A. INTRODUCTION

This chapter is all new and is not double underlined.

The proposed Long Island Power Authority (LIPA) Southampton to Bridgehampton Transmission Line Project (the Proposed Action) is the construction of a new 69 kilovolt (kV) transmission line between the Southampton and Bridgehampton Substations. The new transmission line is needed to meet the growth in energy demand and improve system reliability on the South Fork of Long Island. The Proposed Action also includes the installation of a new transmission switching station on the currently unimproved northern portion of the parcel of property where the existing Bridgehampton distribution substation is located.

This Final Environmental Impact Statement (FEIS) has been prepared to respond to public comments on the LIPA Southampton to Bridgehampton Transmission Line Project Draft EIS (adopted by the LIPA Board of Trustees on December 13, 2007). These comments were made at three public hearings held by LIPA. Two hearings were held on December 18, 2007 at the Southampton Inn. The first meeting commenced at 3 PM and the second meeting commenced at 7 PM. The third hearing was held on January 7, 2008 at 3 PM at the Southampton Inn. The Draft EIS comment period was held open until January 17, 2008 to receive written and e-mail comments on the Draft EIS.

Listed below are the names of individuals who commented, both orally and written, on the Draft EIS. Where comments were made on the same subject by more than one person, they are summarized into a single comment. Following each comment is the name of the commenter.

B. COMMENTERS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

COMMENTS MADE AT THE PUBLIC MEETINGS

1. Steve Abramson, Co-Chair, Water Mill Citizens Advisory Committee and Committee for a Green South Fork (Abramson)
2. John Andreassi (Andreassi)
3. Nancy Beckett-Lawless (Beckett-Lawless)
4. Russell Blue (Blue)
5. Edison Brolin (Brolin)
6. Michael Burns (Burns)
7. Leslie Capon (Capon)
8. Mike Cappelluzzo (Cappeluzzo)
9. Joe Caturo (Caturo)
10. Priscilla Ciccariello, Sag Harbor Historical Society (Ciccariello)
11. Katelyn Corwith (Corwith)

12. Jeff Cuje (Cuje)
13. William Dalsimer (Dalsimer)
14. Janice Delano (Delano)
15. Reynolds Dodson, Chairman, Southampton Town Bike Lane Advisory Committee (Dodson)
16. Doreen Eckert (Eckert)
17. Village of Southampton, Mayor Mark Epley (Epley)
18. John Frith (Frith)
19. Pat Gorman (Gorman)
20. Steven Gorman (S. Gorman)
21. Town of Southampton Councilwoman Nancy Graboski (Graboski)
22. Paul Griffin (Griffin)
23. Kathy Grodski (Grodski)
24. Marlene Haresign, (Haresign)
25. Jen Hartnagel, Group for the East End (Hartnagel)
26. Richard G. Hendrickson (Hendrickson)
27. Michael Irving (Irving)
28. Marilyn Kirkbright (Kirkbright)
29. Frederick Lehrer (Lehrer)
30. Julia Ludmer-Duberman (Ludmer Duberman)
31. Ray Maloney (Maloney)
32. Toni Maloney (T. Maloney)
33. Alexis Mayer (Mayer)
34. Nancy McGann (McGann)
35. Anthony Newman (Newman)
36. Town of Southampton Councilman Chris Nuzzi (Nuzzi)
37. Larry Penny (Penny)
38. Tom Perez (Perez)
39. Gloria Rabinowitz (Rabinowitz)
40. Matt Rishel, (Rishel)
41. Paul Robinson, Village Trustee of the Village of Southampton (Robinson)
42. Ann Sandford (Sandford)
43. Dave Schellinger (Schellinger)

44. Suffolk County Legislator, Jay Schneiderman (Schneiderman)
45. Sally Scranton (Scranton)
46. Thomas Shea (Shea)
47. Steven Steinberg, Bridgehampton Citizens Advisory Committee (Steinberg)
48. Peter Terry, Bridgehampton Citizens Advisory Committee (Terry)
49. Assemblyman Fred Thiele (Thiele)
50. Teal-Squires Vella (Vella)
51. Rachel Verno (Verno)
52. Patricia Wadzenski (Wadzenski)
53. Christine Sullivan Witker (Witker)
54. Frances Zappone, Chairman, Southampton Citizens Advisory Committee (Zappone)

WRITTEN AND E-MAIL COMMENTS

55. Steve Abramson, Committee For a Green South Fork, January 7, 2008 (Green South Fork)
56. Steve Abramson and Rachel Verno, Co-Chairs, Water Mill Citizens Advisory Committee (Abramson and Verno)
57. Mark Alessi, January 17, 2008 (Alessi)
58. Charles Bellows, Chairman, Town of Southampton Landmarks & Historic Districts Board, January 15, 2008 (Landmarks)
59. Georgina and John Binder, January 5, 2008 (Binder)
60. Suzanne L. Caldwell, January 10, 2008 (Caldwell)
61. Dianne Charkow, January 10, 2008 (Charkow)
62. Patricia Currie, January 17, 2008 (Currie)
63. Colton Dirksen, January 16, 2008 (Dirksen)
64. Russell W. Engle, January 3, 2008 (Engle)
65. Village of Southampton, Mayor Mark Epley, December 18, 2007 and January 10, 2008 (Epley)
66. Carol R. Finocchio, January 3, 2008 (Finocchio)
67. Raymond Ford, January 18, 2008 (Ford)
68. Louise B. Greilsheimer, December 17, 2007 (Greilsheimer)
69. Marlene Haresign, January 13, 2007 (Haresign)
70. Jenn Hartnagel, Group for the East End January 18, 2008 (Hartnagel)
71. Jeanne and Bob Hoenig, January 13, 2008 (Hoenig)
72. Lawrence Indimine Consulting Corp., January 16, 2008 (Indimine)

73. Linda A. Kabot, Supervisor, Southampton Town Board, January 4, 2008 (Kabot)
74. Kevin Kispert, New York State Department of Environmental Conservation, January 7, 2008 (NYSDEC)
75. Joanna Komoska, January 17, 2008 (Komoska)
76. Rik Kristiansson, January 17, 2008 (Kristiansson)
77. Southampton Town Board, Undated (Town Board)
78. Thomas LoBue, January 13, 2008 (LoBue)
79. C_____ M_____, January 8, 2008 (CM)
80. Ashley Marciszyn, Nelson, Pope & Voorhis, LLC, December 17, 2007 (Marciszyn)
81. MBE Power Systems, Inc, January 17, 2008 (MBE)
82. Charles Mockler, January 20, 2008 (Mockler)
83. Chris Nuzzi, Councilman, December 18, 2007 (Nuzzi-2)
84. Lynn Postnieks, January 15, 2008 (Postnieks)
85. Margaret Pu_____, January 14, 2008 (MP)
86. John Sacher, January 2, 2008 (Sacher)
87. Frank Setteducati, December 7, 2007 (Setteducati)
88. Steven Steinberg, January 17, 2008 (Steinberg)
89. Benito Vila, January 11, 2008 (Vila)
90. Jeffery Vogel, December 18, 2007 (Vogel)
91. Charles J. Voorhis, Nelson, Pope & Voorhis, LLC, December 18, 2007 and January 7, 2008 (Voorhis)
92. Cynthia Wong, January 12, 2008 (Wong)
93. Carl and Mabel Zeh, undated (Zeh)
94. Francis Zappone, Chairman Southampton, Tuckahoe, Shinnecock Community Advisory Committee, (Zappone)
95. Laura Zubulake, January 8, 2008 (Zubulake)

C. COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

PROCEDURAL

Comment 1: Is there a hard copy of Appendix F for purchase? (Marciszyn)

Response: No hard copy of Appendix F was prepared. The CD of Appendix F can be used to print a hard copy.

Comment 2: The Draft Environmental Impact Statement (DEIS) does not disclose the criteria used to determine where the line would be overhead and underground. (Epley)

Response: The State Environmental Quality Review Act (SEQRA) process is intended to disclose potential environmental impacts from discretionary decisions by government agencies. To provide the decision makers with the broadest range of potential impacts, the DEIS addresses impacts from both overhead and underground construction. The decision makers can then take into consideration this information on potential environmental impacts when developing the final configuration of overhead and underground portions of the transmission line.

Comment 3: LIPA did not allow for the proper 14 day notification period for a public hearing. There was not enough time allocated to the public for proper review of the document and comments made at the January 7 public hearing will not receive the same weight as the comments made at the December 18 hearing. (Epley, Zappone, Finocchio)

LIPA should provide evidence as to whether it published a timely notice of the December 18th hearing in a newspaper of general circulation in the Southampton Town and Village. (Epley)

SEQRA Part 617 §617.9(a)(4)(i) requires publication of a notice of hearing in a newspaper of general circulation in the area of potential impacts. It was not clear if this was completed for the project. (Voorhis)

SEQRA Part 617, §617.9(a)(4)(i) requires that a hearing commence no less than 15 calendar days after filing of the notice of completion. Since the DEIS was not readily available, at the time of filing of the notice of completion, the time period at the date of the December 18, 2007 hearing was insufficient. (Voorhis)

Response: A third public hearing was held on January 7, 2008 with notification published in the Southampton Press on December 20, 2007. Three sessions open to public comment is more than what is required under SEQRA. All comments whether written or spoken received during the public comment period received equal consideration in the FEIS.

Comment 4: The FEIS or revised DEIS should outline the chronology of the notification and hearing process to ensure that the public understands whether and how the notice and public hearing process conform to SEQRA procedures. (Voorhis)

"The SEQRA Process" (page 1-14) discussion is incomplete as prepared and should be supplemented to include the process of notice/advertising

and time frames for hearings and comments to be followed when a public hearing is required. (Voorhis)

Response: Notice of the December 18, 2007 public hearings was published in the Environmental Notice Bulletin, Suffolk Times, and the Southampton Press on December 5, 2007. Notice of the January 7, 2008 public hearing was published in the Southampton Press on December 20, 2007 and in the Environmental Notice Bulletin on December 26, 2007. The notice for the January 7, 2008 met all statutory requirements. The three public sessions is more than what is required on SEQRA.

Comment 5: There is concern that LIPA rushed the SEQRA process in a fashion that is prejudicial and may well be non-compliant. (Epley)

Response: The SEQRA process was conducted in a manner that meets all statutory requirements. The first public informational meeting was held in August 2007, followed by a public meeting on the draft Scope of Work in September 2007. LIPA conducted extensive outreach for these meetings, including a mailing to all LIPA rate payers within 1,000 feet of each of the four alternative routes. A final Scope of Work was published in October 2007 and sent to all persons that expressed an interest in the project. These people who received the final Scope of Work also received a copy of the DEIS and information on the public hearings. Again, a mailing was sent to all LIPA rate payers within 1,000 of each of the four alternative routes. The process was not rushed and was not conducted in a manner that could be considered to be prejudicial.

Comment 6: The DEIS does not provide a critical analysis of the environmental issues. The no significant adverse impact statements are not supported in the document. (Thiele)

A supplemental EIS should be prepared that addresses all comments made during scoping. Issues raised at the scoping session were answered by simple subjective statements and therefore the DEIS is inadequate. (Nuzzi, Graboski, Delano, Kabot)

There are numerous statements in the DEIS that are not substantiated. Conclusions made in the DEIS are highly subjective. (Zappone, Shea)

The document contains numerous conclusionory statements which are inappropriate in a SEQRA document. Statements which make conclusions that the project "…would not have any significant adverse impacts…,", should be modified to state that the project is not expected

to cause significant adverse environmental impacts in the applicants opinion. (Voorhis)

The DEIS is not sufficient to fulfill the requirements of SEQRA, as the document makes representations and assertions that are not substantiated by the technical materials provided, the potential adverse impacts of which, are very significant to the Town. Moreover, there are significant omissions in important data, which is critically needed, in order to fully evaluate the projects potential many impacts, as required by SEQRA. For these reasons, LIPA must complete a Supplemental DEIS, to correct these errors and omissions, before a Final EIS is completed. (Town Board)

Response: Each technical area was subjected to a detailed analysis. The criteria for deciding if an impact could occur were presented and explained. Then a conclusion was reached if the proposed project would have a significant adverse impact in the technical area with the rationale for that conclusion. Each conclusion is supported.

Comment 7: The Town of Southampton should be the lead agency despite the NYS Department of Environmental Conservation (NYSDEC) ruling that LIPA is the appropriate lead agency. LIPA proceeding with the environmental review of the project with the pending dispute regarding lead agency status confirms that LIPA is steam rolling through the project without the necessary "hard look" at its environmental impacts mandated by SEQRA. LIPA being the lead agency raises concerns with regards to the objectivity of the DEIS. The DEIS does not disclose on what basis the NYSDEC decided to make LIPA the lead agency over the Town Planning Board. The DEIS should disclose the public's concern about the obvious conflict of interest. LIPA, as the lead agency, was not objective in the DEIS. (Nuzzi, Zappone, Abramson, Dalsimer, Perez, Verno, Engle, Ciccariello, Cuje, Witker, Abramson and Verno, Steinberg, Kristiansson, Zappone, Nuzzi-2, Kabot)

The DEIS states that the NYSDEC determined that LIPA is the appropriate entity to serve as lead agency. What documentation was used to determine this and why wasn't that information in the report? (Haresign, Abramson and Verno, Steinberg, Zappone)

LIPA cannot fairly evaluate its own project. (Zappone)

Response: It is common for the sponsor of a governmental project to serve as the lead agency, and such designation does not violate SEQRA. The Planning Board of the Town of Southampton contested LIPA's role as lead agency to the NYSDEC. NYSDEC requested further information,

and it did not overturn LIPA's designation as lead agency. This decision was conveyed in a letter, dated November 30, 2007.

Comment 8: If LIPA is confirmed as the Lead Agency, who, i.e., which persons and titles, at LIPA will determine that the DEIS is adequate and complete? Lead Agency status for LIPA would represent a clear conflict of financial interests but the DEIS does not address this financial conflict. LIPA consistently indicates that the project will have no adverse impacts. Therefore, LIPA does not offer much in the way of mitigation measures. (Abramson and Verno, Steinberg)

Response: The EIS is prepared and reviewed by staff and consultants. The DEIS was certified as complete for public distribution by senior officers of LIPA, and this decision was ratified by the Board of Trustees at their December 13, 2007 meeting. The FEIS was submitted for review to the Board of Trustees prior to their January 24, 2008 meeting. There is nothing illegal, improper, or uncommon for a project sponsor to serve as lead agency.

Comment 9: The DEIS is incomplete in its failure to examine the impacts of overhead power lines and towers within the Direct Route and Montauk Highway Alternatives. (Nuzzi, Green South Fork)

Response: The potential impacts of overhead transmission line along the Direct Route are discussed in Chapters 2 through 16. Potential impacts of an overhead transmission line along the Montauk Highway Alternative are presented in Chapter 17.

Comment 10: The DEIS should be reviewed by an independent third party to certify its objectivity. The third party findings, suggestions, and/or criticisms should be included in the DEIS. (Zappone, Delano, Maloney, Wither)

The DEIS makes it clear that LIPA has a predetermined agenda in regards to this project. LIPA owes the public a plan that is safe and efficient. If they insist on taking lead agency status in the SEQRA process, they need to be objective and include all proper documentation. (Verno)

There is no oversight on LIPA's actions regarding this project. (Lehrer)

Response: LIPA, since its inception, has served as the lead agency for its projects. As a municipal instrumentality, it is obligated under SEQRA to take a "hard look" at the potential impact of its discretionary actions and to mitigate any impacts to the extent possible. LIPA has developed a unique expertise in assesses the effects of electric service projects in a

regional context as well as on a local level. LIPA has brought this expertise to all of its past projects and on this project to make independent and objective judgments on any potential impacts and on mitigation measures.

Comment 11: Since so many members of the public are interested in this project, it would be great to address the possibility of creating a stakeholder group that can be combined with LIPA representatives, elected officials, civic groups, and members of the public. (Hartnagel)

Response: As discussed in the DEIS, LIPA has held a number of meetings with stakeholders, elected officials, and members of the public, and three public hearings on the DEIS—two in December and one in January—have been held. These meetings have been ongoing during the SEQRA process and are expected to continue in the future.

Comment 12: Property owners seem to come in last. It seems that it's in the best interest of organizations like LIPA to not tell us everything. Residents should litigate against LIPA regarding this project. (Frith)

Response: LIPA is a municipal instrumentality of the State of New York and is bound to take into account the interests of its rate payers, which includes property owners. LIPA's determination regarding this project is subject to review by New York State courts in the event that its determination is challenged.

Comment 13: Subsection F, "Involved and Interested Agencies" on page 1-12 should describe the difference between such agencies, and indicate which have permitting authority, and which only provide reviews and/or comments. Governmental jurisdictions including the Town and Village have site plan review authority and dimensional/bulk regulation requirements that apply to new construction. The involvement of each agency is not outlined in Chapter 1.F.; however, page 4-1 indicates that LIPA is not required to obtain local approvals. The basis for not including such agencies as involved agencies with permit authority should be fully outlined and supported. (Voorhis, Epley)

Response: Each local agency is an interested agency. An involved agency has a decision making role, and none of the local agencies have a decision making role in this project. NYSDEC may decide based on the extent of ground disturbance to assert a permitting role for runoff and therefore be an involved agency for SEQRA purposes.

Comment 14: The public hearing on January 7, 2008 was held at a time that made it difficult for people to attend. (Shea, Kirkbright, Beckett-Lawless)

Having the meeting in January and not in the summer when more people would be around is an affront. (Burns, LoBue)

Response: The public outreach for the SEQRA process began in August 2007 and has continued into 2008. Public comments have been received since the summer, when the larger part-time community was present.

Comment 15: This is a perfect opportunity for LIPA to get involved with other infrastructure and coordinate burying all lines. (Epley, Cappeluzzo)

Response: Comment noted.

Comment 16: The DEIS does not indicate what federal or state requirements are required for burying cables with additional capacity at a future date. If burying cables with increased capacity is to be required a few years from now, why has LIPA not planned to bury increased capacity cables NOW? This issue is not discussed in the DEIS. (Abramson and Verno, Steinberg)

Response: The design and installation of the transmission line will meet all appropriate electrical and safety codes. As part of the planning process, LIPA forecasts its needs for the future and decides how much capacity is needed to be added in order to satisfy the projected demand without overbuilding capacity. The project is currently forecast to meet expected demands through 2025.

Response:

Comment 17: By signing the petition at www.thePetitionSite.com/takeaction/600271986, we request that a visually appealing and environmental safe alternative to the proposed "Direct Route" is found or that LIPA buries 100 percent of the new cables. (Dirksen)

Response: Comment noted.

Comment 18: SEQRA specifically raises the issue of "significant public controversy related to potential adverse environmental impacts that may result from the approval of this action." About 50 newspaper articles and editorials are testimony to the fact that enormous public controversy exists. There are also 1,300 signatures on our petition to the effect that the cables

should be buried. Yet LIPA has consistently ignored all of this, including the wishes of our elected officials. (Green South Fork)

Response: Comment noted.

Comment 19: The DEIS lacks the proposed final overhead and underground line locations, configurations and a specific evaluation of the impacts of each of the alternatives. (Green South Fork)

Response: The evaluation of potential impacts from each of the four proposed alternatives routes is presented in the DEIS and the FEIS. Because at the time the DEIS was prepared there was no specific configuration for overhead and underground, the DEIS considered the reasonable worst case impacts for each route. Thus, for example on visual impacts, the reasonable worst case was deemed to be an overhead configuration because the underground configuration of the transmission lines would cause no change to visual resources. For other chapters, impacts from both underground and overhead configurations were considered in order to fully study all potential significant adverse impacts along the routes prior to the determination of a specific underground/overhead configuration. A specific hybrid configuration for the Direct Route Alternative is presented in the FEIS, and the potential impacts from the proposed hybrid configuration are evaluated.

