

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
STATE OF NEW YORK**

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Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.

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Case No. 10-T-0139

**APPLICATION OF CHPE LLC AND CHPE PROPERTIES, INC.  
FOR AN AMENDMENT TO CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED**

**I. INTRODUCTION**

On April 18, 2013, the New York State Public Service Commission (the “Commission”) issued to Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (the “Applicants”) a Certificate of Environmental Compatibility and Public Need (“Certificate”), pursuant to Article VII of the Public Service Law (“PSL”), to construct and operate an electric transmission project known as the Champlain Hudson Power Express Project (the “Project”).<sup>1</sup>

Since the Certificate was issued, the Applicants have worked diligently to obtain the additional governmental permits and approvals necessary to fully and finally authorize construction and operation of the Project, with a view towards further minimization of Project impacts and consideration of changed circumstances. With the approval of a certain route

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<sup>1</sup> In August 2020, Champlain Hudson Power Express, Inc. converted from a corporation (CHPEI) to a limited liability company (CHPE LLC) and received Commission approval to transfer its CECPN from CHPEI to CHPE LLC. See Case 20-E-0145: *Petition of Champlain Hudson Power Express, Inc., CHPE Properties, Inc., and CHPE LLC for a Declaratory Ruling*, Order Approving Transfers (July 17, 2020).

modifications in January 2021,<sup>2</sup> the Applicants were in receipt of the New York State (the “State”) regulatory approvals needed in order to proceed to the construction phase for a 1,000-megawatt (“MW”) transmission system.

After the Applicants filed for approval of the most recent route modifications, changed circumstances necessitated certain additional amendments to the Certificate. The Applicants were made aware of advances in the design of high voltage direct current (“HVDC”) transmission systems that would allow for an increase in the Project’s throughput capacity from 1,000 MW to 1,250 MW with no significant changes in the impacts associated with its construction, operation, or maintenance. Not until December 10, 2020, did the New York Independent System Operator (“NYISO”) Operating Committee confirm that an additional 250 MW could be reliably added to the grid. The Applicants worked diligently after receiving notice from the NYISO to prepare and file, on January 29, 2021, a petition for an amendment to the Certificate to increase the capacity of the Project to 1,250 MW. This petition was approved on May 13, 2021.

Circumstances have again changed in recent months necessitating further amendment of the Certificate. These changes relate to the Project’s points of interconnection with the State bulk power grid. One change is the addition of a new interconnection point (“IP”) in the Capital Region that will allow upstate renewable generation to access the Project and transmit power to New York City (the “City”), thereby providing an uncongested transmission route from upstate to downstate. A second change involves the configuration of the High Voltage Alternating Current (“HVAC”) interconnection linking Project’s converter station in Astoria in the Borough of Queens (the

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<sup>2</sup> Case 10-T-0139: *Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City*, Order Granting Amendment of Certificate of Environmental Compatibility and Public Need Subject to Conditions (January 26, 2021) (the “January 26 Order”).

“Astoria Converter Station”) and the IP located at the Astoria Annex Substation owned and operated by the New York Power Authority (the “Astoria IP”).

On January 13, 2021, the New York State Energy Research and Development Authority (“NYSERDA”) issued a Request for Proposals (“RFP”) seeking to procure Tier 4 eligible Renewable Energy Certificates (“RECs”) from eligible projects (the “Tier 4 RFP”). The goal of the Tier 4 RFP is to reduce the City’s reliance on fossil fuels by increasing the penetration of renewable energy into NYISO Zone J and by optimizing deliverability of renewable resources throughout the entirety of the State, in furtherance of the goals of the Climate Leadership and Community Protection Act (“CLCPA”). The RFP requires, however, that any proposer of a project that includes new HVDC transmission and that is planned to traverse parts of the State outside Zone J must submit a bid that includes at least one in-State converter station outside of Zone J.<sup>3</sup> As currently certified, the Project is an approximately 339-mile HVDC transmission system beginning at the U.S. / Canada border, and terminating at the Astoria Converter Station. In order to comply with the intent of the RFP, the Applicants, by this petition, request that the Commission approve an amendment to the Certificate authorizing construction, operation, and maintenance of an additional converter station in the Town of New Scotland, New York (the “Town”). This additional converter station and related infrastructure (the “Facility”) occupies position #1155 in the NYISO Interconnection Queue and will be studied as a point of withdrawal from the State’s Bulk Power System.

With respect to the interconnection between the Astoria Converter Station and the Astoria IP (the “Astoria HVAC Connection”), Certificate Condition 26 states that “[t]he Converter Station

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<sup>3</sup> NYSERDA RFP No. T4RFP21-1, Section 2.3, p. 10 (released January 13, 2021, *available at*: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Tier-Four>).

shall have a 345 kV underground Gas Insulated Line connection to the Astoria Annex GIS Substation installed in duct banks.” When the Applicants petitioned the Commission to move the Astoria Converter Station from its original location along Luyster Creek to a preferred location (the “Preferred Converter Station Site”), it was assumed, based on available information and discussions at the time, that the Astoria HVAC Connection could and would remain underground. Consolidated Edison Company of New York, Inc. (“Con Edison”) was and is the owner of property through which the Astoria HVAC Connection, however configured, must cross. Since the Commission approved the Preferred Converter Station relocation, the Applicants and Con Edison have examined the issue of whether the undergrounding feature of the Astoria HVAC Connection can be preserved. After months of technical discussions between Con Edison and the Applicants, it has become apparent that, for the reasons set forth below, an underground design is no longer feasible. Accordingly, the Astoria HVAC Connection must be installed as an overhead transmission line for approximately 0.3 miles and will involve six (6) steel poles that will be approximately 130 feet in height. Therefore, the Applicants, by this petition, request that the Commission approve the overhead reconfiguration and amend the Certificate to strike the words “underground Gas Insulated Line” and “installed in duct banks” from Condition 26.

The Applicants note that, with respect to Facility, the Town and Albany County have been briefed on several occasions of the details of this petition and, with respect to the Astoria HVAC Connection, the City has been similarly advised. Representatives of the Applicants have met with Town Supervisor Douglas LaGrange and Planning Board Chairman Charles Voss in person and telephonically on a number of occasions, and Supervisor LaGrange provided a letter of support in connection with Applicant’s participation in the filing of a response to the RFP by suppliers of renewable energy. An additional letter of support was provided by Albany County Executive

Daniel McCoy. Copies of these letters accompany this petition as Appendix A. Representatives of the Applicants have also briefed City officials regarding the reconfiguration of the Astoria HVAC Connection.

Notice of this petition has been provided as required by § 122(2) of the Public Service Law (the “PSL”) and the Commission’s rules. *See* 16 NYCRR § 85-2.10.<sup>4</sup>

In support of their request for an amendment, the Applicants state as follows:

1. On March 30, 2010, the Applicants submitted the original Certificate application (the “Original Application”), which led to a three-year process that culminated in the issuance of the Order granting the Certificate (the “CECPN Order”).<sup>5</sup> The Applicants carried their burden of demonstrating that the Project would serve the public interest, convenience, and necessity, and the Commission made all the findings that, by statute, must accompany issuance of a certificate pursuant to Article VII of the PSL (PSL §126). Furthermore, during the process leading up to the eventual CECPN Order, the Applicants successfully built a coalition of affected parties, and that coalition produced the joint proposal of settlement (the “Joint Proposal”) that formed the basis of the Commission’s favorable decision.
2. In making its finding that the Project will serve the public interest, convenience, and necessity, the Commission took note of the Project’s “unique and substantial benefits” and concluded that it would “advance major energy and policy goals” of both the State and the

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<sup>4</sup> Affidavits of Service and Affidavits of Publication are being filed under separate cover.

