

OCCA COMMENT REPORT
FOR THE
NAT PROPOSED EDIC TO FRASER ALTERNATING CURRENT (AC)
TRANSMISSION LINE PROJECT
PSC PART A SUBMITTAL

Case No. 13-E-0488
Case No. 13-T-0454
Otsego County, New York

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1.0 EXECUTIVE SUMMARY

1.1 Project Overview and Introduction

The Otsego County Conservation Association, Inc. (OCCA) – in association with C&S Companies, Inc. (C&S) and Douglas H. Zamelis, Esq. – is pleased to submit the following comments on the proposed Edic to Fraser Alternating Current (AC) Transmission Line Project (hereinafter referred to as Edic to Fraser or the project). As shown on Figure 1, the Edic to Fraser project consists of a proposed new 345 kV single circuit overhead transmission line originating at the existing Edic substation, located in the Town of Marcy in Oneida County, proceeding generally south, and terminating approximately two miles northwest of the hamlet of Fraser, in the Town of Delhi in Delaware County¹.

In November of 2012, the New York State Public Service Commission (PSC) instituted a comparative proceeding (Case 13-E-0488) to examine electric transmission system solutions to historic congestion problems along the “Central-East Constraint.”² In February of 2014, the PSC requested that developers consider modifying their initial proposals to reduce the creation of new rights-of-way (ROW). A mechanism for review of these proceedings was proposed by PSC staff in August of 2014 recommending six primary criteria for review: (1) the amount of increased transfer capability that each proposal offers; (2) the cost of the proposal(s) to ratepayers; (3) electric system impacts, emissions reductions, and production cost impacts, measured in terms of overall changes to the generation dispatch; (4) the extent of any additional ROW; (5) the application of innovative technologies to enhance transfer capability or reduce the physical footprint of the project; and (6) an initial assessment of environmental compatibility, including visual impacts.³

On December 16, 2014 the PSC put forth an “Order Establishing Modified Procedures for Comparative Evaluation” which identified a timetable and additional criteria to be included in the comparative review of four proposals submitted in response to Case 13-E-0488. On December 30,

¹ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

² The Central-East Constraint refers to the Federal Energy Regulatory Commission (FERC) region extending along the Hudson Valley to Central New York. Transmission constraint refers to any part of a transmission system that physically limits power flow.

³ Lapin, D. (2015, February 13). *Edic to Fraser Quick Fact Sheet*. Retrieved from http://occainfo.org/documents/EdictoFraserQuickFactSheet_000.pdf

2014 – due to the magnitude of the proceedings and requests from both developers and intervenors – the PSC granted an extension for the submittal of additional information and the associated review of these proposals (March 2 and March 30, respectively).⁴

As part of Governor Andrew Cuomo’s “Energy Highway Initiative,” these proceedings are intended to provide an additional 1,000 mega-watts (MW) of electrical transmission capacity from upstate New York to downstate users to relieve historic energy congestion within the Central-East Constraint and to help achieve the objectives outlined in Governor Cuomo’s “Energy Highway Blueprint.”⁵ On January 20, 2015 North America Transmission (NAT) submitted its initial Part A filings as required by Article VII and on March 2, 2015 NAT submitted additional information to supplement its Part A application. As proposed, the Edic to Fraser route would traverse Otsego County for approximately 40 miles affecting seven municipalities and hundreds of Otsego County residents. In Otsego County, NAT intends to site its route adjacent to the existing Marcy South ROW, operated by the New York Power Authority (NYPA). The sections below provide: (1) information on the scope of review performed by OCCA and its contractors, and; (2) a summary of concerns associated with the proposed Edic to Fraser project.

1.2 Overview of OCCA’s Scope of Review

Founded in 1968, OCCA is Otsego County’s oldest, private, non-profit environmental conservation organization. We are a membership group dedicated to promoting the appreciation and sustainable use of Otsego County’s natural resources through education, advocacy, resource management, research, and planning. OCCA plays a key role in initiating and carrying out programs designed to improve and/or protect Otsego County’s air, land, and water.

On March 24, 2014 OCCA was awarded intervenor status by the PSC to review the Part A submission by NAT (Case 13-T-0454) pursuant to Case 13-E-0488.⁶ OCCA sought intervenor funding in order to review the potential environmental impacts of proposals filed in Case 13-T-0454 on the towns of Richfield, Exeter, Burlington, New Lisbon, Laurens, Oneonta, and Otego, and on

⁴ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={686F2B4A-FDF5-4742-B49D-28DCD0C2CC5D}>

⁵ <http://www.nyenergyhighway.com/PDFs/Blueprint/EHBPT/>

⁶ Pursuant to Public Service Law (PSL) §122(5), an intervenor fund has been established for proceedings associated with Case 13-E-0488.

OCCA's 800+ members/volunteers. To avoid duplication of effort, OCCA is also cooperating with, and representing the interests of, an informal coalition of environmental groups based in Otsego County, including the Otsego Land Trust (OLT), Otsego 2000, Inc. (O2K), the Butternut Valley Alliance (BVA), and the Delaware-Otsego Audubon Society (DOAS).

In filing for intervenor status, OCCA asserted that public education and outreach in Otsego County was lacking and that, therefore, its own independent study and legal assistance were necessary to inform the record, to ensure the accuracy of appraisals and environmental impact statements, and to identify shortcomings and/or insufficiencies in connection with NAT's submissions. In its application for intervenor funds, OCCA highlighted its interest in the conservation values of affected lands, and emphasized there is a need for trusted experts with a deep understanding of the local context of the Edic to Fraser proposal, to help educate residents of affected communities and to pursue meaningful dialogue with NAT. OCCA also stressed that parties other than the developer must identify, scrutinize, and assess the potential impacts of the transmission proposal and examine potential mitigation measures. OCCA believes that local input will help identify high-value areas, sensitive natural habitats, critical forest areas, and potential adverse impacts, thereby assisting in assessing, avoiding, reducing, and mitigating any adverse effects.

OCCA's intention is to contribute to the development of the record through the employment of expert witnesses, consultants, and other advisors to develop and introduce additional data and information pertaining to local environmental, agricultural, historic, and other resources in Otsego County, as well as the potential impacts and effects on those resources and on affected landowners and residents in Otsego County.

In this regard, OCCA embarked on an extensive public outreach campaign to solicit input from affected municipalities, property owners, and other environmental conservation organizations working in Otsego County. OCCA compiled a number of reference documents to assist the public in better understanding the proceedings associated with Case 13-E-0488 and Case 13-T-0454, convened separate working committees of municipal leaders and representatives from the aforementioned environmental conservation organizations, met with representatives of NAT, and

mailed informational materials and questionnaires to 236 affected property owners. A more extensive discussion of OCCA's outreach efforts can be found in "Section 8.0 Community Outreach."

It is important to note OCCA is independent of the County of Otsego, an entity that has also been awarded intervenor status in this proceeding. OCCA is coordinating its efforts and communicating with the County's Planning Department in order to further avoid duplication and to complement the County's review.

1.3 Scope of Review, C&S Companies, Inc.

In 2014, OCCA contracted with C&S Companies, Inc., a consulting firm based in Syracuse, to aid in review of NAT's Part A submittal and to examine the potential environmental- and engineering-related impacts associated with the proposed Edic to Fraser project. C&S has provided professional services to assist OCCA in preparing its comments regarding Case 13-E-0488 and Case 13-T-0454.

C&S' scope of review has primarily focused on analyzing impacts of the proposed project pertaining to Otsego County, including but not limited to:

- Assessment of reasonably related short-term and long-term impacts, cumulative impacts, and other associated environmental, construction, and operation and maintenance related impacts.
- Assessment of adverse impacts that cannot be avoided or adequately mitigated if the project is implemented as currently proposed.
- Identification of proposed mitigation measures beneficial to the community.
- Interpretation and analysis of technical information and assistance to OCCA in summarizing and disseminating information to the local stakeholders.
- Opinion on the adequacy of information to be provided.
- Preparation of comments for the public record.

1.4 Scope of Review, Douglas H. Zamelis, Esq.

In February 2014, OCCA enlisted the services of Douglas H. Zamelis, Esq. to assist with matters related to Case 13-E-0488 and Case 13-T-0454. Zamelis' scope of work included assisting OCCA

in reviewing Part A submissions and supporting materials of NAT and other applicants in order to evaluate issues of concern and impacts to OCCA members and, further, to identify specific areas of technical, economic, environmental, and other expertise needed to allow OCCA to participate meaningfully in the proceeding. Zamelis provided legal advice and guidance to OCCA throughout the proceeding and assisted in the preparation of OCCA's comments on the initial scoping proposals submitted by NAT and other applicants in their Part A submissions. As necessary, Zamelis prepared briefs as appropriate and reviewed and/or contributed to written submittals to the PSC, attended relevant meetings, and assisted in coordination of the efforts of OCCA's experts.

1.5 Purpose of the Review

The intent of OCCA's review is twofold in nature: (1) to inform the public record of the potential environmental impacts associated with the Edic to Fraser project in a rigorous, thorough manner that adequately represents the concerns of our stakeholders, signatories, and members, and; (2) to evaluate the project's compatibility with the environmental and community characteristics of Otsego County. "Section 2.0 Project Purpose, Public Need and Benefit" will discuss OCCA's conclusions on the information presented in NAT's Exhibit E-4 Engineering Justification for Edic to Fraser Component.⁷ "Section 3.0 Siting" will include OCCA's comments on siting details provided by NAT in its Part A submittal. "Section 4.0 Alternative Proposals" will discuss options which could achieve the desired objectives without resulting in adverse environmental impacts. "Section 5.0 Environmental Impact" will evaluate the project's potential adverse impacts on the environment. "Section 6.0 Other Impacts" will assess construction, operation and maintenance, and cumulative impacts of the proposed project, among others. "Section 7.0 Reviews, Approvals and Other Compliance Requirements" will evaluate NAT's compliance with all applicable laws, regulations, resolutions, and ordinances pertaining to the proposed project. "Section 8.0 Community Outreach and Local Comments" will discuss the specific results of OCCA's public outreach and engagement efforts.

1.6 Overview of OCCA's Environmental Concerns

Located in the heart of New York State, Otsego County is renowned for its rolling landscape, scenic resources, and its diverse, rich historical and cultural heritage. Home to the headwaters of the

⁷ [http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=\[B018A8B2-2328-4B3F-8E80-8274C414D5B8\]](http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=[B018A8B2-2328-4B3F-8E80-8274C414D5B8])

Susquehanna River, a vibrant agricultural industry, and unique landscapes, Otsego County has extensive natural capital⁸ at its disposal. While NAT's account of expected environmental impacts and suggested mitigations is extensive, OCCA believes the environmental analysis is incomplete and may not fully comply with the requirements of 16 NYCRR Part 86. This section will provide brief summaries of OCCA's concerns. More in-depth comments shall be provided in "Section 5.0."

1.6.1 Land Use and Zoning

Predominantly rural, with very little industrial development, Otsego County is home to a strong agricultural industry. As evidenced by the "Otsego County Agricultural and Farmland Protection Plan," the County values its agriculture and recognizes the importance of protecting farmland. It is important to note that the towns affected by the proposed Edic to Fraser project do not have the resources to retain a full-time planner. Some do not have zoning laws or comprehensive plans. Based on the information presented in NAT's Part A filings, in our opinion the land-use data analyzed focuses solely on zoning, floodplain mapping, and land cover classification, and does not represent an adequate metric to evaluate land-use compatibility.

To date, NAT has not submitted a document that meets the requirements of 16 NYCRR §86.8

Exhibit 7:

(a) The applicant shall submit a list of all local ordinances, laws, resolutions, regulations, standards, and other requirements applicable to the proposed facility, together with a statement that the location of the facility as proposed conforms to all such local legal provisions, except any that the applicant requests that the commission refuse to apply because, as applied to the proposed facility, such local legal provision is unreasonably restrictive in view of the existing technology, factors of costs or economics, or the needs of consumers whether located inside or outside any particular municipality. If the applicant desires the commission to refuse to apply one or more local legal provisions, it shall submit a statement justifying the request.

⁸ Natural capital can be defined as the world's stock of natural assets which include geology, soils, water, land, and all living things. It is from this natural capital that humans derive a wide range of services, called ecosystem services, which make human life possible.

OCCA finds this omission to be unacceptable. Local ordinances, resolutions, regulations, standards, and other municipal documents help form the identity of the municipalities in question. It should be noted that NAT is currently in the process of compiling a document of all relevant land-use ordinances, yet did not submit said document by the March 2 deadline. OCCA believes the omission of this data pertaining to land-use compatibility places the PSC staff in a position whereby they can neither properly nor thoroughly evaluate this project's compatibility with existing land uses in Otsego County.

The proposed route for the Edic to Fraser transmission line would primarily affect forested and agricultural land (54.1% and 22.8%, respectively).⁹ These impacts to the forest and farm lands of Otsego County would have distinct and significant environmental, social, and economic impacts. OCCA believes the siting of the Marcy South ROW was inconsistent with existing land uses and that it set a dangerous precedent. In Otsego County, impacts associated with Edic to Fraser would compound previous impacts from the Marcy South ROW. The proposed project is a key example of how piggy-backing upon the questionable siting practices of the Marcy South route would further impact Otsego County.

"Section 5.1" will evaluate impacts to the land-use characteristics of Otsego County in more detail and will provide input gathered from public outreach efforts and committee meetings.

1.6.2 Terrestrial and Aquatic Ecology

Otsego County is home to a wide variety of plant and animal species that would be sensitive to the proposed Edic to Fraser project. The Part A filings by NAT discuss impacts to federal/state listed threatened and endangered species, suggest potential mitigation measures for said species, and propose additional studies to further assess the impacts that the proposed project would have on plant and wildlife species. OCCA is concerned that the potential impacts to plants and wildlife were not fully or sufficiently discussed in NAT's Part A filings. In particular, the Part A filings omit a discussion of impacts to golden eagles (a species of statewide concern), do not discuss habitat

⁹ (Pages 9 & 10) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

fragmentation as a result of the new 80-ft. ROW, and do not fully discuss the impacts to raptor migration routes as a result of the proposed project.¹⁰

During its review, OCCA has worked closely with the Delaware-Otsego Audubon Society (DOAS). DOAS is currently conducting research on golden eagles and has found that golden eagles in Otsego County do frequent the Marcy South corridor due to the increased visibility of prey. Page 27 of NAT's March 2 filing states that bald and golden eagles are protected in New York as a result of the Bald and Golden Eagle Act of 1940; the filing, however, focuses only on bald eagles and fails to mention the presence of golden eagles in the project area. Given the status of golden eagles, we feel this is a grave omission.

According to DOAS, the proposed project would bisect raptor migration routes, raising concerns associated with an increased rate of collisions with high-voltage overhead transmission lines. It should be noted that NAT does take avian collisions into consideration in the January 20, 2015 "Scoping Statement and Schedule" by proposing to follow Best Management Practices (BMPs) from the Avian Power Line Interaction Committee (APLIC) dated 1996. However, OCCA argues that such BMPs are outdated and points out that there are readily-available BMPs from APLIC as recent as 2012.

Another impact not sufficiently discussed by NAT, in our opinion, is habitat fragmentation. Habitat fragmentation is the process by which habitat loss results from the division of large, continuous habitats into smaller, more isolated remnants.¹¹ OCCA recognizes that habitat fragmentation associated with the Marcy South corridor has already occurred but contends that the new or expanded ROW would result in further significant fragmentation of forest habitat, the creation of new edge habitat, and may allow for the increased penetration of invasive species. It should also be noted that successive habitats have formed in the existing Marcy South ROW that could be harmed by herbicide application in the new Edic to Fraser ROW.¹² This combination of habitat fragmentation

¹⁰ (Page 27) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

¹¹ <http://www.els.net/WileyCDA/ElsArticle/refId-a0021904.html>

¹² The term "successive habitats" refers to ecological communities in either the primary and/or secondary stages of ecological succession.

and the risk of damaging successive habitats poses a significant threat to the resiliency of affected forest resources.

It should also be noted that NAT proposes to use only desktop evaluation and remote sensing for the Part A and B submittal analyses and defers physical ground surveys for threatened and endangered (T/E) species until the Environmental Management and Construction Plan (EM&CP) is prepared as part of the construction permitting process. As a result, we feel that neither the public nor the County can properly assess project-related environmental impacts or the effectiveness of proposed alternate routing or mitigation measures in addressing those impacts and the PSC cannot make a reasoned determination that the benefits of the proposed project outweigh its impacts until after the project is approved. This in effect denies members of the public their rightful input with respect to whether such analysis and mitigation is appropriate or acceptable. As such, OCCA requests that complete biological surveys be completed prior to or, at the very latest, during the Part B process.

"Section 5.2" will discuss impacts to terrestrial and aquatic ecology in more detail and will provide information on committee input and public comments received as they relate to the proposed Edic to Fraser project.

1.6.3 Vegetation

The construction of ROW adjacent to the Marcy South corridor would result in additional vegetative clearing that could have significant environmental impacts. As presented in NAT's March 2 filing, 54.1% of the proposed route would run through deciduous forest, potentially destroying a large amount of forest resources. Further, herbicide application to limit the vegetative cover along the new ROW could potentially degrade vegetative habitat currently in the primary stages of succession. Finally, both the January 20 and March 2 filings from NAT utilize only readily available desktop data and NAT does not appear to have considered site-specific research conducted by Otsego County experts.

For example, research has been carried out in The Greenwoods Conservancy on the impacts of the Marcy South corridor on native vegetation, yet said research is not considered in NAT's filings. For many years, the State University of New York's (SUNY) Biological Field Station has monitored successional rates of vegetative growth in Greenwoods and has found that the physical and chemical maintenance regimes along the Marcy South corridor are detrimental to the area's native habitat.¹³ OCCA is concerned that the data as presented in NAT's filings are not detailed enough for the PSC to fully assess impacts to vegetation that Edic to Fraser would have and believes local experts should have been consulted in the project scoping phase.

"Section 5.3" will discuss OCCA's comments on the proposed project's impact on vegetative resources in more detail, provide information gathered from OCCA's committee meetings, and present information gathered from OCCA's public outreach efforts.

1.6.4 Wetlands and Water Resources

Otsego County is home to the headwaters of the Susquehanna River and a number of sensitive rivers, streams, and creeks. Over the four-county area that the proposed route traverses, there would be approximately 106 instances in which rivers or streams are crossed.¹⁴ OCCA recognizes that overhead transmission lines can be sited in a manner which avoids undue impacts to ground and surface water resources. However, of those 106 stream crossings, 49 are considered to be "protected streams" under the New York State Protection of Waters Program; 47 of those are designated as sensitive trout habitat. Transmission structures and the associated construction near streams could potentially harm the riparian zones of these resources, resulting in the destruction of habitat of native trout species.¹⁵ Further, certain areas in Otsego County have high water tables. The presence of high water tables could directly affect construction practices and resultant impacts requiring due care should NAT be selected to proceed to the Part B process.

¹³ <http://www.oneonta.edu/academics/biofld/PUBS/ANNUAL/2002/%28252%29%20tech%2016.pdf>

¹⁴ (Page 25) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

¹⁵ <http://psc.wi.gov/thelibrary/publications/electric/electric10.pdf>

Approximately 11 acres of New York State Department of Conservation (NYSDEC)-listed wetlands would fall within the proposed Edic to Fraser ROW.¹⁶ As mentioned in the March 2 filing by NAT, the primary impacts to wetlands would be “the conversion of forested wetlands to scrub-shrub or emergent wetlands.” NAT further states that this would be due to the clearing of trees during construction and that such impacts would have a “minimal effect on specific important functions such as flood and storm water control and pollution treatment and reduction.” OCCA is concerned about this assumption in light of the fact that the filings do not include long-term monitoring plans to ensure these wetlands are restored to pre-construction conditions to the maximum extent practicable.

“Section 5.4” will discuss OCCA’s comments in more detail, provide information gathered from committee meetings, and present information on public input received concerning water- and wetland-related impacts.

1.6.5 Geology

As proposed, 40.13% of the Edic to Fraser corridor would traverse areas with Volusia-Mardin-Lordstown soils which are known to have poor drainage.¹⁷ According to the Natural Resources Conservation Service (NRCS), soil drainage must be a guiding factor to siting development. Areas with good drainage are often ideal places to build structures whereas areas with poor soil drainage are not.¹⁸ In fact, the “Scoping Statement and Schedule” filed by NAT states that “for construction purposes, wetness may be a limitation for the Volusia and Mardin soils due to a high seasonal water table; erosion may be a limitation for the Lordstown soil in areas of excessive slope.” The presence of the Volusia, Mardin and Lordstown soil types is concerning for OCCA in that construction of the proposed Edic to Fraser corridor could have potentially significant impacts to the soil resources of Otsego County. Means and methods of construction for these restrictive conditions including techniques for support of excavations and site dewatering should be evaluated as part of the application along with the corresponding proposed avoidance or mitigation measures.

¹⁶ (Page 21) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

¹⁷ (Page 40) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={4156F790-CC65-4AB3-9CF4-575A663875F6}>

¹⁸ <http://www.chemungcounty.com/usr/ACNE/Soils%20and%20related%20files.pdf>

It should also be noted that public input received pertaining to this project has identified the loss of topsoil as a major concern. Loss of topsoil due to the construction of energy transmission infrastructure could severely impact the viability of Otsego County's agricultural land. Since approximately 53.1% of the proposed route would traverse areas with soils classified as "all areas are prime farmland" or "farmland of statewide importance," it should be a priority for NAT to address the loss of topsoil resources.¹⁹

"Section 5.5" will discuss impacts to regional geology in more detail, provide input from committee meetings, and present information gathered from public comments.

1.6.6 Noise

Much of the area along the proposed route, due to its rural nature, has low ambient noise levels. Residents in each of the seven affected municipalities have stated that they highly value their quiet, rural lifestyle. Based on the Part A filings, OCCA believes that NAT's noise analysis is lacking. The March 2 filing states there would be no audible corona noise outside of the new ROW.²⁰ However, OCCA's public outreach efforts have revealed that many residents conduct activities which bring them near to the existing ROW and they report corona noise associated with the Marcy South ROW to be a major annoyance. Further, in some instances the proposed route would bring the Edic to Fraser line even closer to residences, resulting in an increased potential for noise-related impacts from construction and operation of the proposed line. Although the NAT scoping document includes noise studies on the series compensation stations and states that temporary noise impacts associated with construction will be discussed, there was no scope presented to address the corona noise issue. Because there are currently issues with corona noise along the Marcy South line, we feel that the potential long-term operational noise impacts associated with the corona effect and the additive nature of the existing noises associated with the Marcy South transmission line should be addressed.

¹⁹ (Page 13) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

²⁰ (Page 45) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

OCCA believes the project planning phase should have involved a sensitive receptor analysis and additional public outreach to determine if noise-related impacts were, in fact, an issue of concern to Otsego County residents. Such information would provide valuable insight that may be missed by desktop analyses alone.

"Section 5.6" will discuss OCCA's comments regarding noise impacts in more detail, provide input gathered from committee meetings, and present information gathered from public comments.

1.6.7 Electromagnetic Fields

A significant amount of research has been conducted regarding the potential health impacts associated with electromagnetic fields (EMFs). EMFs are generated through the transmission, distribution, and use of electric power. EMFs surround any electrical device including power lines, house wiring and appliances.²¹ Several respondents to OCCA's public outreach efforts indicated that public health concerns associated with EMFs were a significant issue along with electronic interference effects. While research has indicated limited statistical correlations between EMFs and health impacts, OCCA believes that such concern by property owners warrants further study by both NAT and the PSC.

In regard to the Part A "Initial Application Materials for Edic to Fraser Component" (sub-application) document submitted by NAT, OCCA is concerned with the following statement: "North America will evaluate during the Part B application whether electromagnetic field easements would be needed that are wider than the 80 and 100-foot transmission ROWs."²² OCCA recognizes that the PSC does have regulations in place concerning EMFs; however, the acquisition of additional ROWs for EMF easements could have a distinct environmental and economic impact on affected areas which we feel has not been appropriately explored. In particular, EMF modeling needs to be completed and definitive plans regarding acquisition of additional ROW for EMF easements or EMF mitigation should be presented before a decision on whether this alternative should proceed can be made.

²¹ <https://www.psegliny.com/page.cfm/Home/Safety/MagneticFieldLevelsAroundYourHome>

²² (Page 2) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={C69E4E7C-2D93-4E87-97A2-ABEFC366206}>

"Section 5.7" will discuss OCCA's comments on EMFs in more detail, provide information on input gathered from the committee meetings, and present information gathered from OCCA's public outreach efforts.

1.6.8 Historic, Cultural, and Archaeological Resources

Otsego County is renowned for its historical heritage, rich culture and diverse landscape. Many of the towns and hamlets along the proposed route are more than 200 years old and have properties and/or districts listed on the State and National Registers of Historic Places (SRHP and NRHP), programs administered in New York State by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP). There are also a significant number of Otsego County properties identified as potentially eligible for listing on the state and national registers but for which resources for documentation are lacking. OCCA recommends that, in Otsego County, additional research be conducted to further quantify, list, protect and maintain historic properties. Based on NAT's current analysis, the Edic to Fraser project would affect a combined 27 historic resources, three of which are historic districts.²³ NAT's March 2 filing provides additional information on cultural resources impacted by Edic to Fraser, namely an analysis of how NRHP listed/eligible properties would be impacted visually by the proposed project. OCCA contends that this analysis is incomplete and should have considered SRHP listed/eligible sites in the study area as well.

OCCA believes that the consultation of local resources and experts by NAT has been lacking in this category. Listing properties with the SRHP and NRHP is a time-consuming process that takes expertise and resources many small towns do not have. For example, the Town of Richfield has several eligible properties, yet Town Planning Board members state that additional research needs to be performed to further quantify the number of historic properties in the town boundary.²⁴ OCCA recognizes that NAT acted with the best available estimates, yet it should be noted that extensive study is necessary in Otsego County to fully quantify, list, and research all of the historic resources within the County's boundaries that might be adversely impacted by this project.

²³ (Page 54) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={4156F790-CC65-4AB3-9CF4-575A663875F6}>

²⁴ 3/2 e-mail from Dan Sullivan

“Section 5.8” will discuss OCCA’s comments on the impacts to historic, cultural and archaeological resources in Otsego County in more detail, provide information gathered from committee meetings, and discuss input gathered from OCCA’s public outreach efforts.

1.6.9 Aesthetic and Visual Resources

Otsego County’s scenic vistas are beloved by both tourists and residents alike. All seven towns along the affected Edic to Fraser route closely tie the views within their boundaries to their identities as a township. The proposed Edic to Fraser project will have distinct visual impacts that could fundamentally alter the County’s viewshed. Although NAT provided additional viewshed analyses in its March 2 filing, OCCA believes the Part A filings are inadequate in assessing the true visual impacts of the proposed project.

In its filings, NAT employs a wide range of visual analysis mechanisms, including: a GIS (Geographic Information System) viewshed analysis, a Key Observation Point (KOP) analysis, and the gathering of readily available information on visual impact BMPs. OCCA is very concerned with the lack of local consultation regarding the analysis of visual impacts. To OCCA’s knowledge, very little outreach was conducted to identify key views. In the KOP analysis, only two “representative” views of Otsego County were selected to provide a generalized idea of how the County’s viewshed would be impacted. The first such representative view was overlooking U.S. Highway 20 and the second was from a hilltop above the Town of Oneonta, while views of the scenic Butternut Valley were omitted from consideration. It should be noted that the Butternut Valley contains the highest concentration of affected property owners.²⁵ Further, in the KOP analysis, impacts to the viewshed of the Otsego County KOP areas were deemed to be “moderate” due to the presence of the existing Marcy South ROW. OCCA strongly disagrees with this finding – we contend that a second transmission line essentially doubles the visual impact.

Additionally, NAT fails to consider the viewshed impacts to individual private property owners. Many landowners along the affected route have indicated that scenic views and vistas were the reason they purchased their property. Residents also expressed concern that their properties would be

²⁵ Otsego County Real Property

significantly devalued both in financial and “non-use” terms. Many affected property owners were unaware of the proposed Edic to Fraser project and its associated visual impacts until OCCA conducted community outreach. OCCA believes that public outreach through the dissemination of surveys, public meetings and/or workshops, and other methods of public engagement should have been conducted during the project scoping phase to assess the full extent of visual impacts to Otsego County.

“Section 5.9” will discuss OCCA’s comments on impacts to aesthetic and visual resources in more detail, provide additional information on input gathered from committee meetings, and will present information gathered from OCCA’s public outreach phase.

1.6.10 Coastal Zone Consistency

The PSC’s December 16, 2014 order requires that the “Scoping Statement and Schedule” discussion address coastal zone consistency, including local waterfront revitalization programs and designated inland waterway areas.²⁶ No such areas occur along the Edic to Fraser route; thus OCCA will not be analyzing this resource area.

1.6.11 Climate and Air Quality

As presented in NAT’s Part A filing, the proposed Edic to Fraser project is estimated to have significant climate- and air quality-related benefits through the development of energy infrastructure that allows for a more efficient, cleaner mix of energy to travel between upstate and downstate New York. OCCA strongly supports the development and utilization of renewable energy. NAT claims this project will relieve congestion, allow for reduced operation of older power plants in urban areas, and reduce emissions of greenhouse gases downstate, as called for in Governor Cuomo’s “Energy Highway Blueprint.” However, OCCA is concerned that the comparative proceedings associated with Case 13-E-0488 are not being conducted in a manner that is concurrent with the “Reforming the Energy Vision” (REV) proceedings.²⁷

²⁶ (Page 59) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={8C75B73E-4C33-4128-A501-D8AF24F7BD83}>

²⁷ <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/F48A96F91C2A950E85257C45005C8E10?OpenDocument>

The REV proceedings (Case 14-M-0401) are designed to “reform New York State’s energy and regulatory practices.” This initiative “will lead to regulatory changes that promote more efficient use of energy, deeper penetration of renewable energy resources such as wind and solar, and wider deployment of distributed energy resources, such as micro grids, on-site power supplies, and storage.” Additionally, the PSC identified six core policy outcomes relating to: (1) customer knowledge; (2) market animation; (3) system-wide efficiency; (4) fuels and resource diversity; (5) system reliability; and (6) carbon reduction.²⁸ OCCA is skeptical that Case 13-E-0488 will independently lead to direct climate benefits and emissions reductions but believes rather that it will require the realization of the goals of the REV for Edic to Fraser to fully achieve the benefits presented in NAT’s Part A filing. OCCA is concerned that the construction of Edic to Fraser would not result in regional climate change benefits for upstate New York as the majority of the emissions reductions and associated air quality benefits would be realized downstate.²⁹ Further, while OCCA supports projects that lead to the reduction of greenhouse gas (GHG) emissions, we are concerned that the construction of the Edic to Fraser project is not guaranteed to result in the retirement or decommissioning of dirtier downstate power generation resources as suggested.³⁰

As to the resiliency of the proposed designs, we feel NAT should provide additional details regarding plans to design for climatic loads, taking into account recent climatic activity, and present any proposed plans to both monitor for and respond to such events as part of this application. While the PSC Procedural Order of September 19, 2003 requires a discussion of plans to ensure that the facility is designed to withstand snow storms, ice storms, and periods of extreme heat, the current proposed scope only states that national and regional codes will be met or exceeded. Methods of funding major repairs and cost recovery mechanisms should also be examined.

“Section 5.11” will discuss OCCA’s comments on impacts to climate change and air quality in more detail, provide information gathered from committee meetings, and present information gathered from OCCA’s public outreach efforts.

²⁸ <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/26BE8A93967E604785257CC40066B91A?OpenDocument>

²⁹ (Page 12) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

³⁰ (Page 12) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

1.6.12 Open Space and Recreation

Filings by NAT do not explicitly address the preservation of open space resources and recreational opportunities as part of the scoping statement and related Part A materials. The conservation, management, and protection of New York's open space resources are a statewide priority over the next 10-20 years. As stated in the 2014 "Draft New York State Open Space Conservation Plan" (dOSCP), "open spaces provide many benefits to society, including clean air, clean water, fresh oxygen, pollination of crops, and protection from storm surges and floods among many others."³¹ Given the importance of open space to the state of New York, OCCA believes that the preservation of existing open space resources should be a priority for NAT. However, based on the analysis presented in NAT's Part A filings, OCCA contends that the information provided is lacking as it does not discuss impacts to properties with conservation easements, provides a limited analysis of the recreational impacts of the proposed project, and does not consider relevant open space protection plans that would have bearing on the proposed project.