Comment 20: The DEIS states that LIPA will, in the future, work in consultation with local municipalities to identify the preferred underground sections, including appropriate locations and configurations. But this consultation and coordination, in the future, is by no means assured, as the DEIS incorrectly asserts that the project is not subject to local approvals and/or local permit requirements. Moreover, no local institutional or administrative decision making structure has been proposed by LIPA, as part of the DEIS, to ensure local input in future determinations, with respect to the final location and configuration of the lines and poles. As such, a more detailed route location and configuration plan for both over head and underground lines must be provided in the DEIS, particularly for the Direct Route Alternative and the Montauk Highway Alternative. (Kabot)

Response: As a New York State municipal instrumentality, LIPA is not bound to seek local approvals, but LIPA intends to work with the local municipalities on this project and on future projects.

CHAPTER 1: PROJECT DESCRIPTION

Comment 1-1: LIPA should bury the lines. (S. Gorman, Scranton, Eckert, Ludmer Duberman, Ciccariello, Abramson, Newman, Andreassi, Grodski, Corwith, Vella, Cuje, Lehrer, Kirkbright, Thiele, Penny, Rishel, Beckett-Lawless, T. Maloney, Robinson, Burns, Caturo, Capon, Vila, Wong, LoBue, Hoenig, CM, Zeh, Caldwell, MP, Postnieks, Currie, Landmarks, Zappone, Mockler)

Burying the lines will result in fewer blackouts and outages. (Kirkbright, Mayer)

This project is the first step in a very big project being undertaken by LIPA to bring power to all regions on the East End. If we don't bury the lines, it will happen elsewhere. (Shea)There are two options for this project, find another route besides the Direct Route Alternative, or bury the lines. The only good alternatives are to bury the lines completely or the Existing Line Alternative. (Graboski, Sandford, Shea, Finocchio, Zubulake, Sacher)

Response 1-1: For reasons discussed throughout the EIS and in this chapter, LIPA is considering a number of configurations, including all underground. The final decision will take into consideration a number of factors, so that the project best serves all of LIPA's rate payers. The factors will include environmental impacts, costs, efficiency, and reliability among others. The project stands on its own, and is not part of a larger project.

Comment 1-2: Burying the lines to Montauk from Amagansett paid off and was done in a timely and efficient way. (Penny, Wadzenski, Blue)

Response 1-2: Comment noted. Burying the entire transmission line for the Direct Route Alternative would cost about $31,500,000, which is about $10,675,000 more than the 55 percent underground and 45 percent overhead configuration. LIPA must consider this increased cost in making a final determination. Selection of the Existing Line Alternative would result in a similar cost because only an all underground configuration is feasible along that route. SEQRA permits a lead agency to take "social, economic and other considerations" besides environmental impacts into account in reaching a final determination.

Comment 1-3: The location of the poles should have been in the DEIS so that the public, as well as LIPA, can address the impact of the pole locations on property values and community character. (Haresign, Kabot)

Response 1-3: Figure 1-4 presents the proposed Direct Route Configuration for overhead and underground portions of the line. Where the transmission line is proposed overhead, exiting 30 to 35 foot poles would be replaced with approximate 48-foot poles.

Comment 1-4: The DEIS does not explain why obtaining easements along any other route besides the Existing Line Alternative would not be difficult to obtain. Therefore, dismissing the Existing Line Alternative based on easements is flawed since other routes would also require obtaining easements. (Epley)

Response 1-4: With the exception of the Existing Line Alternative and the LIRR Route Alternative, LIPA does not need to acquire additional easements because the proposed transmission line would be constructed along public right-of-ways where existing easements are available to utilities. Therefore, the Direct Route and Montauk Highway Alternatives would not require new easements. The DEIS does not dismiss the Existing Line Alternative as infeasible, but simply notes that selection of that alternative would prevent LIPA from achieving its goal of having the new transmission line operational by July 2008 because of the need to renegotiate the easements to permit underground installation of the line.

Comment 1-5: The DEIS is incomplete in that there are still questions as to whether removal of existing poles and the addition of new poles is what is proposed for all line alternatives, or whether the new poles will be in addition to what already exists, or whether it will be some variation based upon the route option. This needs to be clearly stated and analyzed. The DEIS does not disclose the number of new poles that would be erected nor the number of riser poles that would be required. Further, the DEIS does not state where the riser poles would be located. (Nuzzi, Rabinowitz, Green South Fork)

The FEIS needs to specify which 50 percent of the portion of the Direct Route Alternative will be buried and should provide visual aids to illustrate this. (Hartnagel)

Where will the new transmission line be buried within the Village of Southampton? We need to know the length of this portion of the project. If the line is buried in the Village, does that mean more overhead lines elsewhere? The DEIS needs to address this. If the line does go up North Sea Road, there is no mention in the DEIS of Suffolk County involvement in the project. (Shea)

Response 1-5: The proposed project would replace existing poles where they exist along the Direct Route and Montauk Highway Alternatives when the

configuration calls for overhead lines. Because there is not enough physical space within the Existing Line Alternative corridor, the proposed transmission line would have to be installed underground and therefore no new poles would be installed. For the LIRR Route Alternative, poles currently exist along the LIRR right-of-way outside of the Southampton Substation. These poles would be replaced and new poles would be installed along the remainder of the right-of-way.

A specific configuration of underground and overhead for the Direct Route Alternative, the preferred alternative, is shown on Figure 1-4 of the FEIS. Under the proposed configuration, the new transmission line would be buried from the Southampton Substation to North Sea Road to Wiltshire Street to David Whites Lane to just east of the intersection of North Sea Mecox Road and Seven Ponds Road (approximately 1.9 miles) where the line would transition to overhead (for about 3.8 miles) until about 0.3 miles west of Mitchells Lane where the line would transition belowground for the remainder of the route to the Bridgehampton Substation (about 2.7 miles). This proposed configuration is approximately 55 percent underground and 45 percent overhead. With this configuration, about 144 existing poles would remain; about 104 poles would be replaced with poles 48 feet above grade, about 20 poles would be replaced at intersections with poles about 56 feet above grade, and two riser poles would be installed, replacing existing poles. The first riser pole would be located just east of the intersection of North Sea Mecox Road and Seven Ponds Road and the second riser pole would be located about 0.3 miles west of Mitchells Lane.

As stated in Chapter 13, LIPA has met with Suffolk County Department of Public Works to review the proposed project and construction of the Direct Route Alternative.

Comment 1-6: The poles will only serve people in East Hampton who will be paying less if they're using more electricity. (Gorman)

Response 1-6: The proposed project would largely serve the Town of Southampton, east of the Shinnecock Canal. However, the installation of the proposed project would ensure energy reliability for the East End as a whole.

Comment 1-7: Issues raised in the DEIS regarding the difficultly of repairing underground lines is false. Vermont has committed to bury all lines underground to maintain the beauty of the state and continue to attract tourists, which is what the East End does. Representatives from the state

said that they have not encountered problems with underground lines. (Gorman)

It should be a matter of policy that LIPA would bury lines on the North and South Forks. (Schneiderman)

Response 1-7: LIPA's experience on Long Island is that overhead transmission lines have a frequency of repair of about 2.25 greater than underground lines. However, the underground lines cost about 10 times as much to repair as an overhead line. Balancing these two factors, underground lines are about 4 times more expensive to repair on a per mile basis. LIPA does not have a policy to bury all transmission lines on the north and south forks of Long Island, but decides on a case-by-case basis.

Comment 1-8: LIPA admits that future power needs in another 15 years or so will require a 138 kilovolt line, which LIPA is then mandated to bury. The DEIS is flawed in not analyzing this. The Executive Summary of the DEIS states that there will be an extension of the transmission cables from the Deerfield Substation. If this is done, other cable lines are going to have to be taken further eastward. Where will the poles for this extension be located? Could they be located in northern Water Mill and Bridgehampton or on the existing power line route? This is not addressed in the DEIS. (Abramson, Shea)

Response 1-8: If demand for electricity in 15 years requires a new transmission line, LIPA will develop a project at that time to satisfy the demand. Currently, there are existing lines that connect the Deerfield Substation to the Bridgehampton Substation. The proposed project would not change this existing condition.

Comment 1-9: The DEIS states that transmission cables will be brought from Buel Substation to the east to the Bridgehampton Substation. This would impact northern Sagaponack.

Response 1-9: There are existing cables between the Buell and Bridgehampton Substations. The proposed project would not add new cables between these two substations.

Comment 1-10: The construction of a hybrid configuration along Bridgehampton Sag Harbor Turnpike would have a significant impact on an area that is economically and culturally diverse and contains some of the very few affordable and workforce housing in the Town. The DEIS is flawed in its failure to specifically address the details and impact of the hybrid line along the Bridgehampton Sag Harbor Turnpike. (Dalsimer)

Response 1-10: With the proposed Direct Route Alternative configuration, the line would be buried along Bridgehampton Sag Harbor Turnpike. Further, the DEIS addresses environmental justice for the entire study area, including those areas along Bridgehampton Sag Harbor Turnpike. As concluded in the DEIS, the study area includes one minority community in the northeastern portion of the study area that would not be adversely affected by construction or operation of the proposed transmission line, based on a review of the other chapters included in the DEIS. The DEIS did not identify any significant adverse impacts with the proposed transmission line overhead along the Bridgehampton Sag harbor Turnpike and thus, no significant adverse impacts would result from a hybrid configuration of the proposed line along this roadway.

Comment 1-11: The DEIS appears to be flawed in its presentation of the proposed action. The proposed action description is not concise or specific to an action; the action cannot be identified as a series of alternatives. The Direct Route Alternative appears to be favored given the figures and analysis contained in the text; however, this is not evident in the description. (Voorhis)

Response 1-11: The Direct Route Alternative is the preferred alternative for the transmission line component of the proposed project, which is the installation of a transmission line. The DEIS was organized with the Direct Route Alternative as the preferred option and the three other routes disclosed as alternative routes for the proposed transmission line. The EIS studies the potential significant adverse impacts of each of the alternative routes to the same level of detail.

Comment 1-12: It would be useful if all figures that are based on the map of the proposed transmission line route contain the Village of Southampton Boundary. (Voorhis)

Response 1-12: Comment noted. The Village of Southampton boundary is shown on Figure 2-1, “Hamlet Boundaries.”

Comment 1-13: The design and appearance of the new poles that are now designed to withstand winds of 130 miles per hour (mph) should be specified, and the change of appearance of these poles as compared with existing poles should be identified. The change in the base diameter of the new poles from wood poles with a base diameter of 19 inches, to steel poles with a base diameter of 30 inches is substantial for those areas where steel poles are proposed to be installed. A four foot height increase is also

proposed for these poles. The diameter and height of wood poles along the remainder of the route will also increase. (Voorhis, Epley)

The lines and poles would be very large for the backyards where they would be sited. (McGann)

Response 1-13: With the exception of poles along the LIRR right-of-way, all new poles would be wood, the same material as the existing poles in the study area. Along the LIRR right-of-way, all poles would be steel. If the Direct Route Alternative is selected, no steel poles would be installed as part of the proposed project. As stated in the DEIS, the increase in base diameter of the new poles over the existing poles would be about 6 inches. The height of the poles would increase from about 30 to 35 feet above grade to about 48 feet above grade.

Comment 1-14: The description of the substation construction on pages 1-6 and 1-7 does not contain sufficient information to determine impacts; e.g., it does not describe what is presently located here, what types of surfaces will be removed, whether there is any potential for existing contamination (and if so, how it would be remediated) etc. (Voorhis, Epley)

Response 1-14: Chapter 9, "Natural Resources," Chapter 10, "Hazardous Materials," Chapter 12, "Groundwater and Surface Water Resources," and Chapter 15 "Construction," disclose the natural cover types at the Bridgehampton Substation expansion site and assess the removal of the coverages as well as existing and potential contamination issues and construction impacts from the expansion.

Comment 1-15: Page 1-8 does not include sufficient information on the rationale for placing lines underground along the alignment in the Town of Southampton. Specific criteria and/or logic for locating lines underground should be provided to the public as part of the DEIS review process. Given the lack of detailed cost information, the logic of not placing the entire line underground is not supported. (Voorhis, Epley)

Response 1-15: The EIS provides an analysis of the potential impacts on the environment of an all underground configuration, an all overhead configuration, and a hybrid configuration. The analyses found no significant adverse impacts from any of the proposed configurations. The decision on the configuration will be made by the LIPA Board of Trustees based on a number of considerations, including environmental impacts, cost, efficiency, and reliability, among others.

Comment 1-16: LIPA hasn't determined whether figures of growth of electric power are accurate. (Shea)

Response 1-16: Future population growth figures are based on past growth rates for the area between 2000 and 2006. KeySpan's Electric System Planning Growth is responsible for forecasting demand and growth. KeySpan's estimated growth rate for the South Fork is 3.3 percent per year while the Long Island Regional Planning Board estimates a 2.6 percent annual growth rate for the South Fork. These two figures are compatible.

Comment 1-17: Figures 1-1 and 1-2 (following page 1-2) should depict the portions of the various alternatives that are proposed to be underground. (Voorhis, Epley)

Response 1-17: Figure 1-4 of the FEIS presents the portions of the Direct Route Alternative that would be installed underground with the 55 percent underground and 45 percent overhead configurations for the Direct Route Alternative. The Direct Route Alternative could also be all underground.

Comment 1-18: The EIS Should include the following:
-Bridgehampton Substation Expansion site plan drawing
-Bridgehampton Substation Expansion elevation drawing
-Single line diagram of showing configuration of temporary connection of proposed Southampton-Bridgehampton transmission line to substations
-Feasibility of constructing LIRR Alternative Route underground
-Construction details of proposed overhead and underground lines, including typical drawings, indicating dimensions, conductor types and sizes, and design ampacities
-Transmission line construction cost estimates for both overhead and underground
-Estimated costs of work related to overhead transmission line construction, specifically, write-off of retired facilities, transfer costs (electric and other utilities), and tree trimming/removal
-Estimated annual line ownership costs for overhead and underground lines, including maintenance, repair, and tree trimming
-Viewshed analysis of Direct Route Alternative
-Viewshed analyses of other Route Alternatives, if desired
-Viewshed analysis of Bridgehampton Substation Expansion
-Relevant comparative visual studies of the overhead & underground transmission lines and substation expansion (MBE)

Response 1-18: Detailed drawings as described in this comment would be prepared for the final design. That level of detail is not necessary to determine if the proposed project would have a significant adverse impact.

A configuration with the transmission lines underground along the LIRR right-of-way is not one of the alternative considerations included in the FEIS. Cost of installation along with cost of maintenance and repair for both underground and overhead transmission lines is included in Chapter 1 of the FEIS. The visual analysis was conducted using the methodology of the NYSDEC's DEP-00-2, and a viewsheds photo simulations are included.

Comment 1-19: The following deficiencies and inaccuracies in the DEIS need to be corrected:
-Statement that adding an underground transmission line to the Existing Route Alternative constitutes a violation of reliability rules
-Several photo simulations that do not show the added overhead transmission line (cropped)
-Description of pole heights that indicate minimum height of 48' (should be 51', due to pole top post insulators). Further, some descriptions fail to mention pole heights of 61' and inaccurately describe the increase in pole height as only 13'-18' (13-24' is a more typical range, and the high end of the range could be as much as 29')
-Unsubstantiated statements that there is no visual impact in a particular location
-Statements that adding an overhead transmission line to an existing distribution line is not a significant change
-References to the "Out of Sight, Out of Mind" report regarding construction costs of transmission lines. (MBE)

Response 1-19: The underground transmission line along the Existing Route Alternative, while feasible, would not meet LIPA's internal policy for placement of transmission lines, because all three transmission lines would in one corridor. For reliability reasons, LIPA's policy is to have transmission lines along different routes. If a major accident were to occur along the Existing Route, electric transmission to the South Fork could be completely disrupted.

The photo simulations depict the proposed poles with overhead transmission lines.

No poles of 51 feet above ground are proposed. The majority of new poles would be 48 feet above grade and would not have pole top post insulators. No poles of 61 feet above grade are proposed. At about 10 intersections, poles about 56 feet above grade would be used to ensure

proper clearance between the lines and vehicles. Two riser poles, also about 56 feet above grade, would be installed.

The visual study reflects an analysis by experienced experts in preparing photo simulations and assessing visual impacts. As noted in the EIS, no significant adverse impacts are expected. This assessment has been also reached by experts at the New York State Office of Parks, Recreation, and Historic Preservations who found that the proposed poles would not have a significant adverse impact on historic and potentially historic structures.

Adding a transmission line to existing distribution lines has been concluded not to be a significant adverse impact by experts in each of the relevant technical fields.

"Out of Sight, Out of Mind" is a valid reference. KeySpan developed the cost estimates used in the cost analysis and simply referenced that report for additional background and information.

Comment 1-20: The DEIS presents the proposed line in the best possible light, e.g., it states that the difference in the height of the new poles in feet rather that the percentage difference, where they will be almost 50% higher, but you do not discuss the wires themselves. Does this mean that the wires will be identical to what currently exists? Certainly looking at the current transmission line between Southampton and Bridgehampton suggests that the proposed transmission wires will be much more noticeable. If this is the case the entire DEIS is flawed, since proposed poles and wires will be much more obtrusive, dramatically affecting the visual, historical, and other aspects of the analysis. (Ford)

Response 1-20: The difference in heights would be about 37 percent, not 50 percent. The new wires would be about ¾ of an inch greater in diameter than the existing wires. The visual analysis takes into account the visual effects of both the poles and the wires, and neither is expected to cause significant adverse visual impacts.

Comment 1-21: The DEIS includes findings and conclusive statements, that are unsupported by data, especially with regards to potential impacts of the proposed action and the project alternatives on community character, visual resources, archaeological resources, historic resources, natural resources, and economics. Moreover, the DEIS fails to fully evaluate potential significant adverse impacts, identified by experts utilized in preparing the DEIS, related to archaeological and historic resources, that cause significant concern for the Town. (Kabot)

Response 1-21: All conclusions regarding potential significant adverse impacts within each technical were reasoned elaborations by experts in each field. The conclusions on archaeological and historic resources have been reviewed by New York State Office of Parks, Recreation, and Historic Preservation. That office has agreed with conclusions on no significant adverse impacts on historic structures and districts, and with the conclusions of the Phase 1A Archaeological Study. The results of the Phase 1B Archaeological Study have been submitted for review to New York State Office of Parks, Recreation, and Historic Preservation. LIPA will follow the recommendations from New York State Office of Parks, Recreation, and Historic Preservation when they are available.