<sup>5</sup> Case 10-T-0139: *Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL*, Order Granting Certificate of Environmental Compatibility and Public Need (April 18, 2013), at 100.

City.<sup>6</sup> The Commission also concluded that the Project would provide a “significant amount of additional capacity that would enhance energy security” in the City and, through the import of “renewable energy,” would increase supply diversity and enhance system reliability.<sup>7</sup> In addition, the Commission noted that the Project would serve to facilitate proper functioning of the energy markets in the State and would afford “price stability benefits.”<sup>8</sup> At the heart of the Commission’s determination to grant the Certificate was the conclusion that “the Facility’s expected emission reductions are a substantial environmental benefit, a benefit that is expected to be enduring.”<sup>9</sup>

### **The New Scotland Converter Station**

3. On July 18, 2019, Governor Andrew Cuomo signed the CLCPA. The CLCPA, among other things, directs New York State agencies and authorities to collaborate with stakeholders to develop a plan to reduce greenhouse gas emissions by 85 percent from 1990 levels by 2050, to invest or direct available resources in a manner designed to achieve a goal for Disadvantaged Communities to receive 40 percent of the overall benefits of clean energy and energy efficiency program resources, and to achieve 70 percent renewable energy by 2030 and 100 percent renewable energy by 2040.
4. On October 15, 2020, the Commission issued its *Order Adopting Modifications to the Clean Energy Standard* (the “Order”) in Case 15-E-0302. In the Order, the Commission

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<sup>6</sup> CECPN Order, at 100.

<sup>7</sup> CECPN Order, at 97.

<sup>8</sup> CECPN Order, at 98.

<sup>9</sup> CECPN Order, at 52.

adopted several modifications to the Clean Energy Standard (“CES”) to align it with the CLCPA mandates, including a new Tier 4.

5. In the Order, the Commission re-emphasized the need for increased deliveries of renewable energy to the City. According to the Commission, “without displacing a substantial portion of the fossil fuel-fired generation that New York City currently relies upon, the statewide 70 by 30 Target would be difficult to achieve.”<sup>10</sup> Furthermore, the Commission noted that “[a]bsent new transmission capacity, the addition of new upstate renewable developments will fail on its own to increase the penetration of renewable energy consumed in New York City to a level that enables statewide compliance with the 70 by 30 Target.”<sup>11</sup>
6. On January 13, 2021, NYSERDA issued the Tier 4 RFP.
7. According to the Tier 4 RFP, any proposer of a project that includes new HVDC transmission and that is planned to traverse parts of the State outside Zone J must submit a bid that includes at least one in-State converter station located outside of Zone J. According to the RFP, “[t]he inclusion of a New York Converter Station holds potential value to the State in the form of increasing the resilience and reliability of retail electric service, adding potential diversity to the resources serving Zone J, and increasing the deliverability of offshore wind throughout the State during times of peak offshore wind generation.”<sup>12</sup>
8. As certified, the Project does not include a converter station in the State located outside of Zone J. Accordingly, in order to comply with the intent of the RFP, the Applicants are

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<sup>10</sup> Case 15-E-0302: *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and Clean Energy Standard*, Order Adopting Modifications to the Clean Energy Standard (October 15, 2020), at 78.

<sup>11</sup> *Id.*

<sup>12</sup> NYSERDA RFP No. T4RFP21-1, Section 2.3, p. 10 (released January 13, 2021, *available at*: <https://www.nyserdanyny.gov/All-Programs/Programs/Clean-Energy-Standard/Renewable-Generators-and-Developers/Tier-Four>

proposing to construct a converter station and connecting HVAC cable infrastructure in the Town of New Scotland, New York (the “Facility”) that is expected to have a capacity of 500 MW.

9. The Certificate Holders identified the New Scotland site for the Facility in 2015 in reaction to the issuance in that year of the New York State Energy Plan, which called for initiatives designed to foster the development of renewable energy resources upstate. Prior to undertaking the site selection process, the Certificate Holders obtained confirmation from its consultants and advisors that, as a technical matter, an intermediate terminal could be added to the Project design.
10. The ideal Facility location would involve close proximity to an intersection of the Project’s Certified Route with the Bulk Power Grid’s HVAC transmission system. Also important was a substation location that would offer access as a “hub” at which upstate renewable generation could be conveniently and reliably gathered.
11. An intersection in the vicinity of a National Grid substation in the Town of New Scotland in Albany County satisfied the general criteria. The task then became identifying a site that met a series of more particular criteria. These criteria were:
  - a. Size—To ensure flexibility of design and to take account of site features such as topography and natural resources, the site should be approximately three times the size of the area to be disturbed by the terminal (15 acres),
  - b. Zoning—The existing zoning should identify the terminal as a permissible use,
  - c. Prior Site disturbance— “Greenfield” property should be avoided, and current commercial uses should be present at the site,



- d. Proximity to Substation—The site should be within approximately two miles of the National Grid substation, and
  - e. Counterparty—The site should be on the market or have recently been marketed, and the current owner should be interested in entering into an option agreement substantially reflecting current appraised value.
12. Research of properties located along the Project’s Certified Route and in between the intersection of State Route 85 and New Scotland Road South (approximately the edge of the John Boyd Thatcher Park Overlook viewshed) and the hamlet of Feura Bush (where the main part of the Selkirk Yard begins its expansion) revealed only one property that matched the particular criteria, and that was the property owned by Chester and Sharon Boehlke at 314 New Scotland South Road. An option agreement regarding the property was negotiated and executed, and it is currently in effect (the “Facility Property”).
13. In 2018, The Certificate Holders investigated the possibility of securing an alternative site that would reduce the distance between the terminal and the substation. While the “Scotland Yards” property to the south of the Boehlke property fit most of the particular criteria, criteria 2(e) was not met, and discussions with the landowner were unproductive. Other potential sites were also evaluated south and east of the National Grid substation, but were inferior to the Boehlke site as they did not meet the criteria listed above. Of particular note is that the total area zoned for industrial use in proximity to the New Scotland substation is limited (*see* Appendix J).

### **Astoria HVAC Connection**

14. As certified, the Astoria Converter Station will be connected to the Astoria IP via the Astoria HVAC Connection.
15. Certificate Condition 26 states that “[t]he Converter Station shall have a 345 kV underground Gas Insulated Line connection to the Astoria Annex GIS Substation installed in duct banks.”
16. The underground location for the Astoria HVAC Connection has always been premised on the conveyance of an underground easement from Con Edison. As evidenced by the July 11, 2012 stipulation entered into by the Applicants and Con Edison (Commission Hearing Exhibit #129), involving among other things an HVDC connection along the East River shoreline to the previously proposed Luyster Creek converter station site, the intention of the Applicants was to connect that site to the Astoria IP by a short underground HVAC connection crossing the intervening roadway.
17. The Astoria Complex located northeast of 20th Avenue in Queens and stretching to the shores of the East River (the “Astoria Complex”) is a large, industrial, restricted access facility that has historically been dedicated to energy production and is home to several electrical generating stations, fuel supply tanks, overhead/underground electrical transmission and distribution lines, and other supporting collocated underground infrastructure. With respect to the Astoria Complex, Con Edison had entered into consent orders with New York State Department of Environmental Conservation (“NYSDEC”) pursuant to the State’s contamination cleanup programs (the “NYSDEC Consent Orders”).
18. As approved by the Commission on September 21, 2020, the Preferred Converter Station Site is surrounded by Con Edison property. At the time the petition to relocate the Astoria

Converter Station was filed, Applicants assumed, based on available information, that the Astoria HVAC Connection would maintain its underground design, relying on open trenching or, if necessary, horizontal direction drilling (“HDD”).