Based on research conducted by the Otsego Land Trust (Foster, 2015), the proposed Edic to Fraser route would traverse four properties that are protected by conservation easements. According to Foster (2015), approximately 9,300 ft. (1.75 miles) of the transmission line would run through these properties. A second transmission line alongside Marcy South would diminish the conservation value of these properties and directly contrast with the land-use purpose of the affected parcels. Additionally, OCCA believes that the impacts to recreational activities have not been appropriately considered. Many property owners enjoy hunting, fishing, hiking, skiing, snowmobiling, and use of all-terrain vehicles (ATVs) on their lands. The construction of a new ROW would negatively impact the ability of landowners to enjoy recreational activities on their property. Additionally, the amount of agricultural land threatened as a result of this project directly contrasts with Article XIV, Section 4 of the New York State Constitution:

"...conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the State to

³¹ <http://www.dec.ny.gov/lands/317.html>

conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air, watersheds, as well as for aesthetic purposes."

The dOSCP prioritizes the protection of New York State's working lands, forests, and properties with conservation easements, labeling them: "important economic and cultural resources."³² It will be incumbent upon the PSC, moving forward, to consider the preservation of open space resources, including specifically conservation easement lands, as an important criterion for project approval in this proceeding.

"Section 5.12" will discuss the impacts to open space resources and recreational impacts in more detail.

1.6.13 Community Character

Otsego County's identity is tied closely to its rural history and character. Residents are proud of the County's rural heritage. Many people have moved here specifically to enjoy the rural way of life that Otsego County affords. The character of a community ultimately hinges around the concept of "place." As the proposed Edic to Fraser project will fundamentally alter the character of the seven affected communities and our county as a whole, OCCA believes this issue warrants significant comment.

The manner in which the proposed project would impact the seven municipalities in Otsego County varies in severity. However, in a review of this nature, OCCA believes it is highly important to evaluate the consistency of the project with the character of the communities it affects. According to the American Planning Association (APA), community character is defined as "the sum of all of the attributes and assets that make a community unique, and that establish a sense of place for its residents."³³ NAT should endeavor to understand, appreciate, and conform to (to the maximum extent practicable) the community character of the seven affected municipalities in Otsego County.

³² Page 63 NYS Draft Open Space Plan

³³ <http://www.kendigkeast.com/wp-content/uploads/2012/05/Arkansas-2011-Conference.pdf>

All five comprehensive plans and one of the two land-use ordinances reviewed by OCCA contain language illustrating that the proposed project is in direct contrast to the vision each community has for its long-term development. The purpose of a comprehensive plan is to provide a vision for the development of a community and to guide the formation of associated land-use ordinances, policies, and zoning laws. According to New York Town Law Section 272-a(f), "The town comprehensive plan is a means to promote the health, safety and general welfare of the people of the town and to give due consideration to the needs of the people of the region of which the town is a part." Land-use ordinances also have bearing under Article VII. For example, the land-use ordinance of the Town of Richfield (Section 7.3) forbids projects that do not conform to the existing rural characteristics of the Town. It should be noted that the Marcy South project was placed in Richfield through eminent domain proceedings over the strenuous objections of residents. Despite the presence of Marcy South, Edic to Fraser is not in keeping with the rural character of the region.³⁴

"Section 5.13" will discuss the impacts to community character of the proposed Edic to Fraser project in more detail, provide feedback generated from OCCA's public outreach efforts, and include recommendations for future consideration.

1.6.14 Traffic and Transportation

Otsego County is home to idyllic, rural country roads that are a great source of enjoyment to motorists traveling through Otsego County and residents alike. This project, as proposed, would cross one Scenic Byway (U.S. Highway 20) and affect a potential Scenic Byway (State Route 51). According to page 76 of NAT's "Scoping Statement and Schedule," the proposed Edic to Fraser project is anticipated to "temporarily affect operation of transportation services. Deliveries of materials to work areas and construction traffic will increase use of existing roads." Edic to Fraser as proposed could further result in temporary increases in traffic volumes, necessitating careful reviews by affected municipalities and the Otsego County Planning Department to ensure that the proposed project would not adversely impact transportation infrastructure. OCCA notes that several municipalities along the proposed route (Otego, Laurens, and New Lisbon) have laws and/or policies in place concerning the preservation and maintenance of local transportation infrastructure. It is also

³⁴ <http://www.nytimes.com/1993/10/13/nyregion/a-ruling-allows-damages-for-fear-of-high-voltage-power-lines.html>

important to note that the towns of Richfield, Oneonta and Otego are signatories to the Delta Multi-Jurisdictional Road Preservation Program, as is Otsego County itself.³⁵ OCCA is concerned that, with respect to road preservation laws/policies, NAT has not adhered to the following requirement presented in 16 NYCRR §86.8 Exhibit 7:

(a) The applicant shall submit a list of all local ordinances, laws, resolutions, regulations, standards, and other requirements applicable to the proposed facility, together with a statement that the location of the facility as proposed conforms to all such local legal provisions, except any that the applicant requests that the commission refuse to apply because, as applied to the proposed facility, such local legal provision is unreasonably restrictive in view of the existing technology, factors of costs or economics, or the needs of consumers whether located inside or outside any particular municipality. If the applicant desires the commission to refuse to apply one or more local legal provisions, it shall submit a statement justifying the request.

"Section 5.14" will discuss the potential impacts of the project to traffic and transportation in more depth, provide information on public comments received, and include additional points for further clarification and comment.

1.6.15 Community Services and Facilities

While it is not expressly required that NAT address this section in its Part A filing, and although assessment of impacts to community services and facilities falls more so under the purview of the Otsego County Planning Department, OCCA believes it is necessary that the capacity of police, fire, and emergency services be analyzed and assessed prior to approval of a project of this type and magnitude. To date, comments received by OCCA indicate the following concerns: trespassing, vandalism, littering and degradation of private property. Each of these issues would necessitate a response by police forces serving Otsego County.

³⁵ <http://www.otsegocounty.com/depts/pln/RoadPreservation1.htm>

OCCA is concerned that the construction of a new ROW directly adjacent to the existing ROW could facilitate an increase in trespassing on the private property of Otsego County residents. Further, several sections of fencing along the existing Marcy South corridor are not maintained and have allowed for instances of trespassing by operators of snowmobiles and ATVs. Similarly, OCCA is concerned about the prospect of negative interactions between landowners and construction crews should the project be approved. Otsego County property owners were steadfastly opposed to the Marcy South line, and are vehement in their opposition to an additional ROW.

"Section 5.15" will discuss the community services and facilities associated with municipalities along the proposed route utilizing the best available information, provide further detail on public comments received, and further assess the Edic to Fraser project's potential effect on community services and facilities.

1.7 Additional Related Concerns Associated with Edic to Fraser

In addition to the aforementioned, OCCA has the following concerns relative to this project proposal:

- The Edic to Fraser project is inconsistent with Governor Cuomo's goals for Case 13-E-0488 as presented in his February 20, 2014 State-of-the-State Address.
- Otsego County residents would experience significant impacts to their natural and built environment while municipalities and private landowners would receive little to no discernible benefit.

1.7.1 Edic to Fraser Is Inconsistent with Governor Cuomo's Goals for Case 13-E-0488

OCCA is concerned that Edic to Fraser as proposed does not adequately demonstrate its consistency with the policy objectives identified in the PSC's February 20, 2014 press release. The release states that Governor Cuomo's 2014 State-of-the-State Address included a call for "an expedited approval process for 'smart' transmission projects that do not require the acquisition of new [ROWs] from private landowners".³⁶ To that end, the "Commission concurs that such projects, which are not likely to have significant land-use impacts, may be appropriate for the streamlined review that is envisioned."

³⁶[https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/Web/478AEBF70883B4F885257C8500655BBA/\\$File/pr14014.pdf?OpenElement](https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/Web/478AEBF70883B4F885257C8500655BBA/$File/pr14014.pdf?OpenElement)

The Edic to Fraser project would result in the construction of an entirely new 80-ft. ROW that could result in potentially significant impacts to the environment and private landowners along the affected route. As proposed, the project ROW could exceed 80 ft. in places, pending EMF studies. This new ROW directly contrasts with Governor Cuomo's request for "smart projects" due to the extensive environmental, social, and economic impacts associated with the acquisition and development of a new 80-ft. ROW. The siting of an additional ROW alongside the Marcy South corridor simply does not appear to meet the Governor's requirements. OCCA urges the PSC to rigorously evaluate the consistency of the Edic to Fraser project with the goals for Case 13-E-0488 as presented by Governor Cuomo.

1.7.2 Significant Impacts to Residents, Little/No Benefit for Municipalities/Landowners

In 2013, NAT commissioned Appleseed, Inc. (a New York City-based consulting firm) to assess the economic benefits that each affected municipality would realize as a result of Edic to Fraser. Appleseed estimates that:

- During construction, the project would directly and indirectly generate approximately \$138.8 million in economic output in the four-county area (Oneida, Herkimer, Otsego, and Delaware counties) in which it would be built, and more than 600 person-years of employment.
- During its first 20 years of operation, the proposed project would generate approximately \$99.3 million in school district, town, and county real property taxes.³⁷

While economic impacts are not directly within OCCA's purview as an intervenor, we believe that environmental protection is intrinsically connected to both social and economic well-being. During OCCA's committee-meeting process, many municipal supervisors expressed concerns associated with the figures quoted in the Appleseed study, questioning the methodology, data sources and accuracy of the data as presented.

³⁷ (Page 2) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={EFD681C2-6EFF-445B-9910-6772C1C13FB0}>

OCCA is concerned that the estimated benefits associated with the proposed project may not take into account the concept of “discounting.” According to the National Oceanic and Atmospheric Association (NOAA), discounting refers to the rate at which society as a whole is willing to trade off present for future benefits.³⁸ Discount rates are important because financial benefits received today are considered to be more valuable than those received in the future. There are four main reasons for this: (1) positive rates of inflation diminish the purchasing power of dollars over time; (2) dollars can be invested today, earning a positive rate of return; (3) there is uncertainty surrounding the ability to obtain promised future income – that is the risk that future benefits may never be realized; and (4) humans are generally impatient and prefer instant gratification. Indeed, a number of reasonable decision measures depend heavily on the chosen discount rate.³⁹

Many towns in Otsego County have limited income streams and the decisions that each municipality makes could have an impact on the future viability of that town. Data presented in the Appleseed report does not provide enough information for the affected municipalities to make a reasoned decision that weighs the environmental impacts of the project against financial benefits. Therefore, OCCA believes that residents of Otsego County are forced to compare uncertain financial benefits against distinct environmental impacts, placing both them and the PSC in a difficult position from which to properly evaluate the Edic to Fraser project.

1.7.3 Summary

OCCA is dedicated to promoting the appreciation and sustainable use of Otsego County’s natural resources through education, advocacy, resource management, research, and planning. After much research and consideration, it is OCCA’s belief that the potential adverse environmental impacts associated with the proposed Edic to Fraser project outweigh the project’s reported benefits.

The Edic to Fraser project, as proposed, would result in the acquisition and development of substantial new ROW and would therefore have significant environmental and socioeconomic impacts. Additionally, OCCA strongly believes that transmission upgrades should be conducted in a

³⁸ <http://coast.noaa.gov/archived/coastal/economics/discounting.html>

³⁹ <http://coast.noaa.gov/archived/coastal/economics/discounting.html>

manner that does not result in the acquisition of new ROW and in a way which limits environmental impacts to the greatest extent possible.

OCCA respectfully requests that the PSC use these comments and the data presented in this report to aid staff in making a reasoned, well researched, and objective determination regarding the proposed Edic to Fraser project.

2.0 PROJECT PURPOSE, NEED AND BENEFIT

2.1 General

As proposed, Edic to Fraser's purpose is to meet the goal of incremental energy transfer across the upstate New York and southeast New York (UPNY-SENY) regions outlined in Governor Cuomo's "Energy Highway Blueprint."⁴⁰ NAT claims the project would serve as a significant enhancement to backbone transmission infrastructure in New York; relieve the most congested interface in the New York Control Area; and enable access to more efficient generation in upstate New York to load centers in downstate New York.⁴¹

Based on the "Energy Highway Blueprint," NAT asserts that Edic to Fraser is necessary because it would provide significant congestion relief along the Central-East Constraint and meets the policy recommendations outlined in the Blueprint. However, it should be noted that the PSC – per its December 16 Order – is in the process of fully evaluating the concept of "need" associated with Case 13-E-0488. OCCA commends the PSC for doing so and awaits the PSC's findings to be presented in a technical conference set for June 17-18, 2015.

According to NAT's Part A filings, the Edic to Fraser project is asserted to have significant short- and long-term benefits that are consistent with the requirements of Governor Cuomo's "Energy Highway Blueprint." Edic to Fraser is intended to provide reliability benefits by reinforcing the existing Marcy South corridor and by constructing structures that exceed all national and regional loading

⁴⁰ (Page 3) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

⁴¹ (Page 3) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

requirements.⁴² The Edic to Fraser project is also purportedly intended to provide flexibility benefits through the creation of a robust transmission link between upstate New York, where renewable energy has the most potential, to downstate New York, where the largest demand for this energy resource lies.⁴³ Additionally, it is alleged that the proposed Edic to Fraser project would relieve energy congestion associated with the decommissioning of inefficient, downstate generation resources due to increased access to cleaner, cheaper sources of energy in upstate New York.⁴⁴ The decommissioning of inefficient power generation sources could also result in decreased downstate air pollution and potentially result in a net decrease in downstate greenhouse gas emissions.⁴⁵ According to NAT's Part A filing, Exhibit E-4, carbon dioxide emissions rates in downstate areas are 13% to 113% higher than those in upstate areas of New York.⁴⁶ It is also estimated that the proposed Edic to Fraser project would result in the opportunity for a more diverse energy portfolio to be available for consumption by downstate customers.

Finally, NAT contends that the proposed Edic to Fraser project is estimated to have long-term benefits including: financial benefits to communities impacted by the proposed project, the creation of a better environment for the development of renewable energy, and the development of a more reliable energy system.⁴⁷

2.2 Comments on Project Purpose

- a. A 2014 study by Bard College Professor Dr. Gidon Eshel concluded that no real "need" exists for the Case 13-E-0488 proceedings.⁴⁸ While this report reflects the opinions and findings of the author, OCCA notes that the technical conference from June 17-18 will fully evaluate the concept of "need." Therefore, OCCA believes any assertion that the project is necessary is premature.

⁴² (Page 4) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

⁴³ (Page 9) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}4B3F-8E80-8274C414D5B8>

⁴⁴ (Page 10) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

⁴⁵ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

⁴⁶ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

⁴⁷ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B018A8B2-2328-4B3F-8E80-8274C414D5B8}>

⁴⁸ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={94BCBF93-4AEA-4102-87F9-FFBBA2B11C95}>

- b. OCCA is concerned that the proposed Edic to Fraser project may negatively impact the resiliency of the landscape in the project area. The destruction of forest resources, wetlands, and working farmland could limit the ability of the natural environment to act as a buffer against extreme storm events, prevent the spread of invasive species, and reduce the ability of the natural environment to sequester carbon. OCCA recognizes that reducing GHG emissions is a necessary climate mitigation strategy; however, OCCA contends that climate resiliency is an equally important climate adaptation strategy. Therefore, if Edic to Fraser is chosen to advance to Part B of the proceedings, OCCA recommends that NAT be required to work with relevant local agencies to offset impacts to the resiliency of the surrounding landscape by planting additional trees, restoring wetland resources, and preserving open space resources of an equivalent size either in or outside of the project area.
- c. OCCA believes that the proceedings associated with Case 13-E-0488 should have been conducted in conjunction with Case 14-M-0401 (REV).
- d. OCCA believes that the climate benefits mentioned in NAT's Part A filing, Exhibit E-4, are entirely contingent upon the policy goals of the REV proceedings being fully realized.
- e. OCCA is concerned that the creation of transmission lines would not necessarily guarantee that clean energy would be delivered to relieve periods of energy congestion, as renewable energy supply curves do not fully match up with energy demand curves.
- f. OCCA requests that the PSC consider the development of downstate renewable energy resources to relieve energy congestion due to the unfavorable political climate regarding wind development in upstate New York.
- g. OCCA is concerned that the environmental, social and financial impacts associated with Edic to Fraser as proposed in Otsego County greatly outweigh the benefits to upstate customers.
- h. OCCA requests clarification as to how the proposed Edic to Fraser project would affect ratepayers in upstate New York.
- i. OCCA is concerned that the economic benefits presented in NAT's 2013 Appleseed study may be inaccurate and/or cannot be verified, as discussion of the methodology used is missing from the report.

- j. OCCA is concerned that the Appleseed study may not take into account the concept of “discounting” and that the discount rate should have been included in the Appleseed study to allow intervenors to independently verify the economic benefits of the project.
- k. According to NYSDEC, there are nine 480-a Forest Tax Law certificates and 12 tax parcels that would be impacted by the proposed Edic to Fraser project. The 480-a Tax Law is intended to encourage the long-term management of woodlands to produce forest crops and thereby increase the likelihood of a more stable forest economy. OCCA believes the potential financial impact on current and future qualifying property owners must be thoroughly examined before a proper determination can be made as to the benefits of this project.

2.3 Public Comments

- a. Dr. Eshel's study should be independently verified or refuted prior to assuming that the project is necessary.
- b. Otsego County residents expressed frustration that climate benefits associated with the project would be primarily directed downstate.
- c. Municipal officials expressed concern that the data presented in the Appleseed study was inaccurate and does not provide a solid foundation by which to fully weigh the costs and benefits of the proposed project.
- d. Municipal officials and members of the public expressed concern that the proposed Edic to Fraser project would result in the devaluation of their properties.
- e. 19% of questionnaire respondents indicated they would suffer financial harm from the proposed Edic to Fraser project due to the new ROW impacting their ability to build on their land.
- f. The Case 13-E-0488 proceedings should have been conducted in conjunction with the REV proceedings.
- g. Municipal officials and residents expressed concern that the proposed Edic to Fraser project would result in a renewed effort to construct industrial wind turbine facilities in Otsego County.

2.4 Summary

While OCCA strongly supports policies and projects that promote the construction and development of renewable energy and which result in decreased GHG emissions, we believe that only the best

projects resulting in GHG emissions reductions, the usage of more renewable energy sources, and increases to the reliability of New York State's Energy Grid should be chosen. OCCA urges the PSC to: 1) fully evaluate the need for the Edic to Fraser project; 2) more thoroughly evaluate the GHG emissions estimates presented by NAT in the Part A filings, and; 3) compare such findings to other projects in the PSC or New York Independent System Operator (NYISO) queue. Should the Edic to Fraser project advance to the Part B phase of these proceedings, OCCA requests further clarification regarding the presence of cleaner energy generation resources in upstate New York and requests additional clarification as to when dirtier downstate power generation resources would be decommissioned or retired as proposed.

OCCA disagrees with the PSC's decision to carry out proceedings associated with Case 13-E-0488 independently from Case 14-M-0401. In order to fully realize the reported climate and environmental benefits of the proposed Edic to Fraser project, OCCA believes that the policy recommendations associated with the REV must be fully realized as well. The PSC's website states that "both proceedings need to move forward in order for New York's electric grid to become more efficient and resilient."⁴⁹ OCCA is concerned that the build-out of renewable energy associated with the REV may be years away and that construction of additional transmission facilities without the appropriate amount of renewable energy generation sources would severely limit the climate benefits of this and other projects.

Affected private property owners, municipalities, and civic organizations must weigh the costs and benefits associated with any major development project. The decisions made by affected parties will ultimately result in an associated opportunity cost. OCCA believes that NAT's Part A filings should have contained the information necessary to allow affected parties to make a well-reasoned decision regarding the project. Therefore, as presented, the data contained in NAT's "Scoping Statement and Schedule," additional Part A information, and Exhibit E-4 is incomplete and limits the ability of impacted parties and the PSC to make such a determination.

⁴⁹ <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/F48A96F91C2A950E85257C45005C8E10?OpenDocument>

3.0 SITING

3.1 General

The siting scope presented by NAT outlines a number of criteria for route selection, including physical, environmental and cost considerations. However, within Otsego County, the proposed preferred route has been essentially predetermined so as to comply with the PSC's preference to minimize acquisition of additional ROW in order to reduce anticipated impacts to the human and natural environment, according to NAT.

OCCA believes that a complete siting analysis comparing alternative alignments along the entire route should be performed by NAT in order to conclusively demonstrate whether paralleling the existing route would provide the substantive benefits sought by the PSC. NAT states that the difference in ROW width between parallel routing and non-parallel routing is only 20 feet. This would equate to less than 100 acres reduction of ROW area for the Otsego County portion of the project and less still in the event that additional EMF easements are required.⁵⁰

We do not feel this reduction conclusively demonstrates that paralleling the Marcy South line reduces impacts to the maximum extent practicable. OCCA believes that the original siting of the Marcy South ROW was inconsistent with existing land uses and had significant adverse impacts on the County's residents and environment. Siting the proposed Edic to Fraser transmission line parallel to Marcy South will compound previous impacts and create new ones. Piggy-backing upon the questionable siting practices of the Marcy South route without a thorough analysis of the alternate alignments is not consistent with best planning practices and would further impact Otsego County residents.

3.2 Comments on Siting

- a) NAT's Part A filings have not fully demonstrated the proposed Edic to Fraser project's compliance with the PSC's December 16 ruling which recommended that projects utilize existing ROWs. OCCA believes that the Edic to Fraser project, as proposed, will result in the acquisition and development of substantial new ROW and will therefore have significant environmental impacts. Additionally, OCCA strongly believes that transmission upgrades

⁵⁰ (Page 2) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={C69E4E7C-2D93-4E87-97A2-ABEFC366206}>

should be conducted in a manner that does not result in the acquisition of new ROW and which limits environmental impacts to the greatest extent possible.

- b) OCCA believes the siting of the Marcy South ROW was inconsistent with existing land uses and that it set a dangerous precedent for new projects to be proposed in the affected area.
- c) It is believed that the proposed route disproportionately impacts the forest and farm lands of Otsego County and therefore could result in distinct environmental, social, and economic impacts.
- d) OCCA strongly believes that public outreach conducted in the siting phase would have been greatly beneficial in informing the public record. Limited engagement with municipal officials and the public has created opportunity for misconceptions to arise regarding the project. It is OCCA's firm opinion that public engagement plays a vital role in planning, analyzing and limiting impacts associated with major projects. Increased interaction with municipal officials and stakeholders regarding the overall project and route selection – and siting in particular – is requested to enable efficient dissemination and analysis of new information and awareness of site-specific impacts as they are identified. Based on NAT's Part A filing, OCCA is concerned that NAT may not fully understand how the proposed Edic to Fraser project would impact Otsego County's vibrant rural, scenic, and historic landscape and its associated communities.
- e) The construction of ROW adjacent to the Marcy South corridor will result in additional vegetative clearing that could potentially have significant environmental impacts. As presented in NAT's March 2 filing, 54.1% of the proposed route would run through deciduous forest, potentially destroying a large amount of forest resources.
- f) OCCA's public outreach efforts have revealed that many residents conduct activities which bring them near to the existing ROW and they report corona noise associated with the Marcy South ROW to be a major annoyance. In some instances the proposed route will bring the Edic to Fraser line even closer to residences, resulting in an increased probability of noise-related impacts.
- g) NAT will evaluate during the Part B application whether EMF easements would be needed that are wider than the 80- and 100-ft. transmission ROWs. This would further reduce the benefits of a parallel alignment. The potential acquisition of additional ROWs for EMF

easements would have a distinct environmental and economic impact on affected areas which we feel has not been appropriately explored.

- h) In the KOP analysis, the impacts to the viewshed of the Otsego County areas were deemed to be “moderate” due to the presence of the existing Marcy South ROW. OCCA strongly disagrees with this finding – we contend that a second transmission line greatly increases the impact.
- i) OCCA is concerned that the construction of a new ROW directly adjacent to the existing ROW could facilitate an increase in trespassing on the private property of Otsego County residents.
- j) This proposed ROW directly contrasts with Governor Cuomo’s request for “smart projects” during his 2014 State of the State Address due to the extensive environmental, social, and economic impacts associated with the acquisition and development of a new 80-ft. ROW. Siting of additional ROW alongside the Marcy South corridor simply does not appear to meet the Governor’s requirements for “smart transmission projects that do not require the acquisition of new [ROWS] from private landowners.” OCCA urges the PSC to rigorously evaluate the consistency of the Edic to Fraser project with the goals for Case 13-E-0488 as presented by Governor Cuomo.
- k) As presented, the proposed route directly impacts The Greenwoods Conservancy located in the Town of Burlington (Tax Parcels 95.00-1-19.01; 111-1-14.00; 111.00-1-8.02) to avoid impacts to Hartwick State Forest.⁵¹ The Greenwoods Conservancy is utilized for research by the State University of New York at Oneonta, Cornell University, and Hartwick College and the OLT has a conservation easement on the property. The Edic to Fraser route currently veers in a southwesterly direction toward the Cranberry Bog and could fragment approximately 30 acres of forest land and negatively impact ongoing research projects in the area. OCCA requests that the PSC consider this impact rigorously and, should the Edic to Fraser project advance, re-site the line to minimize impacts to The Greenwoods Conservancy.
- l) OCCA believes that the local land-use ordinances and other applicable laws, resolutions, and plans should have been considered in the project planning phase to develop an initial route that minimized impacts to existing land uses to the greatest extent possible. According to NAT’s “Scoping Statement and Schedule,” such an analysis shall be completed in Part B of

⁵¹ 3/31 communication with NAT

the proceedings. OCCA contends that such analyses should have been conducted in Part A of the proceedings and that local officials should have been engaged to assist NAT with the gathering of relevant data.

- m) Based on the Part A filings by NAT, it is estimated that average heights for the transmission line towers will be between 100 ft. to 140 ft. As presented, the heights of the Edic to Fraser line will, in some areas, exceed that of Marcy South, potentially resulting in significant visual impacts to the surrounding landscape. OCCA believes that the differences in the height of the existing Marcy South and Edic to Fraser lines should be appropriately analyzed and that mitigation measures should have been proposed in the Part A phase of the proceedings.
- n) According to the March 2 filing by NAT, 54.1% of the proposed route will pass through deciduous forest. Due to the potential for significant impacts to forest resources, OCCA believes that mature populations of hardwood resources and sensitive tree species should have been surveyed in the Part A phase of the proceedings prior to the initial siting of the Edic to Fraser route.

3.3 Public Comments

- a) 19% of questionnaire respondents indicated they would suffer financial harm from the proposed Edic to Fraser project due to the new ROW impacting their ability to build on their land.
- b) Nearly all of the respondents stated that the existing Marcy South ROW was an “eyesore” and felt the Edic to Fraser project would result in significant cumulative visual impacts.
- c) Several respondents indicated that the proposed Edic to Fraser ROW would result in significant harm to forest resources that help form their individual viewsheds.
- d) Members of the public were also concerned that the new 80-ft. ROW would result in the taking of forest resources used for lumber purposes.
- e) The Marcy South ROW impacted pasturing operations for the Holbrook farm. Mr. Holbrook feels that widening of the existing ROW would render the remainder of that parcel useless. Parallel alignment would also jeopardize Mr. Holbrook’s fresh water springs used for fish production and drinking water. According to Mr. Holbrook, reforestation in that area was never completed for Marcy South and maintenance/erosion control practices have not been consistent with the required plans. See photo document, Appendix D.

- f) Many respondents indicated that their property will be bisected by the Edic to Fraser route and requested clarification regarding the amount of mitigation funding they will receive due to the financial impacts caused by the project.
- g) Town supervisors expressed concern that the financial compensation associated with the siting of Edic to Fraser should also include individual property owners.
- h) OCCA believes that the Community Impact Mitigation Funding presented in the March 2 filing by NAT should have been broken down in more detail to avoid issues that could fragment relationships among and within affected communities.
- i) The Exeter town supervisor stated that, as proposed, the Edic to Fraser route is sited in a manner that affects 19 vacant parcels of land. The supervisor further stated that the siting of Edic to Fraser through these properties will deter property owners from buying the land and also limit the Town from generating much needed tax revenue. (Appendix H)
- j) As proposed, the Edic to Fraser project would join the Marcy South line in transecting the Krasinski property (Tax Parcel 111.00-1-16.00), rendering the property "unsalable." OCCA requests clarification as to whether or not individual landowners who do not have working farms will be compensated fairly for impacts to their property.
- k) During communication with NAT, it was indicated that town supervisors in Herkimer and Oneida counties provided valuable assistance in ensuring that the siting of the Edic to Fraser route minimized adverse impacts to affected communities. However, in Otsego County, town supervisors expressed concern that they were not fully engaged during the initial siting process. OCCA believes that the town supervisors in Otsego County and other local experts could have greatly assisted in the initial siting process for Edic to Fraser.
- l) Several respondents were concerned about the orientation of the Edic to Fraser line in relation to the Marcy South line. More specifically, many property owners asked if Edic to Fraser was situated on a particular side of the existing Marcy South corridor. Public input received indicated that the orientation of the Edic to Fraser line in relation to the Marcy South corridor could result in significant impacts to certain property owners.

4.0 ALTERNATIVE PROPOSALS

4.1 General

The proposed “Alternatives to be Evaluated” section of NAT’s Part A application does not appear to include a substantive alternatives analysis for the segment of the project within Otsego County. Alternative route analysis is proposed for Oneida and Herkimer counties and series compensation is proposed at the terminus of the route. It is unclear as to what consideration of alternatives has been or will be given to the Otsego County portion of the proposed project. OCCA believes that a complete alternatives analysis should be performed by NAT in order that alternatives to the proposed action which will mitigate the adverse impacts to County residents may be considered.

5.0 ENVIRONMENTAL IMPACT

5.1 Land Use and Zoning

5.1.1 General

Identification of land-use patterns, local plans and zoning ordinances within a proposed project corridor is an important part of the project environmental impact analysis. General land-use patterns for Otsego County are shown in Figure 2. Once local conditions are defined, an analysis of the compatibility of the proposed use with applicable local ordinances and surrounding land use including agricultural lands should be completed. Potential impacts should then be identified and avoidance/mitigation alternatives developed. Under 16 NYCRR Part 86, specific efforts to avoid conflict with existing or planned future land use in the community must be identified. NAT’s proposed scope of analysis appears to be consistent with Article VII requirements in that it includes mapping and documentation of existing conditions, discussion of potential impacts and avoidance alternatives, and an analysis of compatibility with existing and planned future use. It should be noted, however, that some of the towns along the proposed route do not have zoning ordinances and/or comprehensive plans.

As presented, NAT's Part A filings fail to address the impacts to properties with existing conservation easements in the land-use impact analysis. For example, as proposed, the Edic to Fraser route will traverse four properties with conservation easements that are managed by the Otsego Land Trust (OLT). NAT therefore will need to establish metrics based upon outreach efforts and site-specific research into local land-use patterns to develop their compatibility analyses accordingly. Likewise, the findings of the March 2 existing land-use analysis prepared by NAT in response to the PSC December 16 Order need to be verified through meetings with each of the local jurisdictions and the respective planning officials.

NAT's Part A submittal should also include the requisite listing and conformance analysis of all applicable local land-use codes and ordinances. This information is necessary for Otsego County and the PSC to be able to fully evaluate land-use compatibility for the proposed project. When discussing compatibility of land use, preservation of natural capital (e.g. farm land, forests, timber resources, rural vistas, and water resources) should be a prime goal and metric for evaluation.

5.1.2 Comments on Scope and Local Interest

- a) NAT's land-use analysis should include a minimum of 1,200 feet on either side of the corridor per 16 NYCRR Part 86 including areas along the existing ROW which were proposed at 300 feet. The proposed two-mile corridor for unaligned segments is acceptable. The PSC December 16 Order for Supplemental Analysis (March 2, 2015) of land use includes only 500 feet to either side of the ROW. We feel that this metric is insufficient to assess alternative route impacts.
- b) Recent aerial photography (within six months) should be utilized in the analysis to ensure current conditions are represented. Results should be shared with the stakeholders as the information becomes available.
- c) Aerial maps covering 1,200 feet to either side of the corridor should include overlays clearly identifying the proposed ROW, showing where the construction of the proposed structures would necessitate permanent clearing or other changes to the topography, vegetation or

man-made structures, showing the location of proposed access and maintenance routes, and showing the location of proposed structures on the ROW.