COST

Comment 1-22: The DEIS fails to address specific cost differential between overhead and underground configurations in any meaningful or disciplined fashion. The cost data is old and inadequate. The lack of cost data fails to meet SEQRA's rational basis standard. For LIPA to assert cost as the principal basis for selecting the overhead option without providing specific updated cost information for this project would be arbitrary and capricious and grounds for reversal on judicial review. There is no real cost breakdown in the DEIS as promised by LIPA. There should be full disclosure of real costs for the proposed project. Based on LIPA's miscalculations and overcharges would pay for the project to be buried a 100 times over. (Epley, Verno, Abramson and Verno, Steinberg, Kabot)

LIPA should accurately disclose to the public the incremental cost of one mile of above ground lines versus one mile of buried lines. (Delano)

The DEIS fails to provide a cost analysis/breakdown for the proposed action and the alternative routes. (Nuzzi, Hartnagel)

A greater cost to place the line underground does not necessarily mean it should not be pursued, particularly since that cost is in direct mitigation of a potential significant visual and safety impact, and undergrounding would reduce maintenance and therefore improve operation. Additional cost information must be provided. A spreadsheet containing more accurate costs for each alternative is necessary to evaluate the ability to mitigate the project through underground installation. (Voorhis)

Several years ago LIPA buried transmission lines from Riverhead to Southampton. What was that cost and how was that cost covered? Were the Town residents of Riverhead required to pay the cost or did all Long

Islanders pay the cost? Why was that situation different from the present above ground transmission line proposal? (Haresign)

Many years ago LIPA buried lines in the Napeaque area of East Hampton. What was that cost and how was that cost covered? Were the Town residents of East Hampton required to pay the cost or did all Long Islanders pay the cost? Why was that situation different from the present above ground transmission line proposal? (Haresign)

LIPA's presentation regarding the costs of overhead versus underground transmission lines does not include any cost data. As such, all comparisons are necessarily relative. Without any concrete data, it is not possible to understand the significance of capital costs in relation to maintenance and/or repair costs. The DEIS states that underground lines are "3 to 10 times more expensive on a per mile basis at utilities across the country". However, this statement is based on a report "Out of Sight, Out of Mind", addressing electric distribution lines, not transmission lines. Specifically, it compares the costs of building new overhead distribution lines with placing existing overhead electric distribution lines underground. The referenced report clearly states that it does not address transmission line costs. (MBE)

LIPA's experience of "an underground transmission line [being] about 4 to 5 times more expensive to install than an overhead line" is not documented, and does not specify the voltage, ampacity, or construction details (average pole span, cable type, cable installation details, etc.) on which the statement is based. It is worth noting that LIPA has recent experience with underground construction costs (Riverhead to Southampton 138kV cable installed in 2000, North Fork 69kV conversion which included sections of 69kV cable installed in 2003-2004), but has not presented such data. (MBE)

The DEIS further asserts that the life of an underground line is about 25 years, and that:

"A number of utilities have found that the time between needed repairs shortens dramatically at about 20 years for underground lines, and the repair costs increase with frequency of repairs."

This statement is based on the Out of Sight, Out of Mind report, which is concerned with the historical performance of distribution lines, and not the expected performance of new transmission lines. Underground transmission lines are designed and constructed much differently than are underground distribution lines. Distribution lines have a multitude of splices, junctions, and terminations, as they are designed to distribute power from a single source to many loads. Transmission lines, however,

have no junctions, few splices, and only two terminations, as they are designed to transmit power between two points. Further, the DEIS admits that the shorter life expectancy of older cable is due to the use of oil-filled cables, not "newer, solid dielectric cables [that] have a shorter working history, but based on the limited experience … are expected to have a life span equal to overhead lines". The issue of life expectancy is not relevant to the choice of overhead vs. underground construction. (MBE)

Response 1-22: Economic impacts are not environmental impacts and thus are beyond the scope of SEQRA Nevertheless, as the design of the transmission line has progressed, KeySpan has been able to develop specific cost estimates specifically for the Southampton Bridgehampton transmission line on a per mile basis. These estimates for both overhead and underground installation and include materials, labor, contractor overhead and profit, and certain design and construction management costs. The text from Chapter 1, "Project Description" that includes the specific costs is given below.

"For this project, KeySpan has prepared on a per mile basis a cost estimate to install the transmission line both overhead and underground. This calculation is based on KeySpan's experience installing overhead and underground, including installing new transmission in Riverhead, Southold, East Hampton and Southampton. However, actual construction costs may vary somewhat from those given here when actual bids from contractors are received. For the overhead transmission line, labor and material costs include 35 new poles per mile, 3 miles of conductor per mile, and 105 insulators per mile, plus miscellaneous hardware. The underground installation includes 3 miles of conductor per mile, 1 mile of duct to hold the conductor per mile, manholes every 2,200 feet with splicing at each manhole, 52,800 square feet of excavation per mile, backfill and pavement restoration, plus miscellaneous hardware. The capital cost per mile for installing the transmission line overhead is about $925,000, and the capital cost per mile for installing the transmission line underground is about $3,750,000. These cost estimates are based on KeySpan's recent experience installing underground and overhead transmission line on the East End of Long Island. The Direct Route Alternative is about 8.4 miles long. Therefore, the cost for just the transmission line without the expansion of the Bridgehampton Substation would be about $7,700,000 if the transmission line were all overhead and about $31,500,000 if the transmission line were all underground. The total difference is about $23,800,000.

LIPA has committed to installing about 55 percent of the transmission line underground and about 45 percent overhead. LIPA reviews each transmission line on a case-by-case basis in developing the proposed configurations. Again, based on the 8.4 mile Direct Route Alternative, this configuration would cost about $20,825,000. The underground portion would cost about $17,325,000, and the overhead portion would cost about $3,500,000. This 55/45 percent configuration would cost about $10,675,000 less than all underground and about $13,125,000 more than all overhead."

In summary, an underground line is estimated by KeySpan to be about 4 times more expensive to install and about 4 times more expensive to repair on a per mile basis than overhead lines. That greater cost is partially offset by higher maintenance costs of overhead transmission lines, but even taking this factor into account, the cost of underground transmission lines is substantially higher on a per mile basis than for overhead lines. Based on a 40-year life of the transmission line, the underground line would be $40,000 less to maintain in 2007 dollars than an overhead line. Assuming that no repairs are needed, it would take over 2,000 years for the underground line's lower maintenance cost to offset the underground line's higher capital cost. Any repairs would increase the amount of time needed to offset the underground line's higher capital cost. These increased costs that are borne by all LIPA rate payers, not just those in the vicinity of the underground lines.

The "Out of Sight, Out of Mind" report, although based on distribution lines, provides a nationwide perspective on the advantages and disadvantages of putting electric overhead and underground. The nationwide perspective broadens LIPA and KeySpan experiences and provides a context for Long Island situations.

Comment 1-23: The DEIS is incomplete in its failure to recognize the importance of finding a common ground between meeting future electric needs of the South Fork and preserving and enhancing the quality of life on the East End. (Nuzzi, Green South Fork)

Response 1-23: LIPA has an obligation to provide reliable electrical service currently and in the future. LIPA believes that its proposed 55 percent underground and 45 percent overhead configuration for the Direct Route Alternative reflects the agency's intention to find common ground with the potentially affected community. Recognizing the community's strong preference for underground transmission lines, LIPA has agreed to install 55 percent of the line underground, despite the considerable additional expense.

Comment 1-24: Based on future cost to the ratepayers to replace or bury the new lines, the proposed transmission line should be buried. (Hendrickson)

The cost of burying the lines will be offset by the lower cost of maintenance. (Kirkbright)

Response 1-24: As discussed above, burying the transmission line would be four times more expensive than installing it overhead. The lower cost of maintenance would not come close to offsetting the higher capital cost of burying the transmission line. See Chapter 1, "Project Description" for a more complete discussion of installation, maintenance, and repair of transmission lines.

Comment 1-25: The DEIS states that repairs to underground lines would be about ten times more expensive than repairs to overhead lines. This statement is not substantiated in the DEIS. (Zappone)

Response 1-25: The statement is based on an analysis prepared by KeySpan, the entity that either repairs or oversees the repairs to all of the LIPA owned transmission and distribution lines. The FEIS notes that repairs for underground cables are about 4 to 5 more expensive than for overhead cables, when the fact that underground cables require less frequent repairs is taken into account.

Comment 1-26: LIPA is a monopoly with considerable self-regulating powers and is assuming that they can railroad ahead with their plans for the above ground lines in spite of public controversy. Political leaders are united in wanting to bury the lines and residents must let the political officials know that they are willing to pay part of the cost to bury the lines. LIPA states that it's about precedent and money but there is no area in Long Island that has this degree of hurricane risk or the beauty of the scenic vistas, which are magnet for the recreational economy. Local tax increases may be preferable for the shared cost since taxes are deductible and LIPA rates are not. (Abramson, Perez, Brolin, Ludmer Duberman, Capon, Kabot)

Response 1-26: LIPA is a municipal instrumentality of New York State. LIPA has held open houses, public meetings, and public hearings beyond those required under the law. LIPA does not have taxing powers, but has met with political leaders that do have that power.

Comment 1-27: LIPA has the technology to bury the lines and be more efficient. It's unacceptable for cost to be used as an excuse when talking about safety and efficiency. (Verno)

Response 1-27: LIPA has found that overhead and underground transmission lines are equally efficient and safe. Underground transmission lines are more expensive to install.

Comment 1-28: Cost appears to be LIPA's principal concern with undergrounding. However, the cost differential between overhead and underground lines has been narrowing rapidly in recent years due to development of inexpensive dielectric cable technology, as the DEIS acknowledges. LIPA's recent actions show that new underground, high-voltage transmission technology is available and cost effective. Data in a report cited in the DEIS is from before 2004, averages data across widely disparate areas, and fails to focus on the actual project at hand. The DEIS's cost information is old, anecdotal, and inadequate and fails to meet SEQRA's rational basis standard. It can and should be presumed, for SEQRA purposes, that the overhead/underground cost differentials for this project are zero, or close to it. (Epley, Finocchio)

The discussion of relative costs of underground vs. overhead transmission lines in subsection E, page 1-10 is confusing and contradictory. Cost information is outdated and does not reflect current installation costs or localized cost installation data. LIPA has based the entire discussion of cost on this outdated information, using it to conclude that the cost is 4-5 times greater for underground versus overhead lines, then averaging the cost of with the overall cost including the substation (whose cost does not change based on overhead or underground) to come up with an average cost increase of 3.5 times for underground over that of overhead. Similar use of old data is used with respect to the service life of underground versus overhead lines as well as maintenance. The document clearly indicates that the experience for these cost projections is based on older, oil cooled cables. Conclusions based on these data are therefore clearly invalid. (Voorhis, Epley)

Response 1-28: Economic impacts are not environmental impacts and thus are beyond the scope of SEQRA, but LIPA is providing a cost analysis, as requested. The cost data are the latest and most complete available for the installation of underground and overhead cables. The project specific costs are based on the most recent experience on Long Island and on the East End. Data from other utilities are used to check that LIPA's experiences are similar to those of other utilities. Comparing an individual utility's metrics with those of other utilities is commonly done to ensure that the utility is efficient and effective. As discussed above, the cost difference shows that underground installation is about

four times more expensive than underground and not zero. The experiences are based on the LIPA system and are valid.

Comment 1-29: The Village and Town have expressed a willingness to contribute financially to defray added costs attributable to undergrounding. However, unless and until information becomes available as to costs of a specific selected project, the Village and Town have no basis on which to develop such a plan. In any case, LIPA isn't giving us enough time to develop a plan and are trying to push the project through. (Epley)

We would pay more for electricity to cover the cost of burying the lines. (Binder)

If cost is the reason why less onerous alternatives are not considered feasible to the Direct Route Alternative, then the subject should be open to negotiation. LIPA can find the money to bury the lines or work with the community and elected officials to find the money. (Steinberg, Rabinowitz, Gorman)

Response 1-29: LIPA does not have the power to establish tax rates, taxing districts, or special assessment districts. LIPA has met with elected officials that have that power to pay for installing the line entirely underground. If the elected officials decide to form taxing or assessment districts, LIPA will work with the elected officials.

Comment 1-30: Do the cost comparisons consider the increased cost of designating new installations to withstand 130 mph winds, a design criteria adopted by LIPA? This would increase the cost of the overhead installation, and decrease the relative difference between aboveground and underground and should be included in the analysis. (Voorhis, Epley)

Response 1-30: The cost comparison is based on the proposed design, which includes the design criteria of 130 mile per hour winds.

Comment 1-31: The column labeled "Capitol Costs" in Table 1-2 (page 1-11) should be expanded to include the other relevant factors affecting costs discussed in the accompanying text: Installation Costs, Maintenance Costs, Repair Costs, Frequency of Repair, Frequency of Maintenance, etc., in order to obtain a full picture of relative costs. This is particularly important and was requested in the Village of Southampton Environmental Planning Consultant's review of the Draft Scope for the project. (Voorhis, Epley)

Response 1-31: The cost data has been revised to include all relevant factors and provide a full picture of the cost to LIPA and its rate payers. See

Chapter 1, "Project Description" for a more complete discussion of installation, maintenance, and repair of transmission lines.

Comment 1-32: If money has been built into the rate structure for visually sensitive resources for over a decade, where has it gone? If Southampton has paid it then it should get something back. (Shea)

Response 1-32: LIPA has not built-in costs for visually sensitive resources into its rate structure. Rates are set on a system wide basis, and Southampton has not paid any excess rates.

Comment 1-33: The cost for hurricane repair along this route is not mentioned. What was the cost to repair and replace poles for the last dozen hurricanes? Cost analysis should also reflect short term costs and long range costs. Above line repair after a hurricane or nor'easter is very expensive on the East End. What did it cost LIPA to bring in repair crews from South Carolina to make hurricane repairs? That information should be part of the cost evaluation, as vulnerability is not as significant if cables are underground. (Abramson and Verno, Steinberg, Haresign)

Response 1-33: Cost information to repair the LIPA system is done on an overall basis and not on a single storm or for a specific locale. The FEIS, however, considers the different repair costs and repair frequency for underground and overhead lines, and that difference takes into account storm-related repairs.

Comment 1-34: At what point does this project pay for itself? When does LIPA recoup what it has laid out for both the proposed project and for 100% burial of the cables? (Abramson and Verno, Steinberg)

Response 1-34: LIPA does not look for a particular project to pay for itself. LIPA responds to the demand for electric service by expanding and maintaining its system as needed, and the cost are used to establish the rates for electrical service.

Comment 1-35: The DEIS does not adequately address the cost of burying the cables, nor does it address what the cost would be to the average customer on Long Island or even on the East End if there were a regional charge. Several years ago, LIPA buried transmission cables from Riverhead to Southampton. What was that cost and how was that cost covered? Were the Town residents of Riverhead required to pay the cost or did all Long Islanders pay the cost? Why was that

situation different from the present above ground transmission line proposal? Likewise when LIPA buried cables in the Napeaque area of East Hampton. (Abramson and Verno, Steinberg)

Response 1-35: The cost for every LIPA project is paid from its rate base, and not charged to an individual location. The effect of an individual project on the rate cannot be separated out, but no project is planned and constructed unless it is required by customers' electrical demand or system reliability. LIPA decides on a case-by-case basis on the specific conditions at the locale. The factors taken into consideration include engineering feasibility, environmental impacts, costs, and reliability of the LIPA system.

Comment 1-36: Page 4-19 states that a Special Assessment District (SAD) might fund underground cable placement. Elsewhere in the report it does quote the Southampton Town Comp Plan about utility cables going underground and being funded with SAD money. If LIPA has indicated they will bury half the cables, what would be the tax cost to the various hamlets and village for LIPA to bury the remaining cables? What is the assessment for these areas and the cost per $Million of assessed value to fund a bond issue for these costs? (Abramson and Verno, Steinberg)

Response 1-36: LIPA does not have the power to establish a Special Assessment District, but has met with elected officials that do have that power. LIPA will work with elected officials if they decide to establish a Special Assessment District.

Comment 1-37: Financially, why have we not seen a detailed audited statement of the costs involved in supplying new power to the East End? Specifically where is the breakdown of the supposed $10 million extra it will cost LIPA to bury the new power lines? (Kristiansson)

Response 1-37: Economic impacts are not environmental impacts and thus are beyond the scope of SEQRA and this EIS. However, estimated costs are provided in the FEIS. Audited statements would not be available until after the project is constructed and operating.

Comment 1-38: LIPA admits that overhead lines are more expensive to maintain than underground lines. However, there are no data on the magnitude of maintenance costs, nor are there data on the ratio of the expected maintenance costs for the two line types. Instead, the DEIS provides a description of the maintenance practices, leaving the relative costs unaddressed. (MBE)

Response 1-38: It is expected that a per mile basis, an underground transmission line costs about $1,000 per year less to maintain than a comparable overhead transmission line. This number does not significantly alter the cost differential for installation of lines overhead or underground. As noted in the FEIS, it would take over 2,000 years for savings in maintenance costs to equal the installation cost differential, well beyond the 40 year life span of the line

Comment 1-39: LIPA estimates that individual overhead repairs are 10 times less expensive, but 2.25 times more frequent, than underground repairs. If these estimates are accurate, then overall repair costs for underground lines would be about 4-5 times higher than overhead lines. (MBE)

Response 1-39: That is a correct calculation, and the FEIS has been revised accordingly.

Comment 1-40: The construction costs are inaccurately based on data to replace existing overhead distribution with underground lines, not on a direct comparison of new transmission line costs. The repair cost data fails to mention the fact that LIPA's underground transmission lines typically require less than half as many repairs as overhead lines. And there is no mention of the fact that overhead lines are more expensive to maintain that underground lines. Finally, no data (other than general ratios) are presented that allow for an overall lifecycle cost comparison of overhead vs. underground transmission lines. (MBE)

Response 1-40: Capital construction, maintenance, and repair costs are included in the cost analysis contained in the FEIS. The analysis includes LIPA's experience for repair of overhead versus underground lines, where the repair of underground lines is less frequent, but far more expensive. The maintenance costs are included in the cost analysis, and the overall life costs are discussed.

Comment 1-41: MSE estimates the average construction costs of the underground lines to range from $1,915,000 to $2,350,000.

Response 1-41: The differential in costs between overhead and underground are comparable to those estimated by KeySpan, which used its recent experience with the installation of both overhead and underground transmission lines on the East End to develop its estimates. Because of KeySpan's extensive and recent experience on the East End of Long Island, their cost estimates are considered to the more accurate than those prepared by engineering firms that do not have KeySpan's expertise.

Comment 1-42: There are two additional operating costs that are not addressed in the DEIS: tree trimming and losses. Both of these make the overhead construction option less attractive. Obviously, underground construction does not require tree trimming. Not only do overhead transmission lines require the trees to be cleared around the conductors, but unlike distribution lines they also require that "danger trees" be removed. (Danger trees are trees that are able to contact the line if they were to fall toward the line.) (MBE)

Response 1-42: The tree trimming costs are included in the cost analysis as part of the yearly maintenance cost. The cost of losses is not germane to the analysis.

Comment 1-43: Is LIPA required to pay Gross-Up Taxes? (If so, the cost estimates need to be increased accordingly.) (MBE)

Response 1-43: LIPA as a New York State municipal instrumentality is not subject to taxes, but, on a case-by-case, may make payments in lieu of taxes.

Comment 1-44: Is the proposed overhead transmission design based on triangular construction (consistent with the visualizations), or is it based on a design which includes a static wire above the conductors? (This affects the cost and reliability of the line.) (MBE)

Response 1-44: The design is based on a triangular construction without a static line.

Comment 1-45: No detailed analysis of potential impacts on ratepayers is provided, nor is there an evaluation of possible funding assistance, which LIPA could potentially obtain, for undergrounding the lines, from FEMA and/or other hurricane and emergency preparedness agencies. (Kabot)

Response 1-45: An analysis of the effect of this project on LIPA's rate structure is beyond the scope of the environmental review. LIPA pursues funding assistance for utilities.

Comment 1-46: I object to having any of the rates paid by North Fork residents go towards burying the lines on the South Fork. (Alessi)

Response 1-46: Comment noted. LIPA rates are uniform across its service area.

CHAPTER 2: LAND USE AND COMMUNITY CHARACTER

Comment 2-1: The DEIS doesn't consider the expressed will of the population in the area. (Vogel)

Response 2-1: Public opinion is not considered a technical area that should be analyzed under SEQRA. However, LIPA has endeavored to address community concerns regarding open space vistas by offering to underground about 55 percent of the Direct Route Alternative.