19. Until such time as the Commission approved the petition to relocate the Astoria Converter Station was granted, thereby providing necessary certainty, it was premature to undertake detailed engineering regarding construction/placement of the reconfigured Astoria HVAC Connection. Once the Commission approved the Preferred Converter Station Site, discussions with Con Edison regarding the HVAC interconnection proceeded in earnest.
20. The fact that the proposed 0.3 miles underground HVAC connection to the Astoria Annex GIS substation would have to contend with a congested area of buried infrastructure along its proposed pathway then became a concern. The reconfigured Astoria HVAC Connection is in close proximity to the site of a former manufactured gas plant, and existing buried infrastructure within this area include a high-pressure natural gas supply line, facility water distribution mains, underground electrical feeders serving several mission critical facilities within the Astoria Complex, and a number of existing groundwater monitoring wells associated with subsurface conditions and the NYSDEC Consent Orders.
21. These conditions have been cited by Con Edison in support of its conclusion that an overhead interconnection linking the Preferred Alternative Converter Station Site and the Astoria IP is the practical and preferred approach.
22. In February of 2021, CHPE LLC and Con Edison entered into a Master Services Agreement and accompanying Transaction Form establishing the working relationship pursuant to which the design of the overhead interconnection will be developed. Representatives of the parties meet regularly, and one item on the standing agenda is the

eventual need for a grant of an easement in support of the interconnection, which easement will be reviewed and pre-approved by the Commission pursuant to section 70 of the PSL.

## **II. DESCRIPTION OF PROPOSED FACILITIES**

### **New Scotland Converter Station**

23. From the National grid substation located in New Scotland (the “NS Substation”) HVAC cables will be buried in ducts within the New Scotland South Road right of way (“ROW”) for approximately 0.7 miles. An HDD will be employed to install the cables beneath the railroad tracks and a tributary of Vlomanskill Creek, located to the north of the converter station. The HVAC lines will deliver power to the Facility, where it will be converted from HVAC to HVDC.
24. The converter station is expected to be rated at 500 MW and will be located on the Facility Property along New Scotland South Road. The HVDC cables will exit the adjacent CSX Transportation (“CSX”) railroad ROW approximately adjacent to milepost (“MP”) 191 and connect with the Facility and then travel back into the CSX ROW just to the south of the point where the cables exited the existing ROW. HVAC cables will exit the National Grid substation located in New Scotland and be buried in ducts within the New Scotland South Road right-of-way for approximately 0.7 miles before connecting to the Facility. Maps showing the location and a conceptual configuration of the Facility are provided at scales of 1:250,000 and 1:24,000 in Appendix B to this petition.<sup>13</sup> The boundaries of the area that

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<sup>13</sup> On the aerial photography maps, a supplementary Allowed Deviation Zone (see Certificate Condition 3) is depicted which would be in addition to that associated with the Certified Route. The 1:250,000 map utilizes USGS mapping instead of NYSDOT mapping as the regulations prescribe. The Applicants are requesting that the Commission waive the requirement of NYSDOT maps and accept the use of USGS maps as they provide more information in comparison to the NYSDOT maps (see Transmittal Letter accompanying this Application).

is proposed to be added to the Project's Allowed Deviation Zone are shown on aerial photos, which are also provided in Appendix B to this petition.

25. The converter station will be a "compact type" with a total footprint (i.e., building and associated equipment) of approximately 5.0 acres. The Facility Property consists of three contiguous parcels with a combined acreage of approximately 28 acres and which are within the Town of New Scotland's Industrial Zoning District, denoted as "IND." The site has been previously disturbed by the construction and use of a lumber yard over the past 20 years. The proposed Facility includes installing noise barriers on the east, north and west sides of the project. The proposed noise barrier walls are solid material of neutral color and range in height from 24 to 37 feet high from finished grade, as is shown in the photosimulation provided in the visual impact analysis for this Facility in Appendix F to this petition.

#### **Astoria HVAC Connection**

26. Double-circuit 345-kilovolt (kV) HVAC overhead cables (the Astoria HVAC Connection) would connect the Astoria Station with the adjacent NYPA Astoria Annex 345-kV substation (Astoria IP). The transmission lines will be suspended on six (6) steel poles that will be approximately 130 feet in height. The anticipated total overhead route is approximately 1,730 feet long with one of the six poles proposed outside of the currently approved Allowed Deviation Zone and in a location currently occupied by an electrical pole. A map of the proposed overhead routing which has been shared with Con Edison is provided in Appendix C to this petition.

### **III. DESCRIPTION OF ENVIRONMENTAL IMPACTS**

27. The environmental impacts associated with the Project as originally proposed were thoroughly reviewed by the Commission in connection with its review of the Original Application, as supplemented, and its issuance of the Certificate. Key elements of the Original Application are Exhibit 4 – Environmental Impacts (“Exhibit 4”), which provides an assessment of the Certified Route, and Exhibit 5 – Design Drawings, which included Project design drawings including cross-sections of the proposed facilities (“Exhibit 5”). On February 7, 2012, the Applicants updated Exhibit 4 with Exhibit 121: Environmental Impacts Associated with Routing Proposed in Joint Proposal (“Exhibit 121”), which was soon followed by the filing of the Joint Proposal. Appendix E to the Joint Proposal provided guidelines for developing the Environmental Management & Construction Plan Guidelines (the “EM&CP Guidelines”). Appendix F to the Joint Proposal presented Best Management Practices (“BMPs”) to guide Project construction and maintenance activities (e.g., erosion and sediment control; vegetative clearing, general clearing and restoration).
28. With respect to the first Certificate modification requested, the analysis presented below tracks the structure of Exhibit 4 and Exhibit 121. With respect to the second modification requested, the impact profile lends itself to a more concise treatment.

