Supplement

Prepared by



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Revised November 29, 2010

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1.0 INTRODUCTION

Orange and Rockland Utilities, Inc. (“Orange and Rockland” or “ORU”) is planning to add a second circuit (“Transmission Line 28” or “Line 28”) in the open position on certain existing transmission towers located between the Ramapo 345 kV electric substation, located in the Town of Ramapo in Rockland County, New York, and ORU’s new 138 kV Sugarloaf Substation, which is currently being constructed on the south side of Sugarloaf Mountain Road near the existing ORU 69 kV Sugarloaf Substation in the Town of Chester, Orange County, New York. Transmission Line 28 initially will operate at 138 kV (Collectively, the “Project”).

Consolidated Edison Company of New York, Inc.’s (“Con Edison”) 345 kV Transmission Line 77 (“Transmission Line 77”) was installed on these transmission towers in the 1970s. Transmission Line 77 was certified by the New York State Public Service Commission (“NYSPSC”) as a double circuit facility in January 1972 under Article VII of the New York State Public Service Law (“PSL”) as a part of the Southern Tier Interconnection Project (Case 25845). As detailed in the NYSPSC’s opinion and order granting the Certificate of Environmental Compatibility and Public Need (“Certificate”) to Con Edison, prospective installation of the second circuit was approved to avoid the environmental impact and costs of constructing a new transmission line in the future. Con Edison has no plans to install such a second circuit. Con Edison and ORU, an affiliate of Con Edison, has sought approval of the NYSPSC in a related proceeding under Section 70 of the PSL to enter into a lease agreement with ORU that would allow ORU to construct, install, operate and maintain Line 28 in the currently open position on certain transmission structures supporting Transmission Line 77.

In June 2010 Con Edison and Orange and Rockland filed a joint petition pursuant to Section 121 of the Public Service Law requesting the NYSPSC to approve a transfer of the Certificate from Con Edison to Orange and Rockland. PSC approval of the joint petition would allow Orange and Rockland to install Transmission Line 28 in the open space on existing transmission towers owned by Con Edison. On June 15, 2010 Orange and Rockland also submitted an Environmental Management and Construction Plan (“EM&CP”) for the construction, operation and maintenance of Line 28. The NYSPSC held two public statement hearings on the joint petition on September 16, 2010. In addition, written comments were received by the NYSPSC on the joint petition through September 27, 2010.

The purpose of this Supplement to the EM&CP (“Supplement”) was to address comments submitted during the public comment period and at the public statement hearings held on September 16, 2010 for the Project. The Supplement was submitted to the NYSPSC on September 29, 2010. The Supplement is being revised to address certain comments submitted by the New York State Department of Environmental Conservation (“NYSDEC”) under cover letter dated September 27, 2010.

Comments were received from the following parties in this proceeding:

- Town of Warwick (“TOW”)
- Rockland County Solid Waste Management Authority (“RCSWMA”)
- Rockland County Division of Environmental Resources (“RCDER”)
- Rockland County Drainage Agency (“RCDA”);
- Palisades Interstate Park Commission (“PIPC”)
- New York State Thruway Authority (“NYSTA”);
- NYSDEC and
- New York State Department of Public Service (“NYSDPS”)

The comments received from the above parties and ORU responses are presented in Chapter 2.0

2.0 EM&CP COMMENTS AND RESPONSES

The comments received on the Line 28 EM&CP are summarized in Table 2-1 on the following page. A response to the each comment received is presented in Sections 2.1 through 2.7. Within these sections each comment is received is presented in *Italics*, followed by ORU's response.

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Case No. 10-T-0283**

Table 2-1. Summary of EM&CP Comments and Information Requests

Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
Town of Warwick (Mr. Michael Sweeten)	September 16, 2010	TOW-1	<ul style="list-style-type: none"> The Town of Warwick would like to know if this project will benefit the local community. 	Section 1.0
		TOW-2	<ul style="list-style-type: none"> The Town of Warwick would like a better understanding of the vegetation clearing required in support of this project and confirm that clearing activities will be in accordance with ORU’s vegetation management plan. The Town of Warwick does not want ORU to perform excessive clearing for this project. 	Sections 2.0, 6.0 and Attachment 1
		TOW-3	<ul style="list-style-type: none"> As noted in the EM&CP, the following species of concern are known to occur in the project area: Indiana Bat, Bog Turtle, and Timber Rattlesnake. The Town of Warwick would like to know how ORU plans to address this during construction. 	Section 3.4 and 4.0
		TOW-4	<ul style="list-style-type: none"> The project right-of-way (“ROW”) crosses and number of streams, including the Trout Brook. What measures will be taken to protect the Trout Brook and other stream crossings 	Sections 3.5, 8.0, and Attachment 1

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Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
Rockland County Solid Waste Management Authority (Kimberlea Shaw Rea, Esq. – Westervelt & Rea, Attorneys at Law)	July 14, 2010	RCSWMA-1	<ul style="list-style-type: none"> The RCSWMA requests active party status, pursuant to 16 NYCRR Section 85-2.11(b)(1). 	Not Applicable

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<p style="text-align: center;">Rockland County – Division of Environmental Resources (R. Allan Beers, Coordinator of Environmental Resources)</p>	<p style="text-align: center;">July 14, 2010</p>	<p style="text-align: center;">RCDER-1</p>	<ul style="list-style-type: none"> • Transmission Line 77 originating from the Ramapo Substation located in the Town of Ramapo, Rockland County, traverses property jointly owned by the Palisades Interstate Park Commission and the County of Rockland. The 497-acre property locally known as Wrightmen’s Plateau was purchased in 2008 from the Ramapo Land Company as County/State Parkland. The property was acquired to protect the adjacent Torne Mountain and its environs. Other than a visual impact from the scenic vantage points, Transmission Line 77 has little impact to the property since its original installation in 1972. 	<p style="text-align: center;">Section 3.2</p>

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<p style="text-align: center;">Rockland County – Division of Environmental Resources</p>	<p style="text-align: center;">July 14, 2010</p>	<p style="text-align: center;">RCDER-2</p>	<ul style="list-style-type: none"> • Access to a portion of Line 77, which traverses Wrightmen’s Plateau, will be over the existing unimproved access road originating from Torne Brook Rd. The access road is in need of significant drainage and grading improvements. Proper BMPs should be carefully detailed and installed along the access road to prevent runoff into the adjacent Torne Brook, which is classified as a BT – trout spawning. It is the only BT classification in the County. 	<p style="text-align: center;">Attachment 1, Section 3.5, and Section 8.0</p>
		<p style="text-align: center;">RCDER-3</p>	<ul style="list-style-type: none"> • The existing access road has been used for years by local hikers to access hiking trails to the Torne Mountain. Grading and drainage improvements to the access road will be a benefit to hikers in the future. 	<p style="text-align: center;">Not Applicable; Please see below for ORU’s response.</p>

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Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
Rockland County – Division of Environmental Resources	July 14, 2010	RCDER-4	<ul style="list-style-type: none"> Wire Pulling Sites – According to the EM&CP, a total of five wire-pulling sites will be located on the Wrightmen’s Plateau property. As an alternative to excavating a pad and removing existing rock, we prefer a sub-base material be added to the locations and compacted to level the site. At the completion of the project the material can be removed and the area restored to its original condition and contour. 	Section 9.0 and Attachment 1
		RCDER-5	<ul style="list-style-type: none"> Construction – Described in section 9.2 of the EM&CP, six locations have been identified along the route to have existing rock outcrops within the project ROW to be removed by mechanical means. We were unable to determine the outcrop locations on the provided profile drawings, so we are unsure if any rock outcrop areas in the Wrightmen’s Plateau would be affected. We would be strongly opposed to any rock outcroppings being removed on the section, which traverses Wrightmen’s Plateau. 	Section 2.0 and Attachment 1

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Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
<p align="center">Rockland County – Division of Environmental Resources</p>	<p align="center">July 14, 2010</p>	<p align="center">RCDER-6</p>	<ul style="list-style-type: none"> • Environmental Supervision – We fully concur that an Environmental Monitor be assigned to the site during the entire construction phases. Timber Rattlesnake monitoring is extremely important from May 1st – September 30th. The Environmental Monitor should carefully examine any areas prior to construction activities taking place on a daily basis. A licensed NYSDEC snake handler should relocate any timber rattlesnakes observed in harm’s way. We also support the recommendation of “spotters” walking in front of any construction vehicles along areas of potential timber rattlesnake habitat as identified in the EM&CP. 	<p align="center">Section 13.0 and Section 4.0</p>