Comment 2-2: The proposed transmission line would be ugly and introduce a tech wire in an otherwise beautiful rural farm area. The East End relies on tourism related to this rural quality. (Greilsheimer, Abramson, Currie, Kabot)

To blight our country roads and farm field vistas with these new poles for the sake of saving a few dollars is short sighted. What reasonable summer tourist would ever rent a home within view of one of these poles? (Kristiansson)

Response 2-2: Under the Direct Route Alternative, poles would not be introduced into any area where they do not currently exist. As stated in the DEIS and FEIS, there is an existing distribution line along the Direct Route Alternative and therefore, the proposed transmission line would not materially change the land use within the study area. Further, LIPA has committed to burying approximately 55 percent of the line along this route.

Comment 2-3: The DEIS ignores the Town and County efforts to preserve agricultural land and therefore the rural character as well as the scenic vistas and aesthetics of the area. This area of the Town is a tourist based economy that thrives on the surrounding rural character. (Thiele, Graboski, Abramson, Kabot)

Response 2-3: The DEIS and FEIS both recognize local and regional efforts to preserve agricultural land. The installation of this project would not conflict with the operation of any agricultural properties nor materially change the scenic vistas in accordance with NYSDEC DEP-00-2 guidance.

Comment 2-4: It is LIPA's responsibility to safeguard the area's community character. (Nuzzi)

Response 2-4: The installation of the proposed project would not introduce a new use to the study area and would not materially change the area's community character. All of the new poles would be wood and would replace existing poles.

Comment 2-5: The DEIS is incomplete in failing to adequately address adverse impacts on land use and community character. The DEIS is incomplete

in failing to analyze and present mitigation to address the adverse impacts to tourism and the economy. (Nuzzi, Green South Fork, Kabot)

Response 2-5: Chapter 2 of the DEIS and FEIS analyze and address the proposed project's impact on land use and community character. Based on professional analysis, no adverse impacts to land use and community character were identified. Because there are no identified significant adverse impacts, no mitigation is proposed. Thus, the introduction of the proposed project would not affect the local economy or tourism. See responses to Comments 2-6 and 2-7.

Comment 2-6: The proposed project's effect on property values related to visual impacts, economic impacts to the residents and the Town, and assessment and taxes has not been addressed in the DEIS. There are working class people in the Village of Southampton and Bridgehampton hamlet. There are three legal precedents in Florida, Tennessee, and San Diego regarding utility lines lowering property values. LIPA probably wouldn't want to pay damages for lowered property values in this area. (Shea, Perez, Verno)

According to a real estate agent, the value of homes will go down especially if poles are located right near the home. (Gorman, Shea, Haresign)

A conscious decision was made by LIPA to exclude appraisals because appraisals will show that the project has a negative visual impact on the community that results in loss of property values which in turn negatively affects the town's economy. LIPA should provide appraisals of every home on the proposed route and discuss how this will impact the tax rolls and economy of the town. (Verno, Abramson and Verno, Steinberg, Kabot)

The poles are blight and an eyesore and would destroy the accrued equity in our homes. (Finocchio, Binder, Haresign, Mayer, Wadzenski, Beckett-Lawless, Komoska)

LIPA, in the DEIS, should have revealed the exact pole locations for their alternative routes. The public, as well as LIPA, should have this information to address the impact of the pole locations on property values and community character. (LIPA currently knows where each pole is to be located for their Preferred Route, but did not disclose this information.) (Abramson and Verno, Steinberg, Green South Fork)

The Town of Southampton has authorized a study to be done on property values so that we have the proper information regarding the impact of the project. (Graboski)

A reliable appraiser in the South Fork has gone on the record to say that the impact of the project will be a 20 percent reduction in the values of residential properties directly along the route, and a significant reduction of value for residences within the sight lines. (Abramson)

Town assessors should have made an evaluation of the loss assessment value on property. (Haresign)

As a local real estate agent I can assure you the proposed new utility poles will decimate real estate values far beyond the 20 percent which appraisers have quoted. Worse, these new poles very well may render numerous properties impossible to rent or sell. (Kristiansson)

Response 2-6: An analysis of purely economic effects is beyond the scope of SEQRA and thus need not be studied in an EIS, unless such economic effects would cause environmental impacts such as a change in community character. There is simply no basis to conclude that the proposed project would result in depressed property values sufficient to alter the character of the community along the proposed routes. Nevertheless, in response to concerns expressed about the effects of the proposed transmission line on property values, LIPA commissioned a study by Standard Valuation Services, a well known and respected real estate appraisal firm. The report is Appendix H, Appraisers Report. The appraiser researched and used sales of houses along the Existing Route and along the Direct Route Alternatives. The Existing Route has large steel lattice towers supporting the existing transmission lines that are on easements through private property and for the most part goes through areas with expensive houses on large lots. For the Existing Route, about 620 lots are affected by the existing transmission line, and 312 of the lots have single family homes. The other lots are vacant or have other uses. Between 2003 and 2007, 64 of the houses were sold. The appraiser compared trend in price between these houses and similar houses in the area that are not affected by the lattice towers and found no difference in the prices. The steel lattice towers along the Existing Route Alternative do not affect the value of single family homes, and are taller and arguably more visually intrusive than the new transmission line proposed by LIPA.

The appraiser did the same analysis along the Direct Route Alternative. Within the Village of Southampton, 18 single family homes along the Direct Route were sold between 2003 and 2007, and outside of the Village of Southampton, 42 single family houses were sold. Comparing the trend in sale prices between houses affected by the existing utility poles and houses unaffected by the utility poles along the Direct Route,

the appraiser found no difference in prices for single family houses based on proximity to utility poles and power lines.

This detailed quantified analysis by a qualified real estate appraiser confirms the conclusion in the DEIS that the replacement poles and the proposed transmission lines would not have a negative effect on the value of single family homes along the proposed routes.

Comment 2-7: The overall property value diminution as a result of the installation of the proposed transmission line to the adjacent properties can be best expressed as falling with a range of 10 percent to 14 percent, say 14 percent. Based on the total property value estimate, as of December 31, 2007, $270,825,000, los of property values is estimated to be $32,499,000. The time on market for properties adjacent to high tension power lines is 137 days compared to 114 days for properties not adjacent to transmission. This indicates a negative impact on time on market properties adjacent to transmission towers. (Indimine)

Response 2-7: The Town of Southampton commissioned Lawrence Indimine Consulting Corp. to prepare a report on the effects of transmission lines on property values. Indimine Consulting concluded that transmission lines reduce property values by about 12 percent. In order to reach this conclusion, Indimine Consulting did not use property values and sales in Southampton, but instead relied on properties in the Town of Brookhaven, a completely different real estate market than Southampton. When Indimine Consulting compared Southampton improved lots along the Existing Route, the firm concluded on page 16, "The improved sales do not clearly show any reduction in value as a result of being impacted by the power lines."

To reach the conclusion of a reduction in property value, Indimine Consulting used properties along a LIPA transmission line in Brookhaven that carries two 138 kilovolt circuits on 90 to 125-foot above grade steel poles. This is completely different situation than the proposed single circuit 69 kilovolt circuit on 48-foot above grade wooden poles. The property values in Brookhaven are dramatically different from those in Southampton, and the values are driven by different factors. The appraiser relied heavily on an analysis of the effects by school districts, which is clearly not a major factor for second home prices in Southampton. The conclusion that property values are reduced by 12 percent because of transmission lines may or may not be true for the particular situation in Brookhaven, but clearly not applicable for properties in Southampton.

Like the reduction in property values, Indimine Consulting did not rely on properties in Southampton to conclude that transmission lines cause

an increased time on market. Indimine Consulting used an analysis of some undisclosed location west of Southampton. Again, this conclusion is clearly not applicable to the real estate market in Southampton.

Comment 2-8: The Head of Pond, Scuttle Hole corridor under consideration for the Direct Route Alternative is a critical corridor for the Southampton bike lane network and in promoting bicycling, pedestrians, jogging etc. Therefore the line should be buried and in doing so, possibly widen or improve the Direct Route corridor for the safety of cyclists and others by painted bike lanes on pavement. (Dodson)

Response 2-8: The easements LIPA holds for the current distribution line does not allow bike use. The Direct Route Alternative would be located along local roads where LIPA does not have jurisdiction over road widths. As stated in the DEIS and FEIS, LIPA would work with the Town should development of a bike lane be underway during construction of the proposed project.

Comment 2-9: The DEIS does not identify the affordable housing constructed by Habitat for Humanity or Southampton Workforce Housing along Bridgehampton Sag Harbor Turnpike. (Dalsimer)

Response 2-9: Chapter 2 of the DEIS and FEIS include the identification of residential uses but does not specify how those uses were constructed. Chapter 16 addresses minority communities in the study area.

Comment 2-10: According to the land use chapter, about 39.4 percent of the study area is agricultural, 7 percent is open space, 8.5 percent is vacant and 2.2 percent is water. The 8.5 percent of vacant land is likely agricultural. All of these uses should be considered open space. Thus, approximately 50 percent of the land in the study area is open space. How could LIPA propose to install the proposed lines along the Direct Route Alternative when the Town as a whole only has 8 percent agricultural? This would blight the land. (Perez)

Response 2-10: The installation of the proposed project would not blight the study area as there is an existing distribution line located along the Direct Route Alternative. The proposed project would not prohibit future preservation of open space or conflict with existing land uses, including agriculture.

Comment 2-11: Chapter 2, "Land Use and Community Character" beginning on page 2-1, should include an explanation as to what exactly the term "community character" means, how this chapter describes it, and how

the accompanying analysis of potential impacts from the proposed project is performed. (Voorhis)

LIPA, in the DEIS, avoids specific SEQRA concerns about community character. The huge poles and cables will significantly reduce "the enjoyment of the aesthetic landscape," a specific SEQRA concern. The huge poles and cables will impact the "character of the neighborhood," a specific SEQRA concern. These massive transmission poles and cables will conflict with Town plans and goals. Yet the DEIS repeatedly dismisses the notion that the poles and cables will have any impact. (Abramson and Verno, Steinberg)

Response 2-11: As explained in more detail on pages 2-3 and 2-4 of the DEIS, community character is an amalgam of many different factors that combine to create the "quality of life" of an area. Community character incorporates information collected for other technical analyses including transportation, land use, social and economic conditions, visual character, air quality, noise, and natural resources. Not all of these elements affect community character in all cases; a community usually draws its distinctive character from a few determining elements. The installation of the proposed project would not materially change local resources in the vicinity of the project and thus character of the community would not change. Because there are existing distribution poles along the Direct Route Alternative, the proposed project would not introduce a new use to the area but remain consistent with what is currently present along the roads.

Comment 2-12: The DEIS indicates that the Direct Alternative Route study area is dominated by agricultural land use (40%). Taken with other statements in the DEIS, it is clear that the Direct Alternative Route is through a sensitive scenic corridor that the Town intends to continue to protect. LIPA's conclusion relies heavily on its analysis of visual impacts made in Chapter 6. (MBE)

Response 2-12: The analysis relies on existing uses and any changes that could be introduced by the proposed transmission line. Visual impact is one part, but not the whole, of the elaborations that lead to the conclusion that the proposed project would not have a significant adverse impact on land use and community character.

Comment 2-13: The DEIS explanation of the right of way issues seems to rely on the previous use of the right to lay the presently existing line as a primary basis for your right to put up the new transmission line. The history of the law of right of way, and the rights under a right of way are founded on both a specific grant (or implied grant) and prior usage. Prior usage

both interprets the specific (or implied) grant and limits the rights under a right of way. In the instant case, LIPA and its predecessor, LILCO, have used the right of way to distribute electric to houses and farms along its route. The Executive Summary in many places relies on "pre-existing use;" however, the proposed "transmission line" is a new or expanded use, not the same use. Page S-12 of the Executive Summary explicitly states that the proposed "transmission line would be constructed along the same route as the existing distribution lines,...." These are lines of a different character, the proposed line being much larger. Under the law of right of way, the right to cross another's property on foot does suddenly mean the right is expanded to build a four lane highway across the property. (Ford)

Response 2-13: The alternative routes for the most part contain existing utilities lines, and the addition of a transmission line is of the same character. A pre-existing use is an important factor in establishing the character of an area and for determining if a proposed use would alter that character. The change from 35-foot above grade to 48-foot above grade poles can not be equated to the building of a four-lane highway.

Comment 2-14: LIPA is required to apply to the Town for special exceptions and site plan review (DEIS p.4-21 and 4-22) depending on the alternative route and configuration that it selects. LIPA's insistence that it is exempt from local approvals is not supported in the DEIS and runs counter to law. (Kabot)

Response 2-14: As a New York State municipal instrumentality, LIPA is not bound to seek local approvals, but LIPA intends to work with the local municipalities on this project and on future projects.

CHAPTER 3: COMMUNITY FACILITIES AND OPEN SPACE

Comment 3-1: The DEIS does not identify the Children's Museum as a community facility along Bridgehampton Sag Harbor Turnpike. (Dalsimer)

Response 3-1: The Children's Museum of the East End is located at 376 Bridgehampton Sag Harbor Turnpike and is only located within the ½-mile study areas for the LIRR Route and Montauk Highway Alternatives. The museum was not identified as a community facility because it is not a free resource for the public. However, the proposed project would not impact the Children's Museum of the East End or increase demand on the facility.

Comment 3-2: The open space "figure map 3-4" does not appear to be complete. Open space includes land that the State, County, Town and subdivision process has preserved. It may not all be farmed but its development for non-agricultural purposes has been restricted. It is important that LIPA have a complete understanding of the current "open space." The map showing open space should also include potential land the Town, County, etc. want to see remain open. (Abramson and Verno, Steinberg)

Response 3-2: Figure 3-4 depicts preserved open space properties as identified in available published documents by the State, Town, and County. Figure 3-5 depicts all parcels identified in the Town's 2005 Community Preservation Project Plan as priority parcels for preservation. Chapter 3 of the DEIS addresses project impacts on open space. Further, Figure 2-1 shows all land uses within the project vicinity including active agricultural lands.

CHAPTER 4: ZONING AND PUBLIC POLICY

Comment 4-1: LIPA should apply to the Village for special exceptions and site plan review. LIPA's denial that it is subject to local zoning departs from traditional zoning and planning jurisprudence under which a New York town may require a needed electric transmission line to be placed underground. The case law cited to prove that LIPA is not subject to local zoning is questionable and LIPA should reconsider its position and apply to the Village for proper zoning approvals. (Epley)

LIPA is not exempt from local land use regulations. The DEIS is incomplete in its failure to address this issue in any meaningful way, which would include an analysis of the project and its alternatives which complies with local land use regulations. (Nuzzi, Green South Fork)

Response 4-1: LIPA has consistently taken the position that it is not required to obtain local approvals for projects, such as this one, although the agency has always been willing to work with potentially impacted local governments and communities to attempt to address any concerns raised by the proposed project.

Comment 4-2: If new subdivisions have to bury their lines, so should LIPA. (Shea)

Response 4-2: Placement of distribution lines within new subdivisions is a completely different situation than the installation of a new transmission line.

Comment 4-3: The addition of the new transmission line is inconsistent with the Town's Comprehensive Plan. (Dalsimer)

The addition of overhead transmission lines to existing overhead distribution lines appears to be inconsistent with the public policy set out in *Update to the Town of Southampton Comprehensive Plan Transportation Element (2004):*

"Townwide road improvement efforts being undertaken should, whenever possible, include burial of adjacent utility lines and removal of telephone poles as a safety and aesthetic improvement. Also, improvements should include the creation of well planned pedestrian and bicycle access ways."

The addition of overhead transmission lines to existing overhead distribution lines makes the burial of such lines infeasible. (MBE)

Response 4-3: The proposed Direct Route Alternative would replace a pre-existing distribution line and therefore would not introduce a new use to the area. In addition, the expanded substation would be sited on the same lot as the existing Bridgehampton Substation, thus remaining consistent with existing uses on the lot. The Direct Route Alternative would retain the existing vegetated buffer around the Bridgehampton Substation. Protection of open space, natural resources, and agricultural lands are important issues addressed in the summarized policy documents in Chapter 4, including the Town's Comprehensive Plan. The identification of open space parcels for preservation would not be affected by the new transmission line or expanded substation. The preservation of these properties has occurred in the past and can continue to occur in the future with or without the transmission line. The new transmission line would be similar to the pre-existing land use along the route (distribution lines), which have coexisted with agricultural uses and open space qualities of the area for the past 80 years.

Comment 4-4: Chapter 4, "Zoning and Public Policy" identifies Village of Southampton Zoning requirements and is contradictory by stating that the Direct Route Alternative would conform to the requirements of the conditions for site plan approval, if such approval were required", after stating that a 26 foot height variance is needed in the preceding section. The DEIS should evaluate applicable dimensional/bulk requirements and identify variances needed in order to provide any statement regarding conforming to the requirements of the conditions for site plan approval. (Voorhis)

Response 4-4: Chapter 4 discloses what variances would be required if LIPA were subject to local zoning. However, LIPA has consistently taken the position that it is not required to obtain local approvals for projects,

such as this one, although the agency has always been willing to work with potentially impacted local governments and communities to attempt to address any concerns raised by the proposed project.

Further, in the past, the Village has not recognized utility poles as structures and thus has not required a site plan review.

CHAPTER 5: COASTAL ZONE MANAGEMENT

Comment 5-1: The DEIS fails to analyze the project's compatibility with New York State Coastal Zone Management policies for all four routes. (Nuzzi, Green South Fork)

Response 5-1: Chapters 5 and 17 of the DEIS and FEIS provide a coastal zone consistency analysis for each of the routes under consideration, when applicable.

CHAPTER 6: VISUAL RESOURCES

Comment 6-1: I live in an area where the lines are buried and we have minimal outages. Bury the lines to meet the SEQRA mandate to minimize adverse visual impacts. The preferred route would be one with the least visual blight. The poles would be horrendous and huge. (Setteducati, Epley, Nuzzi, Hendrickson, Irving, Terry, Gorman, Abramson, Shea, Perez, S. Gorman)

The riser poles would present an enormous visual impact to the area. (Dalsimer, Charkow, Postnieks, Currie)

The very nature of LIPA's initial proposal to bury 50 percent of the lines in front of open space acknowledges a negative visual impact. (Verno)

The proposed LIPA poles are significantly larger in size, both wider by 6 inches in diameter and in height by an increase of 13-18 feet. These new poles will be visually intrusive as they exceed the height and width of the existing poles, the current Town Code height limit, and even protrude into and above the tree canopy skyline. Other new poles at road crossings and turns are proposed to be even higher at approximately 61 feet. The 40-foot guy wires used to support the riser poles will also be visually intrusive, especially at the proposed locations at crossroads and intersections. (Landmarks, Kabot)

The proposed overhead transmission line structures would be about 50 percent taller and wider, on average, than the distribution lines being replaced. In some cases, the pole heights could double. The new poles would be placed about 150'-200' apart along existing roads. Note that a

typical transmission line would use poles of this size with a spacing of roughly 300'. Placing transmission poles at the closer spacing would have a much greater visual impact than a typical, freestanding transmission line. Finally, the wires used will be much larger than the wires typically used on distribution lines, adding to the visual impact. (MBE)

Response 6-1: As noted in DEP-00-2, "Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource." Since the Direct Route Alternative will not directly interfere with the public's enjoyment of resources due to the placement of new poles in the locations of existing poles, no significant adverse visual impact is anticipated. The incremental height difference is not considered to create a significant adverse impact.

While riser poles are somewhat more obtrusive in their appearance than the typical 48-foot tall wooden poles proposed for the direct route, they are not considered to create an impact since in the proposed location of these poles, they would not directly interfere with any inventoried resources. It should be further noted that the Direct Route Alternative would only utilize two riser poles that would be placed in locations that attempt to minimize their visibility in the surrounding landscape. The first riser pole would be located just east of the intersection of North Sea Mecox Road and Seven Ponds Road and the second riser pole would be located about 0.3 miles west of Mitchells Lane.