#### **New Scotland Converter Station**

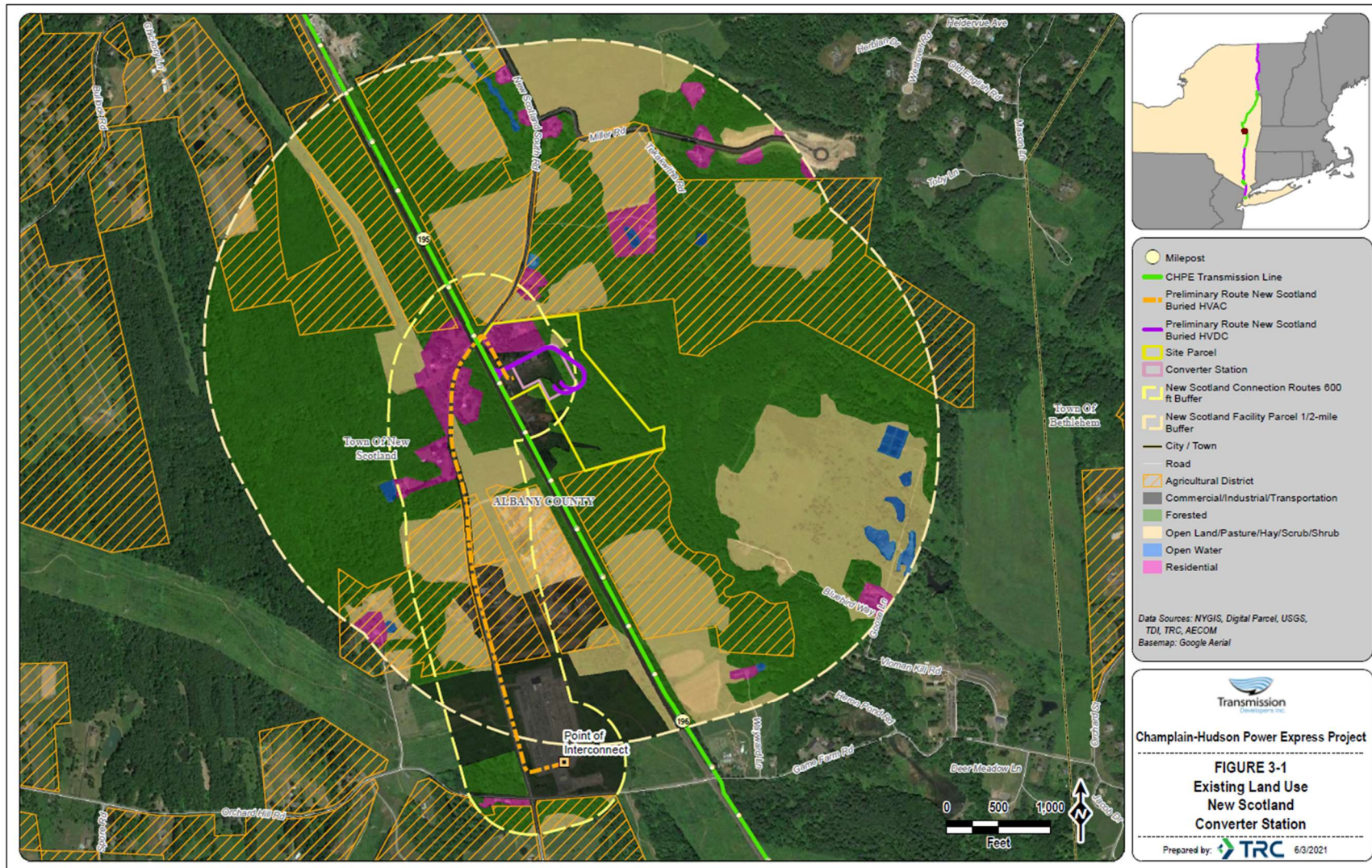
29. *Construction and Operation (§4.1).* The construction methods and operational procedures for the Facility are described in Exhibit 4 of the Original Application as well as Exhibit 121. The Facility will be operated in the same manner as the converter station located in Astoria.

30. Construction activities at the Facility site would overlap with the overall Project construction schedule and would include grading and site preparation, foundation construction, erection of major equipment and structures, and installation of electrical and control systems. Construction of the Facility will commence following site clearing and rough grading of the site. The building foundation slab will be cast on the prepared subgrade and the building structure constructed on that surface. The construction in New Scotland will proceed in parallel and be coordinated with the construction of the converter station located in Astoria.
31. The Facility building will house the HVDC systems (reactors, transistors, filters, and valves) and control equipment with the HVAC equipment located immediately outside the converter station building. To ensure proper installation and operation, the Facility equipment installation, testing, and commissioning will be performed under the direction of the equipment manufacturer, as well as the inspectors provided for in the Certificate.
32. The Facility HVAC cable construction methods and operational procedures would be similar to the buried HVAC cables previously approved as part of the Astoria Rainey Cables, inasmuch as these cables will continue to be installed in conduits in excavated trenches and buried or placed underground through HDD methods. A cross section of the conduit installation was provided as Exhibit A to the amendment application filed on January 29, 2021 and is provided as Appendix D to this petition.
33. The Facility will likely be considered “critical infrastructure” and so there will be required security features. Unmanned facilities require, among other potential security measures, intrusion alarms, video cameras both inside the building and overlooking the yard, and cypher locks with SCADA interlocks provided on the doors. Lighting levels at the Facility

will be dictated by the State Energy Code and by guidance from the Illuminating Engineers Association. Existing standards require general lighting levels of 3-foot candles per square foot or less for general site security and up to 5-foot candles at specific locations (entry gate, building entryways and similar location). Outdoor lighting at the Facility would be designed to avoid, to the maximum extent practicable, offsite lighting impacts. Exterior lighting design would be based on an assessment of lighting illumination levels needed for worker and workplace safety.

34. *Land Use (§4.2).* The Facility site is zoned as Industrial by the Town of New Scotland. Land use within 0.5 miles of the Facility site (see Figure 3-1) is primarily Forested (58%), Open Land / Pasture / Hay / Scrub / Shrub (28%), Commercial/ Industrial/ Transportation (9%), Residential (4%), and Open Water (1%). Within 600 feet of the HVAC transmission cables, land use is primarily Commercial/Industrial/Transportation (40%), Forested (26%), Open Land / Pasture / Hay / Scrub / Shrub (24%), and Residential (10%).
35. In terms of consistency with state and local land use plans and policies, the 2016 New York State Open Space Conservation Plan encourages various state and local stakeholders to take advantage of opportunities to implement conservation recommendations as these stakeholders develop strategies for achieving conservation goals. The conservation plan focuses on four major areas: responding to climate change; fostering green, healthy communities; connecting New Yorkers with nature and recreation; and safeguarding the state's natural and cultural heritage.





36. The Five Rivers Environmental Education Center is located to the east of the Facility and is described in the 2016 Conservation Plan: *The Five Rivers Environmental Education Center is located between the rapidly growing suburban towns of Bethlehem and New Scotland in Albany County. The Center receives over 100,000 visitors annually and serves as an important wildlife preserve and popular birding area. Given that the entire area surrounding Five Rivers remains vulnerable to subdivision and development activity, opportunities for protection of public use, public access, and buffer areas remain a priority. One such opportunity includes the Phillipinkill stream corridor located north and east of the Five Rivers property, which presents potential for continued trail development already initiated by the Mohawk Hudson Land Conservancy.*
37. As shown on aerial photos in Appendix B, the Facility as proposed will occupy the site of a storage/work area, which is north of an active lumber cutting and mulch manufacturing enterprise and adjacent to the CSX Transportation railroad ROW. The lands around the Facility are generally characterized by a mixture of rural residential development patterns, commercial development, electrical transmission lines and infrastructure, active agricultural fields, open meadows, forested lands, and rolling hills. Approximately 0.7 miles down the road is the National Grid substation as well as several overhead lines that connect to this station. The Applicants will maintain an ample forested buffer between their activities and the Five Rivers Nature Center property, the boundary of which abuts the Facility Property in the southeastern corner. The Facility will not interfere with any existing or known public access or trail network. The Facility does not constitute a change of the existing character of the surrounding landscape or scenic quality.