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Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
Rockland County Drainage Agency (Mr. Shajan Thottakara, PE)	July 16, 2010	RCDA-1	<ul style="list-style-type: none"> Our review of the current submittal, Line 28 Transmission project on Line 77 Tower, indicates that no new structures or ground disturbances are being proposed within 100 feet of the 100-year floodplain of the Raritan River and the Nakoma Brook. Accordingly, since no new structures or ground disturbances are proposed within the RCDA's jurisdiction, a permit from the RCDA for the above referenced project is not required at this time. 	Section 3.5 and Attachment 1
Palisades Interstate Park Commission (Mr. Michael Cullen)	September 16, 2010	PIPC-1	<ul style="list-style-type: none"> Please discuss the areas within Harriman State Park that have been designated for vegetation management. 	Sections 2.0, 6.0 and Attachment 1
		PIPC-2	<ul style="list-style-type: none"> Will danger trees be removed from park property? Will they be identified prior to removal? 	Sections 2.0, 6.0 and Attachment 1
		PIPC-3	<ul style="list-style-type: none"> What access roads will be utilized in the park? Will any unauthorized access be needed? 	Sections 8.0 and Attachment 1

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New York State Thruway Authority (Mr. Jack Hohman, PE – Division Capital Program Manager)	June 17, 2010	NYSTA-1	<ul style="list-style-type: none"> • Section 11.1.1 (page 11-1) lists the State (NYSDOT) as having jurisdiction of the Thruway. The New York State Thruway Authority has jurisdiction over the Thruway (I-87). Thus, the required permits for the NYS Thruway crossing will be obtained from the NYS Thruway Authority, not the NYSDOT. 	Section 11.1.1
New York State Department of Environmental Conservation (Ms. Betsy Hohenstein, Environmental Analyst, Department of Environmental Permits)	September 27, 2010	NYSDEC-1	<ul style="list-style-type: none"> • 1. Project Construction Schedule (Section 2.3) – ORU’s proposed construction schedule lacks sufficient detail, such as time frames for avoiding or mitigating impacts to endangered or threatened species, and calendar restrictions regarding the crossing of any protected streams in order to minimize warm or cold water fishery impacts. See comment 6c below. 	Section 2.3

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<p style="text-align: center;">New York State Department of Environmental Conservation (Ms. Betsy Hohenstein, Environmental Analyst, Department of Environmental Permits)</p>	<p style="text-align: center;">September 27, 2010</p>	<p style="text-align: center;">NYSDEC-2</p>	<ul style="list-style-type: none"> • 2. Invasive Species Control Procedures – The invasive species control procedures described in ORU’s DEC GP referenced above, should be included as procedures in the EM&CP. <ul style="list-style-type: none"> a. (Section 3.1.1 – page 3-12, 2nd paragraph) – DEC recommends that ORU consider special equipment and personnel clothing cleaning prior to crossing or work in areas near the cultural assets of Sterling Forest Park, and in the vicinity of the Appalachian Trail in the Town of Warwick. b. (Page 12-4) – Replacement trees, shrubs and other groundcover plants shall be of the same species, except no invasive species shall be used. 	<p style="text-align: center;">Section 12.0</p>

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<p style="text-align: center;">New York State Department of Environmental Conservation (Ms. Betsy Hohenstein, Environmental Analyst, Department of Environmental Permits)</p>	<p>September 27, 2010</p>	<p>NYSDEC-3</p>	<ul style="list-style-type: none"> • 3. Update the Reference to ORUs General Permit (Section 3.4.2, pages 3-68 and 3-72) – Construction activities which reference the above permit should be replaced with the currently applicable DEC GP, attached to this letter, and as follows: <ul style="list-style-type: none"> a. (Section 3.4) For DEC wetlands, ORU must either assure DEC that the company’s best management practices will be consistent with the currently applicable DEC GP, or incorporate those provisions into the best management practices for this project. b. <u>Streams, Wetlands and Other Water Resources</u> (Section 4.3, pages 4-17 through 4-16) – Likewise, protection measures for wetlands and streams should be the best management practices as detailed in the currently applicable DEC GP. On page 4-16, reference to Appendix A should include the currently applicable DEC GP. c. <u>Vegetation Clearing</u> (Section 6.4.2) – After the third sentence, please add a note that this includes the currently applicable DEC GP. d. (Section 7) Water diversion devices should follow the best management practices detailed in Appendix A as DEC Permit 3-9903-0111/00001. 	<p>Section 3.4, 4.3, 6.4.2, and Section 7.5.4</p>
<p><i>Line 28 Transmission Project Environmental Management and Construction Plan Supplement</i></p>		<p>2-11</p>	<ul style="list-style-type: none"> • 	<p><i>Section 2: EM&CP Comments</i></p>

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New York State Department of Environmental Conservation (Ms. Betsy Hohenstein, Environmental Analyst, Department of Environmental Permits)	September 27, 2010	NYSDEC-4	<ul style="list-style-type: none"> 4. Access Roads, Filter Fabric and Stone (Section 8.3.2, Page 8-3) – DEC does not condone the use of stone used as fill in a wetland. Thus, the use of stone as fill in wetlands is to be used only as a last resort, when wetland and timber mats are impracticable, due to the stress on the wetlands during use and removal of the stone by excavation. 	Section 8.3.2,
		NYSDEC-5	<ul style="list-style-type: none"> 5. Stream Crossings (Section 8.5, page 8-5) – Please note the following: Page 3-94 chart listing stream crossings is incomplete. The following 11 protected streams will be impacted by the project. All disturbances to New York State protected streams and wetlands should be located and described by the applicant for each resource. This includes any disturbances to stream bed, ground disturbances and access to and clearing around such places. <ul style="list-style-type: none"> a) NJ-12-3 Class B Torne Brook – The Transmission Line runs parallel to the stream for greater than 500 feet. ORU should limit any additional clearing within this area to prevent 	Section 8.5

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			<p>impacts to the riparian corridor;</p> <p>b) NJ-12-4 Class B Tributary to Ramapo;</p> <p>c) NJ-12 Class A(t) Ramapo – Also a Wild & Scenic Recreational River, activities to construct the additional line on an existing tower should be minimized, so as to minimize impacts to the recreational river;</p> <p>d) NJ-12-5-1A Class B Tributary to Ramapo;</p> <p>e) Tributary to NJ-12-5-1A Class B;</p> <p>f) NJ-12-5 Class B Tributary to Ramapo;</p> <p>g) NJ-12-5-1-1 Class B Tributary to Ramapo;</p> <p>h) NJ-12-5-1 Class B Tributary to Ramapo;</p> <p>i) NJ-13-1-5 Class C(t) Summit Brook;</p> <p>j) NJ-12-15-P1007-2 Class AA(t) Tributary to Warwick Brook;</p> <p>k) H-89-19 Class C(t) Trout Brook</p>	

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<p>New York State Department of Environmental Conservation (Ms. Betsy Hohenstein, Environmental Analyst, Department of Environmental Permits)</p>	<p>September 27, 2010</p>	<p>NYSDEC-6</p>	<ul style="list-style-type: none"> 6. Wetlands – Boundaries need to be delineated and verified. There is inconsistency with the orthoimagery and the depicted delineations for NYS Regulated Wetland SL-9, SL-25, and several others which needs to be clarified. DEC can provide assistance with the verification or validation of the wetland boundaries to ensure consistency. The method of validation will need to be determined but may include some site visits. 	<p>Section 3.4.2 and Attachment 1</p>

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<p align="center">New York State Department of Environmental Conservation (Ms. Betsy Hohenstein, Environmental Analyst, Department of Environmental Permits)</p>	<p align="center">September 27, 2010</p>	<p align="center">NYSDEC-7</p>	<ul style="list-style-type: none"> • 7. Timber Rattlesnakes – DEC has the following requests regarding timber rattlesnakes, which are a threatened species in New York State: <ul style="list-style-type: none"> a. Section 3 page 3-90, first paragraph items 1 and 2. In addition to the two areas for monitoring, based on additional data from previous telemetry studies, DEC now recommends monitoring from the Ramapo Substation to 3 mile west along the ROW. b. Section 4.1.2 page 4-11. Beginning with paragraph 3. ORU indicates that a ‘spotter’ will be used. While the actions of the spotter are acceptable, please note that the spotter needs to be a State-licensed Timber Rattlesnake Monitor. c. For further protection of Timber Rattlesnakes, work should take place from the period of November 1st through March 30th. 	<p align="center">Section 3.4.3 and 3.4.4</p>

