

## Appendix A. Agency Correspondence

## **Overview of Local Consultations**

### **Municipalities and Washington County**

Representatives of TDI have been consulting with the four municipalities hosting this segment (Dresden, Putnam, Whitehall, Village of Whitehall) since the inception of the Project with an increase in communication over the past four years. All four municipalities passed resolutions of support for the Project between 2018 and 2020, which occurred after briefings, discussions and question and answer meetings with TDI.

As construction planning increased over the past year this consultation has become more focused on the construction design and schedule. On November 04, 2021 TDI held a zoom call with representatives from these Municipalities and Washington County to provide more detailed information on these items and to answer questions. On January 27, 2022, TDI provided these Municipalities and Washington County 60% progress plan and profile designs. Based on questions and feedback, subsequent communications were held between TDI's Engineering Department and the Town of Putnam and Washington County. TDI believes that questions from these entities were adequately answered and specific input regarding repaving of Town and County roads was implemented into the final EM&CP package.

### **New York State Department of Transportation – Region 1 and Region 8**

Representatives of TDI have been in consultation with the two Department of Transportation Regional offices (Region 1 and Region 8) within whose jurisdiction the project alignment resides. Meetings have been held since the inception of the project with the frequency in communication and coordination increasing since 2017. Meeting attendees often included the Regional Directors (Patrick Barnes, Region 1 and Lance MacMillan, Region 8) as well as Regional Permit Coordinators, and Engineering staff of various DOT departments.

As TDI advanced and refined the preferred alternative alignments through each of the NYSDOT regions, meetings were held to provide detailed information and to receive constructive feedback. Meetings were held on a near quarterly basis with Region 1 and Region 8 staff beginning in December of 2019. Meetings were typically held after significant milestones in the development of the preliminary alignment such as initial concept, geotechnical and subsurface utility explorations, and multiple in-person field walk-throughs conducted by TDI. These meetings were held to review the NYSDOT construction requirements, process for review and approval, and to seek overall consensus of the preliminary alignment. On May 6, 2021, both Regions provided TDI Letters of Conditional Acceptance for the proposed installation of the CHPE alignment within the NYSDOT Right-of-way for their respective jurisdictions.

In the time since, TDI has progressed with Final Design for Segments 1A and 1B located in NYSDOT Region 1. On December 06, 2021 TDI held a meeting with Region 1 representatives to introduce the design and construction team to NYSDOT and to provide a status of the design and anticipated schedule. 60% Preliminary Design Packages for 1A and 1B were submitted for NYSDOT review on January 17, 2022 with technical review comments sent back to TDI on February 23, 2022. A follow-up meeting on March 03, 2022, allowed the design and construction team to informally address NYSDOT concerns and to

coordinate the necessary changes into the 100% Design Packages. TDI believes the necessary changes were incorporated into the final EM&CP packages that will satisfy NYSDOT's review comments.

With the submittal of the final design and pursuit to the issuance of a Highway Work Permit for the construction of the alignment, TDI will continue its consultation efforts with the NYSDOT to facilitate an effective construction process that minimizes its overall impact to the traveling public.

**From:** [Josh Bagnato](#)  
**To:** [ddonohue@washingtoncountyny.gov](mailto:ddonohue@washingtoncountyny.gov); [Darrell Wilson \(T/ PUT Supervisor\)](#); [Darlene Kerr](#); [TownOfDresden@hotmail.com](mailto:TownOfDresden@hotmail.com); [info@town.whitehallny.org](mailto:info@town.whitehallny.org); [village@whitehallny.org](mailto:village@whitehallny.org); [David O'Brien](#)  
**Cc:** [Danielle Candy](#); [Ayokunle Kafi](#); [Mandy Medcalf](#)  
**Subject:** Champlain Hudson Power Express - Design (Segment #1)

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Dear Municipal Officials in Putnam, Dresden, Whitehall, Village of Whitehall and Washington County:

Champlain Hudson Power Express is pleased to provide you the next level of design for a segment of our buried transmission line starting at the shoreline in Putnam Station and ending just before the Railroad ROW in the Village of Whitehall. We anticipate that this segment will be the first EM&CP (Environmental Management and Construction Plan) that we will file with the State in mid to late March, 2022. This 60% design will be advanced to a construction level design prior to submitting to the State in March. We are providing this to you now, so you can review and provide any feedback and/or ask questions. We are happy to arrange a zoom call to discuss if that would be more efficient. We would appreciate feedback the week of Feb. 14<sup>th</sup>.