38. Albany County does not have a Comprehensive Plan or Master Plan. Albany County does have an Albany County Agricultural and Farmland Protection Plan dated 2018 that details ways to support farming and enhance agriculture in the county. The plan establishes a comprehensive strategy and presents ways that can be used at the private, town, and county level to meet the goals for agricultural and farmland protection. Major goals established in the Albany County Agricultural and Farmland Protection Plan include: retain viable agricultural land resources for agricultural purposes; increase marketing opportunities, competitiveness and profitability of farming and the agriculture industry in Albany County; and increase public recognition of the value of agriculture and farmland in Albany County.
39. The Facility will not affect the goals of the Albany County Agricultural and Farmland Protection Plan. The Facility will be constructed within an industrial zone and within existing road and/ or railroad ROWs. The Facility is not anticipated to impact existing or future land uses and planned development.
40. The Town of New Scotland Comprehensive Land Use Plan and Generic Environmental Impact Statement is dated May 1994. The plan outlines a program to provide orderly but limited growth and also retain the basic character of the community. The plan encourages preservation of environmental and cultural resources and also provides a basis from which to draw a capital improvements plan. The goals of the Town of New Scotland Comprehensive Land Use Plan and Generic Environmental Impact Statement include: protect and enhance the current town character and high quality environment while accommodating a mix of residential, commercial, light industrial/manufacturing, agricultural, and office uses; improve the local economy and tax base by encouraging economic development and expand clean light industrial/manufacturing, commercial, and

office activities and jobs in balance with New Scotland's existing character; and promote a pattern of land use that provides sufficient space for activities of town residents while supporting efficient delivery of services and protection of existing neighborhoods.

41. Because the Facility will be constructed within an industrial zone and within existing ROWs and consistent with the goals of the Town of New Scotland Comprehensive Land Use Plan and Generic Environmental Impact Statement, it is not anticipated to impact existing or future land uses and planned development.
42. As noted above, a segment of the Facility site boundary is adjacent to the Five Rivers Environmental Education Center (the "Center"), which is comprised of more than 450 acres of fields, forests, and wetlands. The Center offers a variety of guided and self-guided tours on over 10 miles of trails. In the winter, the trails remain open for skiing and snowshoeing. There should be no long-term aesthetic impact or impacts to the public's use and enjoyment of the center, as is discussed below. Any construction impacts, including noise or temporary impacts to public access, will be short term.
43. There are no local parks in close proximity to the Facility.
44. Article 25-AA of the Agriculture and Markets Law authorizes the creation of local agricultural districts pursuant to landowner initiative, preliminary county review, state certification, and county adoption. These districts encourage improvement and continued use of agricultural land for the production of food and other agricultural products. Based on mapping from the Cornell University Institute for Resource Information Sciences (Cornell IRIS), which maintains the county-produced Agricultural District maps on file under contract with the New York State Department of Agriculture and Markets, the buried HVAC cables will be adjacent to mapped Agricultural Districts for a distance of

approximately 1,640 feet. The Facility is not anticipated to impact agricultural land uses in the Agricultural Districts, since, along the vast majority of the underground cable route, installation will occur within existing ROWs.

45. Based on the above analysis, the Facility will not adversely affect local or regional land uses, land use planning, or any federal, state, or local public lands. The Facility does not conflict with existing county or municipal land use plans and is consistent with local zoning. With the mitigation measures discussed later in this application, the Facility should not change the character of the neighborhood. The cables will primarily be installed within ROWs, so it is anticipated that they will not directly affect existing or future land uses or agricultural lands. In addition, because the cables are to be buried, they should not change the character of the neighborhood hosting the Facility and will not adversely affect local or regional land uses, land use planning, or any federal, state, or local public lands. Although not anticipated, if construction activities require that work occur on agricultural lands outside of the ROWs, Section I of the Certificate Conditions requires that appropriate mitigation measures be applied to maintain agricultural viability of agricultural soils, including the designation of an “Agricultural Inspector.”
46. *Geology, Topography, and Soils (§4.3)*. The surficial material beneath the Facility is lacustrine silt and clay, which is generally a laminated silt and clay deposit with low permeability and potentially unstable. The thickness is variable up to 150 feet. The bedrock material under the converter station is the Schenectady Formation, the primary constituents of which are sandstone and siltstone.
47. The topography near the Facility is generally flat with gently sloping areas. The underground HVAC cable corridor generally follows an anthropogenically disturbed

roadway ROW that has been altered by factors such as soil fill and removal as well as grading.

48. The soils in the vicinity of the Facility include Nunda silt loam (3 to 8% slopes), Chenango channery silt loam (3 to 8% slopes), Castile gravelly loam (0 to 3% slopes), and Rhinebeck silty clay loam (3 to 8% slopes).
49. The soils regime is expected to be similar to that previously addressed in the Original Application, as supplemented. As required by Certificate Condition 67, the Applicants will implement construction measures and procedures to ensure that there are no permanent or significant impacts related to geology or soils. Initial clearing operations would include the removal of soils in the immediate trench area. Erosion controls such as straw bales and silt fencing will be used during construction to minimize stormwater run-off and the erosion of soils and surficial geologic materials, both at the trench and at the soil stockpiles. Upon completion of the installation of the Facility, the area disturbed by construction activities will be graded and restored to match the original topographic contours and ensure compatibility with surrounding drainage patterns, except at those locations where permanent changes in drainage will be required to prevent erosion that could lead to possible exposure of the cables or where restoration would be contrary to sound ROW management practices. As with the permitted converter station, the Applicant will develop a State Pollutant Discharge Elimination System (“SPDES”) Stormwater Pollution Prevention Plan (“SWPPP”) for managing stormwater during construction of the Facility. The Applicant will provide details on stormwater controls required for operation of the Facility as part of the EM&CP filing.