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New York State Department of Environmental Conservation (Ms. Betsy Hohenstein, Environmental Analyst, Department of Environmental Permits)	September 27, 2010	NYSDEC-8	<ul style="list-style-type: none"> 8. Environmental Monitor (section 13, Page 13-1) – In those areas indicated as potential timber rattlesnake habitat, the special environmental monitors qualified by DEC shall also be on site in those designated areas. 	Section 13.1
		NYSDEC-9	<ul style="list-style-type: none"> 9. Rock Outcrop Breaking and Removal – DEC reserves the right to comment on the removal of rock outcrops, including accessing the area, and the transfer and removal of the rock, based on forthcoming information from the applicant, as described by DPS staff. 	Section 2.1.1

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<p align="center">New York State Department of Public Service (Ms. Ashley Priscott, Assistant Counsel, NYSDPS)</p>	<p align="center">August 3, 2010</p>	<p align="center">NYSDPS -1</p>	<ul style="list-style-type: none"> • What are the longest pieces of steel that will be delivered to the towers for reinforcement? How much do those steel pieces weigh? 	<p align="center">Not Applicable; Please see below for ORU's response.</p>
		<p align="center">NYSDPS -2</p>	<ul style="list-style-type: none"> • How will those steel pieces be lifted into place? Please describe that process and provide any descriptions and specifications of the lifting equipment to be used. 	<p align="center">Not Applicable; Please see below for ORU's response.</p>
		<p align="center">NYSDPS -3</p>	<ul style="list-style-type: none"> • Please describe how the steel pieces will be delivered including a description of the delivery vehicle, including its weight. 	<p align="center">Not Applicable; Please see below for ORU's response.</p>

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<p align="center">New York State Department of Public Service (Ms. Ashley Priscott, Assistant Counsel, NYSDPS)</p>	<p align="center">August 3, 2010</p>	<p align="center">NYSDPS -4</p>	<ul style="list-style-type: none"> • Please indicate whether the applicants will utilize a storage yard for the reinforced steel. If so, please provide the location that will be used. 	<p align="center">Not Applicable; Please see below for ORU's response.</p>
		<p align="center">NYSDPS -5</p>	<ul style="list-style-type: none"> • Please describe whether the applicants plan on storing materials at the tower sites. If so, please state what materials will be stored at the storage sites. 	<p align="center">Not Applicable; Please see below for ORU's response.</p>

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<p align="center">New York State Department of Public Service (Ms. Ashley Priscott, Assistant Counsel, NYSDPS)</p>	<p align="center">August 25, 2010</p>	<p align="center">NYSDPS -6</p>	<ul style="list-style-type: none"> • Describe the ‘mechanical means’ to be used to remove the six rock outcrops, including • Method to be use • equipment to be used, including specifications and weight • access routes to be utilized • duration of work at each location • whether outcrop locations are suitable habitats for timber rattlesnakes 	<p align="center">Not Applicable; Please see below for ORU’s response.</p>
<p align="center">New York State Department of Public Service (Ms. Ashley Priscott, Assistant Counsel, NYSDPS)</p>	<p align="center">August 25, 2010</p>	<p align="center">NYSDPS -7</p>	<ul style="list-style-type: none"> • Identify all newly proposed access road locations identifying tax parcel identification numbers of properties traversed and landowner names. Please provide consent for use of route from the landowners. 	<p align="center">Section 8.0 Attachment 1</p>

2.1 Town of Warwick

The following provides Orange and Rockland's responses to the comments received from the Town of Warwick, provided verbally by Mr. Michael Sweeten, during the public statement hearing held on the afternoon of September 16, 2010.

Comment TOW-1:

The Town of Warwick would like to know if this project will benefit the local community.

ORU Response to TOW-1:

As stated in Section 1.0 of the EM&CP, the Project is required to improve the transmission source capacity and reliability to ORU's Central and Western Operating Divisions, which contain approximately 110,000 customers. The installation of Transmission Line 28 will eliminate the deficiencies of the Central Hudson Gas and Electric Company's ("Central Hudson") 115 kV S/L Transmission Line that presently ties the Sugarloaf Substation into Central Hudson's Rock Tavern Substation. The installation of Line 28 will provide a strong tie between Orange and Rockland's Eastern Division and the Central/Western Divisions at 138 kV. The present 115 kV tie to Central Hudson is a unique voltage to Orange and Rockland. It is the only 115 kV tie in the Orange and Rockland system and requires a unique transformer to convert to 69 kV. The loss of this transformer would result in a long-term outage while a replacement transformer is secured and installed. The Orange and Rockland transmission system is 138 kV and the addition of Transmission Line 28 would eliminate the 115 kV tie and the transformer discussed, thereby making the ORU transmission system stronger and allowing for increased reliability and switching ability for maintenance. The S/L Line is also capacity limited and has had a history of material failures due to its weathering and age. It cannot adequately support Orange and Rockland's current load requirement during transmission contingencies in the Northern Division, or the expected future load growth in the area. The installation of Line 28 allows Orange and Rockland to meet all of its current and future capacity and reliability requirements. Thus, the Project will result in more efficient and reliable utility service for local residents.

Comment TOW-2:

The Town of Warwick would like a better understanding of the vegetation clearing required in support of this project and confirm that clearing activities will be in accordance with ORU's vegetation management plan. The Town of Warwick does not want ORU to perform excessive clearing for this project.

ORU Response to TOW-2:

The existing Project ROW is well-maintained and has established herbaceous and shrub communities. Accordingly, extensive vegetation clearing is not required. Required clearing is expected to be limited to: 1) clearing required for proposed structure work pads; 2) conductor pulling sites, as required, to provide a level pad for equipment; and 3) areas within the existing ROW, including Orange and Rockland property in the vicinity of the Sugarloaf Substation, where adjacent vegetation has encroached, in support of the installation of the transmission line and to accommodate its safe and reliable operation. Aside from the removal of danger trees in accordance with the removal requirements set by the NYSPSC and reflected in ORU's approved ROW Vegetative Management Plan, no vegetation clearing will be required outside of the existing ROW. Danger trees would not be removed without permission of the landowner.

For those portions of the existing ROW that require limited vegetation clearing to support installation of the transmission line, the clearing and disposal techniques that will be used shall be consistent with ORU's approved Transmission Vegetation Management Plan and are shown on the Plan and Profile Drawings, which is provided in Attachment 1 of the EM&CP.

Comment TOW-3:

As noted in the EM&CP, the following species of concern are known to occur in the project area: Indiana Bat, Bog Turtle, and Timber Rattlesnake. The Town of Warwick would like to know how ORU plans to address this during construction.

ORU Response to TOW-3:

Rare, threatened, and endangered Species and their habitats within the Line 28 Project area are described in Sections 3.4.3 and Section 4.0 of the EM&CP.

As detailed in the EM&CP, requests were sent to the United States Fish and Wildlife Service (USFWS) and the NYSDEC's Natural Heritage Program (NYSNHP) requesting database searches for the presence/absence of protected species and designated critical habitats in the vicinity of the Project. Although *Myotis sodalists* (Indiana bat) is listed on the USFWS website as a summer resident of Orange and Rockland counties, the NYNHP response indicates that the Indiana Bat is not recorded within the Project area.

As noted in Section 4.0 of the EM&CP, ORU has consulted with the USFWS and the NYSDEC regarding provision of environmental monitors in areas suitable habitats for the bog turtle and timber rattlesnake. Regarding the bog turtle, ORU will have a USFWS-certified bog turtle

biologist clear the access routes within or adjacent to eight of the wetlands where the Phase 1 bog turtle survey indicated potentially suitable bog turtle habitat (before wetland mats are put in place and transmission line “stringing” (i.e., installation) activities begin at those locations. Silt fences will be employed around construction/soil disturbance activities within known and or assumed bog turtle wetlands. The silt fencing will isolate completely the work area from the remainder of the wetland so that bog turtles cannot enter the work area, and so that silt does not enter undisturbed parts of the wetland.

To address timber rattlesnake concerns, ORU has consulted with the NYSDEC regarding the need for environmental monitoring. The NYSDEC had determined that ORU will need to provide a monitoring on a daily basis during construction activities within two stretches of the Project ROW as described below:

1. Beginning at the Ramapo Substation and traveling north for approximately 1.5 miles along the Project’s existing transmission right-of-way; and
2. Beginning approximately two miles west of Route 87 at South Gate Road in Tuxedo, NY and traveling north for approximately 6 ¼ miles along the existing ROW.

