

Case 10-T-0139

Champlain-Hudson Power Express Project

Environmental Trust Governance Committee Meeting Minutes

September 17, 2020

On September 17, 2020, the Governance Committee for the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust (the “Trust”) held its regularly scheduled meeting.

Pursuant to Executive Order 202.1, the meeting took place via phone. Due to technical difficulties, this meeting was not recorded and will be reconvened.

Attendees:

On the phone were Certificate Holders: Bill Helmer, Josh Bagnato; DPS: Brian Ossias, Andy Davis; DEC: Gregg Kenney, Heather Gierloff; DOS: Matthew Maraglio, Laura McLean; City of NY: Justin Fung; Trout Unlimited (TU): Roger Olsen; APA: Dan Kelleher, Elizabeth Philips; Riverkeeper: Richard Webster, Victoria Leung; Scenic Hudson: Hayley Carlock; Hudson River Foundation (HRF): Jim Lodge, Clay Hiles.

Preliminary Items:

Meeting was called to order at 10:38 a.m. and a quorum was confirmed.

- Minutes of the June 18, 2020 meeting were approved with no discussion. **Moved by DOS, Seconded by Scenic Hudson, motion carried unanimously.**

Projected Timeline and Approvals Updates:

Certificate Holders reported on the status of the Project and responded to questions.

- As reported during the last committee meeting, the Certificate Holders filed two applications during the fall of 2019 seeking changes to the Project’s Certificate of Environmental Compatibility and Public Need (Certificate). The first involved four Certificate Conditions and the second involved route adjustments. The Public Service Commission (PSC) approved three of the four proposed changes and reserved on one. Approval of the last change, which will be to Certificate Condition 11, is expected to happen at the upcoming PSC meeting on September 21. The PSC approved the route amendments on August 13, 2020.
- The Federal Energy Regulatory Commission (FERC) authorized a new negotiated rate program for the project, which changed the process to an open solicitation. The open solicitation was completed by mid-August and FERC received a robust response from parties seeking capacity on the line. Certificate Holders are speaking directly to the parties seeking capacity.

- The New York Independent System Operator (NYISO) 2019 Class Year study is expected to end by February 2021.
- Certificate Holders continue to meet with municipalities along the route about various issues and have received resolutions in favor of the Project.
- Pre-construction activities are ramping up in Rockland County and in Lake Champlain. Divers are locating utilities in the Lake, and this will continue next year in the Hudson River. Upland pre-construction activities will continue in upstate New York.
- Construction is anticipated to start in 2021.
- Riverkeeper inquired about the construction sequence and PCB sampling. Certificate Holders responded that the project will not be built directly north to south, rather they would install the upland cable sections followed by the in-water cable. A number of pre-construction surveys are required, and PCB sampling is required, but not in all locations. New York State agencies are reviewing the Certificate Holders' draft workplans. DEC relayed that they provided initial feedback on the plans in June 2020 and will be discussing edits to these plans with the Certificate Holders next week. DEC noted that the draft workplans are available for download on the DPS Document and Matter Management (DMM) system. Final plans will be posted to the DMM once NYS agencies complete their review.
- New York City and DOS requested additional detail on the schedule and timing of in-water construction. Certificate Holders responded that pre-construction activities will likely commence Q2 of 2021, weather dependent. Certificate Holders suggested that committee members should review the amended Certificate Condition 11 following PSC approval. They advised that there will be limited in-water work in Lake Champlain and no in-water work in the Hudson River in 2021. Conduit to house the cable will be installed in upland areas starting in 2022. Because the cable takes approximately one year to fabricate, cable installation will occur through 2023 and into 2024 and 2025.
- DEC asked for a status report on the capacity upgrade and two-way energy flow. Certificate Holders responded that both modifications still require NYISO approval. They believe there is significant value in analyzing these modifications and explained that neither change would significantly increase the cable's size. If formally proposed, Certificate Holders would file updated information with PSC.
- In response to Riverkeeper's and DEC's inquiries, Certificate Holders clarified that pre-application activities have commenced in Canada and permitting is on-track to be completed prior to operation. The cable will be installed in the U.S. starting in 2023 and installed in Canada once those permits are finalized. In contrast to the U.S. process, the Canadian permitting process requires that many analyses be completed prior to submitting the permit applications. The system impact study was completed, and Hydro Quebec Transmission started community outreach in Canada this fall. The Canadian permit application will be submitted soon.

- Riverkeeper and HRF asked for more information on the financial closing. Certificate Holders responded that the factors allowing them to proceed to the construction financing are confidential. The closing is still anticipated to occur in late 2020 or early 2021, at which time the Trust will receive initial funding.
- Upon DOS request, Certificate Holders agreed to discuss at the next meeting whether there are any changes in the draft Nationwide Permits for 2022-2027 that could affect operations.
- Certificate Holders also indicated that the priority projects list should be revisited soon, perhaps as early as the next committee meeting. DEC agreed with revisiting the significant projects list because this was developed several years ago, and many projects have already come and gone. The Certificate Holders urged that the committee work together to determine how to implement these projects to achieve goals for all the parties. DEC suggested laying out a process for coordinating how projects are designed and implemented to honor their intent and designating a point of contact for each, citing that this was a successful approach for the Tappan Zee Bridge project. Trout Unlimited offered to be involved in implementing projects in DEC Regions 4 and 5.

Next meeting date(s):

The committee anticipates meeting next on the date and at the time of:

- December 17, 2020, 10:30am

Action Items:

The action items were discussed. Certificate Holders indicated the project website has been updated.

Ongoing action items:

- Certificate Holders to report by email to the committee members after each TPAS meeting occurs in which CHPE is material to the meeting.
- Vice-Chair to confirm room availability, as applicable, and send invitations for future meetings.

New action item:

- DPS will verify whether this meeting on September 17, 2020 has been recorded per the Executive Order.

Meeting adjourned at 11:10 a.m. Moved by New York City, seconded by Trout Unlimited, motion carried unanimously.