LIPA has committed to burying about 55 percent of the proposed transmission line due to comments received from the community and public officials. While the Direct Route Alternative is not considered to have significant adverse visual impacts, LIPA would bury about 55 percent of the line to minimize potential visibility from historic districts and the most populous areas along the route.

Comment 6-2: Huge transmission lines would present a significant adverse impact to the scenic vistas in the area and the DEIS does not attempt to avoid or mitigate these impacts. (Thiele, Irving, Finocchio, Engle, Eckert, Ludmer Duberman, Haresign, Caturo)

Response 6-2: The Direct Route Alternative and any potential impacts on scenic vistas are considered in the DEIS. In many cases, vegetation and topography limit the number of direct views of the Direct Route Alternative from within scenic areas that exist in the area, however, where such vistas do exist, they have been evaluated. For example, Photograph 2 on Figure

6-3a in the DEIS demonstrates how the proposed transmission line and poles would not be easily noticeable to the naked eye from Cooks Lane. Other scenic vistas are considered in Figure 6-4c which shows potential visibility from David Whites Lane; Figure 6-4f which shows views from Mitchells Lane; and Figure 6-4g which shows views from Day Lily Lane. The photo simulations presented in these figures demonstrate that the proposed transmission line would not result in a significant adverse impact due to the fact that the transmission line would be attached to utility poles that are generally only 13 feet higher than existing utility poles. Since no impacts have been identified, no mitigation is proposed.

It should be further noted that the most recent configuration proposed by LIPA would bury at about 55 percent of the proposed transmission line. This would further limit the number of scenic vistas with potential visibility of the transmission line, including views from Day Lily Lane and Mitchells Lane which would not have visibility of the proposed transmission line under the current proposed configuration.

Comment 6-3: The DEIS fails to properly evaluate the adverse impacts on visual and scenic resources along each of the four alternative routes and fails to propose any site-specific mitigation. (Nuzzi, Schneiderman, Green South Fork, Town Board)

Response 6-3: Chapter 6 of the DEIS presents a professional analysis of any potential visual impacts for the Direct Route Alternative and Chapter 17 presents a visual analysis for alternative routes. The analysis evaluates visual impacts according to the NYSDEC Program Policy DEP-00-2. In addition to guidance for identifying resources from DEP-00-2, the analysis also considers potential visual impacts from locally identified resources. Based on guidance from DEP-00-2 and these resources, no significant adverse impacts were identified.

Comment 6-4: The DEIS is incomplete in that the photo simulations provided to show visual effects are inconclusive and do not fairly represent projected conditions. To the extent that photo simulations are accurate, they show significant interference with the rural landscape without any proposed mitigation. (Nuzzi)

Response 6-4: The DEIS provides a total of 25 photo simulations to demonstrate the potential visibility and representative visibility from various locations throughout the study area. The photo simulations were prepared by experts trained in evaluating visual impacts and preparing photo simulations using state-of-the-art digital imaging software and scaling simulated poles and transmission lines according to existing objects and

photos from the exact same location that are taken with a scale bar in the view. To ensure consistent accurate representations for all poles and transmission lines within a view, scientific perspective (objects appear smaller as they are further away) and atmospheric perspective (objects that are further away have less contrast in the view due to particles in the atmosphere)[1] were also considered. Based on guidance from DEP-00-2, a determination of the extent to which the proposed transmission poles and lines would affect and potentially impact views was made.

Comment 6-5: Many of the photographs of the preferred corridor are incomplete, are taken at great distances or from behind tree lines or buildings and do not reveal the immediate visual impact on persons using or living on the roads of the proposed route. (Rabinowitz)

Response 6-5: The photo simulations in the DEIS are intended to demonstrate a range of conditions from various locations with potential visibility of the proposed transmission line. Therefore, photos from distant and adjacent locations were incorporated into the analysis. Where photographs were taken, the camera was placed on a tripod and leveled to allow for accurate scaling of simulated poles and lines. In some instances, this camera placement may have resulted in certain portions of a photograph necessarily being "cut off." It should also be noted that the leveling of the camera results in an entire pole only being captured in the view if a certain distance from the pole is achieved. Per guidance in DEP-00-2, views selected for photo simulations are largely intended to demonstrate the views from public areas. Furthermore, private property was not accessed to take photographs. An additional photo simulation has been prepared and incorporated in the FEIS to show views from Water Mill Towd Road and Head of Pond Road where several residences are located, and where overhead poles would be located under the 55 percent underground and 45 percent overhead configuration proposed for the Direct Route Alternative.

Comment 6-6: There are photographs of the beach were the poles will not be visible. I would like to see what the poles would look like at Scuttle Hole Road and Bridgehampton Sag Harbor Turnpike. (Gorman)

Response 6-6: As noted above, the DEIS depicts conditions from several areas to show views from public resources, including the various town beaches. Several photo simulations have also been prepared to show views from locations that would have visibility of the transmission line including

[1] DEP-00-2 provides detailed definitions of Scientific Perspective and Atmospheric Perspective.

several locations along Scuttle Hole Road, and a location along Bridgehampton Sag Harbor Turnpike. It should also be noted that the most recent configuration proposed by LIPA would result in the transmission line being buried in the vicinity of Bridgehampton Sag Harbor Turnpike and Scuttle Hole Road.

Comment 6-7: LIPA has disregarded the request by community members to present a detailed and complete set of photographs depicting the visual impact of the project during all four seasons. (Verno, Abramson and Verno, Steinberg)

Response 6-7: The photo simulations prepared are intended to demonstrate worst case scenario conditions. In general, these conditions result during winter months when leaves are absent. Where only low-lying vegetation exists, the season generally would not affect views. Photo simulation 6-4e, which previously showed some screening from vegetation, has been updated to show winter conditions.

Comment 6-8: The photo simulations provided in the DEIS do not show what the poles would look like in front of someone's home. There are no photographs from inside a car looking down a street towards an intersection with 60-foot riser poles and 40-foot guide wires. The community specifically requested photos of every home during all four seasons with the project. Photos should be provided that depicts the project along Head of Pond Road as well as Deerfield Road. There is a photo that shows a 48-foot wood pole across from Halsey farm stand where the top of the pole and the transmission lines are so high that they are cut out of the photograph. Another photograph should be included that shows the two 60-foot riser poles and related guide wires that will be on either side of the same road. (Verno, Abramson and Verno, Steinberg, Green South Fork)

Response 6-8: Per guidance in DEP-00-2, views selected for photo simulations are largely intended to demonstrate the views from public areas. Furthermore, private property was not accessed to take photographs. An additional photo simulation has been prepared and incorporated into the FEIS to show views from Water Mill Towd Road and Head of Pond Road where several residences are located. The photographs simulate the view from approximately 5 feet above ground, which is similar to the view from inside a car. The camera leveling procedures result in certain portions of the photograph being "cut-off" but are necessary to ensure accurate scaling of the photos and an accurate depiction of typical views. In order to incorporate the entire pole or additional poles into the view, the photograph would have to be taken from a more

distant location. Such views are depicted in other photo simulations in the DEIS. Based on the configuration currently proposed by LIPA, there would not be any riser poles along Deerfield Road. However, the photo simulations of the two proposed riser pole locations are shown on Figures 6-5e and 6-5f.

A photo simulation at the corner of Head of Pond Road and Deerfield road has been provided in Figure 6-4d of the DEIS. Another photo simulation has also been prepared to demonstrate views along Head of Pond Road from Water Mill Towd Road.

Comment 6-9: The DEIS states that it's doesn't provide an exhaustive collection of photo simulations. Why not? (Verno)

Response 6-9: According to SEQRA, an EIS is not intended to be encyclopedic. Instead, an EIS should be analytical and should not contain more detail than is appropriate considering the nature and magnitude of the proposed action and the significance of its potential impacts. The photo simulations contained in the DEIS provide a number of views from representative locations that serve the purpose of identifying potential impacts along the routes that are in excess of 8 miles long. These views represent typical views from many locations within the study area.

Comment 6-10: The DEIS needs to provide detailed and accurate photo simulations during all four seasons of all the homes on the proposed routes with the newly proposed poles and every intersection and curve that will have 60 feet riser poles complete with stabilizing guy wires. (Abramson and Verno, Steinberg)

Several of the photo simulations the tops of the proposed poles are either cropped from view (Figures 6-4a, 6-4d, 6-4e, and 6-4f), or obscured (Figure 6-4f – street sign). Further, the photo simulations in Figures 6-4c through 6-4h do not show the increased pole diameters. The accuracy and believability of Chapter 6 of the DEIS is thereby called into question. (MBE)

The photo simulations are too dim and therefore don't provide a realistic evaluation of impacts on vistas. (Kabot)

Response 6-10: As noted in Response 6-7, the photo simulations are intended to demonstrate the worst-case scenario, which usually occurs in the winter. Based on the most recent proposed configuration of the Direct Route Alternative, two riser poles would be required, and photo simulations of those poles have been provided. The first riser pole would be located just east of the intersection of North Sea Mecox Road and Seven Ponds

Road and the second riser pole would be located about 0.3 miles west of Mitchells Lane.

Comment 6-11: The DEIS fails to recognize that the Town zoning code states the importance of scenic vistas and the preservation of these vistas as well as litigation that involved a piece of land along Scuttle Hole Road where the issue of disruption of the impairment of the scenic vista was involved. The DEIS states that there is not a significant adverse impact to visual resources but recognizes that there is an impact. (Steinberg)

Response 6-11: Chapter 6 of the DEIS provides a comprehensive analysis of all scenically designated areas and roadways identified in the Town of Southampton's Comprehensive Plan. Chapter 4 of the DEIS evaluates the potential impacts of the Direct Route Alternative as they relate to zoning, and the chapter specifically describes the various zoning district regulations found within 1/2 mile of the Direct Route Alternative. While Chapter 330: Zoning of the Town of Southampton Code includes among its purposes, "To conserve and reasonably protect the natural scenic beauty and cultural and historic resources of the Town and its environs," and several sections of the Zoning Code address scenic resources (e.g., standards for agricultural fencing), the Code does not explicitly identify the Town's scenic roads/resources. Therefore, the DEIS primarily utilizes the 1999 Comprehensive Plan Update in compiling the inventory of resources identified by the Town as having scenic or aesthetic quality. While the DEIS recognizes visibility or potential visibility of the proposed transmission line from certain areas, that mere visibility does not constitute a significant adverse impact as the overall integrity of the area would not be compromised.

Comment 6-12: How is the installation of the taller poles considered negligible? The new poles would exceed the tree lines. (Sandford)

Response 6-12: Figure 6-5 of the DEIS demonstrates the appearance of a riser pole. However, this location was selected prior to development of the current configuration proposed by LIPA. Based on the most recent configuration, two riser poles would be necessary to accommodate the proposed transmission line. These riser poles are depicted in Figures 6-5e and 6-5f. Riser poles differ from standard utility poles because they have additional conduit that covers the transmission line as it descends the pole. This additional material on the pole is considered negligible, especially considering the proposed locations.

Comment 6-13: LIPA admits considerable visual impact but recites that visual concerns can not ultimately stop the project. (Abramson)

Response 6-13: While the DEIS recognizes visibility or potential visibility of the proposed transmission line, that mere visibility, according to DEP-00-2, does not constitute a significant adverse visual impact. According to DEP-00-2 an aesthetic impact occurs "when there is a detrimental effect on the perceived beauty of a place or structure. Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource (e.g. cooling tower plume blocks a view from a State Park overlook)." Since the transmission lines would not block views or significantly alter the appearance of existing utility poles, no impact is expected to occur.

Comment 6-14: According to the NYSDEC visual impact assessment, if there are visual resources within the project area there are three forms of mitigation that must be adhered to: professional design (plantings), or maintenance (decommissioning), or offsets (using smaller poles) or undergo a mitigation analysis. Thus, poles along the scenic roadways should undergo a mitigation analysis. In accordance with the State policy, the burden is on LIPA to prove that the impact to the identified visual resources are properly mitigated and provide clear and convincing evidence that the proposed design does not diminish the public enjoyment and appreciation of the qualities of the listed resources. Thus, the DEIS does not properly adhere to this guidance and Chapter 6 is incomplete. A blanket statement that there are no significant adverse impacts does not come from any outside expert guidance or resources required by the State. (Griffin)

Response 6-14: The poles proposed to carry the new transmission line are the minimum size of poles required to safely carry the new electrical currents and minimize the number of disruptions. Furthermore, the proposed transmission line would utilize the right-of-way of existing distribution lines and would replace existing poles. Therefore, the Direct Route Alternative mitigates potential significant adverse impacts by incorporating in its transmission line design the smallest pole possible in terms in height and width. The number of poles is the minimum that could be used for the selected height.

Comment 6-15: LIPA acknowledges that the poles are so obtrusive that they are going to work with the Town to see where they will have the least impact and can be hidden. There is no way you can camouflage a 60-foot riser pole with 40-foot stabilizing guy-wires. To conclude in the DEIS that these

poles create no visual impact is a lie. (Verno, Abramson and Verno, Steinberg)

Response 6-15: LIPA has always been committed to working with elected officials to address local concerns. Based on the expressed concerns, LIPA has proposed a 55 percent underground and 45 percent configuration for the Direct Route Alternative. The riser poles would be approximately 56 feet above grade, and the proposed locations were selected to be unobtrusive as possible. Based on guidance in NYSDEC's DEP-00-2, the riser poles were judged not to have a significant adverse impact on visual resources.

Comment 6-16: Chapter 6, "Visual Resources" beginning on page 6-1, does not indicate whether an impact to visual resources is presently occurring due to the existing power lines; the text indicates that their visibility is part of the existing condition of the route. The DEIS conclusion that "The Direct Route Alternative would not have any significant adverse impacts on the visual character of the study area" is not supported. The replacement of aboveground lines will perpetuate a visual impact that can be mitigated. (Voorhis, Epley)

Existing poles don't co-exist with the community. They are an accepted evil. They are an eyesore and an antiquated system that has been replaced by updated underground technology. (Verno, Abramson and Verno, Steinberg)

The new poles are higher than existing poles and will certainly have a visual impact. (Rabinowitz)

Response 6-16: Based on the guidance in DEP-00-2 and its definition of aesthetic impact, the existing poles would not constitute a visual impact. While the taller poles could potentially be visible from additional locations, there would still be no impact based upon the guidance of DEP-00-2. The DEIS makes reference to existing conditions for comparative purposes as required by SEQRA. The EIS assesses the potential significant adverse impacts by comparing the existing conditions to the conditions likely to occur if the proposed project were implemented. Assessment of the environmental effects of conditions that already exist is beyond the scope of SEQRA and this EIS.

Comment 6-17: The back of our house at 838 North Sea Mecox Road is in front of Seven Ponds Road. Therefore there is the possibility that running lines and poles will run right through our view. We never would have bought our house if we had known this was a possibility. (Binder)

Response 6-17: DEP-00-2 provides guidance for assessing visual impacts from public areas. While it is acknowledged that many private views from private property would be affected by the direct route alternative, the visibility is not expected to constitute a significant adverse impact. The visibility from a private home can not be considered an impact as the general public's enjoyment of a resource would not be affected. It should also be noted that the most recent configuration proposed by LIPA would result in the transmission lines being buried between Southampton Substation and a location just east of North Sea Mecox Road which eliminates potential visibility of the proposed transmission lines from this location.

Comment 6-18: New structures associated with above ground lines will adversely change the visual character by calling visual attention to the changed condition, particularly in view of the 4-foot increase of height above current conditions. Undergrounding the lines is a "reasonable" alternative to maintaining above ground lines which would perpetuate this impact on a permanent basis, when the opportunity exists to mitigate the impact. The DEIS should acknowledge that the potential to underground the line represents an opportunity to remove such an existing adverse impact to the visual resources along the route. (Voorhis)

Response 6-18: LIPA is considering both overhead and underground configurations. The analyses found that the new line would not cause a significant adverse impact either all overhead, all underground or in a hybrid configuration. The current utility poles are considered to be an existing condition and would not be removed except in the overhead configuration, where replacement poles would be installed, the distribution and utility lines transferred and the distribution poles removed.

Comment 6-19: Statements in the Visual Resources section are subjective and not supported. Specifically, the statement "As shown, the proposed poles and transmission line would be visible but would not be significantly different from the existing utility poles and lines that already exist in the area (first appearing on page 6-21 and repeated for a number of view analyses), is not a fully accurate description of the perceived impacts. The new installation has taller poles with additional cross-framing, carries more horizontal cables at a higher elevation, dominates more of the viewscape, and is much more apparent than the existing poles and wires. Examples such as Figure 6-4g and h demonstrate that the height increase is significant in terms of exceeding the existing tree line height,

and therefore, causing much greater visual impact. Other photographs show the impact of increased height, and photographs contained in Figure 6-4d do not even depict the full extent of additional visual intrusion of horizontal cable across the viewscape. The full extent of visual impacts has not be accurately analyzed or fully examined. As a result, the conclusions stated on page 6-40, while being conclusory and therefore inappropriate, are also inaccurate since the additional height, horizontal cables and changed conditions will be substantially more visible than current conditions. (Voorhis, Kabot)

Response 6-19: The impacts were assessed by trained professionals, who also prepared the photo simulations. The statements that describe potential visual impacts and the effects on views in the Visual resources section are not subjective, but rather based on guidance from DEP-00-2. This guidance provides a definition of "aesthetic impact" that was used to determine potential impacts of the transmission line.

Comment 6-20: The NYSDEC Guidance for visual impact evaluation includes cost assessment which can not accurately be determined based on the lack of detailed cost information in the DEIS. As a result, the visual impact analysis is incomplete. (Voorhis)

Response 6-20: DEP-00-2 does discuss cost assessment of feasible alternatives to determine if mitigation measures that could be considered are cost effective. As discussed in the DEIS LIPA has prepared a cost analysis for feasible alternatives including burying the lines and has determined that burying the lines would not be cost effective. DEP-00-2 notes that mitigation measures should be less than 10 percent of the total project cost. Burying the lines is estimated to cost 4 times the cost of overhead lines.

Comment 6-21: Tree removal and cutting was mentioned several times in the DEIS but no actual trees to be removed or sheared off are actually mentioned. No visual simulation of removal or sheering is provided. While selected pruning of branches is acceptable, the drastic sheering of trees that result in the slow death of mature, healthy trees is not acceptable. This topic was not adequately addressed—another reason to bury the lines. (Rabinowitz, Abramson and Verno, Steinberg)

The DEIS does not adequately address the visual impact of tree shearing. For people living, walking and driving right in the immediate area, the landscape will not be the same. Currently, existing poles are hidden in the trees and the lines weave around pruned trees. The tree shearing that will result for these huge poles and cables will expose them to prominent view. (Abramson and Verno, Steinberg)

Response 6-21: Once a route has been approved and the precise location and arrangement of all transmission line equipment has been verified, more detailed tree surveys would be performed along the transmission line route and the location and extent of vegetation clearing would be identified.

LIPA's tree trimming standards specify clearance zones around both distribution and transmission lines. For the Direct Route Alternative, the local conductor lines would be retained, and the vegetation clearance zone would be limited to six feet below the existing height of the distribution lines. Strong, healthy limbs in the clearance zone deemed nonhazardous would not be removed if within six feet of the conductor, and in some cases when as close as three feet to the conductor.

This is considered to be shearing and would not have a significant adverse impact on visual resources.

Comment 6-22: Program policy DEP-00-2 methodology is not defined. Without such description the public has no way of evaluating whether LIPA followed that methodology. (Abramson and Verno, Steinberg)

Response 6-22: Program Policy DEP-00-2 was developed by the New York State Department of Environmental Conservation for evaluating visual and aesthetic impacts. The document can be viewed at http://www.dec.ny.gov/docs/permits_ej_operations_pdf/visual2000.pdf.