In addition to the above two locations, within the NYSDEC’s comments on the EM&CP (see Comment NYSDEC-7, below), the NYSDEC has requested that ORU provide monitoring within a third ROW portion that originates at the Ramapo Substation and extends three miles west along the ROW. Per the NYSDEC request, ORU will provide a monitor within this additional ROW portion.

Within the three locations described above, timber rattlesnake monitoring will:

- Take place during construction activities during the period of May 1st to September 15th; and
- Be completed by a New York State certified snake handler.

Comment TOW-4:

The project ROW crosses and number of streams, including the Trout Brook. What measures will be taken to protect the Trout Brook and other stream crossings

ORU Response to TOW-4:

As outlined in Section 3.5 of the EM&CP, construction of the Project will have no significant effect on the local surface water bodies crossed by the new transmission line. Should construction activities occur in the immediate vicinity of a surface water body, including the Trout Brook, potential construction impacts, such as minor increases in turbidity, may be experienced. This increase, however, will be short-term and have no long-term effect on the bodies of water. The Project would not affect existing recreational, fish, and wildlife resources in the Project area.

The methods to be employed to cross the Trout Stream are illustrated on the “Temporary Crossing of Ditch/Stream” detail provided on the Erosion Control Details (Drawing No. N-F-8869) provided in Attachment 1 of the EM&CP.

2.2 Rockland County Solid Waste Management Authority

The following provides ORU’s responses to the comments received from the Rockland County Solid Waste Management Authority, provided under letter dated July 14, 2010 from Kimberlea Shaw Rea, Esq.

Comment RCSWMA-1

The Rockland County Solid Waste Management Authority (RCSWMA) requests active party status, pursuant to 16 NYCRR Section 85-2.11(b)(1).

ORU Response to RCSWMA-1:

Comment noted.

2.3 Rockland County Division of Environmental Resources

The following provides ORU’s responses to the comments received from the Rockland County Division of Environmental Resources, provided under letter dated July 14, 2010 from R. Allan Beers, Coordinator of Environmental Resources.

Comment RCDER-1

Transmission Line 77 originating from the Ramapo Substation located in the Town of Ramapo, Rockland County, traverses property jointly owned by the Palisades Interstate Park Commission and the County of Rockland. The 497-acre property locally known as Wrightmen’s Plateau was

purchased in 2008 from the Ramapo Land Company as County/State Parkland. The property was acquired to protect the adjacent Torne Mountain and its environs. Other than a visual impact from the scenic vantage points, Transmission Line 77 has little impact to the property since its original installation in 1972.

ORU Response to RCDER-1:

Comment noted.

Comment RCDER-2

Access to a portion of Line 77, which traverses Wrightmen's Plateau, will be over the existing unimproved access road originating from Torne Brook Rd. The access road is in need of significant drainage and grading improvements. Proper BMPs should be carefully detailed and installed along the access road to prevent runoff into the adjacent Torne Brook, which is classified as a BT – trout spawning. It is the only BT classification in the County.

ORU Response to RCDER-2:

A description of the types of access roads to be utilized during installation of Line 28 is provided in Section 8.0 of the EM&CP. As outlined in Section 7.0 of the EM&CP, ORU plans to implement Soil Erosion and Sediment Control Best Management Practices (“BMPs”) in accordance with the New York Guidelines for Urban Erosion and Sediment Control to reduce impacts to water quality during construction.

As noted in the response to the Town of Warwick's comment No. 4, construction of the Project will have no significant effect on the local surface water bodies crossed by the new transmission line. Should construction activities occur in the immediate vicinity of a surface water body, potential construction impacts, such as minor increases in turbidity, may be experienced. This increase, however, will be short-term and have no long-term effect on the bodies of water. The Project would not affect existing recreational, fish, and wildlife resources in the Project area.

Comment RCDER-3

The existing access road has been used for years by local hikers to access hiking trails to the Torne Mountain. Grading and drainage improvements to the access road will be a benefit to hikers in the future.

ORU Response to RCDER-3:

As noted in Section 8.0 of the EM&CP, ORU plans to make minor improvements to the existing access roads so as to provide for safe vehicular access during construction. These roadway improvements will remain in place after construction to provide safe access for employees to conduct routine utility operations and maintenance activities. While ORU does not specifically advocate the use of its access roads by recreational users, to the extent that this access road has been utilized by hikers, any access road improvements required along this portion of the ROW to support construction will also benefit the recreational hikers that use the access road.

Comment RCDER-4

Wire Pulling Sites – According to the EMC plan, a total of five wire-pulling sites will be located on the Wrightmen’s Plateau property. As an alternative to excavating a pad and removing existing rock, we prefer a sub-base material be added to the locations and compacted to level the site. At the completion of the project the material can be removed and the area restored to its original condition and contour.

ORU Response to RCDER-4:

The five wire pulling sites that are located in the Wrightman’s Plateau are situated between the Ramapo Substation and the New York State Thruway (Interstate 87) crossing. The sub-base material will be added if deemed necessary by ORU’s selected construction contractor. At this time, ORU does not see the benefit of installing a sub-base if it is to be removed after the Project is completed.

Comment RCDER-5

Construction – Described in section 9.2 of the EMC plan, six locations have been identified along the route to have existing rock outcrops within the project ROW to be removed by mechanical means. We were unable to determine the outcrop locations on the provided profile drawings, so we are unsure if any rock outcrop areas in the Wrightmen’s Plateau would be affected. We would be strongly opposed to any rock outcroppings being removed on the section, which traverses Wrightmen’s Plateau.

ORU Response to RCDER-5:

As detailed in the plan and profile drawings provided in Attachment 1 of EM&CP, no rock outcroppings are located within the Wrightman’s Plateau.

Comment RCDER-6:

Environmental Supervision – We fully concur that an Environmental Monitor be assigned to the site during the entire construction phases. Timber Rattlesnake monitoring is extremely important from May 1st – September 30th. The Environmental Monitor should carefully examine any areas prior to construction activities taking place on a daily basis. A licensed NYSDEC snake holder should relocate any timber rattlesnakes observed in harm’s way. We also support the recommendation of “spotters” walking in front of any construction vehicles along areas of potential timber rattlesnake habitat as identified in the EMC plan.

ORU Response to RCDER-6:

During the installation of Line 28, ORU is committed to providing the environmental supervision described in Section 13.1 of the EM&CP as well as the NYSDEC-licensed timber rattlesnake handler and USFWS-certified bog turtle biologist as detailed in Section 4.0 of the EM&CP.

2.4 Rockland County Drainage Agency

The following provides ORU’s responses to the comments received from the Rockland County Drainage Agency, provided under letter dated July 16, 2010 from Mr. Shajan Thottakara, P.E.

Comment RCDA-1:

Our review of the current submittal, Line 28 Transmission project on Line 77 Tower, indicates that no new structures or ground disturbances are being proposed within 100 feet of the 100-year floodplain of the Raritan River and the Nakoma Brook. Accordingly, since no new structures or ground disturbances are proposed within the RCDA’s jurisdiction, a permit from the RCDA for the above referenced project is not required at this time.

ORU Response to RCDA-1:

ORU acknowledges RCDA’s comment and understands that permits are not required from the RCDA for the Line28 Transmission Project.

2.5 Palisades Interstate Park Commission

The following provides ORU’s responses to the comments received from the Palisades Interstate Park Commission, provided verbally by Mr. Michael Cullen, during the information session held on the afternoon of September 16, 2010.

Comment PIPC-1:

Please discuss the areas within Harriman State Park that have been designated for vegetation management.

ORU Response to PIPC-1:

Vegetation management required in support of the installation of Line 28 is described in Section 6.0 of the EM&CP. ORU agrees to meet with PIPC to review the areas within the park that have been designated for vegetation management. ORU will discuss the vegetation removal techniques to be employed and proposed disposal methods (e.g., areas identified for “lop and drop” and “lop and remove”) to confirm that PIPC is in agreement with ORU’s proposed vegetation management plans within Harriman State Park boundaries.

Comment PIPC-2:

Will danger trees be removed from park property?

ORU Response to PIPC-2:

ORU will not remove any danger trees on park property without prior approval from PIPC. If at any time during the planning or construction of the Project, danger trees are observed on park property, ORU will arrange a meeting with PIPC to discuss the appropriate action to be taken.

Comment PIPC-3:

What access roads will be utilized in the park?

