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Via Email

July 9, 2025

Peter J. Frank
Assistant Director
Division of Lands and Forests
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-0001

**RE: Application by Niagara Mohawk Power Corporation d/b/a
National Grid for a Permit to Bury a Public Utility Line on
Forest Preserve Lands
Coreys Road, Town of Harrietstown, Franklin County**

Dear Mr. Frank:

Protect the Adirondacks (PROTECT) appreciates the opportunity to submit these comments regarding the above-referenced application by National Grid seeking approval pursuant to Article 14, section 6 of the New York State Constitution (Article 14) and Environmental Conservation Law (ECL) § 9-2103 to install a buried utility line along approximately 0.4 miles of Coreys Road on Forest Preserve lands that are part of the Saranac Lakes Wild Forest in the Adirondack Park.

We are pleased to see that the application and review process set forth in ECL § 9-2103 is being followed. However, as discussed below, PROTECT opposes issuance of the permit at this time because (i) the Department of Environmental Conservation (DEC) lacks sufficient information to conclude that the proposed project meets the constitutional and statutory criteria for a permit authorizing installation of a utility line on Forest Preserve lands; and (ii) the Environmental Assessment Form (EAF) submitted by National Grid is inaccurate and omits critical information.

Lack of Demonstrated Compliance With Article 14

Pursuant to Article 14, section 6 of the New York State Constitution, utility lines may be installed on Forest Preserve lands only if the following conditions are met:

Protect the Adirondacks

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Where state, county, or town highways listed on the local highway inventory maintained by the department of transportation, dedicated and in existence on January first, two thousand fifteen, *and annually plowed and regularly maintained*, traverse forest preserve land, public utility lines, limited to electric, telephone, broadband, water or sewer lines as defined in law, may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be buried or co-located within the widths of such highways as defined in law, and bicycle paths may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be constructed and maintained within the widths of such highways, as defined in law

(Emphasis added).

Thus, to qualify for the constitutional exemption, the proposed utility line must be sited on a highway that (i) is listed on the local highway inventory maintained by the New York State Department of Transportation; (ii) was dedicated and in existence on January 1, 2015; (iii) is annually plowed; and (iv) is regularly maintained. These requirements are reiterated in ECL § 9-2103(1)(i).

Although National Grid’s project narrative states that Coreys Road “is considered and maintained as a town highway,” this conclusory statement lacks evidentiary support and is insufficient to establish that the road is “annually plowed” and “regularly maintained.” *See* Application, Attachment A. Moreover, the Town Board resolution submitted by the Town of Harrietstown in support of the application does not confirm that Coreys Road is annually plowed or regularly maintained. *See id*, Attachment B. In fact, portions of Coreys Road are periodically closed during the winter and mud seasons and thus are not plowed or maintained on a regular basis. Without documentation verifying that the road meets all constitutional and statutory requirements, DEC does not have a sufficient basis to authorize the proposed project.

Deficiencies in the EAF

The EAF submitted by National Grid (Application Attachment E) contains several inaccuracies and omissions:

- The EAF states that the proposed project is not located in or adjacent to a state-listed Critical Environmental Area (CEA). EAF at 2. However, portions of Coreys Road are located within 1/8 mile of the High Peaks Wilderness Area and are thus within a CEA. *See* Executive Law §§ 810(1)(b)(1)(d), 810(1)(c)(1)(d), 810(d)(1)(d), 810(e)(1)(d) (classifying lands within 1/8 mile of Forest Preserve lands classified as wilderness as a CEA). It is unclear from the permit application whether any part of the project site is located on a portion of Coreys Road within 1/8 mile of the High Peaks Wilderness Area.
- The EAF incorrectly states that the proposed project is not located in or substantially contiguous to a site listed on the National or State Register of Historic Places. EAF at 2.

In fact, the Adirondack Forest Preserve is listed on the National Register of Historic Places. *See* National Register of Historic Places, Asset ID No. 98acd56f-0836-4683-b2e0-6bc1d518c1ed. The conclusion of the Office of Parks, Recreation and Historic Preservation that “no properties . . . listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project” is thus also incorrect and should be revised. *See* Application Attachment F.

- While the EAF acknowledges the presence of wetlands in and around the project area, it asserts—without supporting analysis—that the project will not affect them. EAF at 2. No details are provided regarding how wetland impacts will be avoided during construction, beyond a general reference to standard best management practices. *See* Application Attachment A.
- The EAF states that the project site does not contain any State-listed threatened or endangered species. EAF at 3. While technically accurate, the Natural Heritage Database indicates that Coreys Road is in the vicinity of endangered, threatened or rare plant species as well as habitat for the common loon—a State-listed species of special concern. The project’s potential impacts to these species require evaluation prior to permit issuance.

Conclusion

PROTECT urges DEC to require National Grid to submit documentation establishing that Coreys Road meets all of the constitutional and statutory criteria, including that the road is annually plowed and regulatory maintained.

National Grid should also be required to submit a revised EAF that (i) clarifies whether any portion of the project site is located within 1/8 mile of the High Peaks Wilderness Area; (ii) acknowledges that the project site is located within the Adirondack Forest Preserve, which is listed on the National Register of Historic Places; (iii) identifies the specific measures that will be taken to avoid impacts to wetlands; and (iv) evaluates potential impacts to State-listed plant and animal species identified in the Natural Heritage Database as being present in the vicinity of the project site.

On behalf of the Board of Directors of PROTECT, please accept our gratitude for the opportunity to share our comments on this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato", with a stylized flourish at the end.

Christopher Amato
Conservation Director and Counsel