



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

TO MASTER
FILE

Regulatory Branch

OCT 17 2016

SUBJECT: Modification to Department of the Army Permit Number NAN-2009-01089 Issued to Champlain Hudson Power Express, Inc. and by CHPE Properties, Inc. on 20 April 2015 for Construction Activities Associated with Installation of Buried Subaqueous 325kV Submarine Power Cable in Lake Champlain, Mohawk River, Hudson River, Harlem River, East River, and unnamed Wetlands within New York State

PERMITTEES:

Champlain Hudson Power Express, Inc.

and

CHPE Properties, Inc.

C/o Transmission Developers, Inc.

ATTN: William S. Helmer, Esq.

600 Broadway

Albany, New York 12207-2283

(518) 465-0710

1. Reference is made to

- a. Subject Department of the Army (DA) permit NAN-2009-01089 issued on April 20, 2015; and
- b. The subject permittees' request dated October 12, 2016, to authorize changes to submission dates in conditions associated with the subject permit.

2. In accordance with the provisions of Section 10 of the River & Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), the New York District of the U.S. Army Corps of Engineers issued Department of the Army permit NAN-2009-01089 [Reference 1(a)] on April 20, 2015 to Champlain Hudson Power Express, Inc. and by CHPE Properties, Inc.

3. The request for modification under General Condition A includes modification of the permit expiration date from 30 June 2019 to 30 September 2021; under Special Condition C, modification of the pre-construction benthic resources survey filing date from 15 November 2016 to 15 November 2017; and under Special Condition J, modification of the "updated freshwater wetlands resources compensatory mitigation plan" filing date from 15 May 2016 to 15 November 2017.

4. Based upon an evaluation of the administrative record supporting the issuance of the subject permit, and a review of the permittee's submitted materials in support of their permit modification request [Reference 1(a)], the subject permit is hereby modified as follows:

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- 2 -

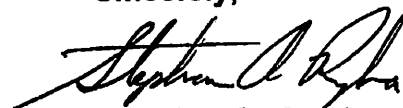
- a) Under General Condition A, the time limit for completing work authorized ends on 30 September 2021;
- b) Under Special Condition C, the permittees shall no later than 15 November 2017, submit a pre-construction benthic resources survey, including bottom elevations, of the approximately 197-miles of subaqueous cable pair route to the National Marine Fisheries Service - Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930 ATTN: Habitat Conservation Division; with copies to the New York State Public Service Commission and to this office ATTN: Regulatory Branch; and
- c) Under Special Condition J, the permittees shall, not later than 15 November 2017 and prior to commencing construction authorized by this permit, submit for review and approval by this office an updated freshwater wetlands resources compensatory mitigation plan in accordance with Title 33 of the Code of Federal Regulations, Part 332.

5. All work shall be accomplished in accordance with the attached drawings and table, which are incorporated into this permit modification. All other terms, General Conditions, and Special Conditions of the issued Department of the Army permit shall remain in effect.

6. This modified permit shall be known as Permit Number NAN-2009-01089-M1.

7. This modified subject DA permit shall be available at project offices and regulated work sites.

Sincerely,



For and in behalf of

**David A. Caldwell
Colonel, US Army
Commander**

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- 3 -

Enclosure:

DA Permit Modification Request dated October 12, 2016

CF (w/enclosure):

US Coast Guard, First District by email

US Coast Guard, Sector New York by email