ORU Response to PIPC-3

ORU does not plan to utilize any unauthorized park roads during construction. Access will be provided via existing access roads within established easements. Should during construction ORU determine the need to utilize any other access roads or trails within the park, PIPC will be contacted and required authorizations or permits will be obtained.

2.6 New York State Thruway Authority

The following provides ORU’s responses to the following comments received from the New York State Thruway Authority, provided under letter dated July 17, 2010 from Mr. Jack Hohman, P.E., Division Capital Program Manager.

Comment NYSTA-1:

Section 11.1.1 (page 11-1) lists the State (NYSDOT) as having jurisdiction of the Thruway. The New York State Thruway Authority has jurisdiction over the Thruway (I-87). Thus, the required permits for the NYS Thruway crossing will be obtained from the NYS Thruway Authority, not the NYSDOT.

ORU Response to NYSTA-1

ORU acknowledges NYSTA's comment and understands that NYSTA has jurisdiction of the New York State Thruway (Interstate 87). Any required road crossing permits for the Line 28 Transmission Project will be obtained from the NYSTA.

2.7 New York State Department of Environmental Conservation

The following provides ORU's responses to the comments received from the NYSDEC, provided under cover letter dated September 27, 2010 from Betsy Hohenstein, Environmental Analyst, NYSDEC Department of Environmental Permits.

Comment NYSDEC-1:

Project Construction Schedule (Section 2.3) – ORU's proposed construction schedule lacks sufficient detail, such as time frames for avoiding or mitigating impacts to endangered or threatened species, and calendar restrictions regarding the crossing of any protected streams in order to minimize warm or cold water fishery impacts. See comment 6c below.

ORU Response to NYSDEC-1

Attachment A to the Supplement sets forth a baseline phasing plan identifying a schedule for specific work areas and major tasks. Due to the fact that ORU has yet to select the construction contractor for the Project, this schedule is necessarily preliminary. However, ORU will require of the selected construction contractor that all work schedules comply with applicable calendar restrictions for protected stream crossings and avoid or mitigate impacts to endangered or threatened species.

Comment NYSDEC-2:

Invasive Species Control Procedures – The invasive species control procedures described in ORU's DEC GP referenced above, should be included as procedures in the EM&CP. For example, ORU should practice interim measures to contain invasive species, including:

1. *Educate right-of-way (ROW) maintenance workers about invasive species along the utility ROW, and methods to prevent transport of such species;*
 2. *Identify occasions and work activities that trigger cleaning activities, such as prior to using mats in streams and wetlands and wetland adjacent areas;*
 3. *Identify methods to prevent and control the transport of invasive species from the utility ROW, such as brushing or washing equipment and clothing, and the appropriate areas to do so; and*
 4. *Clean equipment and clothing, using the identified methods to prevent and control the transport of invasive species.*
- a. *(Section 3.1.1 – page 3-12, 2nd paragraph) – DEC recommends that ORU consider special equipment and personnel clothing cleaning prior to crossing or work in areas near the cultural assets of Sterling Forest Park, and in the vicinity of the Appalachian Trail in the Town of Warwick.*
 - b. *(Page 12-4) – Replacement trees, shrubs and other groundcover plants shall be of the same species, except no invasive species shall be used.*

ORU Response to NYSDEC-2

In accordance with ORU’s recently re-issued General Permit (DEC Permit No. 3-9903-00066/00001), ORU will implement during construction, the interim measures to contain invasive species as specified under Condition 20 (c) ii identified in ORU’s recently re-issued General Permit.

In regard to the required crossing of the Appalachian Trail in the Town of Warwick and the cultural assets within Sterling Forest Park, ORU has coordinated the proposed work required in these areas with both the National Park Service (“NPS”) and the PIPC. ORU will conduct all work in the vicinity of the Project’s crossing of the Appalachian Trail in accordance with the Special Use Permit granted to ORU by the NPS for the required work on March 2, 2010. Further, as noted in Section 3.3 of the EM&CP, ORU has coordinated with the New York State Office of Parks, Recreation, and Historic Preservation (“OPRHP”) regarding the potential for impacts to historic and archaeological resources as a result of the installation of Line 28. The OPRHP conducted a review of the Project in accordance with the New York State Parks, Recreation and Historic Preservation Law, Section 14.09. OPRHP found that the Project will have “No Effect” upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. See OPRHP letter dated January 8, 2008 included in Appendix A of the EM&CP.

As noted in ORU's response to Comment PIPC-1 above, ORU agrees to meet with PIPC to review the areas within the park that have been designated for vegetation management. ORU will discuss the vegetation removal techniques to be employed and proposed disposal methods to confirm that PIPC is in agreement with ORU's proposed vegetation management plans within Harriman State Park boundaries.

Regarding replacement trees, shrubs and other groundcover plants, the existing Project ROW is well-maintained and has established herbaceous and shrub communities. Accordingly, extensive vegetation clearing is not required. Required clearing is expected to be limited to: 1) clearing required for proposed structure work pads; 2) conductor pulling sites, as required, to provide a level pad for equipment; and 3) areas within the existing ROW, including Orange and Rockland property in the vicinity of the Sugarloaf Substation, where adjacent vegetation has encroached, in support of the installation of the transmission line and to accommodate its safe and reliable operation. Aside from the removal of danger trees in accordance with the removal requirements set by the NYSPSC and reflected in ORU's approved ROW Vegetative Management Plan, no vegetation clearing will be required outside of the existing ROW. Danger trees would not be removed without permission of the landowner. It is not ORU's intention to replace danger trees that have been removed.

As detailed in Section 12.2 of the EM&CP, where required and to the extent practicable, restoration activities will incorporate the use of native plants. Identification of native plant species appropriate for the various project segments (e.g., primary ROW, Ramapo Substation site area, new Sugarloaf Substation site area) will be coordinated with the staff of the Native Plants and Compost Education Garden, located in the Town of Ramapo in the immediate vicinity of the Ramapo Substation, as requested by Town of Ramapo representatives.

Comment NYSDEC-3:

Update the Reference to ORUs General Permit (Section 3.4.2, pages 3-68 and 3-72) – Construction activities which reference the above permit should be replaced with the currently applicable DEC GP, attached to this letter, and as follows:

- a. (Section 3.4) For DEC wetlands, ORU must either assure DEC that the company's best management practices will be consistent with the currently applicable DEC GP, or incorporate those provisions into the best management practices for this project.*
- b. Streams, Wetlands and Other Water Resources (Section 4.3, pages 4-17 through 4-16) – Likewise, protection measures for wetlands and streams should be the best management practices as detailed in the currently applicable DEC GP. On page 4-16, reference to Appendix A should include the currently applicable DEC GP.*

- c. *Vegetation Clearing (Section 6.4.2) – After the third sentence, please add a note that this includes the currently applicable DEC GP.*
- d. *(Section 7) Water diversion devices should follow the best management practices detailed in Appendix A as DEC Permit 3-9903-00111/00001.*

ORU Response to NYSDEC-3

ORU is committed to conducting required project work in accordance with the best management practices contained within ORU's current NYSDEC General Permit (DEC Permit No. 3-9903-00066/00001). ORU is providing as Attachment 2 to the Supplement, ORU NYSDEC Current General Permit, which supersedes ORU's prior NYSDEC General Permit that was previously provided within Appendix A of the EM&CP.

Water diversion devices, to the extent required to manage stormwater during construction, will be employed using the best management practices detailed in Appendix A as DEC Permit 3-9903-00111/00001.

Comment NYSDEC-4:

Access Roads, Filter Fabric and Stone (Section 8.3.2, Page 8-3) – DEC does not condone the use of stone used as fill in a wetland. Thus, the use of stone as fill in wetlands is to be used only as a last resort, when wetland and timber mats are impracticable, due to the stress on the wetlands during use and removal of the stone by excavation.

ORU Response to NYSDEC-4:

Comment noted. ORU's preferred method for temporary crossing of wetlands during construction is the use of wetland and timber mats. The use of filter fabric and stone crossings (i.e., Access Road Types 3B) is not expected to be required. If upon formal selection of the construction contractor it is determined that the use of filter fabric and stone crossings would be required, ORU will notify the NYSDPS and NYSDEC staff.

Comment NYSDEC-5:

Stream Crossings (Section 8.5, page 8-5) – Please note the following: Page 3-94 chart listing stream crossings is incomplete. The following 11 protected streams will be impacted by the project. All disturbances to New York State protected streams and wetlands should be located

and described by the applicant for each resource. This includes any disturbances to stream bed, ground disturbances and access to and clearing around such places.