Comment 6-23: It's an insult that no impacts were identified in the DEIS. If the document states that there are minimal visual impacts or no sizable effect etc. that means that there is some effect. If the poles are in front of your house, there will be a major impact. (Rabinowitz, Shea)

Response 6-23: DEC Program Policy DEP-00-2 provides clear criteria for identifying and assessing visual impacts. The DEIS was created following DEP-00-2. Visibility from a private residence (that is not recognized as a local, state, or national historic resource) is not considered a significant adverse impact. DEP-00-2 notes that an impact must diminish public enjoyment of a resource.

Comment 6-24: The preferred route should be the route with the least potential for visual blight. Underground lines on any route meet those criteria. Above ground lines do not. (Epley)

Response 6-24: The preferred route was selected based on a number of factors including safety, transmission line redundancy, cost, and visual effects. Based on guidance from DEP-00-2, none of the proposed transmission line routes

would result in significant adverse visual impacts. However, based on that guidance, the Direct Route Alternative is believed to result in the fewest number of locations that would allow for visibility of the transmission line for the general public and from public resources, while reasonably meeting the requirements of LIPA.

Comment 6-25: The DEIS does not provide an elevation drawing of the substation, which is commonly required as part of a typical DEIS. The substation expansion description includes a layout plan drawing, not a site plan as indicated in the Report. The drawing indicates that the Substation includes provisions for the following components not described in the DEIS:

-(2) 69kV line terminals (future connections to Buell and Southold)

-a 138kV switchyard

-(2) 138/69kV transmission transformers

-(2) 138kV line terminals (future connections to unidentified locations)

It is reasonable to anticipate that LIPA plans to add several additional transmission lines to this substation in the future. If these lines are installed overhead, then the visual impact near this substation (and elsewhere) will be much greater than is being proposed at this time. (MBE)

No site plan is provided for the proposed two story high Bridgehampton substation expansion, sufficient for a full evaluation of impacts. A "site plan" or detailed sketch needs to be submitted, as part of the DEIS, overlaid on aerial photographs, depicting wetland boundaries and proposed natural vegetation clearing, as well as any initial clearing or excavation for either the substation expansion envelope, test holes, or access road which has already been completed. Any potential conflicts between the planned substation location and the existing abutting private shooting preserve (Spring Farm) uses need to be addressed, as well as conformance with the Town of Southampton Aquifer Protection Overlay District site disturbance restrictions. (Kabot)

Response 6-25: Figure 1-3 provides a site plan, which shows the layout of the equipment. An elevation is not considered to be necessary for the nontechnical reader because the equipment in the substation does not rise to a great height, and its height is considered for the purpose of the visual analysis. LIPA has no specific plans to add additional transmission lines to the substation, but does allow for future expansion, if needed by future demand for electricity or for changes in technology.

Comment 6-26: The DEIS does not include a viewshed analysis. Instead, it describes the visibility of the line from each of the inventoried aesthetic resources identified.

In addition, DEP-00-2 requires an assessment of the potential significance of the visual impact, and states:

"An applicant's mere assertion that the design is in harmony with or does not diminish the values of the listed resource is insufficient for the purposes of reaching findings. Instead, an applicant must demonstrate through evidence provided by others e.g. recognized architectural review boards, comparative studies that are clearly analogous, or other similar techniques, that the public's enjoyment and appreciation of the qualities of the aesthetic resource are not compromised." (MBE)

Response 6-26: The visual analysis was conducted by trained experts using the methodology contained in NYSDEC's DEP-00-2. Based on this methodology, the analysis that concluded that the proposed project would not have a significant adverse impact.

Comment 6-27: The DEIS provides no evidence to support its statement that the visual impacts are insignificant. Instead, it merely repeats the statement that building a transmission line above an existing distribution line "would not have any significant visual impacts". This appears to be based on the inaccurate statement that the pole heights would be increased by 13'-18', and the assumption that those increases would be visually insignificant. On the other hand, about 25 percent or more of the poles will be 61' tall, an increase of 26'-31'. Clearly, a doubling of the pole height would be considered a significant visual impact. Note that road crossings poles would be among the tallest on the Project, and would obviously be highly visible, as demonstrated by Figure 6-5 of the DEIS. (MBE)

Response 6-27: No pole would be higher than 56 feet above ground, and there would be only for two riser poles, where the transmission line changes from underground to overhead, and for about 10 road crossings in the Direct Route Alternative 55 percent underground and 45 percent overhead configuration. Of the 126 poles that would replace existing poles in the 55 percent underground and 45 percent overhead configuration for the Direct Route Alternative, 22 would be 56 feet above grade and 104 would be approximately 48 feet above grade. The increase in height of the poles would be between 13 to 21 feet, not 31 feet.

Comment 6-28: LIPA claims that constructing transmission lines underground is substantially more expensive than overhead. Yet LIPA is willing to pay

for half of the Project to be installed underground. The only plausible reason for doing so would be to mitigate visual impacts. Clearly, the arguments that dismiss the potential for visual impact of overhead construction are not consistent with LIPA's willingness to install half of the line underground. (MBE)

Response 6-28: Since its inception, LIPA has been willing to work with the communities on its projects. The offer of partially burying the transmission line is part of LIPA's effort to work with the community, not as mitigation, because no significant adverse impacts were found, but in order to address the preference of government officials and some members of the community for underground installation of the transmission line. In addition, while SEQRA only requires mitigation of significant adverse impacts, it does not prevent a lead agency from considering other lesser impacts or other considerations. The proposed 55 percent underground and 45 percent overhead configuration allows LIPA to eliminate any view or potential view of transmission lines along 55 percent of the route, including the entire Village of Southampton. This would reduce from 33 to 17 the number of visual resources that have any view of the new transmission line or expanded substation, even though the visual impact to those resources was not deemed significant for SEQRA purposes.

Comment 6-29: According to the DEIS, the overhead transmission line would be built with a static wire, which is intended to divert lighting strokes that would otherwise strike the line and cause a temporary outage. However, the visual simulations (Chapter 6) and construction descriptions (Chapter 1) indicate that the typical pole top configuration would be what is known as "triangular". This configuration does not have room at the top of the pole for a static wire. The type of construction described in this chapter would require additional space at the top of the poles and would further add to the adverse visual impacts. (MBE)

Response 6-29: The design of the transmission line does not include a static line, and the configuration shown in the photo simulations is correct.

Comment 6-30: The preferred Direct Route Alternative passes through the highly undeveloped, agricultural district of the Town, in which the Town has invested a significant effort to maintain existing visual resources. Constructing a transmission line above the existing distribution line in this area has the potential to irreversibly harm these visual resources. (MBE)

Response 6-30: The EIS included a full inventory of scenic resources including a listing scenic roads identified in the Town of Southampton Comprehensive

Plan. An analysis of potential views from each scenically designated road is included in Chapter 6. The analysis concluded that the proposed project would not have a significant adverse impact on the resources of the agricultural district.

Comment 6-31: Along the proposed route are at least four farms that have been farmed by the same families for 200 years or more. The visual, historical, and open space attributes of the area will be compromised by the proposed transmission line. The visual assessment ignores the idea that the area is a scenic byway, preserving the look and feel of Southampton and all of historical Eastern Long Island. The DEIS only mentions potato barns, not the many whole working farms along the way. This is New York State agriculture, past and present. The fact that Eastern Long Island became the center of the most important arts movement of the Twentieth Century, largely because of those vistas, is not even mentioned. The DEC says that "Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure." New York State's policies toward land preservation, agriculture, and environment are all directly challenged by the proposed line. (Ford)

Response 6-31: The EIS included a full inventory of scenic resources including historic structures, farm lands, and open space. An analysis of potential views from scenically designated resources is included in Chapter 6. The analysis concluded that the proposed project would not have a significant adverse impact on the resources of the agricultural district.

Comment 6-32: Visual intrusions from construction would be worse for the Direct Line and Montauk Highway Alternatives. (Kabot)

Response 6-32: Construction is temporary and would not cause long term significant adverse visual impacts.

CHAPTER 7: ARCHAEOLOGICAL RESOURCES

Comment 7-1: The DEIS fails to address archaeological resources for all four alternatives. It’s curious that an archaeological survey was only conducted for the Direct Route Alternative. (Nuzzi, Green South Fork, Town Board)

Response 7-1: A *Stage 1A Archaeological Documentary Survey for the Proposed LIPA Southampton to Bridgehampton Electrical Transmission Line* (Institute for Long Island Archaeology: November 2007) was conducted for the DEIS which evaluated the archaeological sensitivity of all of the four alternative routes. To date, archaeological field testing has begun only

for the Direct Route Alternative. However, if one of the other routes is chosen, archaeological field testing will be done along the chosen route in advance of construction.

Comment 7-2: Absent a Stage1B Archaeological Survey, as part of the current DEIS, there remains, at present, an inability to fully consider potential adverse impacts to archeological resources, from both the proposed project and the project alternatives described, based upon the Stage 1A Archaeological Survey completed as part of the DEIS. (Kabot)

Response 7-2: A Stage 1B Archaeological Survey has been completed for the sensitive areas along the Direct Route Alternative, and its results were negative.

CHAPTER 8: HISTORIC RESOURCES

Comment 8-1: The DEIS is incomplete in failing to adequately address adverse impacts on historic resources. (Nuzzi, Green South Fork, Kabot)

Response 8-1: The DEIS evaluates both direct and indirect impacts on historic resources. The evaluation concludes that a Construction Protection Plan would be required to ensure that no direct (construction-related) impacts occur to historic resources. In terms of indirect impacts, the DEIS further concluded that because the proposed poles would be located in areas where poles currently exist, the visual and atmospheric changes that would result from the installation of larger and higher poles would not be substantial enough to constitute an adverse impact under the State Environmental Quality Review Act and the State Historic Preservation Act. The DEIS further concludes that LIPA would coordinate with the New York State Office of Parks Recreation and Historic Preservation in determining the location of the overhead to underground transition riser poles in order to avoid or minimize visual impacts to historic resources. As discussed in Chapter 6, "Visual Resources," the number of total affected resources, including historic resources would be reduced from 33 to 17 with the proposed 55 percent underground and 45 percent overhead configuration of the Direct Route Alternative.

Comment 8-2: The new poles would exceed the height of the historic resources, houses and institutions. (Sandford)

Response 8-2: In many cases, the new poles would exceed the height of the historic resources, houses, and institutions near them. However, the height of the poles relative to surrounding resources and structures does not necessarily result in a significant adverse impact.

Comment 8-3: The Head of Pond Road area will be greatly effected by the 60-foot poles at that location but the DEIS does not note this. (Haresign, Abramson and Verno, Steinberg)

Response 8-3: No poles of 60-foor height are proposed for Head of Pond Road. The DEIS identified 7 potential historic resources bordering Head of Pond Road which were not previously evaluated by the New York State Historic Preservation Office. A total of 2 previously designated historic districts, 6 previously designated individual resources, 3 potential historic districts, and 94 individual potential historic resources was identified in the DEIS. Potential impacts of the project on the 7 Head of Pond potential historic resources were evaluated as part of the effects assessment for the Direct Route Alternative. The EIS concluded that the proposed project would not have a significant adverse impact on historic resources.

Comment 8-4: The DEIS erroneously concluded that there is no or negligible adverse impact on our historic resources, even though as defined in the DEIS, the new poles and the riser poles will be significantly larger both in breadth and height. The introduction of these poles and their 40-foot guy wires will profoundly diminish the unique historic character of this area. As noted in the Survey and Inventory of Historic Resources, many of our historic buildings were constructed at a time before the LILCO poles and transmission lines were ever introduced into our area. So, it is erroneous to conclude as an example under "Indirect Impacts" that there would be no significant change in visual character to the original historic settings of these resources. (Landmarks, Kabot)

Response 8-4: Under the relevant cultural resources legislation governing this project, (State Environmental Quality Review Act and New York State Historic Preservation Act) impacts to historic resources are assessed using existing conditions as a baseline rather than the conditions at the time the resources were constructed. Therefore, the change in setting to historic resources that would result from replacing the existing poles with the proposed transmission line poles was not considered to be substantial enough to constitute a significant adverse impact.

Comment 8-5: In the guide *Protecting Historic Properties* issued by the Advisory Council on Historic Preservation, under "What is an Adverse Effect," a project is considered to adversely affect a historic property:

"if it may alter the characteristics that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property. Integrity is the ability of a property to convey its

significance, based on its location, design, setting, nature, workmanship, feeling, and association."

The guide also states under "Typical examples of adverse effect are:"

- Alterations inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- Change in the character of the property's use or setting.
- Introduction of incompatible visual, atmospheric, or audible elements.

On the local level, the new above-ground transmission lines will adversely impact existing and potential nominations to our Town-legislated Hamlet Heritage Areas and other ongoing studies of historic resources such as the current Thematic Study of our Town-owned Historic Cemeteries. Several of our early settlement historic cemeteries are in the defined DEIS "impact boundary study areas" but their "thematic significance" is inadequately addressed and represented in the DEIS. (Landmarks)

Response 8-5: The criteria for adverse effect cited above pertain to the National Historic Preservation Act, which does not apply to the proposed Project because there is no federal involvement in the proposed Project. However, impacts criteria similar to those cited above are relevant to the State Environmental Quality Review Act (SEQRA) and the New York State National Historic Preservation Act (SHPA), with which this Project, as a State action, is in compliance. These impacts criteria for SEQRA and SHPA were applied to the proposed project. LIPA has coordinated with the New York State Office of Parks Recreation and Historic Preservation to avoid significant visual impacts to historic resources, and that agency has agreed that the proposed project would not have a significant adverse impact on historic buildings.

The on-going Thematic Study of Southampton Cemeteries was consulted during the preparation of the DEIS and all of the individual cemeteries surveyed in the on-going Thematic Study which fall within the project study area were included as historic resources in the DEIS and impacts to these cemeteries were addressed.

Comment 8-6: The project conflicts with the Town-adopted Town of Southampton Comprehensive Plan Update of 1997. (Landmarks, Kabot)

Response 8-6: The Town of Southampton Comprehensive Plan Update was reviewed and taken into account in the preparation of the DEIS, and is cited and described on pages 8-3 and 8-4 of the DEIS. The DEIS evaluated impacts to historic resources in compliance with Section 14.09 of the New York State Historic Preservation Act (SHPA) and the State

Environmental Quality Review Act (SEQRA), and concluded that the proposed transmission lines would not constitute a significant adverse impact on architectural resources. This finding is with the provision that a Construction Protection Plan be prepared to avoid or minimize construction-period impacts, and that the placement of riser poles be coordinated with New York State Office of Parks, Recreation and Historic Preservation. LIPA is committed to this coordination.

Comment 8-7: The official Town-designation of the Water Mill Heritage Area "featuring handsome landmarks, public and private open spaces and agricultural lands" was omitted from the DEIS, as were several historic resources listed in our Inventory of Historic Resources for this area. These are included in the *Water Mill Hamlet Heritage Area* document adopted by the Southampton Town Board on February 4, 2005, and included with this comment. (Landmarks, Kabot)

Response 8-7: The Water Mill Heritage Area was discussed on pages 8-3 and 8-4 of the DEIS. The historic resources listed in the Inventory of Historic Resources included in the *Water Mill Hamlet Heritage Area* document were also reviewed, and were included as potential historic resources in the DEIS except in cases where the resource appeared to have been demolished or extensively altered since the Inventory was conducted, or where the resource was inaccessible or was not visible, as stated in footnote 1 on page 8-3 of the DEIS.

Comment 8-8: There are numerous potential historic resources identified that should be addressed in the DEIS that were omitted and are included in *A Plan for Bridgehampton Hamlet Center* adopted by the Southampton Town Board on February 24, 2004, and included with this comment. (Landmarks)

Response 8-8: As discussed on page 8-4 of the DEIS, *A Plan for Bridgehampton Center* was reviewed in preparing the DEIS and the historic resources listed in the inventory of historic resources included in the document were included as potential historic resources in the DEIS except in cases where the resource appeared to have been demolished or extensively altered since the inventory was conducted, or where the resource was inaccessible or was not visible, as stated in footnote 1 on page 8-3 of the DEIS.

Comment 8-9: The DEIS should address if Section 106 of the National Historic Preservation Act applies to this project. The DEIS should address if

such a Federal Agency is involved (i.e., does the project require a Federal permit, license, or other approval, etc.)

What is the role and relationship of the NYS Office of Parks, Recreation, and Historic Preservation?

Is SHPO responding to a request of a Regulatory Agency in the review process?

Response 8-9: The proposed Project does not involve a Federal action and therefore is not subject to Section 106 of the National Historic Preservation act. However, the project is subject to the review of the New York State Office of Parks Recreation and Historic Preservation (OPRHP, which also serves as the New York State Historic Preservation Office [SHPO]) under Section 14.09 of the New York State Historic Preservation Act (SHPA) and that agency has agreed that the proposed project would not have a significant adverse impact on historic buildings. LIPA as a state agency is serving as the lead agency for this Project under SEQRA and SHPA.

Comment 8-10: *The Town Comprehensive Plan Update*, *The Water Mill Hamlet Heritage Area,* and *A Plan for Bridgehampton Hamlet Center* should be reviewed in order to update and address the omissions and deficiency in the DEIS. (Landmarks)

Response 8-10: As stated in response to comments above, the *Southampton Town Comprehensive Plan Update*, the *Water Mill Hamlet Heritage Area*, and *A Plan for Bridgehampton Hamlet Center* were reviewed in preparing the DEIS, and are described and addressed on pages 8-3 and 8-4 of the DEIS. The historic resources inventoried and/or referenced in these documents were included as potential historic resources in the DEIS except in cases where the resource appeared to have been demolished or extensively altered since the inventory was conducted, or where the resource was inaccessible or was not visible, as stated in footnote 1 on page 8-3 of the DEIS.

CHAPTER 9: NATURAL RESOURCES

Comment 9-1: The DEIS is incomplete in failing to adequately address adverse impacts on natural resources as well as wetlands related to the specific problems presented by each of the four alternatives routes and the proposed substation. Information should have been provided identifying where, in each alternative route and substation expansion, wetlands become an issue and the proposed mitigation. (Nuzzi, Green South Fork, Kabot)

Our wildlife might be compromised if LIPA's massive poles are installed. We are in the middle of the Atlantic Flyway, one of the largest migratory flyways in North America. (Finocchio)

The descriptions of planned site work and mitigation measures at wetland sites are generalized and do not address unique circumstances or site specific needs. (Kabot)

Response 9-1: In regards to wetlands, the DEIS presents the location of mapped wetlands and discusses the results of field assessment. Wetlands habitat was identified within the footprint or adjacent to the proposed footprint of disturbance for all four alternative transmission line routes. However, such areas are very limited in extent due to the project location adjacent to existing roadways and development. The location of mapped wetlands is shown in Figures 9-1 and 17-13.

As discussed in Chapters 9 and 17, the potential for wetland impacts is minimal due to the nature of the proposed construction. Overhead poles can be located to avoid direct wetland impacts by spanning wetland areas. Subsurface drilling for installation of transmission lines would similarly avoid direct wetland impacts by spanning wetland areas. For the Direct Route Alternative, sub-surface trenching would be conducted beneath the existing roadway and would retain all groundwater or culvert flows. These transmission line installation techniques would effectively minimize the potential for negative affects to wetlands and wetland-dependant flora and fauna.

In the case of the proposed Bridgehampton Substation expansion, the DEIS noted that a conservation concern is the potential for impacts to the connectivity between forested upland areas and wetland areas, specifically the Great Swamp and the Long Pond Greenbelt. The drainage ways known to occur within the substation area would be maintained via culvert or redirected to maintain hydrologic flows with the expanded Bridgehampton Substation, and no construction would take place within the nearby wetlands. These measures would minimize the potential for significant adverse impacts to the Great Swamp and Long Pond wetland systems.