- d) Physical ground surveys are preferable to remote aerial survey and desktop interpretation analysis for the related studies. Recent efforts by the U.S. Army Corps of Engineers with regard to Lidar-based surveys and remote survey techniques for flood boundaries have resulted in numerous issues with data interpretation.
- e) Local resources should be utilized wherever available in lieu of national or state-level mapping to ensure adequate representation of local conditions and scale. How will local "special land use" and "special use" designations be identified and mapped?
- f) How much agricultural land will be lost as a result of the proposed action? Agricultural impacts should be evaluated in detail. Figure 2 references agricultural land use within the County and Figure 3 displays documented agricultural districts within the proposed ROW.
- g) The land-use percentage of total new ROW for cultivated crops in Table 2.1 in NAT's March 2 filing should read 5.53% and not 55.3% as shown.
- h) Agricultural land presents a special concern to residents of Otsego County. Where ROW for a power line or structure involves taking active farming acreage, NAT should prepare a site specific mitigation plan to offset or compensate the owner for any significant effect on the lost farm operations.
- i) The application should discuss consistency with New York State Department of Agriculture and Markets (NYSDA&M) "Guidelines for Electric Transmission Right of Way Projects" including agricultural monitoring, restoration, and remediation.⁵²
- j) What constitutes a "conflict" with current or proposed land use?
- k) What methodology was used to quantify recreational areas?
- l) Will the dOSCP and similar documents be utilized in this analysis?⁵³
- m) NAT should review compatibility of proposed land use with local comprehensive plans for the towns of Laurens, New Lisbon, Burlington, Oneonta, and Otego, with the land-use ordinances of the towns of Richfield and Exeter, and with the site specific land-use patterns identified as part of the application process for the other towns along the route. For example,

⁵² <http://www.agriculture.ny.gov/ap/agservices/Electric-Transmission-ROW-Guidelines.pdf>

⁵³ <http://www.dec.ny.gov/lands/98720.html>

the Town of New Lisbon Comprehensive Plan emphasizes the preservation of farmland in order to help maintain the rural landscape of the Town, protect scenic views, preserve open space and keep taxes low. Plans for preserving forest lands, nurseries and the maple products industry are priorities. Requirements for setbacks and vegetative buffers between residential and nonresidential development are also part of the local plan. The Town of Burlington Comprehensive Plan supports the Town's agricultural economy by ensuring prime farmland is retained for agricultural uses and that planned development is compatible with agri-business. It also calls for protection of forests and the wood products industry. Town of Otego residents cited the "country-like atmosphere" and proximity to rural land with a view as a primary reason for living there and Otego's Comprehensive Plan calls for policies to protect large acreage farms, support agricultural use, and preserve woodlands. Also, like many other towns in the County, Otego's Comprehensive Plan calls for ridgeline restrictions to ensure that new structures are sited in such a way that scenic vistas are maintained. Private property rights and right-to farm protections are also strong local land-use themes. Investigation into local land-use priorities and local needs and analysis of the compatibility of the proposed project with these uses should be a major focus of NAT's analysis.

- n) As presented in NAT's March 2 filing, Tables 2.1, 2.2, 2.3-1, 2.3-2, and 2.3-3 do not contain a town-by-town breakdown of the respective information. The aforementioned tables merely include the aggregated values across the four-county area of the project. OCCA contends that such information does not allow town supervisors or environmental organizations to fully gauge land-use impacts at the town level.
- o) Table 2.4-1 of NAT's March 2 filing displays a town-by-town breakdown of residences in proximity to the Edic to Fraser route. OCCA recognizes that the December 16 Order by the PSC requested information on the number of affected residences up to 500 ft. away from the project. OCCA requests clarification regarding the usage of the 500-ft. ceiling. In theory, a property owner could be 501 ft. away from the Edic to Fraser route and would not be afforded the same level of consideration by the PSC during this proceeding. OCCA contends that such a boundary does not allow the PSC to obtain a sufficient estimate regarding the number of residences affected by the proposed project.

- p) OCCA is concerned that the Town of Exeter was left out of consideration according to Table 2.4-1 of NAT's March 2 submission. As per information obtained from the town supervisor of Exeter, there are nine properties currently occupied that would be directly affected by the Edic to Fraser project. OCCA believes that the exclusion of the Town of Exeter here represents a glaring oversight.
- q) According to Table 2.3-3 of NAT's March 2 submission, 53.6% of the area crossed by the proposed route contains "prime soils and soils of statewide significance" classified as "all areas are prime farmland" and "farmland of statewide importance." Both the New York State Constitution and the dOSCP prioritize the protection of agriculture. OCCA believes that the Edic to Fraser project could pose a significant risk to local topsoil resources and believes mitigation measures for topsoil loss and associated compensation measures to farmers should have been discussed in more detail during the Part A phase of the proceedings.
- r) Page 17 of NAT's "Scoping Statement and Schedule" states that "special land uses and special designations, including airports, mechanically irrigated agricultural fields, scenic highways, trails, prime and unique farmland, wildlife management areas, national wildlife refuges and state forests will be reviewed to determine the consistency of the proposed Project to applicable goals and policies." OCCA believes that such analyses should have taken place in the Part A phase of the proceedings to avoid impacts to historic areas, and areas managed for conservation, and to give consideration to specialty agricultural operations such as properties managed for sugar bush production.
- s) Similarly, page 17 of the "Scoping Statement and Schedule" reads: "resources management plans on the state level will be reviewed to determine the consistency of the proposed Project to applicable goals and policies." OCCA believes that local and regional documents should be afforded due consideration. For example, OLT's "Conservation Blueprint" (Appendix B) and the "Otsego County Agriculture and Farmland Protection Plan" should have been fully considered by NAT during the Part A phase of the proceedings to ensure that Edic to Fraser is consistent with the goals and policies presented in those plans.
- t) According to the March 2 filing by NAT, the Edic to Fraser route "would require an estimated three temporary laydown/staging yards during construction, each with an area of approximately 10 acres. These sites will be located in upland, non-forested areas and

therefore would not be expected to meaningfully affect the tabulation of impacts presented in this submittal.” OCCA believes that if left unmitigated and unmanaged, impacts from such areas could include but would not be limited to: erosion, loss of topsoil, soil compaction, impacts to grassland habitat, introduction of invasive species, noise impacts, and air quality impacts. OCCA believes that the location of such areas should have been included in the Part A filings.

- u) Table 2.3-2 in the March 2 filing estimates there will be 49.04 acres of land lying within agricultural districts that will be temporarily impacted by the Edic to Fraser project. OCCA requests clarification as to the level of compensation affected landowners will receive as a result of these impacts.
- v) Table 2.3-3 in the March 2 filing indicates 155.68 acres of farmland will be temporarily impacted. OCCA requests that NAT explain how long it would take to recover from a temporary impact and clarify the duration and nature of the compensation farmers are to receive.
- w) The Wisconsin PSC states that locating transmission lines can increase impacts to agricultural operations and that upgrade operations could be disadvantageous to the surrounding landscape if the preexisting ROW is in a poor location.⁵⁴ As proposed, Edic to Fraser is located along an existing transmission corridor widely deemed to be in a poor location and affects a significant amount of agricultural land. OCCA urges the PSC to take the location of the Marcy South corridor and the presence of agricultural land into consideration during the evaluation phase of these proceedings.
- x) OCCA believes NAT should have considered the impacts to windbreaks during the Part A phase. Windbreaks consist of rows of trees that can help reduce wind erosion by providing a barrier on the windward side of a field.⁵⁵ OCCA contends that the removal of windbreaks as a result of the project could result in a decrease in crop productivity.
- y) OCCA believes that NAT should have prepared an Agricultural Impact Statement (AIS) – designed to determine appropriate compensation for farmers’ losses – during the Part A phase of the proceedings. Further, OCCA believes that utilities should work with agricultural

⁵⁴ (Page 4 and 5) <http://psc.wi.gov/thelibrary/publications/electric/electric10.pdf>

⁵⁵ (Page 8) <http://psc.wi.gov/thelibrary/publications/electric/electric10.pdf>

landowners as early in the design process as possible/practicable to help identify potential impacts to agricultural resources. As such, OCCA believes the level of outreach by NAT to agricultural landowners is lacking and that initial outreach to landowners should have occurred during the Part A phase of the proceedings.

- z) The Wisconsin PSC warns that “there is often a feeling of unfairness between those that use electricity and those that bear the impacts of the facilities required to support that use.’ Such an issue is “especially true if the landowner is not compensated for the ‘highest and best’ use of the affected parcel.”⁵⁶ OCCA believes the community impact mitigation fund proposed in the March 2 filing does not provide an adequate level of assurance that compensation offered by NAT will reflect the “highest and best” use of affected parcels.
- aa) OCCA is also concerned that property owners negatively impacted by multiple utility easements will be placed in an unfair position to weigh the financial benefits from a proposed project with the cumulative environmental impacts of an existing one – especially those landowners which rely upon the rural landscape for their livelihood.
- bb) According to NYSDEC, there are nine 480-a Forest Tax Law certificates and 12 tax parcels that would be impacted by the proposed Edic to Fraser project. The 480-a Tax Law is intended to encourage the long-term management of woodlands to produce forest crops and thereby increase the likelihood of a more stable forest economy. OCCA believes the potential impact on current and future qualifying property owners must be thoroughly examined before a decision can be made as to whether this project should proceed.

5.1.3 Public Comment

The following is a summary of pertinent comments related to land use and zoning from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the “References” section for additional detail.

- a) 78% of questionnaire respondents stated that their land use would be impacted by the project. 64% own property in an agricultural district.
- b) The immediate impact to land use would be the conversion of vacant, active agricultural, residential or natural parcels to transmission line use. As a result, the current percentages

⁵⁶ (Page 17) <http://psc.wi.gov/thelibrary/publications/electric/electric10.pdf>

of land use in the area would change significantly. The overall character of the area would be affected in that these parcels and their associated uses would be replaced by the transmission line corridor. Property values within the area are expected to decrease because of the expansion of the power line ROW. Municipal officials have asked for assurances that the project will not adversely affect their tax base, property values or their town's overall assessed values.

- c) The Edic to Fraser transmission line as proposed along the existing Marcy South corridor would run through four properties protected with conservation easements. Approximately 9,300 ft. (1.75 miles) of the transmission line would cut through these properties (Foster, 2015). Several other conserved properties also have visual impacts from the existing transmission line. For complete details, see comment letter from the OLT in the "References" section.
- d) The proposed ROW would take property currently used for logging, fishing and hunting.
- e) Several residents were concerned that ROW maintenance activities may impact organic farming certification for adjacent farms.
- f) Loss of income from timber operations and loss of operating orchard land due to the proposed alignment were cited by several residents as adverse impacts.
- g) The Town of Richfield Land Use and Building Management Ordinance explains the nature and character of the Town as a rural, agricultural community that values the protection of farmland, the environment, and the rural lifestyle. The Town land-use ordinance specifies the uses under which any special permit might be granted, and requires that these must conform to the rural character of the Town. The estimated loss of arable farmland of 145 acres in the Town contravenes the intent of the ordinance. Farmland protection is not served by this proposal.⁵⁷
- h) Compatibility of the proposed project with the goals and policies presented in the "Otsego County Agricultural and Farmland Protection Plan" should be discussed.
- i) Parallel alignment renders a significant portion of the Holbrook Farm unusable. See Appendix D.

⁵⁷ E-mail from Dan Sullivan (T. Richfield Planning Board Member).

- j) Committee input gathered indicated that heavy truck traffic along State Route 28 from Cooperstown to the State Route 20 crossing in the Town of Richfield could result in runoff, dust, noise and fumes which could impact the resources surrounding Canadarago Lake. NAT's Part A materials do not fully address this concern.
- k) Committee members expressed concern that the Edic to Fraser project could impair or contrast with existing land-use patterns in Otsego County. There is compelling evidence which suggests 19th-century land-use patterns are still visible in the affected area and OCCA strongly believes that such land patterns greatly contribute to the historic nature of Otsego County.
- l) The representative from the Town of Richfield stated that 13 properties currently in agricultural production would be adversely affected by Edic to Fraser.
- m) The representative from the Town of Laurens expressed concern that Edic to Fraser would directly lower property values of affected parcels within the Town and that impacts on road infrastructure would place undue stress on the Town's highway department.
- n) 19% of respondents to OCCA's questionnaire indicated they had plans to build on property that would either have to be altered or stopped as a result of the proposed Edic to Fraser route. OCCA believes NAT should have more fully addressed impacts to future land-use issues in the Part A process.
- o) According to input provided by the Otsego County Soil and Water Conservation District (OCSWCD) and the Natural Resources Conservation Service (NRCS) (Appendix C), these agencies are concerned that the ROW for the proposed Edic to Fraser project has not been finalized. As evidenced in Appendix C, a 105-ft. ROW is used as an upper bound in the case of additional clearing of danger trees, procurement of EMF easements, and/or other potential issues. The table in Appendix C shows acreage affected by the Edic to Fraser project as it is presented. OCCA urges PSC and NAT to reference Appendix C to better assess the impacts of the Edic to Fraser project on properties currently enrolled in OCSWCD and NRCS programs, as well as those properties which are prospects for future enrollment.⁵⁸

⁵⁸ The 105-ft. figure for the ROW is based on two key assumptions. First, per the PSC's Part 84 Regulations, in areas with tall, "undesirable" trees, such vegetation will have to be removed in order to facilitate proper ROW management. The 105-ft. figure reflects an additional 25 ft. of clearing to reflect this issue. Second, the 105-ft. figure is posed as a conservative estimate of the final ROW as that EMF easements and the final construction plans have not been presented at this stage of the proceedings associated with Case 13-E-0488.

- p) According to input from OCSWCD and NRCS, there is one USDA/Farm Services Agency (FSA) conservation easement that could potentially be affected by the proposed Edic to Fraser project. The FSA program is designed to help farmers preserve wetlands, farmland and grasslands. The Wisconsin PSC cautions that FSA easements could potentially have restrictions that may be inconsistent with the siting of transmission lines. For example, a finding of incompatibility by the FSA could negatively affect payments through the Conservation Reserve Program (CRP). OCCA strongly believes that the presence of properties with conservation easements of any type should have been determined and appropriate mitigation measures should have been estimated by NAT during the Part A phase of these proceedings.

5.1.4 Summary

The proposed route for the Edic to Fraser transmission line would primarily affect forested and agricultural land (54.1% and 22.8%, respectively, according to NAT's March 2 filing). These impacts to the forest and farm lands of Otsego County would have distinct adverse environmental, social, and economic implications. OCCA believes the siting of the Marcy South ROW was incompatible with existing land uses. Expanding the existing ROW through Otsego County would compound the previous impacts from the Marcy South ROW and adversely affect previously implemented mitigation measures.

5.2 Terrestrial and Aquatic Ecology

5.2.1 General

Otsego County benefits from a diversity of fish and wildlife resources which, together with a healthy ecosystem, presents significant recreation and tourism opportunities. Hunting, fishing and outdoor recreation have a long history in the area and wildlife viewing is becoming more popular with the general public here and throughout the state.⁵⁹ There is also a desire among Otsego County residents to maintain habitat, species, and ecosystem integrity in the face of competing needs from housing, industry, and infrastructure development. When ecosystem conditions are changed due to

⁵⁹ "New York's Watchable Wildlife," <http://www.dec.ny.gov/outdoor/55423.html>

development and habitat is not protected or restored properly, natural populations can change in abundance or distribution of species, be replaced by invasive or non-native species or be permanently displaced, resulting in adverse impacts to the community (Burgiel & Muir, 2010).⁶⁰

Potential impacts to wildlife during construction of transmission lines are anticipated to include incidental injury and mortality due to construction activity and vehicular movement, construction-related silt and sedimentation impacts on aquatic organisms, habitat disturbance and loss associated with clearing and earth-moving activities, and displacement of wildlife due to increased noise and human activity. Incidental injury and mortality can affect sedentary/slow-moving species such as small mammals, reptiles, and amphibians that are unable to move out of the area being disturbed by construction. If construction occurs during the nesting season, wildlife subject to mortality could also include the eggs and/or young offspring of nesting birds, as well as immature mammalian species that are not yet fully mobile. During operation, impacts can include bisection of migration routes, mortality due to avian collisions and electrocution, displacement due to maintenance activities, and impacts due to herbicide/pesticide application.

In addition, transmission line construction can cause disturbance of habitat, soils and vegetation through the movement of people and vehicles along the ROW, access roads, and laydown areas. These activities can also contribute to the spread of invasive species as parts of plants, seeds, and root stocks are disturbed and can introduce invasive species wherever construction or maintenance vehicles travel. Infestation of invasive species can also occur during periodic transmission ROW maintenance activities, especially if these activities include mowing and clearing of vegetation. Once introduced, invasive species will likely spread and impact adjacent properties with susceptible habitat.

Therefore, it is important that impacts to local ecological communities be addressed as part of the proposed application. NAT's ecological analysis should describe the dominant ecological communities, wildlife species, and available habitat within and adjacent to the proposed Edic to Fraser corridor. In addition, any known occurrences of state- or federally-listed animal species, or

⁶⁰ <https://portals.iucn.org/library/efiles/edocs/2010-054.pdf>

available habitat for such species, should be identified. Consistent with Part 86.5 (b) (4) and (6) requirements, the analysis should identify changes the construction and/or operation of the proposed facilities might induce in the physical or biological processes of plant life or wildlife of the area and outline what provisions are to be made to protect fish and other aquatic life from harm in or near streams and other bodies of water during both the construction and operations phases of the project.

The proposed NAT scope appears to be consistent with Article VII requirements in that it includes mapping and documentation of existing conditions, identification of existing “threatened and endangered” (T/E) state and federal species, proposed threatened and endangered species studies, and discussion of potential impacts. However, the description of existing conditions within the County, prepared by NAT, should also incorporate comprehensive wildlife studies supported by current field study findings and other available studies in the area in addition to the desktop surveys which are planned or have been completed to date.

According to NAT’s January 20 and March 2 filings, there are 20 target species for which NAT suggested threatened and endangered species biological surveys should be conducted. OCCA requests that the PSC verify this assertion. The 2005 New York State Comprehensive Wildlife Conservation Strategy emphasizes the need to supplement paper surveys with on site field assessments to fully assess impacts and determine the status of species at a site, particularly in the case of undeveloped areas which may contain suitable habitat.⁶¹

NAT proposes to use only desktop evaluation and remote sensing for the Part A and B submittal analysis and defers physical ground surveys for T/E species until the EM&CP is prepared as part of the construction permitting process. As a result, neither the public nor the County can properly assess project-related environmental impacts or the effectiveness of proposed alternate routing or mitigation measures in addressing those impacts and the PSC cannot make a reasoned determination that the benefits of the proposed route outweigh its impacts until after the project is approved. This in effect denies members of the public their rightful input with respect to whether such

⁶¹ http://www.dec.ny.gov/docs/wildlife_pdf/monitor.pdf

analysis and mitigation is appropriate or acceptable. As such, OCCA requests that complete biological surveys be completed prior to – or at the latest – during the Part B process.

5.2.2 Comments on Scope and Local Interest

- a) The northern long-eared bat, which is now considered a threatened species under the Endangered Species Act, should be listed in Table 2-3, “Federal and State Listed Wildlife T/E Species Potentially Occurring Along the Corridor for the Edic to Fraser Preferred Route” of the NAT January 20 submittal and should be included in the bat species survey.
- b) Correspondence with the U.S. Fish and Wildlife Service indicates two additional potential or proposed threatened/endangered species in the project corridor, Dwarf wedgemussel (*Alasmodonta heterodon*) and northern long-eared bat (*Myotis septentrionalis*). These should be referenced in Section 3.4 of the March 2 sub-application.⁶²
- c) According to the NYSDEC, for most sites on which comprehensive field surveys have not been conducted, information from the New York Natural Heritage Program database – intended to facilitate conservation of New York’s biodiversity by providing comprehensive information and scientific expertise on rare species and natural ecosystems to resource managers and other conservation partners – cannot yield a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Also, depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.⁶³ Based on this information, it is our opinion that on-site surveys should be conducted for all listed species if the habitat for that species is found within the project impact area regardless of the Natural Heritage report information.
- d) The Town of New Lisbon Comprehensive Plan stresses that the Town’s local economy is dependent on the health of its natural habitats and that the spread of invasive species can adversely affect the local economy and the quality of the Town’s natural resources. Proper habitat assessment and mitigation management of invasive species are important aspects of this project to the local population.

⁶² See Appendix 8.

⁶³ <http://ny-southampton.civicplus.com/DocumentCenter/Home/View/3904>

- e) During its review, OCCA has worked closely with the Delaware-Otsego Audubon Society (DOAS). DOAS is currently conducting extensive research on golden eagles and has found that golden eagles in Otsego County do frequent the Marcy South corridor due to the increased visibility of prey. Page 27 of NAT's March 2 filing states that bald and golden eagles are protected in New York as a result of the Bald and Golden Eagle Act of 1940. However, NAT's filing seems to focus only on bald eagles.
- f) According to DOAS, the proposed project will bisect raptor migration routes, raising concerns associated with an increased rate of collisions with high-voltage overhead transmission lines. It should be noted that NAT does take avian collisions into consideration in the January 20 "Scoping Statement and Schedule" by proposing to follow BMPs from the Avian Power Line Interaction Committee (APLIC) dated 1996. However, OCCA believes that such BMPs are outdated as there are readily-available BMPs from APLIC as recent as 2012.⁶⁴
- g) Another impact not sufficiently discussed by NAT is the effect of habitat fragmentation on adjacent naturalized areas. Habitat fragmentation is the process by which habitat loss results from the division of large, continuous habitats into smaller, more isolated remnants (Didham, 2010).⁶⁵ OCCA recognizes that habitat fragmentation associated with the Marcy South corridor has already occurred but contends that the new or expanded ROW will result in further significant fragmentation of additional forest habitat, the creation of new edge habitat, and may allow for the increased penetration of invasive species. It should also be noted that successive habitats have formed in the existing Marcy South ROW that could be harmed by herbicide application in the new Edic to Fraser ROW (Tedesco, 2002).⁶⁶ The combination of habitat fragmentation and the risk of damaging successive habitats can pose a significant threat to the resiliency of affected forest resources.
- h) Carving out additional ROW may have serious implications for the integrity of the broader habitat. The corridor may create a temporary or permanent barrier to movement within the area. The altered habitat is likely to attract different species, such as starlings, which are known to aggressively compete with other birds and mammals for food and nesting areas.

⁶⁴ Reducing Avian Collisions with Power Lines: The State of the Art in 2012. Edison Electric Institute, Avian Power Line Interaction Committee, October 2012.

⁶⁵ <http://www.els.net/WileyCDA/ElsArticle/refId-a0021904.html>

⁶⁶ <http://www.oneonta.edu/academics/biofld/PUBS/ANNUAL/2002/%28252%29%20tech%2016.pdf>

- i) On page 27 of the NAT March 2 filing, it says, "Impacts would be reduced through the use of best management practices...or conducting bald eagle surveys prior to construction activities...." What will happen if bald eagles are found to be nesting along the route? Will this actually halt construction? Would NAT shift construction elsewhere on the route until nesting was complete?
- j) The eastern hellbender (*Cryptobranchus alleganiensis*) is not mentioned in NAT's Part A submittals. The hellbender, our largest salamander, is listed as a species of special concern in New York State. According to the New York Amphibian and Reptile (Herp) Atlas, 50% of the sites hellbenders were found in during the atlas period were in Otsego County. A petition signed by scientists who have studied the hellbender extensively, and backed by environmental groups like the Center for Biological Diversity, has been submitted to DEC seeking to upgrade the hellbender's status to endangered. In Otsego County, hellbenders have been found historically in the Susquehanna River at least as far as Oneonta, and have also been found in the Butternut Creek and anecdotally reported in Otego Creek. Due to their preferences for fast-flowing streams with riffles and large rocks for cover, it is entirely possible that hellbenders exist in some of the streams crossed by this project. Threats to the species include habitat loss, fragmentation, and degradation; construction mortality; improper habitat management practices such as water level drawdowns; and illegal collecting and harvesting.
- k) According to page 24 of the "Scoping Statement and Schedule" prepared by NAT, locations with sensitive ecosystems or threatened/endangered species "would be targeted for subsequent T/E species surveys of the final selected routes as part of the EM&CP during pre-construction permitting activities..." OCCA is concerned that the above quote indicates NAT will not conduct wildlife surveys until the construction phase of the project is about to start. OCCA believes the usage of remote sensing and desktop analysis does not provide sufficient information to the PSC to fully evaluate the environmental impacts of the Edic to Fraser project.
- l) According to research by Tedesco (2002), vegetative clearing associated with the creation of the Marcy South ROW resulted in the proliferation of non-native species into areas which

they were once not able to access.⁶⁷ OCCA is concerned that the Edic to Fraser project, as proposed, could potentially compound the proliferation of invasive species in the project area.

- m) According to NYSDEC, there are nine 480-a Forest Tax Law certificates and 12 tax parcels that would be impacted by the proposed Edic to Fraser project. The 480-a Tax Law is intended to encourage the long-term management of woodlands to produce forest crops and thereby increase the likelihood of a more stable forest economy. OCCA believes the potential impact on current and future qualifying property owners must be thoroughly examined before a decision can be made as to whether this project should proceed.

5.2.3 Public Comments

The following is a summary of pertinent comments related to terrestrial and aquatic ecology from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) More than half of the questionnaire respondents are worried about potential impacts to wildlife and/or habitat. Overall, this is a primary concern of the public with regard to the proposed project.
- b) Several respondents pointed to the presence of bald eagles, golden eagles and other protected raptor species near the project area and expressed concern over potential project impacts to these species from the proposed ROW.
- c) Respondents mentioned the presence of a variety of wildlife including deer, turkey, grouse, and beaver within the proposed project area and the importance of fishing and hunting habitat in the proposed ROW area. Concerns over adverse impacts to these resources were expressed.
- d) A number of respondents commented with concerns over impacts to mature forest habitat on their property and potential impacts to their wood lot management and timber harvesting activities.

⁶⁷ <http://www.oneonta.edu/academics/biofld/PUBS/ANNUAL/2002/%28252%29%20tech%2016.pdf>

- e) Committee input gathered from representatives of DOAS indicates that the data NAT is proposing to use during the remote sensing and desktop analysis is not of high enough resolution for NAT to get an adequate picture of impacted wildlife species.
- f) Committee input gathered from DOAS expressed concern that the golden winged warbler (a New York Species of Special Concern) is being outcompeted by the blue winged warbler and gradually being assimilated into the blue winged warbler population through hybridization. The Marcy South corridor has been reported to have a high frequency of blue winged warblers. The creation of a new ROW for the Edic to Fraser project could expedite the decline in golden winged warbler population.
- g) The case can be made that quality habitat exists within the ROW; especially for edge species, this is true. But the ROW fragments forested landscapes that existed prior to its construction, creating an impasse for many species that will not cross open spaces even if forest lies within sight. An increase in the width of the ROW creates an even larger barrier; not to mention the changes to the forest community for the length of the disturbance through altered light regimes on the forest floor.

5.2.4 Summary

OCCA is concerned that the potential impacts to wildlife were not fully or sufficiently discussed in the Part A filings and NAT's proposed scope of study. This is an important area of assessment given the large scale of the proposed project and the importance of maintaining fish and wildlife habitat to the economic, ecological, and recreational well-being of the County. Deferral of actual biological field surveys to the permitting stage denies the County and the public the information necessary to properly assess project impacts and proposed mitigation and will require the PSC to make decisions without the benefit of relevant facts. As such, OCCA requests that complete biological surveys be completed prior to or, at the latest, during the Part B process and that the scope of these studies incorporates the recommendations described herein.

5.3 Vegetation

5.3.1 General

Vegetation within the area of the proposed ROW in Otsego County consists mainly of forested lands (more than 60%) and agricultural land (over 25%).⁶⁸ Forest land is an important natural resource in the County, providing wildlife habitat, valuable open space, recreational opportunities, scenic vistas, and economic opportunities related to forestry-related business. For example, there are many tree farms and nurseries in the area which play an important role in the local economy.⁶⁹

Agriculture is also integral to the County's economy. The Otsego County Agricultural and Farmland Protection Board and the NYSDA&M both have programs in place to protect farmland use in the area and the loss of active farmland, which is an ongoing concern.⁷⁰ Preservation of farmland is also a recurring theme in many of the local town planning documents. The importance of these cover types requires that the analysis of vegetation accurately describes the dominant cover types and available habitat within and adjacent to the Edic to Fraser corridor. In addition, any known occurrences of state- or federally-listed plant species (or available habitat for such plant species) should be identified.

The description of existing conditions within the County should be based on recent comprehensive studies prepared as part of the analysis or available from other sources. Also, consistent with Part 86.5 (b) (4) requirements, the analysis should identify plans that have been formulated to keep any ROW clearing to the minimum width necessary to prevent interference with vegetation as well as schedules or methods of clearing the ROW which have been formulated to take into account soil stability, protection of natural vegetation, and the protection of adjacent resources including any natural habitats for wildlife. The analysis should also describe plans that will be made to protect vegetation and topsoil not cleared from damage due to construction and operation of facilities.

⁶⁸ (Page 27) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={4156F790-CC65-4AB3-9CF4-575A663875F6}>

⁶⁹ New Lisbon Comprehensive Plan, May 2008, New Lisbon Comprehensive Plan Committee

⁷⁰ Otsego County Agricultural and Farmland Protection Plan

Discussion of impacts should include these issues and also address concerns related to invasive species. Invasive species are non-native species that can cause harm to natural ecosystems resulting in a wide range of environmental, recreational and economic impacts. The NYSDEC has identified invasive species as a significant threat to the state's biodiversity, second only to habitat loss.⁷¹ NAT's Part A analysis has identified two T/E species of plants which may exist within the proposed corridor, riverweed and Schweinitz's sedge. However, field surveys to identify the presence of these species and other sensitive habitat along the proposed ROW is deferred in the proposed plan until the permitting phase of the project after the Part B process has concluded. OCCA requests that complete vegetation surveys be completed prior to or, at the latest, during the Part B process in order that the impacts associated with the proposed route can be clearly understood.

5.3.2 Comments on Scope and Local Interest

- a) The construction of ROW adjacent to the Marcy South corridor would result in additional vegetative clearing that could potentially have significant environmental impacts. Further, herbicide application to limit the vegetative cover along the new ROW could potentially destroy vegetative habitat currently in the primary stages of succession. Both the January 20 and March 2 filings from NAT utilize readily available desktop data but NAT does not appear to have considered site-specific research conducted by Otsego County experts. For example, research has been conducted in The Greenwoods Conservancy on the impacts of the Marcy South corridor on native vegetation, yet said research is not considered in NAT's filings. For many years, the State University of New York's (SUNY) Biological Field Station has monitored successional rates of vegetative growth in Greenwoods and has found that the physical and chemical maintenance regimes along the Marcy South corridor are detrimental to the area's native habitat. OCCA is concerned that the data as presented in NAT's filings are not of a high enough resolution for the PSC to fully assess impacts to vegetation that the Edic to Fraser project would have and believes local experts should have been consulted in the project scoping phase.
- b) NAT should retain the services of a qualified agricultural and soil conservation specialist/inspector (agricultural inspector) for each project phase: project design and

⁷¹ <http://www.dec.ny.gov/regulations/93898.html>

development, construction, initial restoration, post-construction monitoring and follow-up restoration as recommended by NYSDA&M⁷².