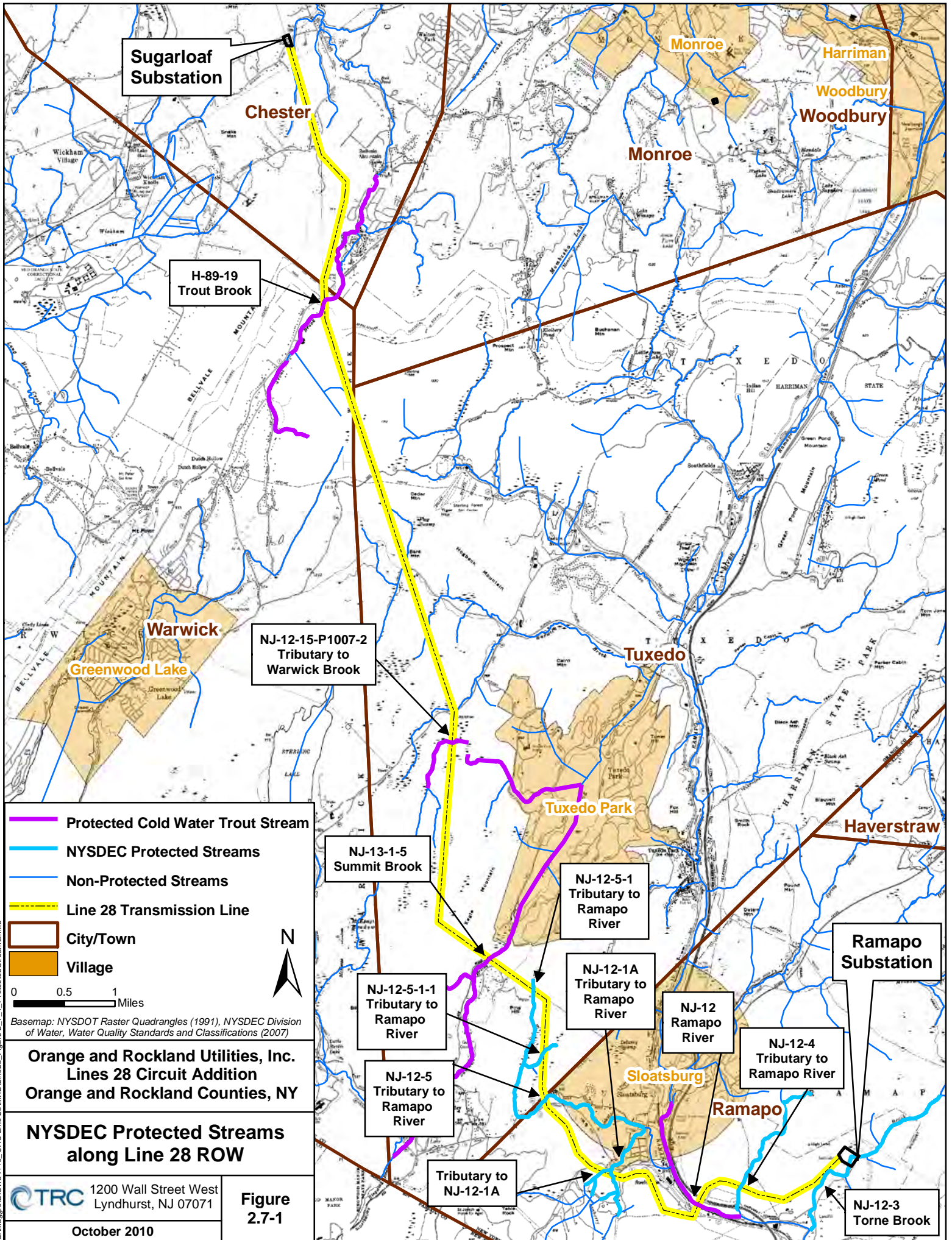
- a) NJ-12-3 Class B Torne Brook – The Transmission Line runs parallel to the stream for greater than 500 feet. ORU should limit any additional clearing within this area to prevent impacts to the riparian corridor;*
- b) NJ-12-4 Class B Tributary to Ramapo;*
- c) NJ-12 Class A(t) Ramapo – Also a Wild & Scenic Recreational River, activities to construct the additional line on an existing tower should be minimized, so as to minimize impacts to the recreational river;*
- d) NJ-12-5-1A Class B Tributary to Ramapo;*
- e) Tributary to NJ-12-5-1A Class B;*
- f) NJ-12-5 Class B Tributary to Ramapo;*
- g) NJ-12-5-1-1 Class B Tributary to Ramapo;*
- h) NJ-12-5-1 Class B Tributary to Ramapo;*
- i) NJ-13-1-5 Class C(t) Summit Brook;*
- j) NJ-12-15-P1007-2 Class AA(t) Tributary to Warwick Brook;*
- k) H-89-19 Class C(t) Trout Brook*

ORU Response to NYSDEC-5:

Comment noted. NYSDEC wetlands crossed by the Line 28/Line 77 transmission ROW are illustrated on EM&CP Figure 3.4-20 and the detailed project aerials provided as Figures 3.4-1 through 3.4-19 of the EM&CP.

Figure 2.7-1 included on the following page, provides the locations of the above-referenced streams and tributaries and Line 28/Line 77 ROW. Information regarding the required crossing activity at these locations is provided below.

In an effort to minimize or avoid potential impacts to New York State protected stream beds and banks, the project has been designed such that staging areas, wire pulling areas, access roads and any additional construction are outside of stream corridors to the maximum extent practicable. As noted below, for all but two of the protected streams, crossing activities will be completed by one of the two following no-impact crossing methods:



Sugarloaf Substation

Chester

Monroe

Harriman

Woodbury

Woodbury

Monroe

H-89-19 Trout Brook

Warwick

Greenwood Lake

NJ-12-15-P1007-2 Tributary to Warwick Brook

Tuxedo

Tuxedo Park

Haverstraw

NJ-13-1-5 Summit Brook

NJ-12-5-1 Tributary to Ramapo River

Ramapo Substation

NJ-12-5-1-1 Tributary to Ramapo River

NJ-12-1A Tributary to Ramapo River

NJ-12 Ramapo River

NJ-12-4 Tributary to Ramapo River

Orange and Rockland Utilities, Inc.
Lines 28 Circuit Addition
Orange and Rockland Counties, NY

NYSDEC Protected Streams
along Line 28 ROW







NJ-12-5 Tributary to Ramapo River

Sloatsburg

Ramapo

Tributary to NJ-12-1A

NJ-12-3 Torne Brook

-  Protected Cold Water Trout Stream
-  NYSDEC Protected Streams
-  Non-Protected Streams
-  Line 28 Transmission Line
-  City/Town
-  Village

0 0.5 1 Miles

Basemap: NYS DOT Raster Quadrangles (1991), NYSDEC Division of Water, Water Quality Standards and Classifications (2007)

 1200 Wall Street West
Lyndhurst, NJ 07071

October 2010

Figure 2.7-1

S:\Maggie\GIS\154119_ORU_Line_28\MapXDoc\Line28_Figure 2.7-1_ProtectedStreams.mxd

- a) pulling the circuit from one pole to another on either side of the stream bank avoiding impact to the stream and its banks; or
- b) carrying the circuit across the streambed via pedestrian crossing.

The pedestrian crossing and pulling methods noted above will avoid impacts to stream banks and beds. In addition to maximizing the use of no-impact stream crossing techniques, all streams will be protected from construction by the use of soil erosion and sediment control measures such as hay bales and silt fences, as required, which will be installed prior to the commencement of construction.

The protected streams, which are anticipated to require vehicular crossing during construction in order to gain access to the structure locations, include the Trout Brook and the Tributary to Warwick Brook (see Figure 2.7-1). The Trout Brook is Classified as a C(t) stream and the Tributary to Warwick Brook is classified as a Class AA(t) stream. Both streams are considered part of a cold water fishery and therefore, consistent with ORU's general permit, construction will be prohibited from October 1 through May 31. To support the installation of Line 28, it is anticipated that a temporary culvert will be placed within the streams to provide a stream crossing for vehicles and maintaining stream integrity. The temporary crossing of ditch/stream method illustrated on the soil erosion and sediment control detail sheet provided in Attachment 1 of the EM&CP will be utilized to cross the streams (see drawing no. 8865, "Line 28/77 – 138kV Ramapo Substation to Sugarloaf Substation Erosion Control Details"). This temporary crossing method consists of a culvert being placed into the stream to maintain flow. The stream bed and bank will first be layered with filter fabric, with the culvert laid over the fabric. The area will then be covered with clean gravel to form a road. Both banks of the stream on either side of the road will then be stabilized with hay bales. Upon completion of construction, the temporary crossing will be removed and the stream will be restored to pre-construction conditions. Restoration efforts will include grading, mulching and seeding as necessary.