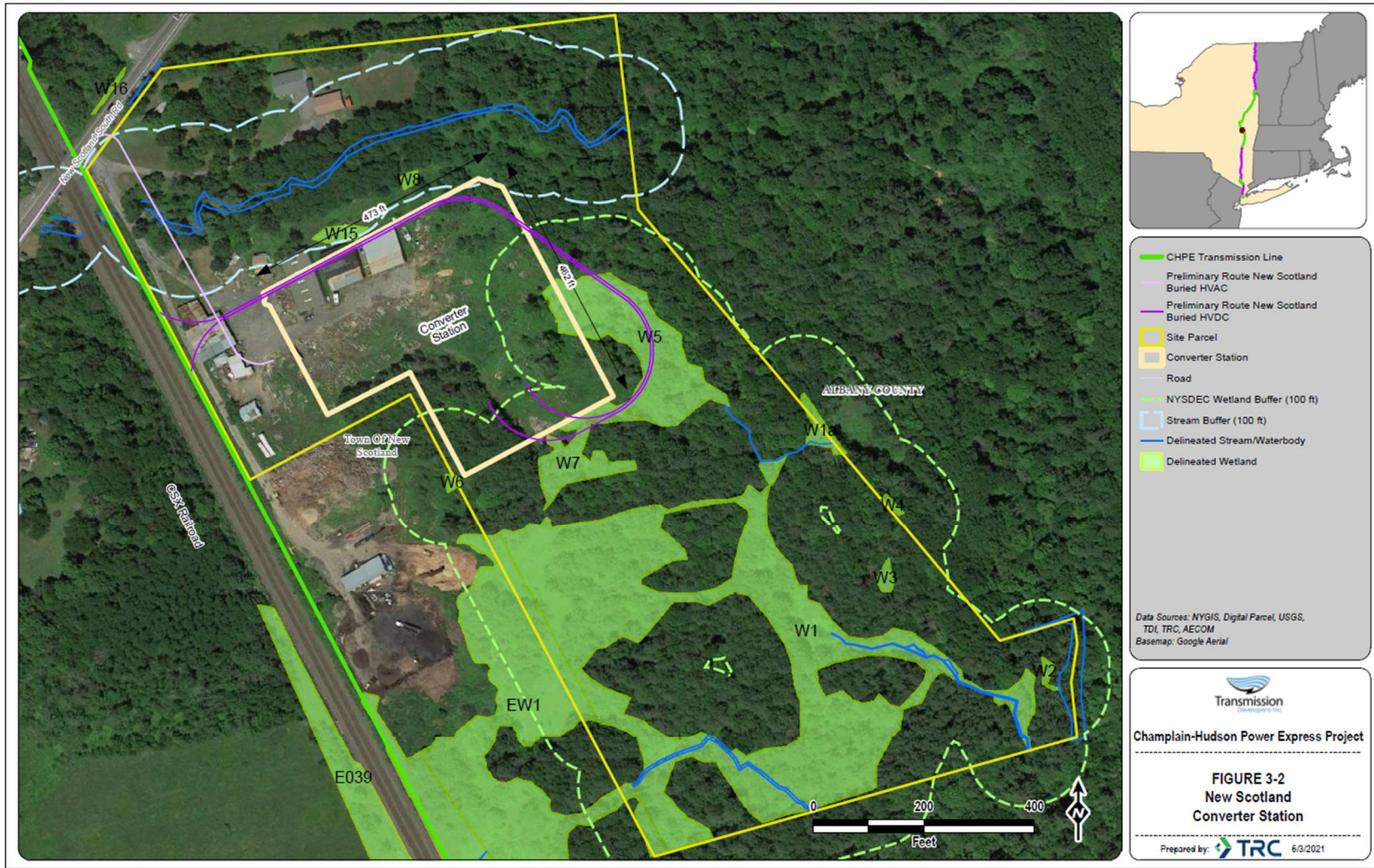
50. *Vegetation and Natural Communities (§4.4)*: Based on aerial photography analysis and a site visit by qualified biologists, the natural communities present within the Facility site included palustrine emergent wetland, palustrine forested wetland, palustrine scrub-shrub wetland, upland mixed hardwood, successional fields, and open/maintained land. In addition, developed areas contained the following land uses: parking lot/paved entrances and commercial/residential buildings.
51. The upland mixed hardwood community was primarily composed of sugar maple (*Acer saccharum*), black cherry (*Prunus serotina*), red oak (*Quercus rubra*), and red pine. The open/maintained areas and successional fields in the center of the Facility site were overgrown with common reed (*Phragmites australis*), Kentucky bluegrass (*Poa pratensis*), and Canada goldenrod (*Solidago canadensis*).
52. A review of the NYSDEC Natural Heritage Community Occurrences database found no sites within six hundred (600) feet of the Facility.
53. The vegetative communities affected by the Facility are similar to those found surrounding the Certified Route. Vegetation clearing within the construction zone will be avoided or minimized by installing the cables in existing paved pathways or previously disturbed areas, implementing BMPs, and conducting restoration activities, such as soil stabilization and temporary seeding of any disturbed areas, will be undertaken following construction. There will be no adverse impacts associated with Natural Heritage Community Occurrences sites.
54. *Wetlands and Water Resources (§4.5)*. The Facility will impact NYSDEC freshwater wetlands and the associated one hundred (100) feet buffer. A wetland delineation study was conducted in mid-April 2021 according to the methodologies detailed in the Regional

Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0) (“Regional Supplement”). Pursuant to the Regional Supplement, a positive determination for the presence of wetlands requires evidence of three criteria: dominance of hydrophytic vegetation, hydric soils, and hydrology.

55. The delineation effort resulted in the identification and delineation of 16 wetlands on the Facility parcel, as shown on Figure 3-2. The Applicant is currently working with the NYSDEC and other interested agencies to coordinate a site visit to confirm these features jurisdictional status. While the Facility was originally sited within a rectangle located in the southern portion of the larger parcel, the presence of an extensive complex of NYSDEC jurisdictional wetlands in this area prompted the Applicant to shift the location and configuration so as to avoid and minimize impacts to wetlands and, in the case of NYSDEC jurisdictional wetlands, the associated 100-foot buffer. While there are a total of 2.1 wetlands within the proposed Allowable Deviation Zone, as currently configured there will only be 0.7 acres of permanent fill associated with the footprint of the converter station.. There will also be 0.2 acres of vegetative conversion associated with the HVDC cable, based on a permanent easement of 20 feet for the two cables, where forested wetlands will be converted to meadow wetlands to prevent deep-rooted vegetation from impacting the structural integrity of the cables.
56. The wetland delineation also identified and delineated wetlands along the HVAC cable route from the Facility to the New Scotland substation, as shown in Figure 3-3. Based on the location of these features, the routing is not expected to cross through any wetland features. Any temporary impacts will be determined in the Environmental Management



and Construction Plan and the Applicant will consult with the NYSDEC about any required mitigation activities.



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The Facility site is traversed by a tributary to Vlomanskill Creek. The HVAC cables will be installed under this waterway via an HDD installation, so there are no expected impacts to this waterway. Along the New Scotland South Road, the Facility's HVAC transmission cables will traverse two unnamed waterbodies.

57. Waterbody crossings along the road ROW will typically be constructed by trenching across the waterbody, followed by the restoration of the bed and banks. Intermittent and ephemeral streams may be dry or may have very low flow at the time of crossing. For these crossings, the Applicants will excavate an open cut through the stream without any isolation of the stream flow. Where perennial or other significant stream flows are present, the Applicants may use a dry-ditch method to isolate the work area from the flow of water. These dry-ditch crossings will typically be completed by installing cofferdams upstream of the work area, and either pumping water around the construction area, or diverting the stream flow into one or more flume pipes. The tributary to Vlomanskill Creek will be crossed by the HDD method or equivalent, which allows installation without trenching or other surface disturbance.
58. The nature of impacts from the construction and operation of the Facility are expected to be temporary and include both direct impacts, where the edge of the cleared construction corridor traverses a wetland or riparian area, and indirect impacts from vegetation clearing and ground disturbance in adjacent areas. During construction, limited short-term effects on water quality may be caused by localized increases in turbidity and downstream sedimentation resulting from trenching and disturbance within the water body. Furthermore, the implementation of BMPs and the SWPPP will prevent water quality issues.

59. *Physical and Chemical Characteristics of Major Aquatic Systems (§4.6)*. The Applicants will utilize HDD technology to avoid adverse environmental impacts to the tributary to Vlomanskill Creek, the only major aquatic system in proximity to the Facility.
60. *Fisheries (§4.7)*. For the one major water crossings, the Applicants will utilize HDD technology or approved crossing methods to avoid adverse environmental impacts to fisheries. Furthermore, the implementation of BMPs and the SWPPP will prevent water quality issues for smaller water bodies.
61. *Wildlife (§4.8)*. The Applicants have minimized long-term impacts to terrestrial wildlife habitats by primarily siting the Facility within previously disturbed areas. Temporary impacts to wildlife species from construction noise, ground disturbance, and vegetation clearing within the construction zone will be avoided or minimized by utilizing previously approved BMPs. Mobile wildlife species, if any, are expected to move into similar adjacent habitats during construction and return to the area once construction is completed. It is expected that any wildlife species on this property, which already is used for industrial activities and immediately adjacent to a transportation corridor, will be well adapted to human activity. Restoration activities, such as soil stabilization and temporary seeding of disturbed areas, will be conducted, and any areas that are impacted during the cable installation will be allowed to re-vegetate naturally. Because the cables will be buried, no permanent aboveground impacts to habitat for wildlife species will result except in the limited area where vegetative management beyond that currently employed may be required. These impacts are anticipated to be consistent with those previously discussed in the Original Application and Exhibit 121.