Records of past occurrence of threatened and endangered plants and animals are known primarily for the regions adjacent to the Bridgehampton-Sag Harbor Turnpike. Although no listed species were identified during site inspections conducted in August 2007, once a preferred alternative is chosen, and a final design developed, the areas of potential disturbance will be subject to supplemental plant and animal investigation to rule out the possibility of all potentially present

plants and animals during the appropriate flowering or life history period.

The project area is located within the Atlantic Flyway, and movement of birds and bats along migratory pathways would be expected in the vicinity of all four proposed routes. Additionally, birds that reside in the area during the breeding and wintering seasons also have daily movement patterns (i.e., from roosting to foraging locations, etc.). The primary hazards to birds and bats in relation to the proposed poles would be collision with pole structures and electrocution by direct contact with multiple conductors (primarily for larger birds, i.e., raptors, turkey vultures, etc.).

However, the height of the proposed poles (48 feet) is generally lower than what would be expected to cause significant collision-related mortality (2005, Manville, A.M. Bird Strikes and Electrocutions at Power Lines, Communication Towers, and Wind Turbines: State of the Art and State of the Science – Next Steps Toward Mitigation. USDA Forest Service Gen. Tech. Rep. PSW-GTR-191). While bird and bat collisions could occur with the proposed poles, it would not be expected to differ from mortality caused by structures of similar height (i.e. residential and commercial buildings, barns, flagpoles, etc.).

LIPA will take all precautions to limit electrocution-related mortality by employing accepted strategies and design elements described by the Avian Power Line Interaction Committee (Avian Power Line Interaction Committee (APLIC) and U.S. Fish and Wildlife Service (USFWS). 2005. Avian Protection Plan Guidelines. Accessed on 12 January 2008 from <http://www.aplic.org/>).

Comment 9-2: Construction activities disturbing less than 1 acre require a permit if they are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than 1acre, or are activities that are designated by the Department. The Department can require a permit for construction activities disturbing less than 1 acre based on the potential for contribution to a violation of a water quality standard, or for significant contribution of pollutants to waters of the United States. (NYSDEC)

Response 9-2: KeySpan will file for a General Permit for stormwater discharge associated with construction activities.

Comment 9-3: The animal survey conducted in August found no trace of the Tiger Salamander. But additional information from DEC indicated surveys had to be conducted at the appropriate time to allow the best possible

chance of observing and achieving accurate information. This time is usually February and March. Salamanders are more difficult to locate between March and August. (Haresign, Abramson and Verno, Steinberg)

Response 9-3: Comment noted. As presented in the DEIS, once a route has been selected and the precise location and arrangement of all transmission line components have verified, more detailed wildlife surveys would be performed within the areas of potential impact to species of concern. Appropriate measures would be followed to reduce impacts to wildlife populations during construction and maintenance of the selected transmission line route.

Areas along the route with the potential to support threatened and endangered flora and fauna, including (but not limited to) the Eastern Tiger Salamander, will be investigated within a biologically relevant time-frame. These surveys will be designed and conducted in consultation with NYSDEC and local authorities on Eastern Tiger Salamanders.

Comment 9-4: The Golden Nematode is mentioned on page S-32 but not maps are given showing lands listed as infected. The report doesn't mention how equipment is going to be decontaminated in the field during work or where off site the decontamination is to take place. (Haresign, Abramson and Verno, Steinberg)

Response 9-4: Maps of golden nematode infection do not exist, because the location of the infestation changes over time. KeySpan, which has built a number of transmission and distribution lines in the area, has standard procedures for decontamination, and these procedures have proved successful. An enumeration of the procedures in the EIS would not add useful information.

Comment 9-5: The proposed site for the new substation means bulldozing down the oak trees in Oak Forest. It will also affect wetlands. (Schellinger)

Response 9-5: Comment noted. An area of approximately 3.5 acres would be cleared for the proposed Bridgehampton substation, including an oak-hickory forest with overstory tree diameters generally eight (8) to twenty-four (24) inches.

See response to comment 9-1 for discussion of wetland impacts at the proposed Bridgehampton Substation expansion.

Comment 9-6: Natural vegetation impacts need to be better quantified to substantiate the claim of no significant adverse impacts, especially in light of the potential routing of an overhead transmission line through heavily treed neighborhoods and the Town's Aquifer Protection Overlay District. (Kabot)

Response 9-6: Habitat classification for each alternative route is contained in Chapter 9, "Natural Resources," and it includes a description of the treed areas as well as a map of the Aquifer Protection Overlay District. This information is sufficient to reach the conclusion of no significant adverse impacts to natural resources.

Comment 9-7: The DEIS does not address the potential for bird collisions with overhead lines. The use of anti-collision devices should be considered. (Kabot)

Response 9-7: Bird collisions with utility lines have been minimal, and the overhead lines are regularly used by birds for perching.

CHAPTER 10: HAZARDOUS MATERIALS

Comment 10-1: The DEIS fails to adequately address the potential for hazardous material exposure for all four routes. (Nuzzi, Green South Fork, Town Board)

Response 10-1: Chapter 10, "Hazardous Materials," summarizes the potential for impacts from hazardous materials and measures to prevent any potential impacts. Appendix F contains a voluminous history of known spills and potential sources of contamination along each of the alternative routes.

Comment 10-2: What sort of chemicals can leach out of the proposed poles? If cables fall and spark causing a noxious melting of the cable, will there be chemicals leaking into our soil? (Finocchio)

Response 10-2: The preservatives used in new utility poles are resistant to leaching and are not considered to be hazardous. The cables are made of metal.

CHPATER 11: INFRASTRUCTURE

Comment 11-1: The lines should be buried due to storms and winds in the area. LIPA dismisses the community concern about the potential downing of the new poles and cables by saying that the new poles would withstand 130 mile per hour winds. The Direct Route Alternative would imperil a hurricane escape route. (Greilsheimer, Hendrickson, Irving, Abramson, Sacher, McGann, Vella, Wadzenski, Zeh, Kabot)

If we had a major ice storm like in the Midwest, with trees downing power lines, we would be crippled and without power for weeks. In the winter this would mean no electricity and no heat. (Verno, Abramson and Verno, Steinberg, Kabot)

The proposed poles should not be placed at the intersection of Upper Seven Ponds Road, Lower Seven Ponds Road and Seven Ponds Town Road due to their destructive potential in a hurricane or bad storm. (Finocchio, Zeh)

It's not clear under what conditions the poles were tested to withstand winds up to 130 miles per hour. And there is no mention of whether the poles were tested with three six-inch transmission cables and additional lines on them, or in water saturated, standalone soil that's found on the East End, or for a situation with a slow-moving hurricane that creates sustained high winds for a number of hours, or the domino effect of one pole going down and bringing the others with it. Were hurricane repair records reviewed? Poles with heavy cables on them are more affected by soil saturation than just wind. (Haresign, Abramson and Verno, Steinberg)

With the closure of Montauk Highway during a major storm, Head of Pond Road would become an emergency route so that corridor must not have poles with lines. In recent heavy rainfalls, Montauk Highway just west of Cobb Road has been reduced to one lane. (Haresign, Abramson and Verno, Steinberg)

The destructive force of hurricanes and nor'easters on poles heavily loaded with transmission cables and utility lines is not adequately addressed in the DEIS. LIPA must indicate what their long term planning is for dealing with storms and high winds on the east end of Long Island. (Abramson and Verno, Steinberg)

The cost of hurricane repair is not addressed in the DEIS. (Haresign)

Why on earth would a utility company propose installing new *above-ground* lines in a hurricane/nor-easter prone community? Not only that, but why would a utility company propose installing these poles and lines along one of our three major storm evacuation routes? Given that LIPA itself has proposed alternative routes along non evacuation corridors, and through less populated areas, is LIPA ready to accept the burden of litigation that potentially will dwarf the cost savings, should these lines and/or poles come down blocking escape. (Kristiansson)

Comments from LIPA, such as: "Impacts from storms on overhead lines will be assessed." and "Wind speeds will be addressed" in response to questions raised at public meetings are vague and evasive. Furthermore,

the impact of storms or wind speeds on these lines has not been assessed in the DEIS. (Zappone)

The destructive force of hurricanes and northeasters on poles heavily loaded with transmission lines and utility lines is not adequately addressed in the DEIS. LIPA must indicate what their long term planning is for dealing with storms and high winds on the east end of Long Island. The DEIS does not indicate what federal or state requirements are going to be required for burial at a future date. If burial is to be required a few years from now, why hasn't LIPA started the process now? (Haresign)

The DEIS is incomplete in its failure to look at emergency preparedness and other benefits associated with underground power lines. (Nuzzi, Green South Fork)

Response 11-1: LIPA is fully aware of the destruction that high winds from a hurricane and other acts of nature can cause to its transmission and distribution systems and plans for those eventualities. A set of detailed emergency procedures is in place and is update continually as the transmission and distribution systems change and as new procedures are developed. Simulations of large scale power outages are held to test the procedures. LIPA is prepared to deal with large scale power outages and has procedures, trained personnel, sufficient equipment, and available outside resources to prevent long term loss of power. An outage of several weeks is not expected.

The transmission and distribution systems are designed to minimize power outages from various causes including hurricanes, flooding, and icing. Both overhead and underground systems can fail and cause power outages. The systems are designed to not be dependent on any one particular method of transmission and to have redundancy. This redundancy provides the greatest system-wide reliability.

Nation-wide standards for electrical poles have been developed, and, if LIPA were to follow the standards, the new poles would be designed for 120 mile per hour winds. However, to provide greater reliability for its Long Island customers, the new poles would be designed for 130 mile per hour winds. This is a category 3 hurricane wind, which has never been recorded on Long Island. The design to withstand the 130 mile per hour winds includes the poles having transmission lines, distribution lines, and telecommunications lines on them as well as being in saturated soils. These new poles would be more resistant to damage and falling than the existing poles that would remain in place along the underground sections of the transmission line.

The Direct Route and Existing Route Alternatives are not located along designed coastal evacuation routes, while the Montauk Highway Route is located along a designated coastal evacuation route. The LIRR, while not officially designated as a coastal evacuation route, is expected to operating as long as feasible without endangering the safety of passengers and equipment. Both designated coastal evacuation routes and other routes have existing utility poles that could fall. The selection of the alternative and its configuration will include these factors.

LIPA is not aware of any proposed requirements that transmission lines be buried in the future.

Comment 11-2: Will LIPA provide homeowners with liability insurance to cover losses if the new poles and cables fall in a hurricane? (Abramson)

Response 11-2: LIPA does not provide any type of insurance. The new poles would be designed to withstand forces from winds of 130 miles per hour, which is a category 3 hurricane. No category 3 hurricane has ever been recorded on Long Island. In addition, the new poles would be able to withstand higher winds than the distribution poles that would be replaced.

Comment 11-3: The DEIS is incomplete in its failure to properly analyze the vast number of long term benefits associated with the installation of underground lines including the capacity for future system expansion. (Nuzzi, Green South Fork)

Response 11-3: The advantages and disadvantages of overhead and underground transmission lines are discussed and compared in the EIS. The analysis includes both short term and long term benefits.

Comment 11-4: With respect to maintenance, the failure rate of overhead transmission lines is indicated to be 2.25 times greater than for underground lines; however, this is based on a 2003 Keyspan/LIPA study that would have also involved older, oil cooled cables. As a result, the frequency of repair data is skewed in a similar fashion to installation cost and life of service. (Voorhis, Epley)

Response 11-4: The data presented in the EIS is the latest and most complete that have been analyzed to date. It is expected that the new solid dielectric cables will be more reliable than overhead, but to increase the reliability factor beyond 2.25 times would be nothing but speculation at this time.

Comment 11-5: Were hurricane repair records reviewed and if not, why not? Local past experience indicates poles do not hold up to sustained winds.

Hurricane Gloria (Category 1) had little rain, winds of 70 mph and gusts to 85, yet poles located in open areas went down. Parts of County Rd 39 were closed due to downed poles and lines. Recently a minor storm caused part of Montauk Highway to close down due to pole tipping. LIPA states poles do not go down under 95 mph, yet local experience tells us otherwise, and LIPA repair records would also indicate that. If LIPA repair records were reviewed, where is that information in the DEIS? (Abramson and Verno, Steinberg)

Response 11-5: KeySpan reviewed repair records for the area of the proposed project, and the DEIS included a detailed discussion of Long Island's storm history. Older poles are often affected by factors that reduce their strength and ability to withstand outside forces, such as wind. These factors include among others damage from accidents, aging of the wood, and attack by insects. The new poles would be designed to withstand 130 mile per hour winds and stronger than the existing poles.

Comment 11-6: In terms of conservation, what plan of action is LIPA actively pursuing to attempt to conserve electricity on the East End? While conservation may not ultimately negate the need for this project, what aggressive steps is LIPA taking to promote energy conservation? For example, surcharges on residents and businesses could negate the need to start this project in March. (Abramson and Verno, Steinberg)

Response 11-6: The Demand Side Alternative in Chapter 17, "Alternatives" provides a full description of the existing and planned programs to reduce demand for electricity. These measures would not be able to meet the expected demand. Surcharges are not proposed as part of this project.

Comment 11-7: The LIPA Report presents a need for additional power supply capacity to Long Island's "East End". Neither generation nor demand-side management (DSM) resources can be acquired in sufficient time or magnitude to meet the need. Adding transmission capacity will avoid the use of small, less efficient, local generators and will allow for better utilization of other more efficient, less expensive generation sources. Further, adding transmission will strengthen the overburdened East End transmission system. LIPA's recommendation to add transmission capacity appears justified. (MBE)

Response 11-7: Comment noted.

Comment 11-8: The DEIS indicates that the transmission line would be completed before the 2008 summer peak load season, but that the Bridgehampton

Substation expansion would not be completed until the following summer. Further, it indicates that the new transmission line will be connected to the existing Bridgehampton Substation. But it does not indicate either how the temporary connection will be configured, or the effects that such a temporary connection will have on the reliability of the existing Southampton – Bridgehampton double-circuit 69kV line. Additional information on the temporary configuration is needed to establish the benefit of installing the new transmission line before this summer versus before next summer. (MBE)

Response 11-8: The new line would be temporarily tied into the Bridgehampton substation, while an existing smaller line would be temporarily removed from service. This would provide a 33 percent upgrade in capacity compared to the existing situation. This increase is sufficient until the expanded substation is in operation

Comment 11-9: According to the Report, the existing double-circuit line has tripped 24 times between 2000 and 2007. Eighteen of these trips were due to undetermined causes. Such trips are usually caused by temporary faults (such as lightning or brief contact with trees). Three more faults were caused by insulator and static wire failures. The proposed line, if constructed underground, would eliminate the risk of many of these outage causes as the underground lines are not subject to faults due to lightning strikes, tree contacts, insulator and static wire failures. In fact, the majority of faults would most likely be caused by dig-ins and splice failures. However, the frequency of such faults would most likely be much less frequent than for an overhead line. The Report indicates that:

"Based on past experience the failure rate of LIPA's overhead transmission lines is about 2.25 times greater (more often) than for underground lines.

The Report also states:

"LIPA's primary experience with underground transmission lines is based only on the older, oil cooled cables."

The new cable will use solid dielectric insulation. This cable type is being used instead of oil-filled cables at voltages as high as 230kV throughout the electric utility industry. In fact, LIPA is using this type of cable to replace the existing 115kV Long Island Sound Cable. The widespread use and acceptance of solid dielectric transmission cable demonstrate that utilities expect these cables to be even more reliable that oil-filled cables. (MBE)

Response 11-9: Comment noted. It is expected that the new solid dielectric cables will be more reliable than overhead, but to increase the reliability factor beyond 2.25 times would be nothing but speculation at this time. Any decrease in repairs is not expected to come close to offsetting difference in the capital costs over the life of the cable.

CHAPTER 12: GROUNDWATER AND SURFACE WATER RESOURCES

Comment 12-1: To demonstrate that there is no potential for a discharge from a construction site, the project sponsor/owner must perform the necessary modeling and site assessments (soil testing, infiltration test, hydrology, etc.) to support their position. The Department will require that this information be submitted for all construction sites encountered that have not gained coverage under the general permit. In order to demonstrate that all discharges from the site would be to groundwater, the sponsor must consider each of the following:

- All phases of construction, including the commencement of soil disturbance with no post construction controls in place.
- Runoff from all recorded storm events (1 yr, 10 yr, 100 yr, etc.)
- Frozen ground conditions if soil disturbance is possible during periods when the ground is frozen.
- Changes in site topography resulting from grading operations (cuts and fills).

In order to obtain coverage under the general permit GP-02-01, the operator of a construction activity must file a completed Notice of Intent (NOI) with the Department. (NYSDEC)

Response 12-1: KeySpan, the entity that would oversee construction, would supply all needed information and obtain all required permits from NYSDEC.

CHAPTER 13: TRAFFIC, AIR QUALITY, AND NOISE

Comment 13-1: There are a lot of accidents at the intersection of Scuttle Hole Road and Bridgehampton Sag Harbor Turnpike. There were two accidents in 2007 and they were not mentioned in the summary of the document. (Gorman)

Response 13-1: Accident data through June 2007 as provided by the New York State Department of Transportation is presented in Chapter 13 as well as Appendix G of the DEIS. It is not expected that the installation of the proposed project would change the number of accidents along the route, and the transmission line would be underground at the intersection of Scuttle Hole Road and Bridgehampton Sag Harbor Turnpike.

Comment 13-2: If the riser poles need 25 to 40 foot guide wires, these wires need to be painted with some sort of luminous paint or have some sort of plastic covering for visual driver aid at night. (Shea)

Response 13-2: In LIPA's vast experience, guide wires do not inhibit driver safety. No luminous paint for the poles or supporting sires is planned.

Comment 13-3: The traffic analysis in the DEIS is incomplete. (Verno)

Response 13-3: It is not expected that the two extra trips associated with the Bridgehampton Substation expansion would materially change traffic generation or patterns in the study area.

CHAPTER 14: ELECTROMAGNETIC FIELDS

Comment 14-1: The overhead wires would be dangerous to children that play in the area. (Greilsheimer, McGann, Caldwell)

Response 14-1: As discussed in Chapter 14, magnetic fields at locations adjacent to overhead wires would be below the levels that would cause danger to children or others and would be significantly below the New York State 200 milligauss (mG) regulatory limit.

Comment 14-2: The DEIS is incomplete in its failure to examine potential health impacts of all options. Conclusionary statements like "burying power lines doesn't necessarily reduce magnetic fields at ground level" seem inadequate. (Nuzzi, Green South Fork, Kabot)

Response 14-2: As discussed in Chapter 14, factors affecting EMP include distance, field strength, and wiring configuration. Burying power lines does not necessarily reduce magnetic fields at ground level. For a 69 kV transmission line operating at 167 amps, at the transmission line center the strength 0f the magnetic field would typically be approximately 23-27 mG, would drop to approximately 4-7 mG at a distance of 40 feet from the transmission centerline, and would drop to approximately 0-1 mg at a distance of 100 feet from the transmission centerline. These values are comparable to the fields generated by typical household electrical appliances, and are comparable to the fields experienced by individuals as they go about their typical daily activities. More importantly, there is no scientific evidence which shows a direct link between magnetic fields of this low magnitude and adverse health effects.

Comment 14-3: The health issues have not been fully examined. The project will impact the radio and electronic transmissions in our homes, if not in our bodies. (Gorman, Finocchio)

Response 14-3: See Response to Comment 14-2. Experience with comparable transmission lines has not indicated any significant adverse effects on radio and/or electronic transmission in adjacent homes.