- c) Proposed route and access road planning by NAT should avoid division of large farm fields into smaller parcels per NYSDA&M guidelines. This concern has been expressed by the public, as has concern over the potential loss of select arable parcels along the route.
- d) Transmission line siting can fragment a larger forest block into smaller tracts. Fragmentation makes interior forest species more vulnerable to predators, parasites, competition from edge species, and catastrophic events.⁷³ The continued fragmentation of a forest can cause a permanent reduction in species diversity and suitable habitat and an increase in the number of common edge plants and animals that can encroach into what was the forest interior. Prevention of fragmentation with respect to cover type should be addressed in the analysis.
- e) Vegetation communities should be described using the NYSDEC Ecological Communities of New York State protocol. This is the standard and primary source for community classification in the state and provides uniformity for users interpreting data from anywhere in New York.
- f) What is the impact of regular herbicide treatment on existing vegetation with regard to soil stability and natural habitat for wildlife?
- g) OCCA would like NAT to evaluate the use of integrated vegetation management (IVM) principles incorporating selective planting, biological and cultural controls, and manual/mechanical vegetation removal as preferred to widespread herbicide use. Use of principles consistent with the American National Standards Institute (ANSI) A300 Part 7: American Operations Integrated Vegetation Management and Electric Utility Rights-of-Way and the International Society of Arboriculture (ISA) Best Management Practices would be preferable.⁷⁴
- h) Revegetation must be completed wherever possible with native vegetation. In instances where non-native vegetation may be deemed preferable, NAT must adhere to DEC

⁷² New York State Department of Agriculture and Markets Guidelines for Electric Transmission Right-of-Way Projects, April 27, 2011

⁷³ Environmental Impacts of Transmission Lines, Public Service Commission of Wisconsin, July 2013. www.psc.wi.gov

⁷⁴ http://www.standardsportal.org/usa_en/sdo/tcia.aspx

regulations regarding prohibited and regulated species. In addition, any purchased live plant material must be inspected and deemed pest/invasive free.⁷⁵

- i) Regarding the proposed BMPs in Appendix A of the March 2 submittal, it should be noted that all equipment must be inspected and cleaned as necessary prior to first arrival at any construction site. Disposal of invasive species must also follow current best practice for that species. This may include drying, bagging and disposing in a landfill, or chipping. Plans should reference New York State's currently-recommended BMPs. If no guidelines are published, Connecticut Invasive Plant Working Group (CIPWG) provides comprehensive disposal recommendations.⁷⁶
- j) Vegetation restoration should not only include weed/invasive free seed mixes, but for greatest likelihood of success, should be sourced locally if at all possible in order to ensure hardiness and compatibility with local climate.
- k) With regard to proposed restoration to preexisting conditions where forests are being converted – whether to other types of wetlands or uplands – it is important to note that the understory resulting from construction will NOT be similar to pre-existing conditions as stated in the NAT scope. Species composition, light, temperature, etc., will be quite different from original conditions in our opinion.
- l) According to Part 84 regulations, vegetation that poses a risk to transmission infrastructure will be cleared to limit the threat of natural hazards. OCCA recognizes the necessity of this; however, we are concerned that the clearing of tall-growing and/or undesirable vegetation (also known as "danger trees") could potentially result in additional negative impacts to affected property owners. For example, landowners participating in NYSDEC's 480-a tax exemption program, OCSWCD or NRCS easement programs, or FSA programs could all be negatively affected by the clearing of additional vegetation. Should the Edic to Fraser project advance to Part B, OCCA requests that NAT prepare a detailed ROW management plan that takes into account parcels participating in NRCS, OCSWCD, FSA, and NYSDEC programs and which details the appropriate mitigation measures.⁷⁷

⁷⁵ (<http://www.dec.ny.gov/regulations/93848.html>)

⁷⁶ (<http://cipwg.uconn.edu/cipwg-publications/>)

⁷⁷ <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/F23366F8E2F89E8C852576A8004F62EB?OpenDocument>

5.3.3 Public Comments

The following is a summary of pertinent comments related to vegetation from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) More than two thirds of the questionnaire respondents expressed a concern with regard to potential impacts to vegetative cover including loss of farmland and forest land. This is a primary concern of the public with regard to the proposed project.
- b) Residents expressed specific concerns regarding the impact to existing forested areas on their property that would result in a loss of lumber resources and income.
- c) Residents expressed specific concerns regarding impact to existing agricultural land that would result in a loss of income and agricultural use on their property.
- d) Impacts from clearcutting of woodlots including erosion, visual impairment and loss of windbreaks were cited by several respondents. Properly maintained windbreaks can help prevent erosion and loss of valuable top soil.
- e) Concern was expressed over impacts related to herbicide use for ROW maintenance and potential adverse effects on adjacent organic farming certifications.
- f) Contiguous patches of most habitat types are getting smaller and smaller. The cumulative effects of all of these projects (power lines, pipelines, etc.) are damaging to the overall integrity of our regional ecosystems: stream corridors, wetlands, and forests specifically.

5.3.4 Summary

The public is concerned over the potential loss of vegetative cover and the related valued uses of property including agriculture, forestry, and recreational pursuits. Both the January 20 and March 2 filings from NAT utilize only readily available desktop data and NAT does not appear to have considered site-specific research conducted by Otsego County experts. OCCA feels that site-specific research and ground surveys should be part of this analysis and should not be deferred to the permitting phase of the project.

5.4 Wetlands and Water Resources

5.4.1 General

Otsego County's water resources include abundant lakes, creeks, streams, wetlands, springs and groundwater aquifers. Figure 4 presents an overview of surface water features present along the proposed Edic to Fraser ROW. As can be seen even at this level, a significant number of water bodies would be affected by this routing. These features are not only vital sources of drinking water but they also provide important scenic and recreational value to the County. Proactive measures must be taken to protect these water resources so that the County's potable water supply is protected and the scenic and recreational value of these resources is preserved for future generations.

Construction and operation of a transmission line in the vicinity of surface water features will have both short-term and long-term impacts. The type and significance of these impacts is dependent on the characteristics of the water resource and the transmission line design and construction plans. Water quality can be impacted not only by work within a waterway but also by nearby vegetation clearing and construction activities. The removal of vegetation as is proposed for the forested wetland areas can cause water temperatures to rise and negatively affect aquatic habitats. It can also increase erosion of adjacent soils, causing sediment to be deposited into the waterbody, especially during rain events.

Transmission line construction often requires the building of temporary access roads and bridges that can damage banks and cause erosion or backwater conditions. Overhead transmission lines across major rivers, streams, or lakes will also have a visual impact for river users and pose a potential collision hazard for waterfowl and other large birds, especially when located in a migratory corridor. Recreational uses such as sight-seeing, boating, fishing, or bird watching can also be adversely affected.

The construction and maintenance of transmission lines can also impact wetlands including compression of vegetation and compaction of hydric soils, reducing the wetland's water holding capacity. Organic wetland soils consist of layers of decomposed plant material that formed very

slowly. Disturbed wetland soils are not easily repaired and disturbance of these soils may permanently alter wetland hydrology. Changes to the quantity or direction of water flow can also cause damage to wetland soils and vegetation. A secondary effect of disturbance is the opportunistic exposure to invasives and other undesirable plants including phragmites, water chestnut, and purple loosestrife.

It is apparent therefore that a thorough inventory and evaluation of water resources and the potential impacts and avoidance/mitigation measures is an important part of the environmental assessment process. Therefore, the NAT scope should include thorough descriptions of all natural and/or man-made surface waters (e.g, wetlands, streams, rivers, lakes, and ponds) within and adjacent to the project corridor, including their respective state and federal classifications. If relevant and applicable, the study should also identify the need for any Article 24 Freshwater Wetlands permits and/or Article 15 Stream Disturbance Permits, or approvals required under Sections 401 and 404 of the Clean Water Act including for any proposed work which would take place adjacent to the waterbodies. Project-related impacts to surface water resources should be described, along with proposed measures to avoid, minimize and otherwise mitigate such impacts. Under 16 NYCRR Part 86, the analysis must also describe plans made to prevent erosion of the banks, what techniques would be used for construction and what plans have been made, if any, to use local water resources for the project.

As with the terrestrial and aquatic resources study, NAT proposes to use desktop evaluation and remote sensing only for the Part A and B submittal analysis and defers physical ground surveys for delineation and other analyses until the EM&CP is prepared as part of the construction permitting process and after the Article VII certificates have been issued. As a result, neither the public nor the County can properly assess project-related environmental impacts or the effectiveness of proposed alternate routing or mitigation measures in addressing water quality impacts and the PSC cannot make a reasoned determination that the benefits of the proposed route outweigh its impacts until after the project is approved.

This in effect denies members of the public their rightful input with respect to whether such analysis and mitigation is appropriate or acceptable. As such, OCCA requests that complete water resource mapping and surveys be conducted prior to or, at the latest, during the Part B process.

5.4.2 Comments on Scope and Local Interest

- a) NAT's March 2 sub-application states that estimates of wetland impacts were prepared "without the benefit of refined siting based on field survey or remote sensing data." The PSC's December 16 Order asks that such techniques be applied as applicable. OCCA requests that complete water resource mapping and field surveys be completed prior to or, at the latest, during the Part B process.
- b) Mitigation discussions in the NAT January 20 submittal focus on avoidance as the primary means of mitigation. Further discussion of alternate mitigation options including repair, restoration and compensatory offsets should be included in the scope. Related mitigation strategies such as Storm Water Pollution Prevention Plans (SWPPP), riparian zone restoration and required post construction monitoring should also be discussed in the application.
- c) NAT's Appendix A "Best Management Practices for Water Resources" mentions that "concrete washout structures" will be located away from water bodies but presents no details on related construction wastewater management. Likewise, there is no discussion of construction dewatering techniques or treatment and discharge of dewatering effluents. These should be included in the analysis.
- d) Why does the report only reference three classes of NYSDEC stream classifications when there are up to 13 NYSDEC surface water classifications in the regulations?
- e) Existing wetlands, streams, rivers, ponds, etc. should be described using the NYSDEC Ecological Communities of New York State protocol. This is the standard and primary source for community classification in the state and provides uniformity for users interpreting data from anywhere in New York.
- f) The National Wetlands Inventory labeling of wetlands should include the complete description and sub classifications for reference purposes.

- g) Mapping should be included showing the existing wetlands, streams and floodplains within the project impact area.
- h) Towns along the ROW have resolutions or planning documents in place that focus on the protection of water quality. These should be referenced and discussed with regard to compatibility in the proposed scope.
- i) What is the impact of ROW maintenance herbicide treatment on wetlands, ponds, streams and rivers?
- j) Otsego County is home to the headwaters of the Susquehanna River and a number of sensitive rivers, streams, and creeks. Over the four-county area that the proposed route traverses, there would be approximately 106 instances in which rivers or streams are crossed. OCCA recognizes that overhead transmission lines can be sited in a manner which avoids undue impacts to ground and surface water resources. However, of those stream crossings, 46 would be across streams with sensitive trout habitat. Transmission structures and the associated construction near streams could potentially harm the riparian zones of these resources, resulting in the destruction of habitat of native trout species. Details of crossing designs, impacts and avoidance mitigation measures should be presented.
- k) Certain areas in Otsego County have high water tables. The presence of high water tables could directly affect construction practices and impacts requiring due care should NAT be selected to proceed to the Part B process. Details of proposed construction dewatering practices should be presented.
- l) Approximately 11 acres of NYSDEC-listed wetlands would fall within the proposed Edic to Fraser ROW. As mentioned in the March 2 filing by NAT, the primary impacts to wetlands would be "the conversion of forested wetlands to scrub-shrub or emergent wetlands." NAT further states that this will be due to the clearing of trees during construction and that such impacts would have a "minimal effect on specific important functions such as flood and storm water control and pollution treatment and reduction." OCCA is concerned about this assumption in light of the fact that the filings do not include restoration plans or long-term post construction monitoring plans to ensure these wetlands are restored to pre-construction conditions to the maximum extent practicable.

- m) Is there a financial plan in place to pay for long-term wetland mitigation monitoring and possible land acquisition if needed to construct compensatory wetland mitigation areas? Financial assurances should be presented and discussed.
- n) NAT's claim that the only permanent impacts to wetland areas are for "a 6-foot diameter footing for each pile" is incorrect. Converting forested wetlands – which would not be allowed to exist within the ROW or beneath the transmission lines – whether to scrub-shrub or emergent wetlands, is a permanent impact. While the overall acreage of wetlands may not change, this conversion would impact species diversity and composition, and could also impact water quality and ecosystem function. Changing the amount of tree cover in the wetland could also impact water temperatures and aquatic habitat function.
- o) Not mentioned in NAT's materials is the potential loss of small wetlands and vernal pools that occur particularly in forest environments. Permanent conversion of nearly 500 acres of woodland environment to open field or shrub/scrub along the length of the ROW could severely impact populations of amphibians that rely on temporary or more permanent small wetlands.⁷⁸
- p) According to the NYSDEC, vernal pools provide benefits including but not limited to: providing breeding habitat for amphibians and invertebrate species that would normally be preyed on by fish; playing an important role in the food web of a forest; and contributing to the storage and filtration of surface water into groundwater aquifers. The NYSDEC states that, due to their size, vernal pools are not afforded state and federal protection and face significant threats from climate change, forest fragmentation, and encroachment from development projects.
- q) Page 25 of the NAT March 2 submittal states, "no stream crossings are anticipated for any new access roads constructed." However, page 26 reads, "only Class C streams would be crossed by new access roads..." It is understandable that circumstances could arise resulting in new stream crossings. This being said, can the above statement (Class C streams only) be made with any certainty?
- r) Impacts related to the major crossing of the Susquehanna River southeast of Oneonta are not discussed in the proposed scope other than with regard to flood protection. The segment

⁷⁸ <http://www.dec.ny.gov/lands/52325.html>

of the Susquehanna River in Otsego County (beginning at Otsego Lake and proceeding south and southwest toward Delaware and Chenango counties) is named in the Nationwide Rivers Inventory (NRI). The NRI is a listing of more than 3,400 free flowing river segments in the U.S. that are believed to possess one or more “outstandingly remarkable” natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential Directive, and related Council on Environmental Quality (CEQ) procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI watercourse segments. The Susquehanna River is described in the Inventory as having scenic and recreational values. The NRI states that, “limited development has resulted in this reach retaining most of its riparian vegetation. Also the wooded hillsides provide pleasant scenic views” and that this is the only portion of the river suitable for both day and extended trips. This segment is used for the General Clinton Canoe Regatta, races held annually on Memorial Day weekend. Also there are areas of warm-water and cold-water fishing within various segments of this reach of the river. The NAT scope of study should address potential impacts to the Susquehanna River related to construction, operation, recreational value, aesthetics, and fish and wildlife.

- s) Page E-2 of the Town of New Lisbon’s Comprehensive Plan recommends that the Town “strictly enforce DEC requirements for a 100-foot buffer between development and watercourses, restrict the development of buildings and other impervious surfaces within the 100-year floodplain, and require SWPPPs in accordance with the DEC SPEDES general permit for commercial/industrial developments or major subdivision applications.” OCCA believes that Edic to Fraser should be evaluated to determine if the project complies with these requirements.
- t) Page 8 of the Town of Otego’s Comprehensive Plan recommends that the Town “develop local laws to protect our infrastructure and water supply from potential contamination.” In several instances near the Town of Otego, the Marcy South ROW lies near or on eroded hillsides in close proximity to bodies of water. OCCA is concerned that the Edic to Fraser project, as proposed, has the potential to further compound erosion impacts caused by Marcy South.

- u) Page 11 of the Town of Otego's Comprehensive Plan states that "strict adherence to the DEC codes (e.g., a 100-foot buffer between development and watercourses) must be enforced."
- v) Page 34 of the Town of New Lisbon's Comprehensive Plan states that in regard to development on steep slopes, "the removal of trees, grading, and erection of buildings will destabilize the bank while increasing runoff. These factors contribute to erosion and sediment control problems." OCCA believes that surveying should have been conducted in the planning phase of the proceedings to ensure that tower placement avoids steep slopes to the greatest extent possible.
- w) Page 37 of the Town of New Lisbon's Comprehensive Plan suggests that "applicants should be required to identify any wetlands on their plans along with the DEC-required 100-foot buffer around the edge of any wetlands. No construction should be permitted without the 100-foot buffer and site disturbance [should] be kept to a minimum." Due to the fact that town-by-town information regarding wetlands impacts associated with the Edic to Fraser project was not included in the Part A filings, OCCA is concerned that the PSC will not be able to completely or adequately analyze the impacts to wetland resources within the Town of New Lisbon's boundaries.
- x) Page 18 of the Town of Laurens' Comprehensive Plan states that "the town's water resources also provide critical habitat for wildlife, offer recreational opportunities such as fishing and bird watching, and contribute to the aesthetic appeal and rural atmosphere that are highly valued. Protection and wise use of the town's water resources will enable these activities to continue." Edic to Fraser has the potential to damage riparian zones and sufficiently diminish the level of public enjoyment associated with waterbodies within Laurens, thus impacting town residents' sense of place.
- y) Similarly, page 59 of the Town of Laurens' Comprehensive Plan states "protection of the town's water resources from these threats will also help ensure that the scenic appeal, recreational opportunities, and wildlife habitats associated with the town's water resources will be assets for the town for future generations." OCCA believes that NAT should have consulted local officials during the scoping phase to determine waterbodies of local significance prior to the designation of the initial Edic to Fraser route.

- z) Page 6 of the Town of Burlington's Comprehensive Plan states that "households and businesses must provide their own water supply from private wells or springs. The dependence of the Town's residents on private wells is cited as a fundamental reason for environmental protection of these water resources. Potential or actual disruption or contamination from harmful or unplanned industrial, commercial or residential development is a concern of the Town residents." OCCA believes that NAT should determine the location of water resources used for public consumption prior to construction of the proposed project.

5.4.3 Public Comments

The following is a summary of pertinent comments related to wetlands and water resources from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) More than two thirds of the respondents stated that they have wetlands or surface water features on their property which may potentially be impacted by the proposed ROW.
- b) Residents are concerned about the potential impacts to water features on their property including loss of wetlands, loss of trout habitat and stocked ponds, beaver ponds, drinking water springs and other features that may be affected by the project.
- c) Several residents questioned the impacts to the water table created by the possible filling of existing wetlands, ponds, and streams, and potential adverse impacts on the surrounding land. Several respondents indicated they have either DEC or federally protected wetlands on their property. OCCA requests that NAT provide town-by-town information regarding impacts to protected wetland resources prior to construction.
- d) Over half of the respondents indicated that they derive recreational values from the waterbodies on their property and that the proposed Edic to Fraser project would impact the level of enjoyment that these property owners would gain from these activities.
- e) The Holbrook property (Tax Parcel 286.00-2-3.00) has drinking water springs and creeks that could both be significantly impacted by erosion caused by Edic to Fraser. Currently, a portion of the Marcy South corridor traverses a heavily eroded bank which is causing sedimentation in a nearby creek. OCCA strongly believes that surveying during the project scoping phase could have resulted in a siting arrangement which avoided this impact.

- f) A landowner reported that he found an herbicide container discarded in a state-protected wetland on a property that is managed for conservation by OLT in the current Marcy South corridor.
- g) References to potential impacts are non-specific and assume that a wetland is a wetland, regardless of type, yet wetland type is mentioned at length. There are no specifics included about the difference in function between forested, open water, and shrub-scrub wetlands, though the writer states the areas will still function as “wetland” once re-vegetated and all functions of flood and storm water mitigation will remain intact (referencing pages 19-20 of NAT’s March 20 filing).
- h) The references to “biological monitoring” in Section 3.2 regarding river and stream crossings are not sensible. Biological monitoring would not indicate anything about short-term erosion issues. There is no detail given, but standard biological stream assessments are focused on aquatic insects and will provide information about water quality in a longer-term scenario.

5.4.4 Summary

Abundant lakes, creeks, streams, wetlands, springs, and groundwater aquifers are vital assets to Otsego County both as sources of drinking water and as important scenic and recreational resources. OCCA believes the scope of the wetland and water resources analysis should be expanded to address the concerns listed herein. NAT currently proposes to use desktop evaluation and remote sensing only for the Part A and B submittal analysis and defers physical ground surveys for delineation and other analyses until the EM&CP is prepared as part of the construction permitting process and when the Article VII certificates have been issued. We feel that this approach will limit the information available by which Otsego County residents may evaluate impacts to their property and will impede the PSC’s ability to make a reasoned determination as to whether the benefits of the proposed route outweigh its impacts. As such, OCCA requests that complete water resource mapping and surveys be completed prior to or, at the latest, during the Part B process and the information be disseminated to the public for a thorough review prior to ranking or selection of successful proposals.

5.5 Geology, Soils and Topography

5.5.1 General

This section should evaluate and describe topography, surface and subsurface soils, and bedrock/geotechnical conditions within three miles of the project corridor. Part 86 requires that the applicant describe what changes, if any, the construction and operation of the proposed facility might induce in the physical setting of the corridor, including permanent or significant temporary changes in the hydrology, topography or soils in the area. Potential impacts to soils could result from demolition of existing facilities, excavation and grading for construction of the facility, building foundations, site restoration, and landscaping.

Topographical and hydrology concerns include changes in slope during or after project implementation that could alter drainage patterns and potentially increase runoff. Geotechnical issues will affect the type and scale of foundations proposed and the need for dewatering and excavation support. Descriptions of existing conditions should be based upon published data (e.g., the Soil Survey of Otsego County, electronic data from NRCS, topographic mapping from the U.S. Geological Service, and maps and files from the New York State Museum). In addition, the description of existing conditions within the application should incorporate any recent comprehensive studies.

Potential impacts associated with the proposed project should be identified and evaluated relative to the characterization of existing conditions provided in the sources noted above. This section should also describe mitigation measures that will be used to avoid, minimize, or mitigate impacts to geology, soils, and topography, including an approved erosion and sediment control plan and geotechnical assessments. The NAT scope adequately defines major soil types in the area and a general approach to impact assessment and potential impacts. However, the scope defers development of a field studies plan until after the Part B submittal as part of the EM&CP. This includes geotechnical monitoring for tower foundation design and development of dewatering plans and erosion and sediment control plans.

Information on subsurface conditions is vital to establishing the scale of tower foundation design and construction, support of excavation techniques, dewatering requirements, and the associated impacts. More geotechnical and constructability information would be helpful at this stage in evaluating the scope of impacts associated with the proposed route. Likewise, additional details of the erosion and sediment control methods should be offered at this time to provide insight into the control and mitigation measures being proposed and the resources required. For example, the avoidance measures indicate soil stockpiles will be located outside of known floodplains but no information is provided on staging, berming, runoff prevention or other BMPs to be used in managing excavated materials.

5.5.2 Comments on Scope and Local Interest

- a) In Section 2.5.2 of NAT's January 20 submittal, restoration plans are defined as "replacement of excavated soil with appropriate grading and revegetation practices." What is meant by appropriate levels of re-vegetation and regrading, and what specific mitigation measures would be taken?
- b) The "Scoping Statement and Schedule" filed by NAT states that "for construction purposes, wetness may be a limitation for the Volusia and Mardin soils due to a high seasonal water table; erosion may be a limitation for the Lordstown soil in areas of excessive slope." The presence of the Volusia, Mardin and Lordstown soil types (see Figure 5) is concerning for OCCA in that construction of the proposed Edic to Fraser corridor could have greater impacts than anticipated due to poor soil conditions. Soil mixing, erosion, rutting and compaction related to transmission tower construction are adverse impacts to farm soils that can greatly affect future crop yields. Soils may also be mixed during the excavation of pole foundations. Excavated parent material or subsoils can be inadvertently mixed with topsoils and spread on the surface of the ROW during construction. Significant rutting can occur when soils become saturated. Agricultural soils that have been improperly protected or mitigated may suffer decreased yields for several years after the construction of the transmission line is completed. The NAT application should include a discussion of these specific impacts to arable land and the BMPs and mitigation measures proposed to address each impact.

- c) The scope should include a discussion of proposed “support of excavation” techniques, the need for site and excavation dewatering, related impacts, and associated mitigation and BMP measures.
- d) A detailed outline of the proposed Spill Prevention, Control and Countermeasure Plan (SPCCP) should be provided including discussion of managing of geotechnical drilling fluids, dewatering effluent, and contaminated runoff in remote and/or wet areas.
- e) Screening for soil contamination was limited to an environmental database search. Unreported conditions such as farm dumps, junk piles, discarded drums and soils or groundwater contaminated with residual pesticides/fungicides are likely to exist along the ROW. Field surveys should be performed during the site selection phase to identify impacts related to pre-existing conditions and appropriate avoidance/mitigation measures.
- f) A Soils Management Plan should be prepared, documenting measures for staging and handling of imported granular materials, excavation spoils, hazardous materials screening, contaminated spoils management, and general site housekeeping.
- g) A Site Restoration Plan should be prepared, presenting options for site cleanup, grading and planting including post construction monitoring and maintenance, and a warranty period for restoration and repairs to private property.
- h) Page 43 of the ‘Scoping Statement and Schedule’ states that “the wetness and slope characteristics of soils within the Edic to Fraser corridor may increase surface runoff and surface erosion rates.” Given that 40% of the corridor lies on soils classified as Volusia-Mardin-Lordstown, OCCA is concerned that the usage of the word “may” is indicative of an underestimation of surface runoff and erosion rates associated with the Edic to Fraser project.
- i) Page E-2 of the Town of New Lisbon’s Comprehensive Plan states that it is a goal of the Town to “maintain the stability of hillsides to avoid erosion” and recommends that developers should “avoid disturbances of slopes exceeding 15% and require sediment and erosion control plans for proposed development near ridgelines.” The proposed Edic to Fraser route travels along steep ridges and hilly terrain and could potentially contribute to existing – or cause new – erosion related impacts.

- j) Page 32 of the Town of New Lisbon's Comprehensive Plan states that "in contrast, development on steep slopes can mean higher construction costs, unstable soils, and sewage disposal problems. Development on steep slopes should be avoided to mitigate the potential for erosion. It is particularly important to avoid the disturbance of stream banks and to preserve the vegetation on the edge of streams." The presence of the Edic to Fraser route along steep slopes is in direct contrast with this statement.
- k) OCCA believes NAT should have communicated with property owners and appropriate local agencies including the OCSWCD and NRCS to identify site specific soil characteristics and concerns from landowners and farm operators before construction begins.
- l) There are farmlands in Otsego County enrolled in U.S. Department of Agriculture Farm Service Agency (FSA) programs designed to preserve wetlands, grasslands, and farmland. Federal easements on these lands may have restrictive land uses that are not consistent with the construction of a transmission line. For example a finding of incompatibility by the FSA could affect Conservation Reserve Program (CRP) payments to a landowner. OCCA believes that NAT should have identified agricultural parcels participating in FSA programs during the scoping phase and that the omission of such information in the Part A filings by NAT could jeopardize program payments to affected landowners should the project be approved.
- m) NYSDA&M guidelines state that the project sponsor must provide a monitoring and remediation period of no less than two years immediately following the completion of initial restoration. The guidelines further state that "because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the signing of a release form prior to the end of the monitoring and remediation period will not obviate the project sponsor's responsibility to fully redress all project impacts." OCCA strongly believes that monitoring and remediation procedures concerning soil resources protection should be continued until soil conditions reflect pre-project conditions. OCCA requests that long-term remediation periods should be employed by NAT should the Edic to Fraser project advance to the Part B phase of the proceedings.

5.5.3 Public Comments

The following is a summary of pertinent comments related to geology, soils, and topography from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) Many concerns were expressed about potential erosion stemming from construction and from steep slopes that may increase if there is clear cutting or vegetation management.
- b) Several respondents mentioned topography that currently offers ideal views could be affected by the proposed project from clear cutting and/or construction of towers.
- c) The landowner of the Holbrook Property (Tax Parcel 286.00-2-3.00) stated that several deep holes were developed during the construction process of the Marcy South line that were not filled in, leading to negative impacts to farm equipment and topsoil resources.
- d) Additionally, the southern end of the Holbrook property has slopes that were severely eroded as a result of the Marcy South project. The slopes there are highly unstable and there is a creek used for drinking water at the bottom of it. Poor vegetative clearing practices pose a distinct threat of severe erosion taking place at that location.
- e) The Holbrook property also has several areas surrounding springs utilized for drinking water which contain steep slopes that could potentially be eroded by the Edic to Fraser project.
- f) Committee representatives from the towns of Richfield and Exeter have indicated that farmers in these townships highly value soil resources. Several respondents said they have the "best soils in Otsego County." OCCA believes that the level of analysis in NAT's Part A filing pertaining to agricultural impacts on a town-by-town basis is lacking and therefore potential impacts to Otsego County cannot be properly assessed.
- g) Input gathered from a Planning Board member in the Town of Richfield indicated Town residents are concerned that topsoil resources within the Town may be adversely impacted by the proposed Edic to Fraser project. According to a 2012 study by the Iowa State University Extension, farms with impacted topsoil resources suffered a loss in overall profits which equated to roughly a \$16/acre decrease in income. ⁷⁹
- h) A Planning Board member from the Town of Richfield points out that 2015 has been designated as the International Year of Soils by the Food and Agriculture Organization (FAO)

⁷⁹ http://www.extension.iastate.edu/llf/sites/www.extension.iastate.edu/files/llf/Cost_of_Eroded_Soil.pdf

of the United Nations and that the conservation of soil resources should be a regional as well as international priority. According to the FAO, topsoil resources are a finite, nonrenewable resource as that it often takes 1,000 years to regenerate one inch of topsoil – a time period well beyond the average human lifespan.⁸⁰ Given that Edic to Fraser spans some of the most productive soil resources in Otsego County, OCCA urges the PSC to take into account impacts to soil resources that the project could potentially have.

- i) Input from OCSWCD and NRCS indicates these agencies are concerned that NAT did not adequately address impacts to highly erodible soils in the Part A filings. According to the data presented in Appendix C, approximately 324 acres of highly erodible soils are at risk of being disturbed by the proposed Edic to Fraser project. Should this project advance to the Part B phase of these proceedings, OCCA urges NAT to prepare erosion and sediment control plans that utilize the best available technology and mitigate all erosion impacts to the greatest extent practicable and economically feasible.⁸¹

5.5.4 Summary

The scope of the topography and soils assessment should be expanded to include field investigation of existing surface and subsurface conditions, a description of geotechnical conditions and concerns related to constructability including support of excavations, and dewatering requirements. Detailed plans for management of soils, runoff and erosion control, and spill prevention should be included. Also a discussion of restoration options and post construction monitoring and maintenance would be useful in defining the impacts and avoidance measures for this proposal prior to a decision by the PSC.

5.6 Noise

5.6.1 General

This section should describe existing conditions along the project corridor relative to noise, evaluate associated project impacts, and discuss measures to avoid, minimize, or mitigate such impacts.

⁸⁰ http://www.globalchange.umich.edu/globalchange2/current/lectures/land_deg/land_deg.html

⁸¹ <http://www3.dps.ny.gov/W/PSWeb.nsf/All/F23366F8E2F89E8C852576A8004F62EB?OpenDocument>

Although the PSC December 16 Order⁸² requires additional sound analysis associated with upgrade or construction of terminal facilities and substations, it does not mention assessment of transmission line operational noise such as the corona effect humming sounds that are currently an issue for Otsego County residents.⁸³ Although the NAT scoping document includes noise studies on the series compensation stations and states that temporary noise impacts associated with construction will be discussed, there was no scope presented to address the corona noise issue. Page 45 of NAT's March 2 filing states that, "based on proper design of the conductors and support components, no corona noise is expected to be audible outside of North America's ROW."

Because there are currently issues with corona noise along the Marcy South line, we feel that the potential long-term operational noise impacts associated with the corona effect and the additive nature of the existing noises associated with the Marcy South transmission line should be addressed. In addition to assessing the sound pressure levels, the quality of the generated noise is also important in that certain noises can be disturbing due to their characteristics even when present at sound pressure levels that are within NYSDEC impact assessment guidelines.

NYSDEC Program Policy advises that "in determining the potential for an adverse noise impact, consider not only ambient noise levels, but also the existing land use, and whether or not an increased noise level or the introduction of a discernible sound that is out of character with existing sounds will be considered annoying or obtrusive."⁸⁴ Such is the case along the existing Marcy South ROW. Much of the area along the proposed route, due to its rural nature, does not have high ambient noise levels.

Residents in each of the seven affected municipalities have stated that they highly value their quiet, rural lifestyle. OCCA's public outreach efforts have revealed that many residents conduct activities which bring them near to the existing ROW and they report corona noise associated with the Marcy South ROW to be a major annoyance. Further, in some instances the proposed route would bring

⁸² December 16 Order, Appendix D, Page 9. New York State PSC

⁸³ See Section 8, Public Outreach and Public Comments.

⁸⁴ (Page 20) Assessing and Mitigating Noise Impacts, October 6, 2000, revised February 2, 2001, NYSDEC

the Edic to Fraser line even closer to residences, resulting in potentially increased noise-related impacts from construction and operation of the proposed line.

Therefore, OCCA believes that NAT's assessment scope should include noise modelling and assessments for operational noise along the entire transmission line ROW in addition to the terminal station studies. These studies must be both qualitative and quantitative, taking into account the characteristics of the sounds generated by the project in addition to sound pressure levels. Identification of sensitive receptors, typical public activities which take place within or adjacent to the ROW, and existing issues related to Marcy South baseline noise conditions should be included.

In our opinion, the requirements of the PSC December 16 Order with regard to identifying local ordinances associated with areas of proposed terminal facilities and associated elements should be expanded by PSC to include the entire project corridor. At a minimum, NAT should consult the existing noise ordinances, land-use ordinances, and comprehensive plans of the affected municipalities to assess compliance with existing policies, laws, and regulations. For example, the Town of Oneonta ordinance prohibits any "unnecessary or unusual noise ... which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area." Such statutes are relevant in that they contain prohibitions against noises which create a disturbance or annoyance to nearby receptors.

5.6.2 Comments on Scope and Local Interest

- a) OCCA believes that the project scoping phase should have involved additional public outreach to determine if noise-related impacts were, in fact, an issue among Otsego County residents. Also, we believe that the PSC Order regarding terminal facility and substation noise studies should have included studies of operational noise associated with transmission line corona effects.
- b) Since in some cases the proposed route appears to bring the transmission lines closer to residences, resulting in an increased probability of noise-related impacts, identification of existing and future sensitive receptors should be included in the noise analysis.