62. *Threatened and Endangered Species (§4.9).* The Original Application and Exhibit 121 provide an analysis of potential state or federal threatened or endangered (“TE”) species, candidate TE species, and special concern species that might be found in the vicinity of the Certified Route. A review of NYSDEC databases found no new species of concern within six hundred (600) feet of the Facility. In addition, the Facility area is not considered to be prime habitat for any special or unique species due to its previously disturbed setting.
63. The Applicants, in collaboration with the NYSDEC and other Joint Proposal parties, have identified and developed several measures, to be implemented where necessary, to avoid or minimize potential impacts to TE wildlife species listed at 6 N.Y.C.R.R. Part 182 and their occupied habitats. These measures are described in Conditions 51 and 52 of the Certificate Conditions, the BMPs, and EM&CP Guidelines. Given the proximity of the Facility to the Project’s route, the previously disturbed nature of the property, and the protective measures in place, it is not expected that there would be any significant incremental adverse impacts from the addition of the Facility compared to those considered in the Original Application and Exhibit 121.
64. *Historic and Archeological Resources (§4.10).* The Applicants completed a Phase 1A assessment of Facility site to identify archeological sites, both Precontact and historic, which is provided as Appendix E of this petition. The proposed location of the Facility and the buried HVDC “in and out” lines has been previously disturbed by the construction and use of a lumber yard for two decades or more. No mapped historic structures are shown within the Project parcel or Area of Potential Effect (“APE”) and 1951 aerial shows the location was cleared and likely used for agricultural land prior to being converted to a lumber yard. Therefore, the parcel is not considered sensitive for Historic period resources.

The report also found that the Project APE exhibits low sensitivity for Precontact period resources. Therefore, no further archaeological studies are recommended for the Project APE as currently proposed. This report has been submitted to the NYS Office of Parks, Recreation and Historic Preservation (“OPRHP”). Moreover, the Applicants developed a Cultural Resources Management Plan, which was reviewed with no comments by the OPRHP that details resource evaluation, avoidance practices, and impact minimization measures that will be undertaken, including procedures to be followed if resource discoveries are made during Project construction. The Applicants will adhere to the protocols laid out in that document for construction and operation of the Facility.

65. *Visual and Aesthetic Resources (§4.11)*. A Visual Impact Analysis Report (“VIA”) was developed for the Facility and is provided in Appendix F of this petition. As part of this study, a visual resources inventory was completed in accordance with NYSDEC’s policies and a visibility analysis developed to show areas with the potential for clear, unobstructed line of sight of the Facility. A qualified individual conducted a field investigation and a photosimulation was generated at a vantage point adjacent to the Facility.
66. The VIA concluded that the proposed Facility does not constitute a change of the existing character of the surrounding landscape character or scenic quality, due to the several commercial, industrial, and electric transmission infrastructure uses in the immediate area of the Facility. Transmission lines, towers, and electrical infrastructure are a well-established visual component of the landscape, which greatly reduces the perception of aesthetic degradation or loss of scenic quality for most observers who are familiar with the landscape.

67. Potential visibility of the Facility from scenic resources in the surrounding area is relatively low due to distance, intervening vegetation, and topography. The tallest component of the Facility includes three A-frame style tower structures, each with two lighting masts that extend approximately 25 feet above the top of the A-frame structures. The total height of the A-frame structure and the lighting masts are approximately 105 feet tall as measured from finished grade. The lighting masts are anticipated to be approximately 3 inches in diameter and constructed of carbon steel with a non-reflective silver color. As seen from a distance, these lighting masts will likely not be noticeable by the casual observer due to their small diameter, and non-reflective surface.
68. The plans for the Facility include installing noise barriers on the east, north, and west sides of the Facility (see below for further discussion). The proposed noise barrier walls are solid material of neutral color and range in height from 24 to 37 feet high from finished grade. These walls also provide visual screening of the Facility by concealing most of the ground mounted infrastructure.
69. The visibility analysis, which calculated the area around the Facility which will be visible, indicated that visibility of the proposed facility would occur within a 2.00-mile buffer of the Facility, which was defined as the study area. In terms of the visual resource inventory, none of the National Register of Historic Places sites within the study area of the Facility were identified as having the ability to view the proposed Facility. Potential visibility was identified from a small portion of the approximately 450-acre parcel that houses the Five Rivers Education Center property, on the east side where a large open meadow abuts a residential neighborhood near Capricorn Lane to the east. Although there are pedestrian trails located on the parcel, no trails or public viewing areas are identified in the immediate



area of potential visibility. Visibility of the Facility from the Center property is buffered by a combination of distance, intervening vegetation and topography.

70. The report concluded that the overall visual impact of the Facility will not result in adverse or unduly adverse impacts upon the aesthetics or scenic quality of its surroundings. This conclusion was based largely upon the fact that the proposed Facility will be introduced to an area where existing transmission infrastructure is an established visible component of the landscape, there will be limited areas where the Facility will be visible, the compatibility of Facility materials are not in themselves unsuitable or incompatible in the context of the surrounding landscape, and the lack of negative impact to aesthetic or scenic beauty of the area.
71. Burial of the cables primarily within previously disturbed lands will minimize impacts on visual and aesthetic resources, in contrast to the traditional overhead transmission lines. The nature of potential aesthetic impacts associated with the transmission cables will include limited and temporary impacts during construction. These visual and aesthetic impacts associated with the cables are anticipated to be consistent with those discussed in Original Application and Exhibit 121.
72. *Noise (§4.12)*. A sound study was conducted for the proposed converter station and is provided as Appendix G to this petition. The study included reviewing the applicable noise guidelines, criteria, and policies, collecting ambient sound measurements in the study area, and evaluating the sound from the Facility to assess potential sound impacts. Ambient sound measurements were collected at the Facility site near noise-sensitive receptors in accordance with best practices.

73. The Facility's sound-generating equipment is expected to be transformers, transformer cooling banks, cooler fans, and air core reactors. To minimize potential noise effects from the converter station, solid noise walls have been included in the Facility design including 37-foot tall walls between the transformers, 24-foot walls around portions of the eastern, northern, and western sides of the Facility, and a 40-foot wall along a portion of the northern wall near the transformers. No walls are needed along the southern portion of the Facility where the main Facility building will be located since the converter station building provides acoustic shielding which greatly reduces noise impacts in that direction.
74. Sound from the Facility during operation is assumed to be constant throughout the day. Therefore, there is the greatest potential for noise impact at night when ambient sound conditions are generally quietest. Existing ambient nighttime sound levels are 37.1 dBA (Leq) or higher at noise-sensitive receptors, which does not account for the regular train traffic through this area which creates maximum sound levels between 80 and 90 dBA. Sound from the Facility would range from 26 to 35 dBA (Leq). Therefore, sound from the Facility would be below existing nighttime ambient sound levels at all locations. Sound levels from the Facility would not exceed 35 dBA at any residential building or 45 dBA at adjacent property and property lines. Therefore, sound levels would comply with the Commission's noise guidelines.
75. Noise impacts associated with Facility construction will be temporary in nature and the impact will vary depending upon the construction equipment in use and existing background or ambient noise at given times and locations. Based on certain assumptions, the report estimated that construction sound during grading would range from 43 to 54 dBA (Leq) at the nearest residential receptors. These construction noise levels are

considered to be relatively low and there are no quantitative construction noise limits, so construction noise mitigation is not warranted. All noise impacts associated with the construction of the Facility will be consistent with those discussed in the Original Application and Exhibit 121.