Comment 14-4: Insurance agents stated that they are getting nervous insuring mortgages for homes in the area in case some health related issue is tied to the proposed lines. (Gorman)

Response 14-4: See Response to Comment 14-2. This comment is unsubstantiated by the facts.

Comment 14-5: There is no mention in the DEIS about the National Academy of Science in 1996 suggestion that residences near power lines were associated with higher levels of childhood leukemia, lymphoma, and nervous system cancers. Further, the DEIS doesn't mention that in 1989 the Department of Energy reported that it is generally accepted that there are biological effects due to field exposure of Electromagnetic Fields (EMFs). In 1990, the Environmental Protection Agency lists EMFs as a Class B carcinogen, along with DDT, PCBs and dioxin. (Perez)

Response 14-5: In general, based upon the latest studies, there is no scientific evidence which shows a direct link between magnetic fields of low magnitude, which would be expected due to the proposed project, and adverse health effects.

Comment 14-6: The DEIS states that there are no significant adverse effects from EMFs at the Bridgehampton Substation when it's going to be 3.5 acres versus 0.5 acres as it is now. The substation will also likely be expanded in the future. (Perez)

Response 14-6: As discussed in Chapter 14, based upon measurements at other substations, maximum magnetic fields at locations immediately adjacent to the site of the expanded Bridgehampton Substation would be expected to be in the range of 1-25 mG, and maximum fields would be expected to be in the range 0-2 mG at distances of 100 feet or more from the substation. These values are comparable to the fields generated by typical household electrical appliances, and are comparable to the fields experienced by individuals as they go about their typical daily activities. More importantly, there is no scientific evidence which shows a direct link between magnetic fields of this low magnitude and adverse

health effects. Consequently, the Bridgehampton Substation expansion would not be expected to result in any significant adverse impacts.

CHAPTER 15: CONSTRUCTION

Comment 15-1: The construction schedule in the DEIS is incomplete and the impact to traffic conditions during construction was not disclosed; specifically, the impact to the heavily traveled back road with no shoulder. If the project commences on March 1, construction would take place over the Memorial Day weekend. How will construction impact resident's ability to rent summer homes, which are often initiated in March and April as well as impact the ability to get full market value for the rental? (Verno)

Response 15-1: The construction schedule and the traffic conditions are discussed in detail in the construction chapter. No construction is currently planned over the Memorial Day weekend. The construction would not block access to houses for rent by realtors and potential renters.

Comment 15-2: The DEIS doesn't address the impact of construction on school bus pick-ups or rush hour and seasonal traffic along the Direct Route Alternative? Since the project construction would occur during the peak season, the DEIS should address this. (Verno)

Response 15-2: Utility construction regularly co-exists with the operation of school buses and typically does not occur during peak hours of traffic. It is currently planned to complete construction prior to the seasonal traffic peak.

CHAPTER 16: ENVIRONMENTAL JUSTICE

No comments were received on the Environmental Justice chapter.

CHAPTER 17: ALTERNATIVES

Comment 17-1: Consistent with SEQRA, the DEIS should look at alternatives and mitigation measures to reduce impacts and this DEIS doesn't necessarily do that. (Thiele, Zappone)

Response 17-1: Chapter 17 of the DEIS and FEIS provides a full analysis of alternative routes and project alternatives. The DEIS did not identify any significant adverse impacts related to the proposed project and therefore no mitigation measures are proposed.

Comment 17-2: The DEIS ignores the public's desired alternative to bury the entire line which would avoid all adverse impacts. (Thiele)

Response 17-2: LIPA is not obligated to bury the line due to public desire. LIPA is going beyond what is required by committing to bury approximately 55 percent of the line.

Comment 17-3: With the exception of the Direct Route Alternative, the DEIS fails to adequately evaluate, in depth, the other alternative routes under consideration. A supplemental EIS should be provided that evaluates all alternatives with equal consideration. There is a bias to the Direct Route Alternative. (Graboski, Nuzzi, Steinberg, Irving, Shea, Perez, Zappone, Nuzzi-2)

The Town of Southampton is quite concerned about the inadequate and often confusing discussion presented in the DEIS about the various routes and use of poles in these routes. As a result, the DEIS violates SEQRA and must be, at a minimum, supplemented to comply with SEQRA. (Kabot)

Response 17-3: Chapter 17 of the DEIS and FEIS provides a full analysis of alternative routes and project alternatives. All four alternatives were analyzed to the same level of detail in the EIS.

Comment 17-4: The DEIS is incomplete in stating that the Existing Line Alternative is not feasible without any quantifiable support for this claim. The explanation of why this route is not viable is vague. (Nuzzi, Verno, Green South Fork, Kabot)

Response 17-4: There is not enough physical space to install the line overhead along this route. The DEIS does not say that the Existing Route Alternative would be infeasible if installed underground, but rather notes that installing the proposed project along this route would not address the reliability and redundancy issue that the South Fork currently faces. Thus, the line would have to be buried along this route and new underground easements would need to be obtained. Based on LIPA's experience in renegotiating terms of an easement, it is highly unlikely that renegotiating the multiple easements along the Existing Route could be completed by the time the project is needed.

Comment 17-5: Do underground easements along the Existing Line Alternative exist? The DEIS mentions that the Existing Line Alternative would be underground and existing easements would be used. The FEIS should clarify whether there are existing easements or not. If existing easements do exist and this alternative is the shortest route with the least traffic impact, why isn't this option being used? Is LIPA holding this route for another project they haven't disclosed to the public yet? If easements need to be renegotiated, then why hasn't there been any

correspondence with those involved to obtain the easements needed? The findings in the DEIS give conflicting reports and it is clear that LIPA is not actively pursuing easements because it appears as those easements already exist. (Verno)

The Final EIS should describe how many and where any and all additional underground easements would be needed so that the public understands and has the opportunity to assess the feasibility of the alternatives. (Hartnagel, Kabot)

The DEIS should more specifically describe the purported easement and reliability concerns regarding the Existing Line Route identified on page 1-8. More detail on the location and nature of easements needed and obstacles to obtaining such easements should be provided and allowed to be reviewed as part of the public record prior to a decision being made. (Voorhis, Kabot)

LIPA should have already attempted to get easements along the Existing Line Alternative route so that alternative would be more feasible than the Direct Route Alternative. If there is an equipment failure along the Existing Line Alternative, there is obviously a right-of-way to get equipment on-site so there is room to add the new line. (Steinberg, Shea)

LIPA's DEIS downplays the Existing Line Alternative citing easement and reliability concerns, in addition to stating vague and generalized cost concerns. The DEIS appears to favor the Direct Route. (Epley)

The Direct Route, unlike the Existing Route, would be a new transmission line route. The DEIS does not explain why obtaining the easements for this route would be any less time consuming or difficult than renegotiating the easements on the Existing Line Route for an underground circuit. This suggests that this rationale for downplaying the Existing Line Route is flawed, as the easement problems cited with respect to this route, apparently apply to the Direct Route and perhaps to others. (Epley)

Response 17-5: LIPA maintains existing overhead easements along the right-of-way of the Existing Line Alternative. There is not enough physical space to install the line overhead along the Existing Line Alternative. Further, installing the proposed project overhead along this route would not address the reliability and redundancy issue that the South Fork currently faces. Thus, the line would have to be buried along this route and new underground easements would need to be obtained. Obtaining these easements would not allow LIPA to meet the immediate energy demand expected for the 2008 summer season.

With the exception of the Existing Line Alternative and the LIRR Route Alternative, LIPA does not need to acquire additional easements because the proposed transmission line would be constructed along public roadways where existing easements are accessible to utilities. Therefore, the Direct Route and Montauk Highway Alternatives would not require new easements.

Comment 17-6: The DEIS is incomplete in its failure to take a meaningful look at the potential feasibility of a Long Island Rail Road Route Alternative. (Nuzzi, Kabot)

Response 17-6: Chapter 17 of the DEIS provides a complete and detailed analysis of the environmental considerations and impacts of the LIRR Route Alternative.

Comment 17-7: The lines should be buried along the Existing Line Alternative since the substations are along that route anyway. (Shea)

Response 17-7: New underground easements would need to be required for installation of the proposed project along this alternative route. Based on LIPA's experience in renegotiating terms of an easement, it is highly unlikely that renegotiating the multiple easements along the Existing Route could be completed by the time the project is needed.

Comment 17-8: The Final EIS should include an alternative that addresses either a special tax district or another option that describes another possible funding source that undergrounding the entire portion of any of the proposed actions can be made possible. (Hartnagel, Beckett-Lawless)

Response 17-8: A special taxing district or other possible sources of funding is not within the power of LIPA. However, LIPA is willing to continue to meet with elected officials who do have that option within their power.

Comment 17-9: For the Direct Route Alternative, the DEIS does not specify what criteria would be applied to select where the undergrounding would occur beyond the Village, except to note that undergrounding could be in residential areas or in agricultural areas. In the interest of complying with SEQRA, undergrounding should take place along the entire Direct Route, if that is the alternative selected. (Epley)

Response 17-9: For the proposed Direct Route Alternative, only the 55 percent underground and 45 percent overhead configuration or all underground are currently under consideration. The configuration is shown on Figure 1-4.

Comment 17-10: The DEIS does not include a full underground installation alternative as was repeatedly requested in comments on the Draft Scope and in public forums. (Voorhis, Epley)

Response 17-10: The EIS considered all underground configurations for the Direct Route and Existing Route Alternatives. For the LIRR and Montauk Highway Alternatives, an all underground route was considered for the Bridgehampton Sag Harbor Turnpike segment.

Comment 17-11: The Village underground alternative is acknowledged as having no transmission main visibility; however, underground installation should be acknowledged to avoid potential adverse visual impacts. It is noted that the Village underground option will avoid a large number of impacts to historic and recreational resource locations; this option as well as full underground installation should be pursued in order to eliminate these potential impacts. (Voorhis)

Response 17-11: Comment noted. Based on detailed analyses, no significant adverse impacts were identified in accordance with NYSDEC visual guidance (DEC-00-2).

Comment 17-12: The Alternatives chapter is absent a description of an option that examines the possibility of seeking alternative funding sources to cover the cost of burying 100 percent of the line. (Hartnagel)

Response 17-12: Seeking alternative sources of funding is not within the power of LIPA, and therefore, not an alternative for LIPA. However, LIPA is willing to continue to meet with elected officials who do have that option within their power.

Comment 17-13: The Energy Efficiency and Demand Side Management Alternative is insufficiently described in the EIS. (Hartnagel)

Response 17-13: The Demand Side Alternative fully describes all programs that LIPA has in place and is planning. The expected reduction in demand is stated in the Alternative, and the conclusion that the demand reduction would not meet the expected future demand supported.

Comment 17-14: The DEIS presents a detailed description of one proposal and a very sketchy description of the others. (Thiele)

Response 17-14: The potential significant adverse impacts of the alternative routes were evaluated in Chapter 17 to the same level of detail that was given to the Direct Route Alternative.

Comment 17-15: The DEIS alternative routes are not discussed in depth. Two examples: (1) the consultants do not indicate they understand the topography of the LIRR corridor. In some areas where the railroad crosses water the width of the railroad bed is only 24 feet wide and in some areas only 5 feet above open water on both sides of the track. There is no way poles could be installed in those locations but that is not mentioned; (2) In one particular section of Upper Seven Ponds Road the LIRR rail bed corridor is twenty feet above Upper Pond Road. Any poles on that particular section of the railroad bed would be visible from Mecox Bay and the ocean, yet the report states no visual impacts. (Abramson and Verno, Steinberg)

Response 17-15: If the LIRR Route Alternative were selected, in areas where there is not enough physical space to install the poles, a larger overhead expanse between poles would be utilized. Variations in the LIRR right-of-way as well required easements needed for the project make this alternative difficult to achieve. Based on field surveys, the poles, would likely not be visible or, if visible, barely discernable.

Comment 17-16: In the Executive Summary of the DEIS, LIPA discusses why energy efficiency programs and demand side management programs are not viable. LIPA insists that if this project is not completed by summer 2008, there is a risk of power outages and brown-outs on the East End. We would rather take that risk and do nothing, than have LIPA do something that will forever destroy our community and potentially threaten our health, safety and property values. None of us truly believes the threat of power outages and brown-outs is high, but it is a risk we are all willing to take if it means doing this project correctly. We hope LIPA will consider this alternative as viable and put forward a proposal that actually serves the public. (Abramson and Verno, Steinberg)

The proposition that these lines must be installed before summer 2008 or the entire East End will be negatively affected is ludicrous. These lines supposedly are being installed to meet the anticipated demand over the next several decades, not next summer. There is time for everyone to sit down and hammer out a mutually acceptable solution. (Kristiansson)

Response 17-16: The need for the proposed project is based on the best information and projections available to date. Consequences of the No-Action Alternative are factual. Based on LIPA's past experience, the public is not willing to experience power outages.

Comment 17-17: The DEIS dismisses the Existing Line Alternative (8.3 miles) alternative. First, it states that adding an overhead line to this route is

not feasible, with which we agree. Next, it claims that underground construction is not feasible due to reliability and easement issues. Rules for reliability do not prohibit multiple lines in a single corridor. They do require consideration of the effect that the loss of an entire corridor could have on the operation of the rest of the power system. However, this is known as an "extreme contingency". Such events are considered so unlikely that the system is neither designed nor operated to withstand them in all situations. Further, the loss of both overhead and underground lines on a single corridor is less likely than the loss of all overhead lines alone. The addition of an underground cable to the existing line route would not create a significant risk to reliability of the East End/South Fork system. The other issue is LIPA's ability to renegotiate the existing above ground easements to allow for the new underground line by the summer of 2008. Nevertheless, the route should not be discarded solely because the easements are not currently on file.(MBE)

Response 17-17: The DEIS does not dismiss the underground installation of the line along the Existing Line Route as infeasible. Rather, the DEIS observes that LIPA's internal policy for placement of transmission lines does not allow for the use of overhead lines on the Existing Route Alternative, and that there is insufficient room in any event to add another overhead line along that route. That is why overhead installation along that route was not studied. Based on LIPA's experience in renegotiating terms of an easement, it is highly unlikely that renegotiating the multiple easements along the Existing Route could be completed by the time the project is needed in the summer of 2008. Accordingly, given that the FEIS concludes that an all underground configuration along the Existing Route and the Direct Line Route both do not result in any significant adverse environmental impacts, LIPA would select the Direct Line Route as its "all underground" configuration because that route would allow it to complete the transmission line component of the project prior to peak usage in the summer of 2008.

Comment 17-18: The DEIS describes four possible configurations for the Direct Route Alternative, including combinations of overhead and/or underground construction, but fails to detail these configurations in any way. The only clear statement about the line configuration is LIPA's willingness to place about half of it underground. Note that there is a section of this route that does not appear to have existing distribution, based on online aerial photography. It is approximately 2,000' long, on Seven Ponds Road northeast of David White's Road. The construction of the overhead line in this location would result in a new line section where

one does not currently exist, causing adverse visual and aesthetic impact in that vicinity. (MBE)

Response 17-18: For the Direct Route Alternative, no new poles are proposed for locations that do not currently have poles.

Comment 17-19: The DEIS suggests that the LIRR Route Alternative is not feasible due to limited space along the LIRR right-of-way. However, this route is the shortest and would require the fewest poles due to greater span distances (about 400') along the LIRR. These steel poles would be taller (61'-75', vs. 51'- 61 for the other overhead alternatives). The DEIS does not address underground installation along the LIRR. This omission should be clarified. (MBE)

Response 17-19: Underground installation along the LIRR is not considered to be feasible because of the topography and the difficulty and danger of digging along the railroad tracks. The DEIS does not conclude that overhead installation along the LIRR could not be done, but rather that an overhead configuration would expensive and involve longer term construction than any of the other configurations.

Comment 17-20: It is our expectation that the Village Underground Option will be chosen, as LIPA has already indicated its willingness to install as much as half of the line underground. (MBE)

Response 17-20: If the proposed Direct Route Alternative is selected, the transmission line would be underground in the Village of Southampton

Comment 17-21: More specific information is needed regarding the future siting of new poles (especially riser poles), wires, directional drilling corridors, and conduit trenches, along all four routes being considered. All existing poles, which would be retained or removed, also need to be identified. Additionally, clarification is needed as to why more existing poles and overhead power lines can't be removed, if new wires and poles and/or underground lines are installed. (Kabot)

Response 17-21: All existing poles would remain in place for the electrical distribution system in areas where the selected transmission line route is underground. For portions of the transmission that would be overhead, the new pole location would be approximately the same as the locations of the existing poles. For the proposed Direct Route Alternative 55 percent underground and 45 percent overhead configuration, the tentative location of the riser poles has been identified. See Figure 1-4.

Comment 17-22: Any potential impacts to specific adjoining properties, fencing, landscaping, and property values need to be specifically addressed. A detailed "site plan" should be developed for all four routes, as well as the Village Underground Option, accounting for and describing all existing and proposed right-of-ways, overlaid on property boundaries, supported by aerial photographs, including proposed tree clearances. Essentially, LIPA's DEIS is unlawful segmentation of the proposed project as many of the necessary elements of the alternatives that are required to be evaluated during the DEIS process have been withheld from public scrutiny and evaluation. (Kabot)

Response 17-22: Even the detailed design of the transmission line and expansion of the substation would not contain the requested detail because it is not necessary for environmental review purposes. The whole proposed project is analyzed in the EIS, and no part of the proposed project has been segmented.

CHAPTER 18: MITIGATION

Comment 18-1: Chapter 18 "Mitigation", is 3-pages long and does not address visual resources. Clearly, the most effective mitigation of visual impacts is to place the transmission line underground. The DEIS provides conclusionary statements, that there will be no visual impact, and uses this as a basis to avoid discussion of appropriate mitigation. The Village underground alternative would mitigate visual impacts within the Village, and the full installation of underground transmission lines, would mitigate visual impacts along the entire route. (Voorhis, Epley)

Response 18-1: Comment noted. Chapters 6 and 17 of the DEIS did not identify any significant adverse impacts to visual resources from the proposed project in accordance with NYSDEC guidance. It is not expected that there would likewise be long-term visual impacts because there are existing utility poles along the preferred route and in select locations vegetation would likely grow to screen the project.

Comment 18-2: Chapter 18, "Mitigation," states that there are no potential long-term impacts related to natural, historic, archaeological, and hazardous materials but does not address long-term impacts on visual resources. This chapter should address mitigation to visual resources and long-term impacts to these resources. (Griffin)

Response 18-2: Chapters 6 and 17 of the DEIS did not identify any significant adverse impacts to visual resources from the proposed project in accordance with NYSDEC guidance. It is not expected that there would likewise be

long-term visual impacts because there are existing utility poles along the preferred route and in select locations vegetation would likely grow to screen the project.

Comment 18-3: The DEIS indicates that long-term impacts will be minimized through the use of abatement measures. However, the report does not indicate in detail what abatement measures will be taken. The SEQRA process does not allow vague terms to be used to indicate mitigation measures. (Haresign, Abramson and Verno, Steinberg)

Response 18-3: Because the DEIS did not identify any significant adverse impacts from the proposed project, no abatement measures are necessary. However, LIPA would commit to adding vegetation to help screen the Bridgehampton Substation expansion.

Comment 18-4: The matters of mitigation are not adequately addressed. (Zappone, Kabot)

Response 18-4: Because the DEIS did not identify any significant adverse impacts from the proposed project, no mitigation measures are necessary.

Comment 18-5: The DEIS should include site-specific mitigation measures to minimize harm to visual resources, including a micro-scale mapping and identification of the overhead and underground transmission line routes proposed. (Kabot)

Response 18-5: Because the DEIS did not identify any significant adverse impacts from the proposed project, no mitigation measures are necessary. ✷