- c) Longer term ambient noise baseline studies should be conducted along the route, taking into account seasonal and temporal variations in weather and receptor exposure.
- d) Noise modelling and assessments must be both qualitative and quantitative, taking into account the characteristics of the sounds generated by the project in addition to sound pressure levels.
- e) Applicable local ordinances along the ROW should be reviewed for restrictions on unwanted or objectionable noise.
- f) Page 20 of the Town of Laurens' Land Use Ordinance, Page 13 of the Town of Richfield's Land Use and Building Management Ordinance, and Page 37 of the Town of Otego's Zoning Ordinance contain language that is the same as or similar to the following: "operation of any special use shall not be more objectionable to nearby properties by reason of dust, odor, noise, fumes, vibration, excessive lighting, or water pollution than would the operation of any permitted use." As presented, many property owners have indicated that the noise-related impacts from the Marcy South transmission line are a nuisance and OCCA is concerned that the addition of Edic to Fraser could potentially compound noise impacts along the Marcy South corridor.
- g) Town of New Lisbon Local Law #2 – "Protection of Rural Environment," adopted in 2011 – prohibits any heavy industrial activity from occurring within the Town boundaries. Page 6 of the law reads: "further, it is the purpose of this Local Law to control those activities related to Heavy Industry, which may impact wetlands, lakes, streams, groundwater resources, drinking supplies, public roads, historic landscapes, agriculture, small town character, and the area's tourism and recreation-based economy. Impacts related to Heavy Industry that New Lisbon seeks to avoid include, but are not limited to contaminated water supplies, air pollution, traffic congestion, deterioration of roads and bridges, noise, introduction of industrial uses into-non-industrial areas, human and animal illness, and incompatible changes to the rural character of the Town." OCCA is concerned that the construction and operation of the Edic to Fraser transmission line could potentially conflict with the criteria presented in the aforementioned law.
- h) The Town of Oneonta's Comprehensive Plan references §103.72 of the Town Code which states that the following uses would be prohibited: "any use which may be noxious or

offensive by reason of the emission of odor, fumes, smoke, dust, gas, vibration or noise.” OCCA is concerned that the noise impacts emanating from the construction of Edic to Fraser could result in impacts which contrast with the aforementioned requirements of the Oneonta Town Code.

- i) Additionally, §61-5 (l) of the Town of Oneonta’s Noise Ordinance states that “it shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise or to permit any other so to do, which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.” The construction of the Edic to Fraser transmission line and the operation of that line could result in noise levels which may be interpreted as “annoying” by affected property owners, thus resulting in a conflict with the Town’s Noise Ordinance.

5.6.3 Public Comments

- a) 22% of survey respondents mentioned issues with noise, humming, corona effect or EMF concerns.

5.6.4 Summary

Much of the area along the proposed Edic to Fraser route has low ambient noise levels and the residents in each of the seven affected municipalities have stated that they highly value their quiet, rural lifestyle. Additional information and study with regard to unwanted noise needs to be completed by NAT and the PSC as part of the application process for the Edic to Fraser component project. Ambient noise monitoring, sensitive receptor analysis and qualitative assessment of operational noise characteristics should be included. NAT’s sound environment and noise assessment scope should be expanded to address the issues discussed herein.

5.7 Public Health and Safety Including EMF

5.7.1 General

This section should describe the existing conditions along the project corridor relative to public health and safety, most notably with regard to EMF, and should evaluate the associated project impacts. In addition, measures to avoid, minimize, or mitigate such impacts should be presented. While research conducted on EMF has indicated limited statistical correlations between electromagnetic fields and health impacts, there have been concerns expressed by property owners along the ROW regarding the potential effects of EMF associated with the proposed project.⁸⁵

Because the proposed ROW parallels the existing Marcy South transmission line, the cumulative impacts of the EMF generated overall between the two transmission lines must also be evaluated. According to NAT, excessive EMF exposure may require realignment of the ROW or additional width easements for the proposed Edic to Fraser transmission line.⁸⁶ Currently, no EMF modeling has been completed by NAT to the best of our knowledge and the availability of existing EMF data or modeling for the Marcy South line is uncertain.

OCCA feels this work needs to be completed at this time to evaluate the efficacy of the proposed route and to discern whether the cumulative effects may present a disadvantage when considering the parallel alignment option. Also, the question of additional EMF easement area and the proposed mitigation options which could include conductor spacing, phasing controls, and undergrounding must be answered in order to assess the total land-use impacts. The PSC has published EMF standards which should be met under this project.⁸⁷ Means and methods to achieve compliance with these standards should be presented in the application.

Additional health and safety discussion appears to be missing from the scope with regard to trespass, herbicide and pesticide use, and traffic and access related safety issues during construction.

⁸⁵ See Section 8 - Public Outreach and Public Comments

⁸⁶ Initial Application Materials for Edic to Fraser Component, 1/17/2015, Section 1.3 – Use of Existing ROW, page 2, North America Transmission

⁸⁷ State of New York Public Service Commission, Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, Cases 26529 and 26559, Issued and Effective September 11, 1990.

5.7.2 Comments on Scope and Local Interest

- a) With regard to the Part A sub-application submitted by NAT on January 20, OCCA is concerned with the following statement: “North America will evaluate during the Part B application whether electromagnetic field easements would be needed that are wider than the 80 and 100-foot transmission ROWs.” The potential acquisition of additional ROWs for EMF easements would have a distinct environmental and economic impact on affected areas and has not yet been defined.
- b) Section 2.7.2, Table 2-13 shows typical electric and magnetic fields for transmission lines. We assume this is for a single line. How does this correlate with the combination of lines resulting from paralleling the Edic to Fraser and the Marcy South transmission lines? What are the additive effects of the two fields combined? Can EMF effects be reduced by phase management or designed interference?
- c) Methods to lower the public’s exposure to the magnetic fields generated by transmission lines, such as increasing the distance of the conductors from the public, should be evaluated. The fields decrease drastically with distance. Another common method to reduce magnetic field exposure to the public is to bring the conductors closer together.⁸⁸ The magnetic fields can interfere with one another in certain cases, producing a lower overall magnetic field level. The conductors can be brought closer together by using different types of structures or double-circuiting two lines on the same structure. Alternatives to reduce EMF exposures should be evaluated by the applicant and presented as part of the application process.
- d) Burying transmission lines can also reduce magnetic fields because the underground lines can be installed closer together than overhead lines.⁸⁹ Overhead lines need to be further apart because air is used as an insulator, but underground cables are insulated with enclosures using rubber, plastic, or oil media. While magnetic fields can be quite high directly over the line, magnetic fields on either side of an underground line decrease more drastically with increased distance than do the magnetic fields from an overhead line. We feel that undergrounding should be evaluated as an alternative in this proposal.

⁸⁸ (Page 4) <http://psc.wi.gov/thelibrary/publications/electric/electric10.pdf>

⁸⁹ Electric and Magnetic Field Best Management Practices For the Construction of Electric Transmission Lines in Connecticut, December 14, 2007, Connecticut Siting Council (Council) (in accordance with Public Act 04-246)

- e) The report stipulates NAT “may” implement measures to avoid and minimize EMF exposure.⁹⁰ NAT should, at a minimum, be required to meet the PSC published standards for EMF. Best management practices should be described in the application and be applied for EMF impact mitigation and reduction.
- f) Health and safety effects associated with herbicides and pesticides are not covered and should be addressed.
- g) Health and safety effects of dust and other fugitive emissions during construction should be addressed.
- h) Safety issues associated with access, trespass and traffic during construction should have ideally been addressed in Part A, prior to the decision as to whether the project moves forward to Part B.
- i) Based on communication with NAT, the applicant does not have the EMF modeling information from the Marcy South corridor and thus could not fully model EMF fields along the proposed Edic to Fraser corridor. The lack of appropriate EMF modeling during the Part A phase of the proceedings makes it challenging for members of the public and municipal officials to assess the potential EMF impacts from the proposed project. OCCA believes that such modeling information should have been obtained during the Part A phase of the proceedings.
- j) The Wisconsin PSC suggests that “all pacemaker and implantable cardioverter defibrillator (ICDs) patients are informed of potential problems associated with exposure to electromagnetic interference (EMI). Moving away from a source is a standard response to the effects of exposure to EMI”.⁹¹ OCCA requests clarification on whether or not property owners with ICDs, pacemakers, or electric wheelchairs will be provided with an adequate level of financial compensation to allow affected parties to move away from the project area if necessary.
- k) OCCA requests clarification as to whether or not landowners will be able to harvest timber resources in areas that have EMF easements. Should landowners be unable to harvest

⁹⁰ (Page 51) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={4156F790-CC65-4AB3-9CF4-575A663875F6}>

⁹¹ (Page 13) <http://psc.wi.gov/thelibrary/publications/electric/electric10.pdf>

timber resources on lands that have EMF easements, NAT should provide fair and adequate compensation to affected parties.

5.7.3 Public Comments

The following is a summary of pertinent comments related to public health and safety including EMF from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the “References” section for additional detail.

- a) A major concern expressed by respondents was the public health impacts of EMF, their effect on electronic equipment, and the additive effects of EMF with a parallel arrangement.
- b) Several respondents mentioned EMF interference with their electronic equipment related to the Marcy South line. One respondent noted he cannot operate his electric wheelchair in the vicinity of the existing ROW.
- c) One respondent noted that every household in their neighborhood along the Marcy South corridor has had a cancer-related illness. There is a perception that adverse health effects are occurring as a result of the overhead transmission lines.
- d) Several respondents expressed concern over the use of herbicides along Marcy South and about herbicide applications being completed without prior notice to residents. One respondent mentioned improper disposal of pesticide containers by Marcy South maintenance crews.
- e) The public has expressed concern regarding health and safety issues during the project’s construction phase, should it be approved.
- f) The Town Supervisor of Exeter stated that a major concern for her township was the perceived public health, environmental, and socioeconomic impact of the project to the community. While research is ongoing regarding the impacts of EMF on public health, OCCA believes that the EMF information presented in NAT’s Part A application does not provide an adequate level of information to assuage EMF-related concerns from members of the public.⁹²

⁹² 3/4/15 communication with J. Murphy (Supervisor of Exeter)

- g) One respondent indicated plans to build a retirement home near the proposed Edic to Fraser route and said these plans had to be suspended due to EMF easement concerns. OCCA would like to reiterate that the appropriate EMF modeling information should have been put forth in the Part A phase of the proceedings to provide affected parties with the information necessary to fully assess potential EMF impacts to their respective properties.
- h) Another respondent stated that the Edic to Fraser route will pass near his house and EMF easements may force him to relocate. Causing a property owner to move off of his land generates not only a financial impact, but an emotional impact as well. Many property owners in Otsego County have lived on the same parcel of land for multiple generations and have a deep emotional connection to their homes. OCCA urges the PSC and NAT to investigate this impact and provide the necessary financial mitigation if the project moves forward.

5.7.4 Summary

Additional information and study with regard to public health and safety must be completed by NAT and the PSC as part of the application process for the Edic to Fraser component project. In particular, EMF modeling needs to be conducted and definitive plans regarding acquisition of additional ROW for EMF easements or EMF mitigation should be presented before a decision on whether this alternative should proceed is made.

5.8 Historic, Cultural and Archaeological Resources

5.8.1 General

The area which is now Otsego County was originally occupied by Native American tribes including the Mohawks and the Oneidas as part of the Iroquois Federation during the precontact period and through the Revolutionary War. The first European settlers began to arrive in the vicinity of Otsego County around 1740. The County government was formed in 1791 and many of the towns and hamlets are more than 200 years old.⁹³ As such there is a rich cultural heritage in the County and a

⁹³ <http://www.nyupstateplanning.org/Awards06-OtsegoLandTrustPlan.pdf>

number of properties are listed on the State and National Registers of Historic Places (SRHP and NRHP). There are also a significant number of sites believed to be potentially eligible but for which resources for documentation are lacking

Because of the County's rich and diverse history, additional research should be conducted to further quantify, list, protect, and maintain historic properties. Listing properties with the SRHP and NRHP is a time-consuming process that takes expertise and resources many small towns do not have. For example, the Town of Richfield has several eligible properties, yet Town Planning Board members state that additional research must be performed to further quantify the number of historic properties within the Town boundary. Likewise, the Town of New Lisbon has identified rural historic landscapes within its borders which define the Town's sense of place and historical context.⁹⁴ NYSOPRHP concurs with these findings and has suggested consideration of the formation of historic districts in the Town along with further research into a number of properties which NYSOPRHP believes are particularly compelling for future listing in the state and national registers. (Appendix F)

Based on NAT's analysis in the "Scoping Statement and Schedule," Edic to Fraser would affect a combined 27 historic resources, three of which are historic districts. NAT's March 2 filing provides additional information on cultural resources impacted by Edic to Fraser, namely an analysis of how NRHP listed/eligible properties would be impacted visually by the proposed project. OCCA feels that NAT's analysis is incomplete and should have considered other impacts to these properties as well as to SRHP listed/eligible sites in the study area.

NAT's cultural resources analysis should identify sites, structures, and districts with significant historic and/or archaeological value within three miles of the project corridor, assess properties which have been shown or are believed to be potentially eligible, and recommend measures to avoid, minimize, or mitigate any adverse impacts to cultural resources in addition to the visual resource impacts already discussed in the application. This section should also outline required and appropriate Native American consultation to be carried out pursuant to Section 106 of the National

⁹⁴ Reconnaissance-Level Historic Resources Survey Town of New Lisbon, Otsego County, New York, 8 July 2013, J. Ravage

Historic Preservation Act of 1966 and 36 CFR Part 800 as well as guidance under NYSDEC Policy CP-42/Contact, Cooperation and Consultation with Indian Nations.

5.8.2 Comments on Scope and Local Interest

- a) There are no data from local villages and towns on where historic properties may be located within or near the proposed project. Consultation with local historians should take place to identify areas of potential local cultural importance.
- b) NAT's report does not address how the proposed project affects the rural/community character of areas along the corridor and the context of historic district formation.
- c) The report does not address properties that could be considered historic and/or eligible historic properties which have not yet been listed. The towns within the County will require assistance with regard to identifying eligible historic properties.
- d) The Phase 1B cultural resources studies are proposed to take place after the Article VII certification process is complete. It is OCCA's opinion that the Phase 1B studies should take place immediately following acceptance of the Phase 1A findings by NYSOPRHP in order to better define the route layouts during the planning phase of the project.
- e) The "Cultural Resources" section of NAT's "Scoping Statement and Schedule" do not sufficiently discuss impacts to vernacular landscapes. In rural areas where vernacular agricultural activity predominates, individual properties are considered components of a larger historic landscape.⁹⁵ In Otsego County, several thousand properties are located in districts that are potentially eligible for NRHP listing. Identifying these districts and nominating them for inclusion on the NRHP or SRHP registers can be a time consuming, costly process and is one which requires careful community planning. The fact that eligible districts are not yet listed should not preclude them from receiving adequate consideration by NAT due to the fact that this project could potentially result in impacts that limit the eligibility of such areas for SRHP/NRHP listing. OCCA believes NAT should have

⁹⁵ (Page 3) Ravage, J. (2012). *Comments on Draft Supplemental Generic Environmental Impact Statement*.

communicated with local experts to identify areas with significant vernacular landscapes during the scoping phase to fully assess potential impacts to local cultural resources.

- f) According to NYSOPRHP, Phase 1a cultural resources investigations should be carried out early in the project planning phase. Further, "in carrying out a literature search, sources at the SHPO office, universities, local libraries and informants, museums, historical societies, etc. are consulted. An initial field inspection of the project area is conducted to assess previous disturbance and the level of testing which may be necessary."⁹⁶ As proposed, NAT plans to conduct such an investigation during the Part B phase of the proceedings. However, OCCA contends that such analysis should have occurred during Part A because the lack of a Phase 1a cultural resource investigation could severely limit the PSC's ability to make a well-informed determination on the impacts of this project to cultural resources in Otsego County.
- g) OCCA requests clarification as to whether or not NAT proposes to consult with local experts to conduct cultural resource reconnaissance-level surveys by 36 CFR architectural historians qualified under the regulations of the National Historic Preservation Act of 1966 to review and research rural vernacular cultural landscapes.⁹⁷ Such an analysis would provide an increased understanding of said cultural resources in rural areas of New York State that are not especially well-understood in a holistic sense.⁹⁸ (Appendix E)
- h) OCCA's research has indicated that there are Amish populations in the towns of Richfield and Exeter and in the Butternut Valley. The Wisconsin PSC cautions that cultural concerns can arise when a transmission line is routed through an Amish community. Because the Amish do not use electrical service, wish to remain non-confrontational, and tend not to become involved in government processes, a concerted effort should be made to avoid impacts to this community. OCCA concurs with this statement and expresses concern that NAT's Part A filings do not discuss impacts to Amish communities.⁹⁹
- i) According to research conducted by the Town of New Lisbon in conjunction with an historic resources consultant (36 Code of Federal Regulations certified), it was

⁹⁶ <http://nysparks.com/shpo/environmental-review/archeo-survey.aspx>

⁹⁷ (Page 8) Ravage, J. (2012). *Comments on draft supplemental generic environmental impact statement.*

⁹⁸ (Page 9) Ravage, J. (2012). *Comments on draft supplemental generic environmental impact statement.*

⁹⁹ (Page 13) <http://psc.wi.gov/thelibrary/publications/electric/electric10.pdf>

recommended that the Town consider pursuing listing for a larger Butternut Valley Rural Historic District. Rural historic landscapes are better reviewed as a collection of resources because their components work together to generate a feeling of history or sense of place. The Butternut Valley retains the spatial organization of the land and vernacular architecture that reveals the historic land-use patterns and agricultural development of the community. The proposed historic district was to include the Town of Burlington in the north and extend to the Town of Butternuts in the south. OCCA expresses concerns that visual impacts, land-use impacts, and impacts to cultural and historic resources in the Butternut Valley were not sufficiently addressed in the Part A filings by NAT. The Butternut Valley is of immense cultural and environmental importance to Otsego County and OCCA contends that the lack of analyses by NAT does not provide the PSC with the information necessary to assess the environmental impacts to this historic landscape.

- j) Page 33 of the Town of Laurens' Comprehensive Plan states that "much of what defines this area for the residents and visitors to the town is embedded in [the Town's] historic resources – the vistas created by rolling hills and valleys, the varied examples of historic domestic and agricultural architecture." OCCA is concerned that the Edic to Fraser project could result in impacts that are in direct contrast with this statement.
- k) Further, page 33 of the Town of Laurens' Comprehensive Plan states that "perhaps nothing defines Laurens more than its history, which has left a physical presence in the town. There are a great number of historic sites, as well as Native American sites." This statement further corroborates the fact that Laurens' community character is deeply rooted in the community's historic character.
- l) Page 60 of the Town of Laurens' Comprehensive Plan states that "priority should be given to creating historic districts within the town's boundaries." Should Edic to Fraser move forward to the Part B phase of the proceedings, OCCA requests that NAT provide funding for interested parties to pursue SRHP/NRHP nomination.
- m) Page 71 of the Town of Laurens' Comprehensive Plan states that it is a goal of the community to "maintain the historic character of the town, as defined by its archeological resources, historic buildings, structures and sites, by preventing the loss of valued historic resources." Further, the Plan states that it is also a goal of the community to "promote the

value of the historical character of the town in order to build greater appreciation among residents and to help foster desirable population growth and economic development.”

These goals indicate that the Town of Laurens strongly associates historic preservation with the residents’ sense of place. OCCA is concerned that NAT’s lack of local consultation during the Part A phase of the proceedings may result in impacts to the Town of Laurens being overlooked should the project move forward to the Part B phase.

- n) Page 74 of the Town of New Lisbon’s Comprehensive Plan states that it is a goal of the Town to “protect and preserve existing historic resources that help define the Town’s history. The Town should continue to support local efforts to place historically significant buildings on the National Register of Historic Preservation.” OCCA is concerned that the siting of the Edic to Fraser transmission line may conflict with ongoing historic preservation efforts in the Town of New Lisbon.
- o) Page 6 of the Town of New Lisbon’s Comprehensive Plan states that “nearly 200 years after its creation, the Town has managed to retain its agricultural, historic, and natural resources that make it an inviting place in which to live and visit.” It is clear from this statement that the Town of New Lisbon closely associates its historic character with the Town’s sense of place. As proposed, Edic to Fraser is in contrast with this statement.
- p) Page 11 of the Town of Burlington’s Comprehensive Plan states that it is a goal of the community to “protect and preserve the natural, historic, and cultural resources of the Town of Burlington.” OCCA contends that consultation with local historians in Otsego County should have been conducted in the Part A phase of the proceedings.
- q) OCCA is concerned that Otsego County’s proximity to large upstate and downstate population centers and its lack of preparedness and expertise to review well-funded development projects make it an ideal target for the placement of projects which would damage the region’s historic, scenic, and rural character.¹⁰⁰ As proposed, the Edic to Fraser route traverses an area in which the level of research concerning the historic value of the landscape is lacking in depth and scope. OCCA is concerned that the current state of historic preservation research in the project area does not provide an adequate level of

¹⁰⁰ (Page 4) Marmet, Michael (2015). *Our Historical Landscape: Subjective & Objective Approaches to Preservation (The Negative Impact of the Proposed Edic to Fraser Power Line Project)*. Richfield Springs, NY [white paper].

information for the PSC to make a well-informed judgment on the impacts the project will have on the area's cultural resources.

- r) Marmet (2015, Appendix G) states that the NYSOPRHP 2015-2020 Preservation Plan contains the following language:

"Our relationship with family, friends, and colleagues are shaped by our environment. Our homes, our places of work and those places we learn and relax play hugely important roles in our daily lives. Every community is a combination of its parts; a streetscape, a park, a farm – and our perception of the totality of them creates our sense of place. If that streetscape, park, or farm is destroyed, we forever sever our connection to a part of the community that may have special meaning to us, diminishing our sense of place and the opportunity for that part of the community to enrich the lives of future generations".

This statement is indicative of the importance of Otsego County's vernacular landscape in defining its residents' sense of place. OCCA contends that NAT did not appropriately assess the role of Otsego County's vernacular landscape in defining the cultural resources impacts of the proposed Edic to Fraser project.

5.8.3 Public Comments

The following is a summary of pertinent comments related to historic, cultural, and archaeological resources from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) There is an historic schoolhouse that could be impacted by the proposed project. The property owner has received funding from NYSOPRHP to restore their property and was notified they would be eligible to be listed on the State Register of Historic Places upon application.
- b) Two respondents expressed concern that the visual impacts associated with the Edic to Fraser project will result in impacts that negatively affect the historic character of the hamlet of Millers Mills. See Appendix D. OCCA believes that the viewshed of a particular landscape greatly contributes to the historic character of a particular community. OCCA expresses

concern that such impacts were not sufficiently discussed and analyzed in the Part A filings by NAT.

c) According to Marmet (2015), 21 places of historic interest will be impacted in the towns of Exeter and Richfield, including:

- i. The Young Homestead (NYS Barn Grant, oldest occupied home in Richfield).
- ii. Arnold Farm site.
- iii. Bargey Farm site.
- iv. Shaul House.
- v. Cole Farm (2006 recipient of a NYS Barn Grant located on Scenic Route 20).
- vi. Hitchins Farm.
- vii. Wheeler Homestead.
- viii. Schoolhouse #6.
- ix. Mapleshade Farm.
- x. Barstow Homestead.
- xi. Jones Farm.
- xii. Owens Farm.
- xiii. Gates Farm.
- xiv. Caleb Huntley Farm.
- xv. D.C. Huntley Farm (Greek revival).
- xvi. Monk Homestead.
- xvii. Schoolhouse #7 (cobblestone 1841 architecture).
- xviii. Cole Homestead.
- xix. Pratt Farm.
- xx. Higgins Farm.
- xxi. D.C. Hollister Farm.

These 21 locales were pulled from a list of homes built prior to 1868 as referenced through the F.W. Beers Atlas of Otsego County, NY. Marmet states that “this list accurately reflects homes built before access to outside materials became abundant, thus promoting stronger significance to their historical

importance in multiple academic platforms of study.”¹⁰¹ OCCA is concerned that the Part A filings by NAT do not properly address impacts to these historic structures and contends that additional study needs to be conducted to fully assess the historic value of these properties prior to the commencement of any development project.

- d) Marmet (2015) states that Maple Hill Farm (Tax Parcel 1.00-1-5.02 and 1.00-1-6.02) received a New York State Barn Grant in 2006 to restore the foundation of a historic creamery constructed circa 1815. As proposed, Edic to Fraser would be sited in such a manner that it would greatly diminish the vernacular landscape surrounding the creamery, thus decreasing the creamery's historic value.
- e) Marmet further states that Maple Hill Farm (Tax Parcel 1.00-1-5.02 and 1.00-1-6.02) is significant to the vernacular architecture of Otsego County representing the Federal period.¹⁰² Currently, the Marcy South corridor runs along the eastern side of the property and dominates the viewshed from Marmet's historic farmhouse. As proposed, the heights of the Edic to Fraser towers may exceed those of the existing Marcy South structures, further encroaching on the viewshed of Marmet's home. OCCA is concerned that, if left unmitigated, this impact from the project will severely diminish the historic value of the Marmet property.
- f) Marmet (2015) states that part of his home was constructed in 1793 by a man named Asa Young, who was a Revolutionary War soldier from Chepachet, RI. This home housed six generations of the Young family before Marmet came into ownership. NAT's Part A filings do not appropriately address the historical significance of this property. OCCA urges the PSC to take this issue into consideration due to the strong 19th-century influence that is still evidenced on the property.
- g) Representatives of the Town of Richfield expressed concern that NAT did not sufficiently address a “no-build” alternative for the proposed project. Town representatives and OCCA contend that “rural environments provide an already unremunerated positive externality for the public as provided by land owners who purposefully choose preservation over development.”¹⁰³ OCCA urges NAT to explore project options that do not result in the construction of additional transmission lines.

¹⁰¹ (Page 5) Marmet, Michael (2015). *Our Historical Landscape: Subjective & Objective Approaches to Preservation (The Negative Impact of the Proposed Edic to Fraser Power Line Project)*. Richfield Springs, NY [white paper].

¹⁰² The Federal period (1780-1820) refers to the particular style of architectural design that was employed in the late 18th and early 19th centuries.

¹⁰³ (Page 8) Marmet, Michael (2015). *Our Historical Landscape: Subjective & Objective Approaches to Preservation (The Negative Impact of the Proposed Edic to Fraser Power Line Project)*. Richfield Springs, NY [white paper].

- h) The Town Supervisor of Exeter indicated that her township has land-use patterns that reflect historical uses and that many farms in Exeter have been in production for several generations. She further stated that Edic to Fraser would negatively impair the historic character of the Town.
- i) A respondent from the Town of Richfield owning two parcels on the proposed route indicated that there are two SRHP-eligible properties on his land, including a barn built in 1797 (one of the oldest buildings in the Town of Richfield). As proposed, Edic to Fraser is sited in a way that negatively impairs the historic value of this property.
- j) Otsego 2000 (O2K) contends that the three-mile buffer to determine potential impacts to historic and cultural resources, as presented in NAT's Part A filings, are inadequate insofar as allowing the PSC to make a well-informed determination on the aforementioned impacts. O2K asserts that "experts well-versed in rural historic and cultural resource identification and protection suggest using a five-mile buffer as a proper starting point to determine the cultural and historic resource impacts of the Edic to Fraser project."
- k) O2K states that "Otsego County's area contains significant swaths of rural agricultural landscapes highly representative of early American settlement patterns and land usage from the mid-1700s." O2K further suggests that existing research on the presence of cultural and historic resources only accounts for roughly 10% of the County's area. Based on this assertion, more than 90% of the county's historic and cultural resources have yet to be catalogued, raising concern that NAT dramatically undercounted the number of listed and potentially eligible properties that could be affected by the proposed Edic to Fraser project (Figure 6).
- l) O2K expressed concern that NAT did not give an appropriate level of consideration to the connection between viewsheds and historic properties. More specifically, the concern was directed toward the apparent lack of consideration for the role that a view plays in the historic significance of a particular farmstead or landscape. O2K contends that the siting of a second transmission line adjacent to the Marcy South corridor could result in vegetative clearing and visual impacts that would not only mar the viewsheds of affected landscapes but could potentially alter their historic landscapes as well.
- m) O2K pointed out that Gilbert Lake State Park is also highly significant as one of the few permanent Civilian Conservation Corps camps built in New York State and, as such, is most certainly eligible for listing on the NRHP.

5.8.4 Summary

OCCA believes that the consultation of local sources and experts by NAT has been lacking in this category. Listing properties with SRHP and NRHP is a time-consuming process requiring expertise and resources many small towns do not have. OCCA recognizes that NAT acted with the best available estimates, yet it should be noted that extensive study still must be conducted in Otsego County to fully quantify, list, and research all of the historic resources within the County's boundaries that might be adversely impacted by this project. The scope of the cultural, historic and archaeological study phase of the application should be expanded to address the comments herein.

5.9 Aesthetic and Visual Resources

5.9.1 General

This section should describe the existing visual character in the vicinity of the project corridor, evaluate visual impacts associated with the proposed facilities, and recommend measures to avoid, minimize, or mitigate adverse impacts to aesthetic resources. Analysis should include identification of visually sensitive sites and/or critical views within (approximately) three miles of the proposed facilities. According to NAT, the Part B submittal will identify probable visual resource impacts and specify the anticipated degree of such impacts due to the proposed Edic to Fraser transmission facilities. The Part B analysis will include avoidance and mitigation measures intended to minimize such impacts. In accordance with Part 86 requirements, the analysis should also state what plans will be made to locate and design appurtenant structures to minimize the visual impact of those structures.

NAT's March 2 filing includes additional viewshed analyses – in particular the submittal included a Key Observation Point (KOP) and viewshed analysis to conform to the requirements put forth by the PSC in its December 16, 2014 Order. Per the PSC's instructions, NAT is required to assess the degree of project visibility and probable extent of visual contrast change from existing conditions based on classes listed below:

Areas in Visibility Class:

- A. No change in extent of visibility – new structures at same height as existing or are shorter than existing.
- B. Minor change – structures height increase by 10 feet or less.
- C. Structure height increases by more than 10 feet.

Areas in Qualitative Change Class

- A. No significant change in structure design.
- B. Structure change potentially significant.

As part of NAT's viewshed analysis, the following assumptions were made:

- In areas adjacent to existing ROW, preliminary pole placements were made by placing poles roughly adjacent to existing structures.
- In areas not adjacent to existing transmission ROW, pole placements were roughly even at spans of 450 ft.
- 125-ft. poles would be constructed in the portions of Edic to Fraser adjacent to existing transmission ROW, and 105-ft. poles in the non-adjacent portions, consistent with cross-section diagrams submitted by NAT on January 20, 2015.
- Vegetation heights were assumed according to the heights shown in Table 5.1-1 of NAT's March 2 filing.

Theories in environmental aesthetics and human psychology suggest that our society puts a great deal of value on landscape views.¹⁰⁴ According to Appleton's (1975) "prospect-refuge theory," this attraction is biological in nature. The theory holds that humans are naturally attracted to areas from which they can view broad and unclouded landscapes that contain water and visible places for easy refuge, such as groves of trees. Further, a study conducted by Velarde, *et al.* (2007) reviewed more than 30 published journal articles written on the health benefits of environment and landscape elements and found there is a direct relationship between human health or well-being and long-term

¹⁰⁴ Poudyal, N. C., Hodges, D. G., Fenderson, J., & Tarkington, W. (2010). Realizing the Economic Value of a Forested Landscape in a Viewshed. *Southern Journal of Applied Forestry*, 34(2), 72-78.

exposure to natural landscapes.¹⁰⁵ Studies by Sander and Polasky (2009) and Beherer (2010) show that scenic views strongly influence property owners to choose to live on a particular parcel of land, many of whom are willing to pay a premium to have that privilege.¹⁰⁶ ¹⁰⁷

It should be noted that because a viewshed is a “non-rival” good, it is difficult to place a dollar value on each individual acre of view that is impacted by the proposed Edic to Fraser project.¹⁰⁸ However, due to the immense bearing that a scenic view has on both an individual’s and a community’s sense of place and well-being, the protection of a viewshed should be a top priority for consideration by NAT.

Indeed, the findings of the aforementioned studies ring true in Otsego County. All seven of the towns along the proposed Edic to Fraser route have strong statements which intimately tie each town’s viewshed to their sense of place and identity as a community. The scenic views that Otsego County has to offer are a major guiding factor in influencing new residents to move here and in convincing long-time residents to stay. In addition, Otsego County’s scenic views contribute significantly to its draw as a major tourist destination. As proposed, NAT’s Part A filings fail to adequately assess and analyze the viewshed impacts to Otsego County. OCCA is highly concerned that the Part A filings also fail to provide the PSC staff with adequate information by which to analyze viewshed impacts associated with Edic to Fraser in a meaningful way.