To review the plans, please click on the link below. Clicking on the link will bring you to a sign in page where you will need to enter the password. Then you will be directed to the plans. These plans have also been sent to the NYSDOT and we have been coordinating with them for several years.

<https://transmissiondevelopers.egnyte.com/fl/07b7tL7ryn>

Password: xzHgD9fJVcpM

You will all have another chance to review the design as part of our formal EM&CP submittal in March, but we would like your input before we make that filing. I hope this all makes sense and feel free to call me at the number below anytime if you would like to understand the process better.

Thank you, Josh

Josh Bagnato  
Vice President, Project Development  
Transmission Developers, Inc.  
802-477-3830

**From:** [Josh Bagnato](#)  
**To:** [Darrell Wilson](#); [dwilson@washingtoncountyny.gov](mailto:dwilson@washingtoncountyny.gov)  
**Cc:** [Rick Chase](#)  
**Subject:** CHPE Update and Request  
**Attachments:** [Fact Sheet Co-Located Infrastructure CHPE.pdf](#)

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Dear Darrell,

I hope all is well in Putnam.

We are starting the process of developing detailed construction plans for the segment of the underground electric transmission line through Putnam. These plans, called an Environmental Management & Construction Plan (EM&CP), will ultimately be submitted to the NYS Public Service Commission (PSC) for approval.

I am writing today to let you know that my colleague, Rick Chase, will be reaching out to your public works staff to begin discussion on the plans to cross municipal infrastructure encountered along the project's route. Our initial goal is to understand your process for developing and completing this work and agree to the means and methods for crossing it. It is important to us that we coordinate this work with your community and that we agree to the crossings' construction plans prior to submittal to the PSC. Attached is additional information on our proposed process to cross buried infrastructure.

Please let us know who is the appropriate contact to speak with regarding buried municipal infrastructure.

If you have any questions, please contact me or Rick. He can be reached at: [rick.chase@transmissiondevelopers.com](mailto:rick.chase@transmissiondevelopers.com) or (518) 461-6836.

Thank you in advance for your cooperation in this matter.

Regards,

Josh Bagnato  
Vice President, Project Development  
Transmission Developers, Inc.  
802-477-3830



May 6, 2021

Mr. Gene Martin  
President & COO  
Transmission Developers, Inc.  
1301 Avenue of the Americas  
New York, NY 10019

**Subject: Results of Conceptual Review of the Proposed Installation of the  
Champlain Hudson Power Express Alignment  
within NYSDOT Region 1 Right of Way**

Dear Mr. Martin:

Following your December 22, 2020 presentation, NYSDOT Region 1 has reviewed the preliminary project development plans, proposed installation details and anticipated traffic management plans submitted by your organization for the applicable segments of the Champlain Hudson Power Express (CHPE) project within our jurisdictional right of way. We also participated in the update meeting conducted with NYSDOT Region 8 staff to gain better understanding of TDI's anticipated installation program.

TDI has also informed NYSDOT that the CHPE transmission line project is being installed to directly deliver renewable energy to the City of New York and ultimately, the State of New York in order to meet the Governor's Climate Leadership and Community Protection Act (CLCPA) goal of achieving 70 percent renewable energy for the State by 2030. Accordingly, TDI has advised the NYSDOT that it is currently working with its renewable energy supply partner to submit a firm fixed pricing proposal for the request for proposals solicitation issued by the New York State Energy Research and Development Authority (NYSERDA) to procure Tier 4-eligible Renewable Energy Certificates (RECs) from eligible Projects. TDI has advised the NYSDOT that the deadline for the submission of responses to this solicitation is May 12, 2021.