76. *Public Health (§4.13)*. The public health impacts associated with the Facility, including those related to the electromagnetic fields (“EMF”) associated with the operation of the HVDC and HVAC transmission cables, are anticipated to be consistent with those reviewed in the Original Application and Exhibit 121. As first discussed in the Revised Electric and Magnetic Field Report (Exhibit 39 of the Joint Proposal), the burial of the HVDC cables reduces the electric field levels to inconsequential levels.<sup>14</sup> The Revised Electric and Magnetic Fields Report for HVAC Cable (Exhibit 119 of the Joint Proposal) concluded that because the cable would be buried, the associated electric field would be “essentially eliminated by the natural shielding action of the soil.” This condition is further discussed in the Petition for an Amendment to the Certificate filed with the Commission on January 29, 2021, which related to the 1250 MW capacity request.<sup>15</sup>
77. Previous reports, including Exhibit 39 and 119 of the Joint Proposal, have also concluded that the magnetic field associated with the HVDC cables would be consistent with the “New York Public Service Commission’s Interim Policy Statement on Magnetic Fields,” as issued on September 11, 1990. Most recently, Exponent reports submitted as Appendix C (HVDC) and Appendix D (HVAC) to the Petition for an Amendment to the Certificate

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<sup>14</sup> The reduction of the electric field under burial conditions is first discussed in the Revised Electric and Magnetic Field Report (Exhibit 39 of the Joint Proposal) and most recently in the Exponent reports submitted as Appendix C (HVDC) and Appendix D (HVAC) to the Petition for an Amendment to the Certificate filed with the Commission on January 29, 2021.

<sup>15</sup> See Case 10-T-0139: *Application of Champlain Hudson Power Express*, Order Granting Amendment of Certificate of Environmental Compatibility and Public Need (May 1, 2020), at 13.

filed with the Commission on January 29, 2021 found that magnetic field levels would be less than 200 mG within the permanent Project ROW based on the current design. Collectively, these reports demonstrate that the EMFs associated with the Facility's transmission system will be less than the levels permitted by the interim standards established for overhead transmission lines by the Commission.

78. *Local laws:* With respect to the application of the Town Laws to the Facility, the Applicants note that certain provisions are unreasonably restrictive within the meaning of PSL §126(1)(g), as explained more fully in Appendix J accompanying this petition, and the Applicants respectfully request that the Commission, in issuing its ruling, exercise its power to refuse to apply the same pursuant to that statutory provision.
79. Based on the analysis summarized above, the Facility does not create a material increase in any environmental impacts. It responds to an urgent public need and does so in a manner that represents the minimum adverse environmental impact attainable, taking into account the state of available technology, environmental and engineering constraints, and other pertinent considerations.

### **Astoria HVAC Connection**

80. The Astoria HVAC Connection is proposed to be located within the Allowed Deviation Zone within the Astoria Complex, but a minor increase in the Allowed Deviation Zone is requested to accommodate potential minor shifts in the pole locations, as shown in Appendix C to this petition.
81. *Land Use (§4.2).* The overhead cables are located on the same parcel that has a history of utility-related land uses and is zoned M3-1 for heavy manufacturing-industrial uses.

Overhead installation would be consistent with state and local land use plans and policies, including those of the City of New York.

82. *Geology, Topography, and Soils (§4.3)*. The overhead and underground cables would be expected to traverse the same geologic and soil regime as previously contemplated. Historically, the Astoria Complex has been used for utility related uses, including a manufactured gas plant and coal-burning power plants. Because the use of overhead cables would reduce the volume of soil disturbed, there will be a reduction in the potential risk of disturbing contaminated soils during construction. In addition, the location of an existing pole will be utilized which will further reduce ground disturbance.
83. *Vegetation and Natural Communities (§4.4)*. The overhead and underground cables would be located on an urban property with varying degrees of development and would have the similar ecological communities (Edinger 2002). The impacts on vegetation and natural communities associated with the two construction methods should be equivalent or nearly so.
84. *Wetlands and Water Resources (§4.5)*. There are no known wetlands or waterbodies that would be impacted by either overhead or underground cable installations.
85. *Physical and Chemical Characteristics of Major Aquatic Systems (§4.6)*. The proposed overhead construction methods are not expected to have any impact on the physical or chemical characteristics of nearby aquatic systems.
86. *Fisheries (§4.7)*. The proposed overhead construction methods are not expected to have any impact on fisheries.
87. *Wildlife (§4.8)*. The proposed overhead construction methods are not expected to have any impacts on wildlife.

88. *Threatened and Endangered Species (§4.9)*. There are no known terrestrial threatened or endangered species in the vicinity.
89. *Historic and Archeological Resources (§4.10)*: The parcel in question is located in an urban area with varying degrees of historic uses. Ground-disturbing activities at these locations have the potential to adversely affect the integrity of archaeological resources at the site, should any exist. Because the use of overhead cables would reduce the volume of soil disturbed, there would be a potential reduction in the risk of disturbing culturally significant resources. The Applicants submitted a Phase 1A archeological resource study for the current converter station location to the New York State Office of Parks, Recreation, and Historic Preservation, who concurred with the report's finding that no further studies were required based on the historic disturbance at the site. The Applicants developed a Cultural Resources Management Plan, which was reviewed with no comments by the OPRHP, that details resource evaluation, avoidance and impact minimization measures that will be undertaken, including procedures if resource discoveries are made during Project construction.
90. *Visual and Aesthetic Resources (§4.11)*. A VIA was developed for the overhead cables and is provided in Appendix H of this petition. As with the study completed for the New Scotland Facility, a visual resources inventory was completed, a visibility analysis developed to show areas with the potential for clear, unobstructed line of sight of the pole structures and, after a field visit, a photo-simulation generated at a vantage point adjacent to the Astoria HVAC Connection.
91. The visibility analysis showed that there would be visibility along 20th Avenue and at some points along the street corridors, but this impact would not be much in comparison to the

already visible structures. The field study found that the only clear line of sight with a wide field-of-view to the project area was the dead-end street at 19th Avenue at the southern tip of Luyster (Steinway) Creek, which is an area where the uses in the immediate vicinity are commercial and manufacturing with no sensitive aesthetic visual receptors. The photo-simulation demonstrated that the installation of the six proposed poles would be largely imperceptible among the already existing infrastructure. Based on the existing conditions analysis conducted, no significant adverse visual and aesthetic impacts are anticipated mainly due to the overall visibility and the character, land use, and context of the property.

92. *Noise (§4.12)*. For the Astoria HVAC Connection, noise impacts will be limited to those associated with construction. Construction noise will be temporary in nature and the impact will vary depending upon the construction equipment in use and existing background or ambient noise at given times and locations. The expected noise impacts associated with overhead and underground construction are expected to be similar.
93. *Public Health (§4.13)*. The public health impacts would be limited as the Con Edison property is gated and not accessible to the public. A report calculated HVAC electric and magnetic field (EMF) for a new 0.3 mile overhead double-circuit connection between the Preferred Converter Station Site and the Astoria IP and is presented as Appendix I to this petition. The EMF levels were evaluated at a ROW width of 150 feet (i.e.,  $\pm 75$  feet from the transmission line centerline), consistent with the Commission's policy. The study found that the calculated ROW-edge electric and magnetic field levels were shown to be below the 1.6 kV/m and 200 mG, respectively, and therefore conform to the Commission's standards.

94. Based on the analysis summarized above, the Astoria HVAC Connection does not create a material increase in any environmental impacts. It is being proposed based on Good Engineering Practices, a strong preference from the landowner and represents the minimum adverse environmental impact attainable, taking into account the state of available technology, environmental and engineering constraints, and other pertinent considerations.

#### **IV. CONCLUSION**

For the reasons set forth herein, CHPE, LLC and CHPE Properties, Inc. respectfully the Certificate be amended as specified above.

DATED: June 4, 2021

Respectfully submitted

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