5.9.2 Comments on Scope and Local Interest

The following is a summary of pertinent comments related to aesthetic and visual resources from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the “References” section for additional detail.

¹⁰⁵ Poudyal, N. C., Hodges, D. G., Fenderson, J., & Tarkington, W. (2010). Realizing the Economic Value of a Forested Landscape in a Viewshed. *Southern Journal of Applied Forestry*, 34(2), 72-78.

¹⁰⁶ http://cedarcreek.umn.edu/biblio/fulltext/Land_Use_Policy_2009_Sander.pdf

¹⁰⁷ http://heep.hks.harvard.edu/files/heep/files/dp15_behrer.pdf

¹⁰⁸ Fisher, B., Turner, R. K., & Morling, P. (2009). Defining and classifying ecosystem services for decision making. *Ecological economics*, 68(3), 643-653.

- a) Photographs should be taken to document existing conditions. In addition, computer-generated visual simulations and/or architectural renderings should be prepared to depict the appearance of the planned facilities.
- b) OCCA strongly disagrees with the impact classification presented for Otsego County in Table 5.2-3 on Page 34 of NAT's March 2 filing. The Edic to Fraser project would result in the doubling of the number of transmission towers in the affected area, thus constituting a significant increase in cumulative impacts associated with affected visual resources.
- c) OCCA believes that local outreach should have informed NAT's determination of visually sensitive resources and viewer sensitivity, as opposed to their use of readily available GIS data and "professional" judgment.
- d) OCCA finds the omission of viewshed impacts associated with the Butternut Valley and the Town of Laurens in the KOP analysis to be unacceptable. These areas are of supreme importance in defining the scenic, rural character of our County and have the highest concentration of affected property owners.
- e) OCCA contends that KOP 2 and 3 do not represent adequate views of the County due to the variability in geographic and scenic resources present in the County as a whole.
- f) Further, OCCA finds it unacceptable that local resources or inventories of visual resources were not included in Table 5.3-1 on Page 36 of NAT's March 2 filing.
- g) OCCA expresses concerns that the use of 125 ft. for the average height of transmission towers is not representative of tower heights in other visually sensitive areas. For example, towers could potentially be 140 ft. in the Butternut Valley and 190 ft. in the Town of Otego. The substantial increase in height would result in much more severe visual impacts.¹⁰⁹
- h) OCCA expresses concern that the utilization of a three-mile study area is subjective, requests clarification as to why such a study area was selected, and recommends a five-mile study area.
- i) OCCA requests clarification as to why local sources were not consulted prior to assessing the visual impacts associated with the project during the Part A phase of the proceedings.
- j) Section 6.6 of the Town of Richfield's Land Use and Building Management Ordinance states that development projects must be consistent with the Town's rural character. Viewsheds

¹⁰⁹ (Foster, 2015)

are closely tied to an area's sense of rural character and the cumulative impacts that would result from Edic to Fraser are inconsistent with this requirement.

- k) Page 43 of the Town of Oneonta's Comprehensive Plan stresses, "The town residents want to ensure a balance between economic development and environmental protection in order to protect the high quality of life we enjoy in our beautiful natural surroundings. Measures should be taken to ensure compatibility with the environment before development occurs. Safeguarding our quality of life, water, and other natural resources should be of paramount importance in future development plans."
- l) Goal 5 on Page 11 of the Town of Otego's Comprehensive Plan is as follows: "Protect the Town's scenic views and rural character from the potential negative impact of economic development." The associated policy recommendations include:
 - Develop land-use policies to protect large-acreage farms that are vital to the survival of supply and service-based businesses.
 - Generate a resource list of environmental, scenic, and historic assets, and develop regulations to protect them.

The proposed Edic to Fraser project would distinctly affect the viewshed of the Town of Otego and is in direct conflict with the aforementioned goal and associated policy recommendations.

- m) Page 11 of the Town of Otego Comprehensive Plan states, "many citizens have lived in the Town for fifteen years or longer. Respondents most frequently identified the 'country-like' atmosphere as a reason for living [in Otego]. Other reasons given include the beauty of the location, the proximity to rural land, and land with a view." Edic to Fraser, as proposed, would fundamentally alter the residents of the Town of Otego's sense of place.
- n) Page 12 of the Town of Otego Comprehensive Plan states that "survey respondents identified wooded areas as a benefit of living in this community. The preservation of woodlands was the third largest environmental concern." It is clear from this statement that the residents of Otego closely tie views of contiguous blocks of forests with their sense of place. The proposed Edic to Fraser project would greatly impair the visual characteristics of forested landscapes in the Town of Otego.

- o) Page E-5 of the Town of New Lisbon Comprehensive Plan states the following goal: "Preserve open space in order to retain the area's scenic vistas." The policy recommendations are as follow:

- Encourage the placement of utilities underground to protect important vistas.
- Explore feasibility of creating a Butternut Valley Scenic Byway with neighboring towns.

As proposed, the Edic to Fraser project contrasts directly with the above goal, as it would result in development outcomes that significantly impact open space and scenic vistas.

- p) Page 10 of the Town of New Lisbon Comprehensive Plan states that "there is the ongoing threat of power lines, such as Marcy South, scarring the landscape..." The proposed Edic to Fraser project would result in cumulative impacts that further scar the visual landscape of the Town of New Lisbon.
- q) Page 77 of the Town of New Lisbon Comprehensive Plan states that the Town "opposes situating major transmission lines – like Marcy South – through the Town due to adverse visual impacts on the community." The proposed Edic to Fraser project is directly contrary to this officially adopted policy statement made by the Town of New Lisbon.
- r) Page 77 of the Town of New Lisbon Comprehensive Plan further states, "The Marcy South power line has had a negative visual impact on the community – this Plan opposes the situation of similar facilities in the Town." The Edic to Fraser project would result in visual impacts that compound those from the Marcy South ROW, thus directly damaging residents' sense of place.
- s) Page 82 of the New Lisbon Comprehensive Plan again states, "The existing Marcy South power line has created a scar across the landscape of the Town of New Lisbon that has affected important vistas and recreational resources. The Town of New Lisbon has regionally significant natural resources such as Gilbert Lake State Park and Texas Schoolhouse State Forest that would be adversely affected by similar facilities running through the Town." The Edic to Fraser project would further impact these scenic areas and OCCA believes it is unacceptable that visual analysis in the March 2 filing did not consider the Town of New Lisbon's visual resources.

- t) The Town of Exeter has several vacant properties that are bisected by the Marcy South ROW. The Town Supervisor expressed great concern that the marred views associated with the location of Edic to Fraser adjacent to the Marcy South ROW would deter potential new residents from moving to the Town.
- u) The proposed Edic to Fraser project is inconsistent with the Town of Laurens' vision statement which emphasizes the protection of the Town's scenic views.
- v) Page 12 of the Town of Laurens Comprehensive Plan states, "ridgelines and rolling hills very much define the town's character and are valuable environmental and aesthetic assets." As proposed, the Edic to Fraser project would be built along such ridges and rolling hills and would directly impact the Town's visual resources.
- w) Further, page 60 of the Town of Laurens Comprehensive Plan states that "development along ridgelines and rolling hills often involves the removal of forests and poses unique challenges in these areas. If building siting and construction is unmanaged, visual impacts associated with the development on ridges and steep slopes can have a detrimental effect on the town's scenic character." The Edic to Fraser project's viewshed analysis does not expressly consider the views of the Town of Laurens in its Part A filings. OCCA finds this unacceptable.
- x) Page 50 of the Town of Laurens Comprehensive Plan states that "the predominantly rural character of the town is the top reason residents prefer to live in Laurens." OCCA is concerned that the proposed Edic to Fraser project may result in visual impacts that deter potential new residents from purchasing property from which the project is visible.
- y) The Town of Laurens Comprehensive Plan survey found that "there is a preference to protect the qualities and resources that define the character of Laurens. These include sensitive environmental resources, scenic and rural landscapes, historical resources, as well as the prime and productive soils that are integral to the community's agricultural heritage." The proposed Edic to Fraser project could potentially result in impacts that affect each of the aforementioned values.
- z) Page 10 of the Town of Burlington Comprehensive Plan states that it is a priority for the Town of Burlington to "promote [Burlington's] local assets of clean air and water, wildlife, and rural natural beauty to attract tourists, new residents and businesses." As proposed, Edic to

Fraser will impinge on Hartwick State Forest and The Greenwoods Conservancy, which serve as watershed buffers and important wildlife habitats. The presence of Edic to Fraser could further discourage recreation such as hunting, fishing and cross-country skiing in the state forest, as well as other areas along the ROW.

- aa) Page 11 of the Town of Burlington Comprehensive Plan presents the following goal: “Protect and preserve the natural, historic, and cultural resources of the Town of Burlington.” Many residents strongly believe that the views within the Town are a highly valuable asset and that the Edic to Fraser project could potentially gravely harm the Town’s visual resources.
- bb) Page 22 of the Town of Burlington Comprehensive Plan survey states that “preserving rural atmosphere is the highest priority. It is why we live here.” As proposed, the Edic to Fraser project would significantly alter the visual landscape within the Town of Burlington and could damage residents’ sense of place.
- cc) OCCA is highly concerned by NAT’s apparent lack of consideration of local expertise in its viewshed analyses. Views associated with the entire central portion of the County involving the towns of Laurens, New Lisbon and Burlington were left out of the viewshed analysis. This central portion of Otsego County is home to several unique natural resources and is classified as a “Priority Conservation Area” as defined in OLT’s “Conservation Blueprint.”¹¹⁰ Further, the views of the Butternut Valley (the area with the highest concentration of affected property owners) were left out of consideration. This is unacceptable.
- dd) OCCA believes the utilization of readily available GIS data as opposed to locally-gathered data is inadequate here.
- ee) OCCA is concerned that the viewshed analysis as presented in Section 5.0 of NAT’s Part A filing is biased. There are several more significant locations in the project corridor that would have provided more adequate representations of views in Otsego County.
- ff) OCCA believes that given the inherently subjective nature of viewshed analyses, public outreach should have been conducted to identify areas with high visual sensitivity. The Part A filings as presented do not indicate that such outreach was conducted.
- gg) OCCA is concerned that views from the portion of the Susquehanna River, a Nationwide Rivers Inventory (NRI) listed river segment, were not considered. As mentioned in Section

¹¹⁰ McConnell, K. (2013). *Otsego Land Trust Conservation Blueprint: Land Conservation Plan*. Cooperstown, NY: Otsego Land Trust.

5.12 of this report, the Susquehanna River is of immense local, regional, state, and federal importance, and views from the river are highly treasured.

- hh) Further, the Part A filings from NAT do not indicate that views from private property were afforded due consideration. Given that 85% of land in the state is privately owned, OCCA believes the lack of discussion of views from private property in NAT's scoping document is a glaring omission.
- ii) OCCA strongly believes that acquisition of an additional 80-ft. ROW would result in significant visual impacts to all seven of the affected municipalities.
- jj) As presented on Page 63 of the Part A "Scoping Statement and Schedule," NAT is adhering to 2000 NYSDEC BMPs pertaining to viewshed management. OCCA requests clarification as to why more modern resources using the best available technology were not utilized.

5.9.3 Public Comments

- a) 61% of questionnaire respondents expressed significant concern that the Edic to Fraser project would result in diminished views that would negatively affect their property values and sense of place.
- b) Nearly all of the respondents stated that the existing Marcy South ROW was an "eyesore" and felt the Edic to Fraser project would result in significant cumulative visual impacts.
- c) Several municipal leaders stated that the visual impacts to their towns would significantly alter the rural character of their community.
- d) During committee meetings, mitigation of visual impacts was identified as a priority.
- e) During committee meetings, protection of existing 19th-century land-use patterns was identified as a priority.
- f) During committee meetings, site specific visual impacts to The Greenwoods Conservancy were identified as top priority issue.
- g) 75% of questionnaire respondents indicated that a "significant" visual resource currently visible from their property would be affected by the proposed Edic to Fraser project.
- h) Several respondents indicated that the proposed Edic to Fraser ROW would result in significant harm to forest resources that helped form their individual viewshed

5.9.4 Summary

OCCA strongly believes that the viewsheds of Otsego County are a priceless commodity for the enjoyment of residents and visitors alike. The Part A filings by NAT indicate a lack of understanding of how the concept of a “viewshed” is tied to the character of affected communities along the proposed route. While NAT’s filing may comply with the minimum requirements of Article VII, the data as presented does not provide the PSC staff the ability to fully understand the visual characteristics of Otsego County.

The KOP analysis chooses two views that are supposedly representative of general viewshed impacts that could result from the Edic to Fraser project. However, OCCA would like to reiterate that, to the best of our knowledge, no local sources were consulted prior to determining these representative views. For example, Clock Hill in the Town of Burlington offers sweeping views over Burlington to the east. It is well within the three-mile study area, yet was not considered.¹¹¹ Further, the angle of the photo-simulation associated with KOP 2 downplays the way in which the Edic to Fraser project would alter the viewshed of the region. OCCA believes that in the subject area, the photo simulation should have been conducted on high ground to assess how the Edic to Fraser project would impact the panoramic views of the area.

In sum, OCCA strongly disagrees with the findings associated with NAT’s KOP analysis which employ the rationale that the visual impacts associated with Edic to Fraser would be “moderate” due to the presence of the Marcy South ROW. The addition of a second set of transmission structures effectively doubles the number of structures impairing the visual characteristics of the project area. OCCA strongly believes that the PSC staff should consider the cumulative visual impacts of the proposed Edic to Fraser project in the most rigorous manner possible.¹¹²

¹¹¹ <http://occainfo.org/documents/UniqueareasofOtsegoCounty.pdf>

¹¹² (Page 40 and 41) <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={87F3AC68-A6E9-440B-A987-6CABEBF34963}>

5.10 Coastal Zone Consistency

5.10.1 General

We concur with NAT's analysis that no applicable resources requiring examination for Coastal Zone Consistency exist within the proposed project corridor.

5.10.2 Comments on Scope and Local Interest

Not applicable.

5.10.3 Public Comments

Not applicable.

5.11 Climate and Air Quality

5.11.1 General

This section of the application should describe the regional climate and existing air quality status in the vicinity of the project site corridor based on publicly available and locally derived data. Further, it should discuss the potential impacts that could occur as a result of the project during both construction and operation. Mitigation measures designed to avoid or minimize these impacts should also be discussed. The PSC Procedural Order of September 19, 2013 also requires a discussion of plans to ensure that facilities are designed to withstand snow storms, ice storms and periods of extreme heat. Afgan *et al.* (2012) states that resiliency, in the context of transmission lines, refers to the ability of a line to return to a steady state after a "shock." In this case, natural hazards could potentially affect the ability of the line to return to a steady state of operation.¹¹³

Additionally, this section should discuss how the Edic to Fraser project will assist in realizing the policy goals stated in Governor Cuomo's "Energy Highway Initiative" and Governor Cuomo's "Reforming the Energy Vision Initiative." Both initiatives are intended to upgrade New York State's existing energy infrastructure to provide a cleaner mix of energy to downstate consumers and allow

¹¹³ www.scirp.org/journal/PaperDownload.aspx?paperID=8590

for the decommissioning of “dirty” downstate energy generation sources. OCCA contends that NAT should have conducted a regional GHG inventory in the Part A phase of the proceedings to demonstrate how the Edic to Fraser line would generate emissions reductions.

5.11.2 Comments on Scope and Local Interest

- a) The NAT scoping document only discusses GHG emissions with respect to construction and operation. The scope should also include a discussion of particulate emissions and fugitive dust. During the site preparation and construction phases of the project, temporary adverse impacts to air quality may result from the operation of construction equipment and vehicles. Such impacts occur as a result of emissions from engine exhaust and from the generation of fugitive dust during earth-moving activities. Dust control, air quality monitoring, and fugitive emissions plans should be detailed and explained as part of the mitigation discussion.
- b) Emissions from selective use of herbicides and pesticides as part of ROW maintenance activities need to be addressed.
- c) Current practice of designing electric transmission lines includes the application of climatic loads to the system infrastructure. Transmission lines in service today in the U.S. have been designed using a multitude of design approaches and structural loading criteria. A principal cause of structural failures is weather events that produce loads that exceed the structural loading design criteria.¹¹⁴ Examples of weather events that can produce loads in excess of design loads are tornadoes, hurricanes, and severe wind and ice storms. Interruptions in the delivery of electric power associated with structural failures are an ongoing problem that can produce significant economic and safety impacts. With the increased frequency of extreme weather events in upstate New York, this becomes a greater concern for the citizens of Otsego County. In accordance with the September 19, 2013 PSC Procedural Order, NAT should provide additional details regarding plans to design for climatic loads, taking into account recent climatic activity, and present any proposed plans to both monitor for and respond to such events as part of this application. The current scope only states that national

¹¹⁴ 2. Carnegie Mellon Electricity Industry Center Working Paper CEIC-05-06, “Transmission Line Reliability: Climate Change and Extreme Weather” www.cmu.edu/electricity

and regional codes will be met or exceeded. Methods of funding major repairs and cost recovery mechanisms should also be discussed in a proactive manner.

- d) Would monitoring, maintenance and repair efforts be coordinated with NYPA and Marcy South so that O&M activities in the Edic to Fraser corridor occur at similar times?
- e) OCCA is concerned that the construction of the Edic to Fraser project would not result in regional climate change benefits for upstate New York, as the majority of the emissions reductions and associated air quality benefits would be realized downstate.
- f) OCCA is concerned that the comparative proceedings associated with Case 13-E-0488 are not being conducted in a manner that is concurrent with the REV proceedings.
- g) Based on communication with NAT and on NAT's Part A filings, OCCA believes that the concept of ecosystem resiliency was not sufficiently discussed during the Part A phase of these proceedings. Thompkins *et al.* (2005) states that resiliency "refers to three conditions that enable social or ecological systems to bounce back after a shock. The conditions are: ability to self-organize, ability to buffer disturbance and capacity for learning and adapting."¹¹⁵ A report by the New York State Office of the Attorney General states that "in 2014, the United States National Climate Assessment measured trends in extreme rainfall for different regions of the country quantifying the amount of rainfall occurring in the heaviest 1% of all rain events. The Assessment found a 71% increase in the amount of rain in those events in the Northeast United States, including New York from 1958 to 2012."¹¹⁶ Indeed, there has been a major impetus to ensure that natural and manmade infrastructure in New York State is resilient enough to limit damages to a manageable degree. Healthy forests are an important natural buffer to mitigate impacts caused by major storms because of their ability to absorb storm flows, act as windbreaks, and prevent erosion. Chaffee (2010) states that "healthy forests provide a buffer against storms, droughts and flooding, which are expected to intensify with further climate change."¹¹⁷ Given the fact that more than 50% of the Edic to Fraser route traverses forested land,

¹¹⁵ (Page 15) <http://www.oecd.org/env/cc/36736773.pdf>

¹¹⁶ (Page 4) http://www.ag.ny.gov/pdfs/Extreme_Precipitation_Report%209%202%2014.pdf

¹¹⁷ https://books.google.com/books?id=_GR6egDdxl0C&pg=PA35&lpg=PA35&dq=forests+as+a+buffer+against+storms&source=bl&ots=M6WfEXWEkO&sig=D5ZcK155TjbXDsE5196xUFL2TEk&hl=en&sa=X&ei=qnmVZywJsPTsAXJ4oDAAg&ved=0CDEQ6AEwBA#v=onepage&q=forests%20as%20a%20buffer%20against%20storms&f=false

OCCA is concerned that the project will limit the ability of forests in the project area to act as a natural buffer against major storm events.

5.11.3 Public Comments

The following is a summary of pertinent comments related to climate and air quality from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) Several residents in Laurens and Hartwick (borders project) expressed concerns over use of herbicides for ROW maintenance and specifically raised questions with regard to maintaining organic farming certifications on arable land adjacent to the proposed ROW.
- b) Local air-quality concerns expressed were primarily related to emissions from construction vehicles and fugitive dust generated during earth-moving activities.
- c) Several respondents cited a paper by Eshel (2015) which questioned the need for the proceedings associated with Case 13-E-0488. OCCA strongly believes that the discussion of "need" for this project should have been established prior to the commencement of Case 13-E-0488.

5.11.4 Summary

OCCA believes that the proposed scope must be expanded to provide a thorough analysis of air-quality impacts during construction, including fugitive emissions and corresponding mitigation plans. The storm resiliency analysis should include a discussion of recent local weather patterns and the appropriate design criteria as well as response plans to address storm-related issues. OCCA is concerned that the comparative proceedings associated with Case 13-E-0488 are not being conducted in a manner that is concurrent with the REV proceedings and that Case 13-E-0488 will not independently lead to direct climate benefits and emissions reductions. OCCA believes rather that this project will require the realization of the goals of the REV to fully achieve the benefits presented in NAT's Part A filing. Further, OCCA is concerned that the construction of the Edic to Fraser project would not result in regional climate change benefits for upstate New York, as the majority of the emissions reductions and associated air quality benefits would be realized downstate.

5.12 Open Space and Recreation

5.12.1 General

This section should document the current uses of the project corridor in terms of open space and recreation, and describe the anticipated effects upon such use in the area. This section should also evaluate the recreational user's experiences with these areas in comparison to other sites in the County and the project's potential effects on this experience. The NAT scoping document does not specifically address open space issues as a separate topic but does reference open space concerns in the land-use section. Likewise, Part 86 does not address this topic directly but states that the selection of any proposed ROW should preserve the natural landscape and minimize conflict with any present or future planned land use. The Part B submittal should address open space and recreation as separate topics.

5.12.1.1 Open Space

Otsego County is home to open space resources of local, regional, state, and national significance. The northern portion of the County is known for its rolling hills, quiet lifestyle, and for beautiful natural scenery. The towns of Laurens and Burlington are identified by their majestic ridges and vibrant agricultural land. The Butternut Valley is marked by its scenic views, pristine agricultural land and abundant natural resources. The towns of Oneonta and Otego pride themselves on their forest resources, agricultural land, and quiet, rural way of life.

The segment of the Susquehanna River in Otsego County located within the proposed Edic to Fraser corridor is named in the Nationwide Rivers Inventory (NRI).¹¹⁸ The NRI is a listing of more than 3,400 free flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance.¹¹⁹ Under a 1979 Presidential Directive, and related Council on Environmental Quality

¹¹⁸ According to the NRI, the Susquehanna River segment in question contains the following outstandingly remarkable values (ORV): scenery and recreation. The Scenery ORV refers to the landscape elements of landform, vegetation, water, color, and related factors that result in notable or exemplary visual features and/or attractions. The recreation ORV refers to recreational opportunities that are, or have potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. For a more in-depth description, see <http://www.nps.gov/nrcr/programs/rtca/nri/eligb.html#orv>

¹¹⁹ <http://www.nps.gov/nrcr/programs/rtca/nri/states/ny2.html>

(CEQ) procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments.^{120 121}

The draft New York State Open Space Conservation Plan (dOSCP) emphasizes the importance of the preservation of open space not only for its cultural and historic significance to New York State's identity but for the multiple ecological and climate-related benefits that conserved open space resources can have for a community.¹²² The Edic to Fraser Part A filings do not expressly address open space in a dedicated section but rather indirectly address open space resources in Section 2.0 of the "Scoping Statement and Schedule" and in Attachment One of the March 2 filing.

OCCA strongly believes that the preservation, conservation and management of open space resources are issues that should have been discussed in more detail in NAT's Part A filings. More specifically, NAT should clarify its consideration of relevant open space plans such as the dOSCP, the OLT "Conservation Blueprint," and the OLT "Conservation Plan."¹²³ Additionally, NAT should have identified areas that contain conservation easements, discussed how each property would be impacted, and identified thorough and adequate mitigation or avoidance measures. OCCA believes that since conservation easements are a matter of public record, the omission of consideration of easement-protected properties in NAT's Part A filings is unacceptable. Finally, NAT should also analyze the existing regulatory framework in New York State and propose additional areas for study should the Edic to Fraser project advance to the Part B phase.

5.12.1.2 Recreation

During much of the year, Otsego County is a prime tourist destination for a wide range of recreational activities including but not limited to: hunting, fishing, biking, hiking, snowmobiling, ATV usage, water sports, and agro-tourism. The County is renowned for the scenic, historic backdrop that accompanies its recreational areas, and which contributes to its sense of place. Further, many choose to live or

¹²⁰ <http://www.nps.gov/ncrc/programs/rtca/nri/hist.html#pd>

¹²¹ <http://www.nps.gov/ncrc/programs/rtca/nri/hist.html#ceq>

¹²² http://www.dec.ny.gov/docs/lands_forests_pdf/osp14draftplan.pdf

¹²³ <http://www.nyupstateplanning.org/Awards06-OtsegoLandTrustPlan.pdf>

vacation here because of these recreational activities and are concerned that the Edic to Fraser project will impinge upon their ability to enjoy these pursuits.

It should be noted here that impacts to recreational activities are addressed in 16 NYCRR §86.5 Exhibit 4 Part (b)(2)(i) which states that: “any [ROW] avoids scenic, recreational and historic areas.”¹²⁴ Additionally, 16 NYCRR §86.5 Exhibit 4 Part (b)(2)(ii) states that: “any [ROW] will be routed to minimize its visibility from areas of public view.”

OCCA is concerned that NAT did not fully adhere to the requirements of the aforementioned regulations due to the lack of discussion of impacts to the segment of the Susquehanna River and the four properties managed for conservation easements in Otsego County mentioned previously. In its Part A filings, NAT identifies several recreational resources that could be impacted by the proposed project. OCCA believes that the analysis, as presented by NAT, is incomplete because it: (1) does not consider impacts to recreational activities on private property; (2) does not consider recreational activities that are carried out on properties protected with conservation easements; and (3) fails to identify certain “unique” areas in Otsego County.

OCCA believes that impacts to recreational resources as a result of this project should be addressed in a separate section of the scoping document. Such a section should include: references to relevant plans that address recreation and propose mitigation measures that are designed to ensure that 16 NYCRR §86.5 Exhibit 4 Part (b)(2)(i) is complied with, and; propose future studies that assess the potential environmental, economic, and sociological impacts to recreational resources. Recreational activities, especially in the summer, are a linchpin of Otsego County's economy and thus should merit a thorough analysis by NAT. The following section briefly summarizes the distinct open space and recreational resources that could potentially be impacted by the proposed Edic to Fraser project which were omitted from NAT's Part A filings.

¹²⁴<http://www3.dps.ny.gov/N/nyccr16.nsf/Parts/5EC011FB23E8DC7885256FC7004EAE28?OpenDocument>

5.12.1.3 Open Space/Recreational Resources Omitted from NAT's Part A Analysis

Open Space Resources:

1. Basswood Pond State Forest: Located in the Town of Burlington in the hamlet of Burlington Flats, Basswood Pond State Forest occupies 711 acres with picnic tables, grills, an accessible paved trail, and an overlook on a pond located on Conservation Road. There are also five miles of marked hiking trails located in the state forest.¹²⁵ The proposed Edic to Fraser project straddles the northern boundary of this state forest and is located behind a ridge. The existing Marcy South corridor currently crosses the northern Basswood boundary. OCCA is concerned that the Edic to Fraser ROW would further fragment forest resources in and around the northern portion of Basswood, and discourage its destination as a recreation site.
2. Richfield Hill Farm (Tax Parcel 131.3-1-13.00 Herkimer County): Located near the border of Herkimer and Otsego counties, this conservation easement held by OLT recognizes the great scenic and ecological values on the property. The purposes for the conservation easement on this 167-acre property are to conserve rural, agricultural, forested, scenic, open, and natural characteristics. This property is currently subdivided into three parcels (55 acres, 26 acres, and 85 acres, respectively). This property has working agricultural land, wetlands, mixed hardwood, conifer and wetland cedar woodlands, old meadows, and is part of the Unadilla River watershed, a tributary of the Susquehanna River. The Unadilla headwaters are a conservation priority identified in the OLT "Conservation Blueprint." The proposed Edic to Fraser project would include impacts to the scenic and fiscal value of the land, impacts to the ecological nature of the properties, traffic related impacts, and significant wildlife fragmentation. Additional impacts are discussed in Appendix A.¹²⁶
3. The Greenwoods Conservancy (Tax Parcels 95.00-1-19.01 and 111.00-1-8.02): The Greenwoods Conservancy is a 1,170-acre private nature preserve owned by the Peterson Family Charitable Trust and is comprised of seven different conservation easements held by OLT. The mission of the Conservancy is to establish a refuge that will focus on the protection

¹²⁵ <http://www.cnyhiking.com/BasswoodPondStateForest.htm>

¹²⁶ Foster, 2015

and improvement of existing habitat by maintaining a mix of open fields, woodlands, and marshes. The purposes for protection include conserving the scenic, open, ecological, and natural character of the property, and to preserve the property for use as a valuable resource for education and scientific research while providing for its limited development, management, and sustainable uses in compliance with the conservation easement. The area of The Greenwoods Conservancy impacted by the transmission lines is within the Upper Otego Creek Conservation Area as defined by OLT's "Conservation Blueprint." The proposed Edic to Fraser project would disrupt valuable research properties, bisect raptor migratory routes, and impair fragile soils, wetlands, and terrestrial habitats. Ongoing research being conducted by the NYSDEC and the SUNY Oneonta Biological Field Station would also be interrupted. In addition, the proposed Edic to Fraser project would impact the ability of hiking and school groups to use the site for research and recreational purposes due to the vertical and horizontal expansion of the ROW. Additional impacts are discussed in Appendix A.¹²⁷

4. Albright Property (Tax Parcel 175.00-1-13.00): Located in the Town of New Lisbon, the primary purpose of this conservation easement is to protect the natural values of the property, preserving its unique and special natural features, including wetlands and stream corridors, wildlife habitats and potential habitat corridors, biological diversity, native flora and fauna, and the environmental and ecological processes which support them in perpetuity. This conserved property is within the Upper Otego Creek Conservation Area as defined by OLT's "Conservation Blueprint."¹²⁸ The Marcy South corridor currently runs through the northwest corner of this property. The proposed expansion as a result of Edic to Fraser would negatively impact the conservation purposes the easement is meant to safeguard, including impacts to wildlife, riparian zones, wetlands, visual impacts, and impacts to the stream characteristics of the West Branch of the Otego Creek. Additional impacts are discussed in Appendix A.
5. Cranberry Bog: While part of The Greenwoods Conservancy, the Cranberry Bog, a 70-acre wetland in the Town of Burlington, is a significant environment with unusual flora and fauna

¹²⁷ Foster, 2015

¹²⁸ Foster, 2015

more reminiscent of the Adirondacks than Otsego County (<http://thegreenwoodsconservancy.org/>). It is the subject of extensive research by SUNY Oneonta's Biological Field Station and is used frequently by classes from SUNY Oneonta. Access to the property is carefully monitored to prevent damage to this sensitive environment. As proposed, the Edic to Fraser route will come within a quarter mile of the bog. The Part A filings by NAT do not discuss impacts to the conservation value of Cranberry Bog. OCCA believes that such impacts to resources of local and regional significance should have been thoroughly documented by NAT.

6. Clock Hill: Though not the highest point in the county as once claimed, Clock Hill in the Town of Burlington is located within the three-mile study area of Edic to Fraser. The sweeping views of the east from Clock Hill will potentially be impacted by Edic to Fraser. NAT did not address the visual impacts of the project adequately.
7. Exeter State Forest: Located in the Town of Exeter, Exeter State Forest offers 1,957 acres of forest resources for recreational use.¹²⁹ The Town of Exeter prides itself on having the state forest located within its boundaries.¹³⁰ Edic to Fraser, as proposed, passes within 0.05 miles of Exeter State Forest borders. The location of the Edic to Fraser ROW in close proximity to the boundaries of the Exeter State Forest could potentially diminish the views from within the park lands and could impact the level of enjoyment by members of the public as they pursue recreational activities in the park.

5.12.2 Comments on Scope and Local Interest

- a) The Part B submittal should address open space and recreation as a separate topic.
- b) The lack of consideration of the properties protected by conservation easements is contrary to relevant open space protection plans such as OLT's "Conservation Blueprint" and New York State's dOSCP. OCCA firmly believes that all impacts which would negatively harm the

¹²⁹ <http://www.thisiscooperstown.com/attractions/exeter-state-forest>

¹³⁰ Town of Exeter Statement

conservation values of OLT-protected properties should be avoided to the greatest extent practicable.