TDI has further advised that in order to provide firm pricing to NYSERDA for its project, TDI needs to obtain documented conceptual approvals on open issues related to its proposed installation within the NYSDOT Region 1 right of way. TDI has stated that it requires such confirmation at this juncture, ahead of a formal NYSDOT Highway Work Permit Application process, to assist it in obtaining definitive installation pricing from its installation contractors. TDI will in turn utilize the pricing to provide its firm proposal to NYSERDA.

As you are aware, the NYSDOT's established process for the approval of the use of New York State highway right of way must be carried out and completed in accordance with the terms and conditions of a Highway **Work Permit (HWP)** issued by our Agency. Under this process, TDI is required to submit completed application(s) including detailed design drawings for the proposed installation. The submitted documents are then reviewed and, pending successful resolution by TDI of any review comments, approved by the NYSDOT team for construction. This process represents the standard channel by which the NYSDOT ultimately grants approval for construction within its jurisdiction.

Nevertheless, in keeping with the Governor's CLCPA mandate directing all New York State agencies and authorities to collaborate with stakeholders to develop a plan to reduce greenhouse gas emissions, and the timing requirement for TDI to submit its proposal to NYSDOT, NYSDOT Region One will provide the following conditional statements regarding the proposed CHPE installation. These statements express conditions and parameters which if met should per the best information available see final approval of HWP application(s). It should be noted that any/all such statements do not reduce or change the obligations for TDI to complete the full HWP application process and continue community outreach efforts, including reacting to community feedback.

Based on the December 22, 2020, presentation package provided by TDI labelled "CHPE – Project Development Update" and all submitted related electronic files, the NYSDOT is confirming its understanding that the project would be progressed including the following proposed elements:

- **Crossings of state highways to utilize a trenchless method.** *Based on the listing of 32 anticipated highway crossings provided, TDI shall endeavor to install all crossings via trenchless technology. For the at grade level crossings for which TDI is proposing to implement open trenching methodology, TDI shall prior to commencing full design activities, provide detail justification documentation to the NYSDOT for approval. Such justification once preliminarily ratified by the NYSDOT, shall be formally submitted with appropriate design plans as part of the HWP process. TDI has preliminarily advised the NYSDOT of the need to install up to about 10 at grade crossings via open trenching.*
- **Crossing installations will be required to be perpendicular to the existing highway and trenchless.** *Under the premise that TDI will initiate most crossings via trenchless technology, this stipulation will only be applicable to the circumstance in which roadway crossings are being initiated via open trenching. For this scope, TDI shall [within its stated cable bend radius in proposed cable conduit] ensure that the crossing is installed as close to perpendicular as possible. Where such a perpendicular installation is not feasible, TDI will extend the longitudinal limits of its roadway restoration. Based on the limits of this installation being established as where the outside edge of the trench sawcut intersects with the outside edge of travel roadway, the extended limits for restoration shall be an additional 50 feet in each direction and squared from that point across the width of the roadway.*

- **Minimum cover over proposed utility shall be 5 feet from the top of the cable trench protective concrete cap to the top of pavement and similarly, 3 feet minimum cover in greenspace installations within the right of way.** Trench installations shall be at minimum of up to 5 feet to top of protective concrete for all in-roadway installations, including transverse open cuts and longitudinal installations under paved shoulders or travel lanes.
- **Methodologies for installation in paved roadway (Longitudinal position in the right of way along NYS Route 22).** All longitudinal alignment contemplated for (a) the paved shoulder or (b) in travel lanes when unavoidable due to constraints (principally shallow depth of subsurface rock) will be installed at depths stipulated by the Bluebook (5 feet to the top of protective concrete).
- **Burial depth of the CHPE cables relative to existing collocated transverse drainage culverts.** When crossing existing drainage culverts installed within the right of way, TDI shall install its cable infrastructure underneath such existing collocated infrastructure, ensuring adequate separation to provide allowance for future servicing and/or replacement of such infrastructure. Adequate separation will be defined as a minimum of 2 feet from the top of trench protective concrete or horizontal directional drill (HDD) conduit to the bottom, exterior wall/face of the crossed culvert. For crossing over existing deep culverts within the right of way, TDI shall install its cable system over the existing structure, provided it installs a self-supporting bridging structure that will allow for future selective repair or replacement of such culvert without undermining the TDI alignment.
- **Methodologies for I-890 interchange crossing.** The proposed HDD to cross under the I-890 interchange overpass and associated ramps and roadways shall be designed and implemented to maintain horizontal separation at a minimum of 50 feet from existing bridge structures and a minimum of 30 feet depth below the bottom of any substructures. TDI shall also coordinate its design development plans and construction schedule with NYSDOT's future plans for bridge overpass renovation work at this interchange.
- **Construction zone traffic control considerations.** The initial Work Zone Traffic Control (WZTC) staging plans have been reviewed and they appear to be generally acceptable. TDI will be required to continue to coordinate with the NYSDOT and the affected communities to further develop a mutually acceptable plan for deployment during construction.

