



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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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”) is to address comments submitted during the public comment period and at the public statement hearings held on September 16, 2010 for the Project.

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”); and
- New York State Department of Public Service (“NYSDPS”).

The comments received from the above parties and ORU’s responses are presented in Chapter 2.0 below.

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.

**Orange and Rockland Utilities, Inc. - Line 28 Transmission Project
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 A
		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 A

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

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

Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
<p align="center">Rockland County – Division of Environmental Resources (R. Allan Beers, Coordinator of Environmental Resources)</p>	<p align="center">July 14, 2010</p>	<p 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 align="center">Section 3.2</p>

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

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-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 align="center">Attachment A, Section 3.5, and Section 8.0</p>
		<p 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 align="center">Not Applicable; Please see below for ORU’s response.</p>

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

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 A
		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 A

**Orange and Rockland Utilities, Inc. - Line 28 Transmission Project
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Table 2-1. Summary of EM&CP Comments and Information Requests

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

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 A
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 A
		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 A
		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 A

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

Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
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 Public Service (Ms. Ashley Priscott, Assistant Counsel, NYSDPS)	August 3, 2010	NYSDPS -1	<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? 	Not Applicable; Please see below for ORU's response.
		NYSDPS -2	<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. 	Not Applicable; Please see below for ORU's response.

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

Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
		NYSDPS -3	<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. 	Not Applicable; Please see below for ORU's response.
New York State Department of Public Service (Ms. Ashley Priscott, Assistant Counsel, NYSDPS)	August 3, 2010	NYSDPS -4	<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. 	Not Applicable; Please see below for ORU's response.
		NYSDPS -5	<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. 	Not Applicable; Please see below for ORU's response.

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

Agency	Date	Comment ID	Comments/Questions	EM&CP Reference
<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 A</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 A of this 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 sodalist* (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 has 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.

Within these two locations, 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.

ORU confirmed its concurrence with the above monitoring requirements under letter dated February 10, 2009 to Ms. Lisa Masi of the NYSDEC, Region 3 Bureau of Wildlife (see EM&CP Appendix D).

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.

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 Line 28 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 Public Service

The following provides ORU's responses to the comments received from the New York State Department of Public Services, 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 four 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 A 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 document was an inadvertent error.