- c) OCCA is concerned that the Part A filing by NAT may not properly adhere to regulations presented in 16 NYCRR §86.5 Exhibit 4 Part (b)(2)(i).
- d) OCCA believes NAT's Part A filings should have discussed impacts to recreational opportunities on private property. Additional outreach should be conducted to identify these resources.
- e) Impacts to the Susquehanna River, an NRI-listed river crossed by the proposed Edic to Fraser project, were not adequately discussed in the Part A filings by NAT.
- f) OCCA is concerned that the project, as proposed, would result in adverse impacts to working agricultural lands of statewide cultural and historic significance as elucidated upon in the dOSCP.
- g) OCCA is concerned about the increased potential for snowmobiles and ATVs to penetrate further into forest habitats and how this may thus further damage the landscape.
- h) Construction of the proposed ROW would contrast with conservation standards presented in the comprehensive plans of municipalities along the affected route.
- i) OCCA is concerned that the proposed Edic to Fraser route is not sited parallel to the existing Marcy South ROW through The Greenwoods Conservancy. As proposed, the route veers in a southwesterly direction away from the Marcy South corridor, resulting in significant ecological impacts to the conservation value of the Conservancy.
- j) U.S. Highway 20 is designated as a Scenic Byway and residents in the Butternut Valley have been exploring the nomination of State Route 51 for consideration as a Scenic Byway. By definition, Scenic Byways are "transportation corridors that are of particular statewide interest. They are representative of a region's scenic, recreational, cultural, natural, historic or archaeological significance."¹³¹ OCCA is concerned that the Edic to Fraser project, as proposed, has the potential to significantly diminish the scenic characteristics of these byways, thus impinging on the rural character of the area.
- k) Impacts to Amish communities in the Butternut Valley and in the Town of Exeter were not discussed.

¹³¹ <https://www.dot.ny.gov/scenic-byways>

- l) Members of the Amish community oftentimes lack the means to access available materials regarding the proposed Edic to Fraser project, thus leaving members of those communities largely unaware of the latest developments. OCCA believes that outreach to the Amish communities in the Butternut Valley and the Town of Exeter should have been conducted in the project planning phase.
- m) Construction on unstable soils could result in erosion impacts that damage the working agricultural land surrounding the project area.
- n) Loss of timber resources was not discussed in enough detail in the Part A filings.

5.12.3 Public Comments

The following is a summary of pertinent comments related to open space and recreation from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) Comments received during OCCA's committee meeting process indicated that 19th-century land-use patterns are still readily visible in the region and further disturbance from the proposed Edic to Fraser project could alter the region's landscape.
- b) Members of the public were concerned about the way in which the proposed Edic to Fraser project would affect their ability to hunt, fish and hike on their properties.
- c) Members of the public were also concerned that the new 80-ft. ROW would result in the taking of forest resources used for lumber purposes.
- d) Members of the public were concerned that the project would limit the construction of vacation homes and/or retirement homes.
- e) Members of the public expressed concern that the line would be sited over blackberry patches, resulting in the loss of such patches.
- f) Comments received also pertained to the lack of outreach by NAT to affected property owners with regard to mitigating open-space impacts on property managed for conservation easements.
- g) Based on input provided by NRCS, Edic to Fraser potentially impacts approximately five easement areas. NRCS easement programs are designed to assist landowners in implementing conservation measures to ensure protection of natural resources. The

placement of development projects in such areas may affect the eligibility of affected parcels of land to participate in NRCS programs. OCCA is concerned that impacts to NRCS protected areas were not discussed in the Part A phase of the proceedings.¹³²

5.12.4 Summary

According to the dOSCP, 85% of land in New York State is controlled by private property owners.¹³³ Managing, conserving and protecting these lands should be considered a top priority by NAT. The lack of discussion associated with impacts to the land resources of private property owners along the affected route is a glaring oversight. Additionally, NAT should have considered how the proposed Edic to Fraser project affects landscapes in which 19th-century land-use patterns are still visible.

OCCA contends that the lack of consideration of regional and state level open space plans and of properties with conservation easements is unacceptable. Many of these properties are representative of Otsego County's scenic, rural character and the siting of a second transmission line on said properties would result in significant cumulative environmental and economic impacts. OCCA also expresses concern that the impacts to the Susquehanna River were not appropriately discussed in NAT's Part A filings. For example, the Susquehanna headwaters are of immense historic, environmental, and economic value to Otsego County and the Leatherstocking Region as a whole. The crossing of this river by a second high-voltage transmission line could potentially impact the NRI classification of the Otsego County segment of the Susquehanna.

Finally, OCCA believes that NAT's Part A filings should have considered the substantial Amish populations of the Town of Exeter and the Butternut Valley. The Amish populations of Otsego County aid in preserving and managing working agricultural land. It should be noted that Amish populations may not have the same ability to review filings by NAT, comment effectively, and/or have access to the resources necessary to make reasoned judgments about this project.

¹³² <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/F23366F8E2F89E8C852576A8004F62EB?OpenDocument>

¹³³ (Page 246) http://www.dec.ny.gov/docs/lands_forests_pdf/osp14draftplan.pdf

OCCA requests that the PSC take the aforementioned points into consideration prior to making a recommendation for this project to advance to the Part B phase of Case 13-E-0488.

5.13 Traffic and Transportation

5.13.1 General

This section of the application should document existing vehicular and pedestrian use of the project corridor and vicinity including recreational vehicles, describe the anticipated effects of the proposed project on transportation-related use and infrastructure, and recommend measures to avoid, minimize, or mitigate any adverse impacts. Several of the affected municipalities in Otsego County have limited highway budgets and have seasonal roads that are used to access more remote parts of their respective townships. Further, the transportation corridors in Otsego County play a significant role in comprising the vernacular landscape of the region. The construction impacts associated with the Edic to Fraser project have the potential to cause affected municipalities to incur additional expenses in maintaining roads that are used during the construction process. Similarly, NAT should endeavor to determine and avoid roads of great historical significance to the greatest extent possible.

5.13.2 Comments on Scope and Local Interest

- a) There are many unpaved and seasonal roads within the proposed project area. These and other town roads in the County, especially those which traverse steep terrain, are not suitable for handling the traffic flow associated with intensive development or the damage that tends to occur from heavy vehicle use. In addition, the towns within the County have limited resources to plan for and maintain highway improvements. The application submittal should therefore include completion of a roadway inventory including an assessment of roadway width, surface condition, weight limits, drainage structures, overhead electrical and telephone wires, and roadway geometry along all state, county, and local roads that could be used during delivery of materials and equipment necessary for construction. The inventory should also include bridges, culverts and other structures including a complete safety review by the New York State Department of Transportation Bridges and Structures Division prior to granting any Special Hauling Permits for the project.¹³⁴ Any structures that

¹³⁴ <https://www.dot.ny.gov/divisions/engineering/structures/manuals/bridge-inspection>

may require improvement to accommodate safe passage of construction vehicles should be identified along with proposed improvements including placement of additional cover over structures, reinforcing structures with bracing, replacement of structures prior to construction, replacement of structures during or after construction if damaged, and planned routing to avoid vulnerable structures.

- b) A roadway improvement plan should also be prepared to define various upgrades that may be required to accommodate project related construction vehicles, including shoring up bridge abutments, adding steel plates or gravel to road surfaces, widening roadways, reconfiguring intersection geometry to accommodate the turning radius of large construction vehicles, and identifying the bridges, pipes, and culverts that will not accommodate the construction-related traffic in their current condition. The road improvement plan should also discuss methods to avoid/minimize safety issues associated with the use of selected haul routes. Additionally, preliminary design plans should be completed for all public road improvements, and be made available to the affected local towns (and jurisdictions having responsibility for the affected roads) for review prior to the initiation of construction activities. If the project moves forward, prior to construction NAT should video document the existing roadways in order to verify preconstruction roadway conditions and prepare a plan to return all roadways to their pre-construction conditions at no cost to the affected municipalities.
- c) Compensation mitigation plans should be presented for roadway improvement funding.
- d) Maintenance and Protection of Traffic (MPT) Plans should be outlined in detail in the application, including provisions to maintain emergency vehicle access in and around the construction corridor and measures to accommodate pedestrian and bicycle traffic.
- e) Several municipalities along the proposed route (Otego, Laurens, and New Lisbon) have laws and/or policies in place concerning the preservation and maintenance of local transportation infrastructure. The towns of Richfield, Oneonta and Otego are signatories to the Delta Multi-Jurisdictional Road Preservation Program, as is Otsego County itself.¹³⁵ NAT's application should discuss consistency with these local plans and programs. Specifically, the Otsego County Road Use Preservation Law contains requirements for filing an application for concentrated road use, for assessing road conditions, evaluating needed

¹³⁵ <http://www.otsegocounty.com/depts/pln/RoadPreservation1.htm>

improvements and making necessary repairs. Program and technical manual documents are also available upon request from the County.

- f) The Town of Burlington Comprehensive Plan seeks to maintain an acceptable level of service to all Town roadways in a cost-effective manner.¹³⁶ Road conditions are a main concern expressed by the Town residents in a recent 2012 survey especially because of issues in maintaining the number of unpaved, gravel or seasonal roads. Dust control has been a particular problem in these areas. Road and traffic conditions were the top two complaints from survey respondents. These conditions support the need for a comprehensive evaluation of transportation-related impacts as part of NAT's application.
- g) The Town of New Lisbon Comprehensive Plan also points out the number of unpaved and seasonal roads in the area.¹³⁷ Some complaints associated with unpaved roads include dust during the summer months and rutting during the winter and spring. Unpaved roads can also generate sediment from the driving surface, ditches and road banks. The sediment from unpaved roads can have adverse impacts on local creeks and streams. Numerous studies have shown that unpaved roads are a dominant source of surface erosion and stream pollution. Again, the need for comprehensive transportation planning associated with a project of this magnitude is evident from these conditions.
- h) The Town of Otego Comprehensive Plan discourages any development in areas accessed by seasonal roads, unless and until such roads are improved to Town specifications at the developer's expense.¹³⁸

5.13.3 Public Comments

The following is a summary of pertinent comments and/or questions related to traffic and transportation from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) How many new access roads would have to be built as a result of the project?
- b) Would it be possible for NAT to use existing access roads?

¹³⁶ <http://www.townofburlingtonny.com/>

¹³⁷ <http://townofnewlisbon.com/web/documents/digital-filing-cabinet/>

¹³⁸ http://www.otsegocounty.com/depts/pln/documents/ComprehensivePlan_007.pdf

- c) Approximately 14% of questionnaire respondents stated that construction and maintenance crews performing work on the Marcy South corridor did not adequately maintain or restore existing access roads. Respondents indicated they were tasked with restoring damages caused by the maintenance crews. OCCA urges NAT and the PSC to ensure that access roads are properly maintained and restored to a condition that exceeds previous road conditions should this project move forward.
- d) A representative of the Town of Burlington stated that revenues from the Edic to Fraser project would greatly benefit the Town's Highway Department and allow crews to better maintain seasonal roads.

5.13.4 Summary

The PSC needs to ensure the residents of Otsego County that selection of this project would not result in adverse short- or long-term impacts to the County roadway infrastructure and that proper assessment, planning, and restoration efforts are in place, along with the requisite funding, to mitigate any impacts associated with this proposal. The current scope of the application is insufficient to address concerns with regard to traffic and transportation.

5.14 Character of the Community

5.14.1 General

This section should describe the existing character of the project corridor and adjacent communities and review relevant planning documents that have been previously prepared and adopted for the project vicinity. The analysis should discuss how the proposed project may impact the character of these communities and the proposed mitigation measures including Community Impact Mitigation Funding.

5.14.1.1 Introduction

As proposed, the Edic to Fraser project would traverse seven municipalities: Richfield, Exeter, Burlington, Laurens, New Lisbon, Oneonta and Otego. The way in which the proposed route would affect these municipalities varies in scale. For example, the proposed route bisects the towns of

Laurens and New Lisbon yet straddles the border between Oneonta and Otsego. Residents in each affected municipality have a strong sense of “place” and take great pride in their community character. The Edic to Fraser project would permanently alter the landscape of Otsego County and thus it is important to address the ways in which this project would impact the community character of each of the seven affected municipalities.

To evaluate impacts to community character, OCCA utilized input gathered from public outreach and committee meetings, reviewed the comprehensive plans of affected municipalities and, in the case that a town did not have a comprehensive plan, land-use ordinances and localized outreach were used to obtain information.

According to the American Planning Association (APA), community character is defined as “the sum of all of the attributes and assets that make a community unique, and that establish a sense of place for its residents.”¹³⁹ The ways in which a municipality plans its development and the changes often associated with development have a direct bearing on the identity of the community in question. Additionally, a study conducted by Green (1999) finds that a positive town character image was:

*“strongly supported by natural landscape features associated with their naturalness, beauty, pleasantness, distinctiveness, and interest by certain built features (specifically landmark features), associated with their distinctiveness, pleasantness, charm, familiarity, and interest, and by popular social settings associated with connotations of familiarity, friendliness, openness, liveliness, and safety.”*¹⁴⁰

The finding by Green rings true for residents of Otsego County. The character of these communities along the affected route is closely tied with their beautiful natural features, unique landmarks, and close-knit culture. Many of the seven affected municipalities identified the protection of “rural character” as a top priority in their comprehensive plans and/or land-use ordinances and in the

¹³⁹ <http://www.kendigkeast.com/wp-content/uploads/2012/05/Arkansas-2011-Conference.pdf>

¹⁴⁰ <http://www.sciencedirect.com/science/article/pii/S0272494499901433>

consideration of historic district formation. For the sake of these comments, rural character is defined as:

*"A landscape where the predominant feature is the natural environment, such as open space, farmland, woodlands and water bodies, and the intrusion of development is minimal."*¹⁴¹

All five comprehensive plans and one out of the two land-use ordinances reviewed by OCCA contain language illustrating that the proposed Edic to Fraser project is in direct contrast to the vision that each community has for its development. Comprehensive plans provide recommendations for the development of a community, and guide the formation of associated land-use ordinances, policies, and zoning law. While NAT discusses zoning ordinances and land-use patterns in its Part A review, OCCA is concerned that neither the comprehensive plans nor the land-use ordinances of the seven towns have been discussed or considered in the Part A filings.

OCCA strongly believes that major development projects such as Edic to Fraser should directly address impacts to community character. Information present in such a section would include: a list of all relevant local and regional plans that address the community character of the affected area, an assessment of the local regulatory framework to ensure that the project is consistent with 16 NYCRR § 86.8 (a), and the proposal of additional studies to assess how the project in question affects the character of a community as a whole. The following briefly summarizes the "community vision" of each of the affected municipalities.

5.14.1.2 Community Vision Statements

- a. Richfield: While Richfield does not have a stand-alone comprehensive plan, the Town does have a land-use ordinance that was adopted in 1992 which explains the nature and character of the community and therefore serves the purposes of a comprehensive plan. Richfield's land-use ordinance describes the Town as a rural, agricultural community that values the protection of farmland, environment and rural life. Residents of the Town of Richfield cherish the views afforded

¹⁴¹ <https://www.cmap.illinois.gov/about/2040/supporting-materials/process-archive/strategy-papers/agricultural-preservation/land-use>

by the rolling, hilly landscape. A popular saying in the town is, “Everyone has a nice view in the Town of Richfield.”¹⁴²

- b. Exeter: The residents of the Town of Exeter pride themselves on their agricultural and historical roots. In many cases, agricultural land has been passed down through several generations. The Town's natural beauty generates a significant amount of tourism and residents pride themselves on the natural beauty of their township. People come to fish, snowmobile, hunt, hike, pursue recreational activities on Canadarago Lake, and visit Exeter State Forest. ¹⁴³
- c. Burlington: The Town of Burlington strongly values its small, historic and rural nature. Residents enjoy the freedom afforded to them to live a quiet, serene, and safe rural lifestyle. Burlington cherishes the close-knit nature of its community, its natural beauty and scenic views.¹⁴⁴
- d. Laurens: According to its draft comprehensive plan, “The Town of Laurens values the rural character essential to our quality of life. Residents of the town have chosen to live, work and play within a peaceful environment with open spaces, agriculture and scenic views. We are proud of our school and friendly community organizations. It is, therefore, our vision to maintain this rural character by offering recommendations that lead to sustainable and reasonable development that is consistent with the wishes of its citizens. Our vision for future development is one that would maintain a balance between community and economic development and protection of our natural surroundings and historical heritage. The town aspires to develop citizen involvement to protect and cultivate community character, health and safety. We encourage the development of businesses that would be consistent with our goal to maintain and promote Laurens as a vibrant and rural community for present and future generations.”¹⁴⁵
- e. New Lisbon: The Town of New Lisbon has a long-established tradition of respecting its history and protecting its historic resources. New Lisbon's rich sense of history is defined by its residents, farms, hamlet centers, institutions, parklands, business community, public campgrounds, historic cemeteries, and other resources that comprise its unique sense of place today. In the coming years, New Lisbon plans to carefully manage new growth and development while respecting private property rights in order to protect the integrity of the town, its hamlet centers, small businesses,

¹⁴² E-mail from Dan Sullivan

¹⁴³ Town of Exeter Statement

¹⁴⁴ <http://www.townofburlingtonny.com/downloads/RevisedComprehensivePlanPart1.pdf>

¹⁴⁵ <http://www.otsegocounty.com/depts/pln/documents/TownofLaurensCompPlan.pdf>

cultural and civic farming community, and scenic vistas to and from the Butternut Creek; enhance the provision of access to telecommunications infrastructure; provide sustainable public infrastructure and services to meet growing community needs in a cost-effective manner, and set quality design standards to ensure that new growth and redevelopment enriches New Lisbon's community aesthetics and is in harmony with the existing fabric of the town.¹⁴⁶

- f. Oneonta: The Town of Oneonta prides itself on its natural beauty, growing economy, and its close-knit, historic culture. The Town of Oneonta prioritizes the protection of the natural environment, the protection of water quality, and is in favor of the development of renewable energy. The Town of Oneonta believes that development should be conducted in a manner that carefully balances growth with environmental protection and the preservation of the rural, quiet way of life that many residents have come to enjoy.¹⁴⁷
- g. Otego: "The Town of Otego seeks to protect its natural landscapes and open spaces, preserve the Town's historic architecture, and respect its traditions and history. New development is encouraged provided it complements and harmonizes with existing development and buildings. The Town seeks to balance growth and development with rural character and agriculture."¹⁴⁸

5.14.2 Comments on Community Character

5.14.2.1 Community Character Impacts Associated with Edic to Fraser by Town

- a. Richfield: As proposed, the Edic to Fraser route crosses the western portion of the Town of Richfield in a north-to-south manner. The Edic to Fraser ROW would be located directly adjacent to the Marcy South ROW and would impact 15 landowners, 13 of whom are currently using their land for active agricultural production. Based on OCCA's research and input gathered from conservation and municipal committee members, the impacts to Richfield's community character are as follow:
 - i. Section 6.6 of the Town of Richfield's Land Use and Building Management Ordinance states: "the Town of Richfield declares its intent and master plan to maintain the desirable rural character of the [Town]; to permit the continuation of the

¹⁴⁶ <http://townofnewlisbon.com/web/wp-content/uploads/2012/04/NewLisbonComprehensivePlanChapters1-6.pdf>

¹⁴⁷ http://allotsego.homestead.com/oneonta_town_plan.pdf

¹⁴⁸ http://www.otsegocounty.com/depts/pln/documents/ComprehensivePlan_007.pdf

business of farming as it is now carried throughout the Town of Richfield, including without limitation, the existence of farms within the town in view of the substantial contribution to the tax base now provided by said farms and farm properties." As proposed, the Edic to Fraser project will impinge on 13 working farms in the Town, potentially limiting the agricultural viability of these parcels and in direct contrast with the Town of Richfield's character.¹⁴⁹

- ii. The Town of Richfield's residents are strongly opposed to projects that impinge upon the ability of residents to farm their land and maintain their viewshed. It should be noted that Town members also strongly opposed the siting of wind turbines within the Town boundary and that Marcy South was placed in Richfield through eminent domain proceedings over the strenuous objections of residents.
 - iii. The visual and agricultural impacts associated with Edic to Fraser effectively double those created by the Marcy South project, thus severely affecting the sense of "place" many residents have.
 - iv. One of the most severely affected property owners (Marmet) owns a farmhouse built in 1797 that directly overlooks the Marcy South ROW. Mr. Marmet stated that the Edic to Fraser project would directly impinge on his ability to enjoy his land and could potentially force him to sell his property.
 - v. In the Town of Richfield, it is estimated that 145 acres of agricultural land would be impacted as a result of Edic to Fraser. This is in direct contrast with Section 6.6 of the Town of Richfield's Land Use and Building Management Ordinance.¹⁵⁰
- b. Exeter: The proposed Edic to Fraser ROW would cross the Town of Exeter between the hamlets of Exeter and West Exeter in a north-to-south manner before veering southeast to avoid crossing into Basswood Pond State Forest. As proposed, the project would cross 28 large parcels of land – six of these are occupied and three others are vacation properties. Based on OCCA's research and input gathered from conservation and municipal committee members, the impacts to Exeter's community character are as follow:

¹⁴⁹ <http://otsegocounty.com/depts/pln/documents/LandUseandBuildingManagementOrdinanceTownofRichfield.pdf>

¹⁵⁰ E-mail from Dan Sullivan

- i. The Edic to Fraser project would interfere with the ability of residents to enjoy recreational activities within the Town boundaries.
 - ii. The development of the Edic to Fraser ROW on vacant agricultural land would limit the possibility of restoring said parcels to working agricultural land.
 - iii. The location of the Edic to Fraser ROW in a manner that affects vacation homes may cause current homeowners to sell their properties and limit the financial viability of the Town.
 - iv. Additional study needs to be conducted within the Town to ensure that NRHP or SHPO eligible sites are not unduly impacted.
- c. Burlington: The Edic to Fraser ROW will run through the eastern side of the Town of Burlington. As proposed, it crosses 23 properties within the Town boundaries. Based on OCCA's research and input gathered from conservation and municipal committee members, the impacts to Burlington's community character are as follow:
 - i. Page 12 of the Town of Burlington's Comprehensive Plan states, "The Town of Burlington's residents desire to lead a prosperous life within the confines of the town borders. Efforts are needed to encourage residents to develop small businesses that conform to the Town's traditional way of life and complement the rural character of the community." Edic to Fraser is not consistent with this official policy statement, as it is a major development and in stark contrast with the Town's rural character.
 - b. Page 16 of the Town of Burlington's Comprehensive Plan states that it is a goal of the Town to "protect and preserve natural, historic, and cultural resources of the Town of Burlington." The Edic to Fraser project would directly impact a number of natural resources within the Town – namely The Greenwoods Conservancy, Cranberry Bog and Clock Hill (a 360-degree panoramic view overlooking the Town of Burlington).
 - c. The Town of Burlington's Comprehensive Plan further states: "in keeping with the desires as expressed in the survey – the Town Board should take action to limit the impacts of heavy industry/gas drilling in Burlington." Edic to Fraser is an example of a type of industrial development.
 - d. The Edic to Fraser project would result in undue impacts to the Town's viewshed, thus significantly altering the characteristics of its landscape and its residents' sense of place.

- e. The Town of Burlington states that increased cellular and Internet coverage is needed to fuel economic growth. NAT's Part A filings indicate that NAT would be willing to contract with Internet providers to use Edic to Fraser's infrastructure for improved Internet access. While this does represent a potential advantage to the Town, OCCA notes that this would be entirely contingent upon the desire of Internet providers to undertake such a project.
- d. Laurens: The Edic to Fraser route would pass through the Town of Laurens in between the Village of Laurens and the hamlet of West Laurens in a north-to-south manner. As proposed, the Edic to Fraser project would directly impact 27 property owners in the Town of Laurens.¹⁵¹ Based on OCCA's research and input gathered from conservation and municipal committee members, the impacts to Laurens' community character are as follow:
 - i. Page 33 of the Town of Laurens Comprehensive Plan states that "much of what defines the area for residents and visitors to the town is embedded in these resources – the vistas created by rolling hills and valleys, the varied examples of historic, domestic, and agricultural architecture." The placement of a second transmission line such as Edic to Fraser directly contradicts the above policy statement.
 - ii. The Town of Laurens Comprehensive Plan survey indicated that 70% of its residents wanted to avoid heavy industry. Edic to Fraser is an example of a project that the residents of Laurens, based on the survey, would want to avoid.¹⁵²
 - iii. Page 50 of the Town of Laurens Comprehensive Plan – Strengths, Weaknesses, Opportunities, and Threats (SWOT) exercise – revealed that "the predominantly rural character of the town is the top reason residents prefer to live in Laurens... 'Rural Character' garnered the most responses under the Strengths category. Retaining this country-like atmosphere also ranked high." Based on the overwhelming public sentiment in favor of Laurens' rural character, OCCA is concerned that the physical impact of the Edic to Fraser project would detract significantly from the Town of Laurens' rural character.

¹⁵¹ Otsego County Real Property

¹⁵² Laurens Comprehensive Plan pg. 46

- iv. Additionally, the largest concerns identified by the Town of Laurens Comprehensive Plan survey were “maintaining the rural atmosphere of Laurens, improving cell phone coverage and wireless computer coverage.”¹⁵³ While Edic to Fraser would bring with it the potential for increased Internet coverage, OCCA believes the risks associated with this project pose a significant threat to the character of the Town of Laurens.
- v. Page 60 of the Town of Laurens Comprehensive Plan states: “forests contribute significantly to the Town’s sense of place, including its environmental and economic viability. With environmental and economic interest in mind, protection of forest resources is a priority.” The necessary clearing of deciduous forest resources associated with the Edic to Fraser project as proposed would be in conflict with the aforementioned statement.
- vi. Further, Page 60 of the Town of Laurens Comprehensive Plan states that “development along ridgelines and rolling hills often involves the removal of forests and [poses] unique challenges in these areas. If building, siting, and construction is unmanaged, visual impacts associated with the development on ridges and steep slopes can have a detrimental effect on the Town’s scenic character.” As proposed, Edic to Fraser would be sited along ridges, valleys and steep slopes within the Town of Laurens. OCCA is concerned that this project could have a significant impact on the Town’s scenic character.
- vii. Page 66 of the Town of Laurens Comprehensive Plan emphasizes the importance that the Town places on its agricultural community, stating: “the community laments the ongoing struggles faced by farmers and would like to protect, promote and encourage farming in Laurens and ensure that development in all forms is complementary to agricultural development.” The Edic to Fraser project would result in the loss of arable farmland and is thus incompatible with the abovementioned official policy statement.
- viii. Page 67 of the Town of Laurens Comprehensive Plan mentions that “there is a preference [amongst the Town’s residents] to protect the qualities and resources

¹⁵³ Laurens Comprehensive Plan pg. 56

that define the character of Laurens. These include sensitive environmental resources, scenic and rural landscapes, historical resources, as well as the prime and productive soils that are integral to the community's agricultural heritage." Such a statement indicates that the Town of Laurens would prefer not to have Edic to Fraser sited through its boundaries.

- ix. Page 68 of the Town of Laurens Comprehensive Plan encourages small-scale development that is consistent with the characteristics of the natural environment. The Plan states, "the cherished rural character of the Town of Laurens can be better preserved by providing incentives for the maintenance of large tracts of land and stimulating small scale and environmentally friendly commercial activity." Edic to Fraser is an example of industrial activity that would be contrary to the types of development encouraged in the Town of Laurens Comprehensive Plan.
- e. New Lisbon: The Edic to Fraser route passes through the east side of the Town of New Lisbon before taking a nearly 270-degree turn and cutting through the heart of the Town. As proposed, Edic to Fraser would impact 31 property owners (the largest number of property owners in Otsego County). Based on OCCA's research and input gathered from conservation and municipal committee members, the impacts to New Lisbon's community character are as follow:
 - i. The KOP analysis as presented in NAT's March 2 filing did not take into account the Butternut Valley. Not only are the views overlooking this valley scenic, but it is part of a priority conservation area as identified in OLT's "Conservation Blueprint." New Lisbon's character hinges on the protection of its natural resources and viewsheds. Edic to Fraser has the potential to significantly alter the natural and visual characteristics of this priceless area.
 - ii. The Town of New Lisbon's Comprehensive Plan survey showed that 56% of its residents believed protecting the community's rural character was an important issue. The proposed Edic to Fraser project is not compatible with the rural character of the Town.¹⁵⁴

¹⁵⁴ New Lisbon Comprehensive Plan pg. 18

- iii. The Town of New Lisbon's Comprehensive Plan Survey showed that 55.9% of its residents identified protection of the Town's views as an important issue. The Edic to Fraser project, as proposed, would result in undue visual impacts that would affect the community's sense of place.
- iv. Page 10 of the New Lisbon Comprehensive Plan states: "there is also the ongoing threat of power lines, such as Marcy South, scarring the landscape and the need to regulate wind towers in some manner." This represents a clear and official policy statement against the siting of transmission corridors through the Town's boundaries. Edic to Fraser would result in significant cumulative impacts that would further contradict the aforementioned statement.
- v. Page 77 of the New Lisbon Comprehensive Plan states that while residents have "indicated through the public participation process that there is a need for expanded high-speed Internet service and for expanded cellular communication infrastructure," the town is "opposed to situating major transmission lines like the Marcy South through the Town due to adverse visual impacts to the community."
- vi. Page E-2 Goal 2 of the New Lisbon Comprehensive Plan reads as follows: "Protect the Town's scenic views, rural-community atmosphere, and natural quality for its intrinsic and economic value." Edic to Fraser contradicts this goal.
- vii. Pages E-5 and E-6 of the New Lisbon Comprehensive Plan contain the following goals and recommendations:
 - Goal 1: Manage growth in relation to Vision Statement.
 - a. Recommendation 1: Protect environmentally sensitive areas such as steep slopes, flood plains, and wetlands.
 - Goal 2: Preserve open space in order to retain the area's scenic vistas.
 - Goal 3: Protect homeowners from non-residential development.
 - a. Recommendation 1: Require vegetative buffers and/or architectural screens between non-residential and residential developments.
 - b. Recommendation 2: Control vehicular access so that commercial traffic is directed away from nearby homes. As proposed, OCCA is

concerned that the Edic to Fraser project would be contrary to the official goals and policies recommended in this section.

- viii. Page 82 of the New Lisbon Comprehensive Plan states that the Town “oppose[s] the construction of additional major electrical transmission lines through the Town of New Lisbon. The existing Marcy South power line has created a scar across the landscape of the [Town] that has affected important vistas and recreational resources. The Town of New Lisbon has regionally significant natural resources such as Gilbert Lake State Park and Texas Schoolhouse State Forest that would be adversely affected by similar facilities running through the Town.” This quote indicates that the Town of New Lisbon would oppose the approval of the Edic to Fraser project.

- f. Oneonta: The Edic to Fraser route crosses the far northwestern corner of the Town of Oneonta, proceeds in a southwesterly direction into the Town of Otego town border, and reenters the Town of Oneonta’s borders in the Town’s far southwestern corner. As proposed, Edic to Fraser would directly impact 13 property owners. Based on OCCA’s research and input gathered from conservation and municipal committee members, the impacts to Oneonta’s community character are as follow:
 - i. Page 2 of the Town of Oneonta Comprehensive Plan discusses results from the Comprehensive Plan survey which indicate that “while majorities of residents would like to see commercial and industrial development, along with the development of wind, bio-fuel and solar energy, they also want their land and water to remain safe from pollution.” The siting of the proposed Edic to Fraser project along steep slopes and near water bodies such as the Susquehanna River in Oneonta is inconsistent with the above statement.
 - ii. Similarly, page 3 of the Town of Oneonta’s Comprehensive Plan states that “hundreds [of residents] said they like the small-town atmosphere of living in the Town of Oneonta, the open spaces and beautiful scenery.” As evidenced in the KOP analysis in NAT’s March 2 filing, Edic to Fraser would significantly alter the visual characteristics of the landscape, limiting the ability of town residents to enjoy the beautiful scenery and open spaces they cherish.

- iii. During the Town of Oneonta's SWOT exercise associated with its Comprehensive Plan (page 33), it was found that "threats are present from many sources including, but not limited to, new development, pesticides and fertilizers, petroleum products and their storage, and impervious surfaces." The Edic to Fraser project, as proposed, would result in the clearing of a new ROW that would necessitate the application of an herbicide regime, constitute "new development" and could potentially result in the increase of impervious surfaces within the project area.
 - iv. Further, page 43 of the Town of Oneonta's Comprehensive Plan states that "residents want to ensure a balance between economic development and environmental protection in order to protect the high quality of life that residents enjoy in their beautiful, natural surroundings. Measures should be taken to ensure compatibility with the environment before development occurs. Safeguarding our quality of life, water, and other natural resources should be of paramount importance in future development plans." This official policy clearly states that the Town of Oneonta values the natural environment as part of its identity as a community and seeks to thoroughly review all development projects to ensure consistency with the aforementioned policy. The constrained period in which to comment on Part A filings by NAT has significantly limited the ability of the Town of Oneonta to conduct a thorough review of the proposed Edic to Fraser project.
- g. Otego: The Edic to Fraser route straddles the eastern border of the Town of Otego proceeding in a southeasterly direction toward the Town of Oneonta. As proposed, the Edic to Fraser project would directly impact 22 property owners. Based on OCCA's research and input gathered from conservation and municipal committee members, the impacts to Otego's community character are as follow:
- i. Page 6 of the Town of Otego Comprehensive Plan states that the purpose of the plan is "to provide a guide for the future of the Town that supports developmental changes in a way that will not diminish or compromise the land, resources, or services that we as a community have inherited and are the current trustees of." The proposed Edic to Fraser project would result in the clearing of forest resources

and working agricultural land in Otego. Thus, OCCA is concerned that the developmental changes associated with Edic to Fraser are contrary to the Town of Otego's vision for its future.