Comment NYSDEC-6:

Wetlands – Boundaries need to be delineated and verified. There is inconsistency with the orthoimagery and the depicted delineations for NYS Regulated Wetland SL-9, SL-25, and several others which needs to be clarified. DEC can provide assistance with the verification or validation of the wetland boundaries to ensure consistency. The method of validation will need to be determined but may include some site visits.

ORU Response to NYSDEC-6:

As noted in Section 3.4.1 of the EM&CP, wetlands along the Line 28 ROW were field delineated by ORU's environmental consultants, TRC Environmental, in March and April, 2008. The results of this field delineation were presented on Figures 3.4-1 through 3.4-19. These figures provided boundaries for NYSDEC mapped wetlands, as obtained from the NYS GIS Clearinghouse, and "additions" to the mapped DEC wetlands as identified by TRC as a result of the wetland field delineation surveys. This wetland information is also presented on the Project plan and profile drawings included as Attachment 1 of the EM&CP.

In accordance with notification requirements and Permit Condition 11 of ORU's current NYSDEC General Permit (DEC Permit No. 3-9903-00066/00001), upon selection of the construction contractor and the subsequent finalization of proposed site-specific crossing techniques, ORU will provide the NYSDPS and the NYSDEC as part of the EM&CP process with project construction drawings for portions of the ROW affecting NYSDEC-regulated areas, which note and/or depict:

- a) site-specific crossing techniques for access roads;
- b) depictions or descriptions of the extent of clearing necessary and the disposition of cleared vegetation and spoils; and
- c) the mapped boundaries of NYSDEC-regulated freshwater wetlands, with field delineated additions to the mapped NYSDEC wetland clearly noted. The construction drawing will also note the 100-foot wide NYSDEC-regulated wetland buffer area, as measured from both the mapped NYSDEC wetland and all field delineated additions.

Comment NYSDEC-7:

Timber Rattlesnakes – DEC has the following requests regarding timber rattlesnakes, which are a threatened species in New York State:

- a. *Section 3 page 3-90, first paragraph items 1 and 2. In addition to the two areas for monitoring, based on additional data from previous telemetry studies, DEC now recommends monitoring from the Ramapo Substation to 3 mile west along the ROW.*
- b. *Section 4.1.2 page 4-11. Beginning with paragraph 3. ORU indicates that a 'spotter' will be used. While the actions of the spotter are acceptable, please note that the spotter needs to be a State-licensed Timber Rattlesnake Monitor.*

- c. *For further protection of Timber Rattlesnakes, work should take place from the period of November 1st through March 30th.*

ORU Response to NYSDEC-7:

As noted in Section 3.4.4., ORU developed the proposed timber rattlesnake monitoring program in conjunction with the NYSDEC, Region 3 Bureau of Wildlife staff. In addition, as requested in the current NYSDEC comments, during construction ORU will also provide a timber rattlesnake monitor for the Line 28 ROW portion originating at the Ramapo Substation and extending west 3 miles along the ROW. As noted within the EM&CP, the monitor or “spotter” will be a NYSDEC-licensed Timber Rattlesnake Monitor/Snake Handler and will be present during construction activities occurring during the active snake period of May 1st to September 15th.

Comment NYSDEC-8:

Environmental Monitor (section 13, Page 13-1) – In those areas indicated as potential timber rattlesnake habitat, the special environmental monitors qualified by DEC shall also be on site in those designated areas.

ORU Response to NYSDEC-8:

ORU has coordinated with NYSDEC, Region 3 Bureau of Wildlife staff regarding the areas where ORU is to provide a NYSDEC-Licensed Timber Rattlesnake Monitor for construction activities during the active snake season of May 1st to September 15th. ORU will provide the NYSDEC-Licensed Timber Rattlesnake Monitor within the additional monitoring area requested by NYSDEC (see Comment NYSDEC-7) during this time period. For other locations and time periods, ORU will provide the environmental monitor specified in Section 13.1 of the EM&CP.

Comment NYSDEC-9:

Rock Outcrop Breaking and Removal – DEC reserves the right to comment on the removal of rock outcrops, including accessing the area, and the transfer and removal of the rock, based on forthcoming information from the applicant, as described by DPS staff.

ORU Response to NYSDEC-9:

Comment noted. The six locations where existing rock outcrops will be removed by mechanical means (see ORU Response to NYSDPS-6, below) and are noted on the plan and profile drawings provided as Attachment 1 of the EM&CP (see plan and profile sheets 4, 6, 7, 8, and 9).

2.8 New York State Department of Public Service

The following provides ORU's responses to the comments received from the New York State Department of Public Service, provided under e-mails dated August 3rd and August 25, 2010 from Ms. Ashley Priscott, Assistant Counsel, NYSDPS.

Comment NYSDPS-1:

What are the longest pieces of steel that will be delivered to the towers for reinforcement? How much do those steel pieces weigh?

ORU Response to NYSDPS-1

The longest piece of steel reinforcement is about 20 feet long and weighs about 165 pounds. Some of the shortest pieces are about 4 feet long and weigh about 15 pounds. The average piece is about 10 feet long and weighs around 50 pounds.

Comment NYSDPS-2:

How will those steel pieces be lifted into place? Please describe that process and provide any descriptions and specifications of the lifting equipment to be used.

ORU Response to NYSDPS-2

Depending on the weight of the individual steel pieces and the location of the tower being reinforced, the steel pieces will be lifted into place mechanically with a crane or by manually using a rope and pulley.

Comment NYSDPS-3:

Please describe how the steel pieces will be delivered including a description of the delivery vehicle, including its weight.

ORU Response to NYSDPS-3:

The steel pieces will be delivered to a central location (i.e., laydown yard), then distributed to each tower as needed. Typically, the steel pieces will be delivered to the tower by way of a two-ton rack truck (i.e., pick-up type) with a crew cab.

Comment NYSDPS-4:

Please indicate whether the applicants will utilize a storage yard for the reinforced steel. If so, please provide the location that will be used.

ORU Response to NYSDPS-4:

ORU's contractor will arrange with a third-party to utilize a storage yard. The location of this storage yard will be determined by the contractor. The contractor will inform ORU regarding the location of such storage yard before the contract is executed.

Comment NYSDPS-5:

Please describe whether the applicants plan on storing materials at the tower sites. If so, please state what materials will be stored at the storage sites.

ORU Response to NYSDPS-5:

ORU anticipates that ORU's contractor will place materials such as hardware, equipment, tools, and reinforcing steel at several of the tower locations that will be worked on in the near future. The amount of materials stored and the duration will vary based on weather conditions and the locations of the towers.

Comment NYSDPS-6:

Describe the 'mechanical means' to be used to remove the six rock outcrops, including

- a) method*
- b) equipment to be used, including specs and weight*
- c) access routes to be utilized*
- d) duration of work at each location*
- e) whether outcrop locations are suitable habitats for timber rattlesnakes*

ORU Response to NYSDPS-6:

The exact method and equipment to be used for rock removal will be developed by the contractor selected by ORU for this Project. However, blasting will not be used to conduct the required rock removal. ORU anticipates the rock will be removed by mechanical means by scraping via the use of excavator/backhoe/bulldozer or by hammering with a hydraulic hammer attached to an excavator. Use of handheld pneumatic tools such as rock drill, jack hammer, etc, could also be expected. ORU proposes to use the existing access roads that currently serve Line 77 to access

rock removal areas. Off-ROW access points are noted on the plan and profile drawings included in Attachment 1 to the EM&CP. ORU expects work at each location to take approximately two to three days. Certain locations may take longer, but in no instance is rock removal activities expected to extend beyond five work days at any location.

Timber rattlesnake habitats were not identified during the surveys at the location of the proposed rock outcrop removal areas. ORU has consulted with the NYSDEC regarding the potential presence of timber rattlesnakes within the Line 28 Project area. As a result of this consultation, ORU has agreed with the NYSDEC to provide a NYSDEC-licensed timber rattlesnake monitor during the active snake season along two portions of the Line 28 which were identified by NYSDEC to be potential timber rattlesnake habitat (see Section 4.0 and Appendix D of the EM&CP). The first monitoring area, located in Ramapo, does not include any rock outcrop removal areas. The second monitoring area, which encompasses the ROW from South Gate Road northward to near Lakes Road, does include five outcrop removal areas. However, ORU's environmental consultant, TRC Environmental, did not identify the specific areas proposed for rock removal as possessing the characteristics of good or exceptional timber rattlesnake habitat. During construction and rock removal activities, ORU will employ on a daily basis during the active snake season, the NYSDEC-required snake monitor within the two ROW portions identified by NYSDEC to minimize the potential.