- ii. Page 7 of the Town of Otego Comprehensive Plan states that challenges facing the Town include but are not limited to:
 - Preserving the rural character of the Town.
 - Protecting natural and historic resources.
 - Ensuring the safe and pleasing design of new construction.

OCCA is concerned that Edic to Fraser, as proposed, would result in cumulative impacts that impinge on the Town of Otego's sense of place and rural character.

- iii. Page 9 of the Town of Otego Comprehensive Plan also encourages that "a thorough review of all land-use regulations should be performed to assure that they provide adequate protection for sensitive areas such as steep slopes, flood plains, and wetlands as well as any environmentally-sensitive areas." According to OCCA's outreach, NAT has yet to meet with the Otego town supervisor which we feel has limited the ability of Town officials to review, digest, and understand the filings in a way that will ensure the project adheres to this official policy.
- iv. Page 9 of the Town of Otego Comprehensive Plan indicates that "community interest in environmental protection is high. 84% of survey respondents are open to alternative energy policies and 59% feel the Town should enact policies to protect environmentally sensitive areas." This finding by the Town of Otego Comprehensive Plan survey shows that residents of the Town value the natural environment. OCCA believes that additional outreach should have been conducted by NAT to allow for members of the public to contribute to the official record.
- v. Page 11 of the Town of Otego Comprehensive Plan addresses the Town's rural community atmosphere: "Many citizens have lived in the Town for fifteen years or longer. Respondents most frequently identified the 'country-like atmosphere' as a reason for living in Otego. Other reasons given include the beauty of the location, the proximity to rural land, and land with a view." Edic to Fraser, as proposed, would

result in an impact to the natural and built environment that could significantly alter the characteristics of the Town of Otego.

- vi. Similarly, Goal 5 on Page 11 of the Town of Otego Comprehensive Plan prioritizes “the [protection] of the Town’s scenic views and rural character from the potential negative impact of economic development.” Policies associated with Goal 5 include:
- The [development] of land-use policies to protect large-acreage farms that are vital to the survival of supply and service-based businesses.
 - The generation of a resource list of environmental, scenic, and historic assets, and the development of regulations to protect them.
 - Encouraging the installation of underground phone, cable, and electric wires.

OCCA contends that the Part A filings do not indicate whether NAT made every effort necessary to obtain relevant local land-use regulations, secure environmental resource lists, and/or comply with all relevant local land-use laws of the Town of Otego per 16 NYCRR § 86.8 Exhibit 7 (a).

5.14.2.2 Additional Comments on Impacts to Community Character

- a. Page 71 of NAT’s “Scoping Statement and Schedule” states that “North America is in the process of preparing a summary table of all local substantive ordinances, laws, resolutions, standards and other requirements applicable to the proposed facilities.” OCCA finds it unacceptable that such information was not presented in either the January 20 or the March 2 filing.
- b. OCCA believes that the level of public outreach conducted by NAT, to date, is severely lacking. Prior to the submission of the Part A filings, NAT should have conducted public outreach in order to thoroughly understand the characteristics of each municipality along the affected route.
- c. OCCA is concerned that the data as presented in NAT’s Part A filings will not enable PSC staff to fully or sufficiently assess impacts to the character of affected communities along the affected route.

5.14.3 Public Comments

The following is a summary of pertinent comments and/or questions related to community character from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the “References” section for additional detail.

- a. A majority of public input received indicated that the Edic to Fraser project would constitute an eyesore and would severely damage the respondents’ sense of place.
- b. More than 75% of the respondents to OCCA’s public outreach efforts indicated that visual resources are available on their property which would be impacted by Edic to Fraser. OCCA is concerned that the visual impacts associated with this project are contrary to the current and desired characteristics of all seven affected communities in Otsego County.
- c. OCCA received several responses from members of the Bel-Aire Estates Homeowners Association in the Town of Laurens. As proposed, the power line would traverse Bel-Aire’s primary access road (Catherine Drive). Such an impact would severely limit the level of enjoyment property owners in that community derive from their land and significantly impair their sense of place.
- d. Residents in the Town of Exeter feel that the location of a second transmission corridor within the Town boundaries would make life there undesirable for new residents, thus causing financial harm to the Town.
- e. Many respondents from the towns of Burlington and New Lisbon indicated that Edic to Fraser would limit the ability to enjoy outdoor activities on their land – a characteristic highly valued amongst residents of both municipalities.
- f. As mentioned in Section 5.12, 19th-century land-use patterns are still visible here in Otsego County. Many municipalities along the affected route highly value the historic characteristics of their natural environment and are concerned that Edic to Fraser would result in significant impacts to these highly valued resources.
- g. Many residents of the towns of Richfield, Burlington, Laurens, and New Lisbon felt marginalized during the Marcy South proceedings and felt their sense of place was severely diminished. The Edic to Fraser project would result in significant cumulative impacts that would further damage the sense of place of affected residents.

5.14.4 Summary

The characteristics of the seven municipalities that would be affected by the proposed Edic to Fraser project are intimately connected to the historic, rural nature of their built and natural environment. Many residents choose to live in Otsego County for its scenic views, “country-like” lifestyle, and for the relatively light level of development here. Edic to Fraser would distinctly alter the natural and built environment of Otsego County and would inevitably result in impacts to community character.

The abundant agricultural land, forest resources, and scenic vistas are valuable sources of natural capital for the County and have immense personal value for many Otsego County residents. OCCA is greatly concerned that NAT did not appropriately consider the characteristics of each affected municipality along the Edic to Fraser route. As presented, NAT’s Part A filings represent a lack of understanding as to how this project would impact the community character of the towns and their numerous hamlets affected by the proposed project.

OCCA asks that the PSC thoroughly evaluate impacts to community character associated with the proposed Edic to Fraser project. While it is not required by law, OCCA believes that the consideration of how a given project would affect the “character” of a community represents a crucial component of project planning.

5.15 Community Facilities and Services

5.15.1 General

The analysis should describe existing community services, including local police, fire and emergency service, and infrastructure services and explore how the project may impact these services. Mitigation measures should be proposed.

5.15.1.1 Introduction

Otsego County is predominantly rural, with many of its municipalities sharing police and emergency medical services. Additionally, some towns along the proposed route have volunteer fire departments

which lack the equipment and training that other more affluent areas of New York State may have. Emergencies such as downed transmission lines as a result of ice loading or a severe storm event would necessitate a response by emergency first responders. Given the distance and limited response capabilities of first responders in the project area, such emergencies could potentially result in significant financial damage to affected areas. It should be noted that transmission lines in New York State must be designed in a manner that conforms to safety regulations adopted during the PSC's Case 04-M-0159 Electric Safety Standards proceedings.¹⁵⁵ Such standards are in place to limit emergencies associated with the safety of electric transmission and distribution systems.¹⁵⁶

While it is not expressly required that this section be addressed in NAT's Part A filing and this topic falls more so under the purview of the Otsego County Planning Department, OCCA believes it is necessary that community services and facilities such as police, fire, and emergency services be analyzed and discussed prior to the development of any major infrastructure project. To date, comments received by OCCA indicate the following concerns: trespassing, vandalism, littering and degradation of private property. Each of these issues would necessitate a response by police forces serving Otsego County. The following section briefly summarizes the emergency services of the seven affected municipalities along the proposed Edic to Fraser route.

5.15.2.2 Summary of Emergency Services Available by Town

Richfield: The Town of Richfield is served by the Village of Richfield Springs Fire Department. The Village of Richfield Springs also provides ambulance services to both the Town of Richfield and the Town of Warren. The Town of Richfield is currently protected by the Otsego County Sheriff's Department and the New York State Police which has a barracks in the Village of Richfield Springs.¹⁵⁷

Exeter: The Town of Exeter is protected by the West Exeter Volunteer Fire Department and the Schuyler Lake Volunteer Fire Department. Emergency medical services (EMS) are provided by the

¹⁵⁵ <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/400E5FF8A07FEFC185257687006F38C8?OpenDocument>

¹⁵⁶ <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/400E5FF8A07FEFC185257687006F38C8?OpenDocument>

¹⁵⁷ <http://www.villageofrichfieldsprings-ny.com/#!services/c1fni>

West Winfield and Richfield emergency squads. Police protection is provided by both the County and State, which patrol on a random or as-needed basis.¹⁵⁸

Burlington: The Town of Burlington is protected by the Edmeston Volunteer Fire Department. EMS is provided by the Edmeston Emergency Squad. Police services are provided by the Otsego County Sheriff's Department.¹⁵⁹

New Lisbon: New Lisbon's fire protection is provided by the Garrattsville Volunteer Fire Department. EMS is provided by the Garrattsville Emergency Squad. Police protection is provided by both the Otsego County Sheriff's Department and the New York State Police in Richfield Springs on a random or as-needed basis.¹⁶⁰

Laurens: The Town of Laurens is protected by the Laurens Volunteer Fire Department, West Laurens Volunteer Fire Department and the Mount Vision Volunteer Fire Department. EMS is provided by the Laurens Emergency Squad. Police protection is provided by the Otsego County Sheriff's Department and the New York State Police from their Oneonta barracks.

Otego: Fire protection is provided to the Town of Otego by the Otego Volunteer Fire Department. EMS is provided by the Otego Emergency Squad. Police services are provided by the Otsego County Sheriff's Department and the State Police from their Oneonta barracks.

Oneonta: The Town of Oneonta is protected by the Oneonta City Fire Department and the West Oneonta Volunteer Fire Department. EMS is provided by the City of Oneonta. Police protection is provided by the Otsego County Sheriff's Department and the State Police from their Oneonta barracks.

¹⁵⁸ <http://www.otsegocounty.com/depts/pln/documents/FinalTExeterHMP.pdf>

¹⁵⁹ <http://www.otsegocounty.com/depts/pln/documents/FinalTBurlingtonHMP.pdf>

¹⁶⁰ <http://www.otsegocounty.com/depts/pln/documents/FinalTNewLisbonHMP.pdf>

5.15.2 Comments on Scope and Local Interest

- a) OCCA believes NAT should have consulted both the Otsego County Hazard Mitigation Plan Update (OCHMPU) and the associated hazard mitigation plans of each of the affected towns. While such detail may apply more to Part B analysis, OCCA contends that emergency services should be analyzed prior to a major development project.
- b) Improper maintenance of fencing along the Marcy South ROW has resulted in the creation of an impromptu snowmobile trail. Many property owners in Otsego County have expressed concern associated with trespassing that could occur as a result of the proposed Edic to Fraser project and new ROW.
- c) OCCA believes NAT should conduct outreach to relevant emergency preparedness professionals in Otsego County to make them aware of the proposed Edic to Fraser project and to gauge associated concerns.

5.15.3 Public Comments

The following is a summary of pertinent comments and/or questions related to community facilities and services from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) Members of the public have expressed concern that the fencing along the Marcy South ROW is improperly maintained, thus leading to trespassing on private property.
- b) Trespassing on private property by snowmobiles and ATVs has resulted in erosion impacts along the Marcy South ROW. Residents have expressed concern that Edic to Fraser, as proposed, would result in additional cumulative impacts to private property owners.
- c) Input gathered from OCCA committee meetings has indicated that the dumping of garbage, debris and unused cars along the Marcy South ROW has resulted in property owners having to self-police. OCCA finds this to be unacceptable.

5.15.4 Summary

OCCA is concerned that the construction of a new ROW directly adjacent to the existing ROW would facilitate an increased opportunity for trespassing on the private property of Otsego County residents. Further, several sections of fencing along the existing Marcy South corridor are not maintained and

have allowed for instances of trespassing by snowmobiles and ATVs. These vehicles can cause erosion which oftentimes results in financial damages to affected property owners.

OCCA is also concerned that the hazard mitigation plans of each affected municipality and the County as a whole do not appear to be considered in NAT's Part A filings. These plans provide detailed information on the capabilities of each community and the County to respond to several types of emergencies. Transmission lines, in general, can cause fires as a result of downed lines, grounding which could pose the risk of electrical shock, and could potentially disrupt pacemakers. All of these issues would necessitate an emergency response of some nature. OCCA requests clarification from NAT that they did, in fact, review these plans.

OCCA contends that the rural, sparsely-populated nature of the Edic to Fraser route in Otsego County corridor warrants an analysis of the emergency services of the towns along the affected route. While this may not be required in the Part A phase of these proceedings, OCCA believes that such an analysis would represent due diligence on the part of NAT.

6.0 OTHER IMPACTS

6.1 Construction Related Impacts

The application should describe the construction of the proposed project, including construction schedule/duration, construction staging and worker parking, anticipated construction employment, construction sequencing, and routing of construction traffic along local roads. Potential impacts can result from demolition of existing facilities, excavation and grading for construction of the facility, building of foundations, dewatering, site restoration, and landscaping. There are also issues involving construction-related noise, traffic disruptions, fugitive emissions, altered drainage patterns, storm runoff and public access.

In addition to the direct impact associated with the taking of agricultural land, movement of equipment and material could also result in damage to crops, fences and gates, subsurface drainage systems (tile lines), temporary obstruction of access by farmers to agricultural fields, and altering of the timing

and location of certain agricultural activities (e.g., pasturing livestock, harvesting crops). Mitigation plans addressing these and other impacts should be detailed, including the use of approved MTP Plans, dust control measures, best management construction practices, access planning, and communication plans.

6.1.1 Comments on Scope and Local Interest

- a) If Edic to Fraser is chosen to proceed to Part B, a detailed outline of the proposed EM&CP should be submitted prior to or during the Part B phase to help define the scope as well as the quality of both mitigative and control measures to be implemented during the construction phase.
- b) The existing public roadways, trails and waterways in the project area would need to continue to serve the population during construction to the extent compatible with public safety. Since the duration of the construction effort would extend through multiple construction seasons, long-term plans for mitigating construction impacts and providing alternate forms of access should be included.
- c) Construction-related impacts to wildlife are anticipated to include incidental injury and mortality due to construction activity and vehicular movement, construction-related silt and sedimentation impacts on aquatic organisms, habitat disturbance and loss associated with clearing and earth-moving activities, and displacement of wildlife due to increased noise and human activity. Incidental injury and mortality can affect sedentary/slow-moving species such as small mammals, reptiles, and amphibians that are unable to move out of the area being disturbed by construction. If construction occurs during the nesting season, wildlife subject to mortality could also include the eggs and/or young offspring of nesting birds, as well as immature mammalian species that are not yet fully mobile. Construction-related impacts to wildlife should be described and the proposed mitigation addressed in the application.
- d) Mitigation measures associated with construction impacts to agriculture should be described, including potential damage to active crops, roads, fences and gates, limiting of access to agricultural fields, and interference with the timing of agricultural activities including pasturing livestock, planting, and harvesting of crops.

6.2 Operation and Maintenance Impacts

6.2.1 General

NAT's Part A submittal references certain project elements associated with routine and/or emergency Operations and Maintenance (O&M) procedures pursuant to the long-term use of the proposed transmission line. The scoping document mentions that potential impacts may occur during regular maintenance activities including use of pesticides, controlled mowing and mechanical clearing. Maintenance of access roads, project structures and erosion control features are also referenced in the scope. More details on proposed operation and maintenance should be presented, along with an analysis of the potential adverse impacts and means to avoid or mitigate those impacts.

6.2.2 Comments on Scope and Local Interest

- a) In accordance with 16 NYCRR Part 86, the application should discuss O&M impacts associated with clearing, maintenance of routes, conflicts with adjacent uses, preservation of fish and wildlife, and use of herbicides and pesticides.
- b) We would like NAT to evaluate the use of IVM principles incorporating the use of selective planting, biological and cultural controls, and manual/mechanical vegetation removal as preferred to widespread herbicide use. Use of principles consistent with ANSI A300 Part 7: American Operations Integrated Vegetation Management and Electric Utility Rights-of-Way and the International Society of Arboriculture (ISA) Best Management Practices would be preferable.
- c) A draft O&M Plan should be submitted detailing areas for which operating and maintenance standard operating procedures will be written and which also designates known locations of sensitive plant and animal species as well as cultural features and the means to avoid impacts. Training and certification requirements for maintenance workers should also be spelled out to ensure that plans are carried out in practice. Plans for non-cyclical vegetation clearing, corrective maintenance, structure or conductor maintenance in which earth must be moved, structure (e.g., cross-arm, insulator, structure) replacement, road maintenance involving erosion control, water drainage installation or repair (such as culverts or rock

crossings), road rehabilitation after major disturbances or other road maintenance requiring heavy equipment, follow-up restoration activities, routine inspections, and erosion control should all be discussed in the plan.

- d) OCCA requests that NAT collaborate with OCSWCD to restore and re-vegetate riparian zones and eroded slopes that are impacted by the Edic to Fraser project. OCSWCD has extensive local expertise and could ensure that re-vegetation practices are successful.

6.2.3 Public Comments

The following is a summary of pertinent comments and/or questions related to operation and maintenance from the OCCA questionnaires, meetings, telephone calls, and e-mail correspondence. Please refer to the "References" section for additional detail.

- a) Several respondents requested that NAT provide advance notice to property owners regarding O&M procedures. The respondents stated that Marcy South O&M crews provided no advance notice, much to the distress of the individual landowners.
- b) Two respondents stated that Marcy South O&M crews provided no assistance in removing felled trees from the properties of affected landowners, often requiring the respondents to use their own equipment to haul trees that were felled during Marcy South O&M procedures.
- c) Respondents expressed concerns over pesticide use, including issues regarding maintaining organic farm certifications.
- d) Concerns were expressed over vegetation management techniques and invasive species management and BMPs.

6.3 Unavoidable Adverse Impacts

6.3.1 General

NAT's Part A scoping document does not address the topic of potential unavoidable adverse impacts of the proposed project. Although the proposed project could result in certain long-term economic benefits to participating power producers and consumers, it would also produce permanent adverse impacts to local landowners as well as to local communities. Despite any positive outcomes

anticipated as a result of the project, its construction and operation would also result in certain unavoidable adverse impacts to the environment, both short-term and long-term in our opinion.

Localized adverse impacts on soil, water, agricultural, and ecological resources would be unavoidable, as would long-term impacts on local aesthetic and community assets. Long-term unavoidable impacts associated with operation and maintenance of the project include visibility from many locations within the County, permanent loss of agricultural lands, loss of open space and existing land-use patterns, an increased level of noise at some receptor locations, loss of woodlands, and wildlife habitat changes, among others. Other unavoidable adverse impacts of the proposed project include: increases in water turbidity; disturbance and resuspension of sediments; noise and vibrations from construction; vegetation clearing; localized degradation of habitat, or possible taking of wildlife or protected species; soil disturbance and erosion; storm water runoff into surface water; and increased traffic and air emissions during construction.

Maintenance activities and emergency repairs along the proposed route – if the transmission line becomes operational – could generate unavoidable adverse impacts similar to those occurring during construction. EMF effects from transmission cables are also unavoidable. Unavoidable impacts for which suitable mitigation cannot be designed should be categorized and discussed by NAT – along with any related compensation that is proposed to offset these impacts – in order for PSC to make a fully informed decision.

6.4 Irreversible and Irretrievable Commitment of Resources

6.4.1 General

Edic to Fraser as proposed would result in the irreversible and irretrievable commitment of certain human, material, environmental, and financial resources. Human and financial resources would be expended by the PSC, the project sponsors, and local municipalities and civic organizations. The expenditure of funds and human resources would continue to be required throughout the permitting and construction phases of the project. The proposed route would also require a commitment of land for the life of the project. Various types of construction materials and building supplies would be

committed to the project and would represent a long-term commitment of these resources, which would not be available for other projects. Energy resources would be irretrievably committed to the project, during both construction and operation. These impacts need to be discussed in detail by NAT and appropriate mitigation and compensation plans must be proposed as part of the application.

6.5 Cumulative Impacts

NAT's Part A scoping document does not address the topic of potential cumulative impacts of the proposed Edic to Fraser project and other known relevant projects developed or proposed in the area. Cumulative impacts are two or more individual environmental effects which, when taken together, are significant or that compound or increase other environmental effects. The individual effects may be the result of a single project or result from separate projects where individual effects may interact with those from other projects. Such potential cumulative impacts need to be addressed by NAT and the PSC, and the application should include a discussion of cumulative impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence.

NAT should prepare a study which identifies existing and proposed future projects in the area, describes the scale of such projects, and assesses the potential impacts of those projects along with the potential cumulative effects resulting from development of the Edic to Fraser project. Any planned projects such as the Monticello Hills wind power project, any bridge and highway improvements programs, and any other transmission or communications projects should be included in the analysis.

The NAT January 20 filing, in Section 2.1.3, discusses research into planned and future projects within the corridor; however, this analysis needs to be expanded to other planned projects outside the corridor but within the County where the breadth of impacts can be felt beyond the physical project boundaries. This will form the basis for analysis of cumulative impacts and help to address planning for mitigation or compensation as appropriate.

7.0 REVIEWS, APPROVALS AND OTHER COMPLIANCE REQUIREMENTS

7.1.1 General

This section addresses review by the PSC pursuant to Article VII of the New York Public Service Law and implementing regulations of Title 16 of the Official Compilation of New York Codes, Rules and Regulations (NYCRR) in connection with NAT's application for a Certificate of Environmental Compatibility and Public Need. The NAT submittals should comply, at a minimum, with the requirements of 16 NYCRR Part 86 and any additional requests for information from the PSC as part of these proceedings including, but not limited to, the additional environmental and cost information requested in the New York State Public Service Commission Order Establishing Modified Procedures for Comparative Evaluation Issued and Effective December 16, 2014, as modified by the December 30, 2014 letter should be submitted and reviewed.

The NAT application should also address other approvals required from federal and state agencies including the U.S Army Corps of Engineers (USACOE) and NYSDEC in connection with navigable waters and wetlands and other compliance requirements such as coverage under NYSDEC's General SPDES Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-15-002.

7.1.2 Comments on Scope and Local Interest

- a) Part 86 § 86.8 Exhibit 7 (a) requires that the applicant submit a list of all local ordinances, laws, resolutions, regulations, standards, and other requirements applicable to the proposed facility, together with a statement that the location of the facility as proposed conforms to all such local legal provisions, with any exceptions noted and a statement justifying the request. We would like to review this submittal.

- b) Applicability of the following permits and approvals whether for planning, construction or operation, should be discussed and presented as part of the NAT application.

- A. NYSDEC Environmental Permits
 - 1. Water Supply Application
 - 2. Wetlands
 - 3. Water Protection
 - 4. Excavation & Fill
 - 5. SPDES
 - 6. Waste Transporter
 - 7. Air Pollution Control
 - 8. Wild, Scenic, and Recreational Rivers
 - 9. Water Quality Certification
 - 10. Flood Plain Management
 - 11. Fish, Wildlife & Marine Resources
- B. NYSOPRHP/SHPO
 - 1. Project Review Determination
- C. New York State Department of Transportation
- D. New York State Department of State
- E. U.S. Army Corps of Engineers
- F. Railroads Rights-of-Way
- G. New York State Department of Agriculture & Markets -
Agricultural District
- H. City/Town/Village Boards
- I. City/Town/Village Planning Boards
- J. City/Town Zoning Boards
- K. City/County Health Departments
- L. Other Local Agencies
- M. New York State Health Department
- N. Other Permits

8.0 COMMUNITY OUTREACH AND LOCAL COMMENTS

8.1 Overview of OCCA Outreach Efforts and Public Commenting Process

OCCA utilized a three-pronged approach (public outreach, committee meetings, and presentations to Town Boards) for its outreach efforts associated with the review process established by the PSC's December 16 Order and the December 30 ruling which granted an extension of the comment deadline to March 30 for Part A filings (later extended to April 22). OCCA drafted documents including press releases, a fact sheet and a questionnaire for dissemination to the public in order to convey relevant information associated with Case 13-E-0488 and Case 13-T-0454. OCCA conducted multiple mailings of information to 236 property owners along the affected route including resources necessary for property owners to follow the proceedings in a meaningful way. OCCA accompanied this information with phone calls to 15 severely affected property owners.¹⁶¹ A newsletter focusing on review of the Edic to Fraser proposal was mailed to OCCA's 800+ members and volunteers and made available online via the organization's website. OCCA corresponded with members of the public in person, by telephone and via e-mail about the project and also met twice in person with representatives of NAT and the Otsego County Planning Department, and gathered information from NAT and local and regional experts to aid in its review.

To ensure that the concerns of its stakeholders and signatories were adequately represented and addressed, OCCA convened two separate committees comprised of: 1) representatives of local environmental conservation groups; and, 2) representatives from the seven affected municipalities. To limit any duplication of effort associated with the review of impacts to the affected townships, OCCA conducted its meetings jointly with the Otsego County Planning Department where possible. This committee meeting approach was designed to ensure that OCCA complied with the requirements of its intervenor award and to guarantee that OCCA took a "hard look" at the impacts of the proposed Edic to Fraser project. A conservation committee meeting was held on February 10, 2015 while municipal committee meetings were held on February 11, 2015 and March 10, 2015.

¹⁶¹ For the sake of this review, OCCA defines "severely affected property owners" as landowners whose properties are bisected by the proposed Edic to Fraser project.

These meetings were supplemented throughout the process by associated phone calls and e-mail communication.

OCCA also conducted direct outreach to the town boards of communities along the affected route. This outreach was intended to provide information that would aid town officials and residents in reviewing the impacts of the proposed Edic to Fraser project to their community.

8.2 Summary of Public Comments Received

8.2.1 Introduction

OCCA received 36 out of 236 (15% response rate) possible responses to the Edic to Fraser questionnaires distributed to affected property owners in order to gauge site-specific impacts and general public awareness. Out of the 36 responses received, 77% of respondents indicated their property would be severely impacted by the proposed project. Such impacts included but were not limited to: an inability to build and/or farm on land that would be affected by the proposed Edic to Fraser project; significant diminishment of individual views; loss of arable agricultural land; and loss of forest resources that could be used for logging and/or building. Further, 44% of respondents had either not heard about the proposed project or did not have a chance to review the proceedings associated with Case 13-E-0488 and/or Case 13-T-0454. OCCA also found that 88% of respondents indicated a desire for additional information regarding the project design, aerial photos of their property, and resources concerning these proceedings. The following section describes the public input gathered in more detail. In addition, OCCA conducted phone calls to 34 affected property owners and received e-mails from a number of affected property owners and interested members of the public.

8.2.2 Trends in Public Comments

36 Questionnaires Received as of April 17, 2015

29-1 Parcel; 6-More than 1 Parcel; 1-Concerned Citizen

- How did you hear about the proposed project?
 - Daily Star article/Other Media-10; Word of Mouth/Neighbors-9; OCCA-11; AFPP Forum in Richfield-2; Citizen Meetings in New Lisbon-1; Multiple Sources-3
- Do you represent an organization such as a community organization, school, business, or homeowners association?
 - No-24; Business-3; Organization-4; Farmer/Landowner-4 (1 Bel-Aire Estates, 1 garage, 2 self-employed)
- Is your property directly affected by the proposed Edic to Fraser AC Transmission Line Project?
 - Yes-28; No-3; Possibly/Indirectly-5
- If so, please describe the nature in which you feel your property will be impacted.
 - Viewshed/Aesthetics-10; Forest/Trees/Woods-15; Estates/Planned Community-1; Habitat/Vegetation-7; Wildlife-10; Crops/Land/Fields-13; Recreation-3; Proximity to House-1; Water-9; Health/EMF/Noise (Buzzing of Current Line)-8; Building Opportunity-2; Property/Resale Value-12; Financial/Livelihood-5; Eminent Domain-1; Construction Impacts-2; Herbicide Use-2; Invasive Species-1; Substations-1; Wheelchair Interference-1; Organic Farming-1
- Are there wetlands on your property?
 - Yes-21; No-10; Spring/Pond/River-5; Not Sure-2

- Is your property in an Ag District?
 - Yes-23; No-10; Not Sure-3
- Is the proposed ROW directly crossing your property?
 - Yes-18; No-14; Not Sure-3
- If so, did you have any plans to build there?
 - Plans/Potential To Build-7; Can't Build Because of Existing Line-3
- Are there any sensitive forest resources ...?
 - Yes-20; No-11; Other-5
- What are the water resources on your property...?
 - Marsh-1; Pond(s)-19; River-1; Stream/Brook/Creek-18; Well-2; Spring(s)-5; Aquifer-2
- Do you have any drainage issues?
 - Flooding and/or Drainage Concerns-12
- Are you located in an historic district?
 - No-24; Not Sure-10; Historic Property-1
- Are any visual or aesthetic resources visible from your property?
 - Yes-27; No-6; Not Sure-1
- Do you have any structures that are on either the state or national register of historic places?
 - Yes-1; Eligible-1; No-28-Not Sure-2; Pending Approval-1
- Do you know of any sensitive vegetation or wildlife habitat ...?

- Yes-21; No-12; Not Sure-2
- Are there, or do you expect there are, any state- or federally-listed endangered plant or animal species...?
 - Yes-12; No-10; Not Sure-11
- Have you had a chance to review any material presented by the PSC, North America Transmission or OCCA regarding the proposed project?
 - Yes-20; No-16
- Would you be interested in receiving information on the proposed project?
 - Yes-32; No-1

Questionnaires can be found in Appendix L.

8.3 Comments on Public Outreach by NAT

- a) Public comments received have indicated, by and large, that public outreach efforts by NAT are considered to have been lacking.
- b) 33% of respondents indicated they first heard about the project through OCCA's mailing on February 4, 2015, thus significantly limiting their ability to comment on the project.
- c) To the best of OCCA's knowledge, no public meetings have been conducted to date regarding the proposed Edic to Fraser project by NAT or the PSC. OCCA believes the public should have been fully engaged early on in the project scoping phase in order to gain a better understanding of potentially significant environmental impacts and to develop a good working relationship with affected landowners.
- d) OCCA expresses concern at the magnitude of information presented in NAT's March 2 filing. Much of the information present in this filing was new and affects the scope, depth, and tone of OCCA's review of the project.
- e) The Public Engagement Plan submitted by NAT on January 20 states that, among other things, NAT's Public Involvement Goals include but are not limited to: "the communication

of important project milestones including application, permitting and construction phases and related stakeholder feedback, the gathering of information on how well the project approach aligns with local needs and interests, the provision of easy access to information and mechanisms for public feedback, and the creation of opportunities for two-way community dialogue.” The majority of the members of the public, organizations operating in the region, and municipal officials consulted by OCCA have expressed that NAT failed to achieve these goals in a meaningful way.¹⁶²

According to NAT’s Public Engagement Plan, prior to the January 20 submission, the last meeting held in Otsego County was on April 29, 2014 and the last newspaper publication was on September 26, 2014. OCCA believes that following the PSC’s December 16 Order, NAT should have begun conducting renewed outreach efforts immediately to help the public comment on the project, to re-engage municipal leaders, and to allow relevant County and town officials to begin preparing for project review.¹⁶³

8.4 Summary

A majority of the public comments OCCA received indicated that the public is highly concerned about the project as proposed. While NAT is not expressly required to engage the public in an extensive manner as part of the Part A proceedings, OCCA strongly believes that public outreach conducted in the scoping phase would have been greatly beneficial in informing the public record to the greatest extent possible.

OCCA is concerned that NAT’s limited public engagement efforts will create the opportunity for misconceptions to arise regarding the project. Many respondents were unaware of NAT being an independent entity, often associating them with NYPA, which was responsible for the Marcy South project. Further, OCCA expresses concern that NAT did not sooner engage with intervenors in Otsego County to develop a chain of communication that could have resulted in more efficient dissemination and analysis of new information and site-specific impacts as they arose.

¹⁶² <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={972D0D0E-4FF7-4DB3-9AC3-F0BBA113FFB7}>

¹⁶³ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={972D0D0E-4FF7-4DB3-9AC3-F0BBA113FFB7}>

In sum, it is OCCA's firm opinion that public engagement plays a vital role in planning, analyzing, and limiting impacts associated with major projects. Based on NAT's Part A filing, OCCA is concerned that NAT may not fully understand how the proposed Edic to Fraser project would impact Otsego County's vibrant rural, scenic, and historic landscape and its associated communities.