Comment NYSDPS-7:

Identify all newly proposed access road locations identifying tax parcel identification numbers of properties traversed and landowner names. Please provide consent for use of route from the landowners.

ORU Response to NYSDPS-7:

ORU is not proposing any new access roads for the Project. Any reference to new access road within the EM&CP was an inadvertent error.

Attachment A
Preliminary Phasing Plan:
Line 28 Transmission Project

Orange and Rockland Utilities, Inc.
Line 28 Transmission Project
Preliminary Phasing Plan

ID	Task Name	Duration	Start	Finish	Predecessors	February	March	April	May	June	July	August	Septemb	October	Novembe	December	January	February	March	April	May	
1																						
2	Transmission Line Activities	335 days	Tue 2/1/11	Mon 5/14/12																		
3																						
4	Staking and ROW Delineation Activities	20 days	Tue 2/1/11	Mon 2/28/11																		
5																						
6	Segment #1 - Ramapo Substation to Structure 12	50 days	Tue 2/15/11	Mon 4/25/11																		
7	Installation of Erosion Control Measures	5 days	Tue 2/15/11	Mon 2/21/11	4SS+10 days																	
8	ROW Mowing and/or Clearing	5 days	Tue 2/22/11	Mon 2/28/11	7																	
9	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 3/1/11	Mon 3/7/11	8																	
10	Installation of Structure Reinforcements (as required)	10 days	Tue 3/8/11	Mon 3/21/11	9																	
11	Re-Sagging of Line 77	10 days	Tue 3/22/11	Mon 4/4/11	10																	
12	Line 28 Conductor Stringing	10 days	Tue 4/5/11	Mon 4/18/11	11																	
13	ROW Restoration	5 days	Tue 4/19/11	Mon 4/25/11	12																	
14																						
15	Segment #2 - Structures 13 to 27	50 days	Tue 4/5/11	Mon 6/13/11																		
16	Installation of Erosion Control Measures	5 days	Tue 4/5/11	Mon 4/11/11	11																	
17	ROW Mowing and/or Clearing	5 days	Tue 4/12/11	Mon 4/18/11	16																	
18	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 4/19/11	Mon 4/25/11	17																	
19	Installation of Structure Reinforcements (as required)	10 days	Tue 4/26/11	Mon 5/9/11	18																	
20	Re-Sagging of Line 77	10 days	Tue 5/10/11	Mon 5/23/11	19																	
21	Line 28 Conductor Stringing	10 days	Tue 5/24/11	Mon 6/6/11	20																	
22	ROW Restoration	5 days	Tue 6/7/11	Mon 6/13/11	21																	
23																						
24	Segment #3 - Structures 28 to 39	70 days	Tue 5/24/11	Mon 8/29/11																		
25	Installation of Erosion Control Measures	5 days	Tue 5/24/11	Mon 5/30/11	20																	
26	ROW Mowing and/or Clearing	5 days	Tue 5/31/11	Mon 6/6/11	25SS+5 days																	
27	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 6/14/11	Mon 6/20/11	26SS+10 days																	
28	Installation of Structure Reinforcements (as required)	10 days	Tue 7/5/11	Mon 7/18/11	27SS+15 days																	
29	Line 28 Conductor Stringing	10 days	Tue 7/26/11	Mon 8/8/11	28SS+15 days																	
30	ROW Restoration	5 days	Tue 8/23/11	Mon 8/29/11	29SS+20 days																	
31																						
32	Segment #4 - Structures 40 to 52	70 days	Tue 7/19/11	Mon 10/24/11																		
33	Installation of Erosion Control Measures	5 days	Tue 7/19/11	Mon 7/25/11	28																	
34	ROW Mowing and/or Clearing	5 days	Tue 7/26/11	Mon 8/1/11	33SS+5 days																	
35	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 8/9/11	Mon 8/15/11	34SS+10 days																	
36	Installation of Structure Reinforcements (as required)	10 days	Tue 8/30/11	Mon 9/12/11	35SS+15 days																	
37	Line 28 Conductor Stringing	10 days	Tue 9/20/11	Mon 10/3/11	36SS+15 days																	
38	ROW Restoration	5 days	Tue 10/18/11	Mon 10/24/11	37SS+20 days																	
39																						

Project: Corning Valley Project Schedu Date: Mon 11/29/10

Task Progress External Tasks Deadline

Split Milestone Project Summary External Milestone

Orange and Rockland Utilities, Inc.
Line 28 Transmission Project
Preliminary Phasing Plan

ID	Task Name	Duration	Start	Finish	Predecessors	February	March	April	May	June	July	August	Septemb	October	Novembe	December	January	February	March	April	May
40	Segment #5 - Structures 53 to 61	55 days	Tue 9/13/11	Mon 11/28/11									9/13								
41	Installation of Erosion Control Measures	5 days	Tue 9/13/11	Mon 9/19/11	36								9/13								
42	ROW Mowing and/or Clearing	5 days	Tue 9/20/11	Mon 9/26/11	41								9/20								
43	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 10/4/11	Mon 10/10/11	42SS+10 days								10/4								
44	Installation of Structure Reinforcements (as required)	10 days	Tue 10/18/11	Mon 10/31/11	43SS+10 days								10/18								
45	Line 28 Conductor Stringing	10 days	Tue 11/1/11	Mon 11/14/11	44SS+10 days								11/1								
46	ROW Restoration	5 days	Tue 11/22/11	Mon 11/28/11	45SS+15 days								11/22								
47																					
48	Segment #6 - Structures 62 to 78	70 days	Tue 11/1/11	Mon 2/6/12																	
49	Installation of Erosion Control Measures	5 days	Tue 11/1/11	Mon 11/7/11	44								11/1								
50	ROW Mowing and/or Clearing	5 days	Tue 11/8/11	Mon 11/14/11	49								11/8								
51	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 11/22/11	Mon 11/28/11	50SS+10 days								11/22								
52	Installation of Structure Reinforcements (as required)	10 days	Tue 12/13/11	Mon 12/26/11	51SS+15 days								12/13								
53	Line 28 Conductor Stringing	10 days	Tue 1/3/12	Mon 1/16/12	52SS+15 days								1/3								
54	ROW Restoration	5 days	Tue 1/31/12	Mon 2/6/12	53SS+20 days								1/31								
55																					
56	Segment #7 - Structures 79 to 91	65 days	Tue 12/27/11	Mon 3/26/12																	
57	Installation of Erosion Control Measures	5 days	Tue 12/27/11	Mon 1/2/12	52								12/27								
58	ROW Mowing and/or Clearing	5 days	Tue 1/3/12	Mon 1/9/12	57								1/3								
59	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 1/10/12	Mon 1/16/12	58SS+5 days								1/10								
60	Installation of Structure Reinforcements (as required)	10 days	Tue 1/31/12	Mon 2/13/12	59SS+15 days								1/31								
61	Line 28 Conductor Stringing	10 days	Tue 2/21/12	Mon 3/5/12	60SS+15 days								2/21								
62	ROW Restoration	5 days	Tue 3/20/12	Mon 3/26/12	61SS+20 days								3/20								
63																					
64	Segment #8 - Structures 92 to Sugarloaf Substation	60 days	Tue 2/14/12	Mon 5/7/12																	
65	Installation of Erosion Control Measures	5 days	Tue 2/14/12	Mon 2/20/12	60								2/14								
66	ROW Mowing and/or Clearing	5 days	Tue 2/21/12	Mon 2/27/12	65								2/21								
67	Establishment of Temporary Access Roads and Work Pad Grading	5 days	Tue 3/6/12	Mon 3/12/12	66SS+10 days								3/6								
68	Installation of Structure Reinforcements (as required)	10 days	Tue 3/20/12	Mon 4/2/12	67SS+10 days								3/20								
69	Line 28 Conductor Stringing	10 days	Tue 4/3/12	Mon 4/16/12	68SS+10 days								4/3								
70	ROW Restoration	5 days	Tue 5/1/12	Mon 5/7/12	69SS+20 days								5/1								
71																					
72	Final ROW Restoration Activities	10 days	Tue 5/1/12	Mon 5/14/12	70SS																