It should be noted that in our providing this discussion of findings, all parties understand that the proposed installation's design and construction plans will be further advanced by TDI and its contractors in compliance with the NYSPSC's Environmental Management and Construction Plan (EM&CP), NYSDOT Highway Work Permit applications and more specific WZTC scenarios. Additionally, it is understood that subject to these future



Mr. Gene Martin

May 6, 2021

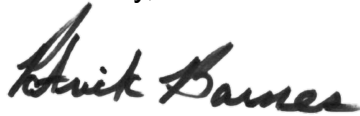
Page 4

development steps, the exact installation including horizontal and vertical cable placement may be adjusted within the framework established.

We look forward to continuing to actively engage with your organization to ensure that any proposed installation within the limits of the NYSDOT Right of Way is accomplished with minimal disruption and effect on the travelling public.

Please do not hesitate to contact me at (518) 457-3522 should you have any questions or require further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Barnes". The signature is fluid and cursive, with the first name "Patrick" and last name "Barnes" clearly distinguishable.

Patrick Barnes, PE

Regional Director, NYSDOT Region 1

CC: Kristina Crowley, PE, NYSDOT  
Mark Pyskadlo, PE, NYSDOT  
Gaetano Tedesco, PE, NYSDOT  
Matt Haggerty, PE, NYSDOT  
Ayokunle Kafi, PE, TDI



May 6, 2021

Mr. Gene Martin  
President & COO  
Transmission Developers, Inc.  
1301 Avenue of the Americas  
New York, NY 10019

**Conditional Acceptance for the Proposed Installation of the CHPE's Alignment within the NYSDOT Right of Way in Rockland County, NYSDOT Region 8**

Dear Mr. Martin:

The NYSDOT Region 8 has reviewed the preliminary project development plans, proposed installation details and anticipated traffic management plans recently submitted by your organization for the Champlain Hudson Power Express project.

TDI has also informed the NYSDOT that the CHPE transmission line project is being installed to directly deliver renewable energy to the City of New York and ultimately, the State of New York in order to meet the Governor's Climate Leadership and Community Protection Act (CLCPA) goal of achieving 70 percent renewable energy for the State by 2030. Accordingly, TDI has advised the NYSDOT, that it is currently working with its renewable energy supply partner to submit a firm fixed pricing proposal for the request for proposals solicitation issued by the New York State Energy Research and Development Authority (NYSERDA) to procure Tier 4 eligible Renewable Energy Certificates (RECs) from eligible Projects. TDI notified the NYSDOT that the deadline for the submission of responses to this solicitation is May 12, 2021.

TDI has further advised that in order to provide firm pricing to NYSERDA for its project, TDI needs to obtain documented conceptual approvals on open issues related to its proposed installation within the NYSDOT Right of Way along Route 9W in Rockland County. TDI has stated that it requires such confirmation at this juncture, ahead of a formal NYSDOT Highway Work Permit Application process, to assist it in obtaining definitive installation pricing from its installation contractors. TDI will in turn utilize the pricing to provide its firm proposal to NYSERDA.

As you are aware, the NYSDOT's established process for the approval of the use of New York State highway right of way must be carried out and completed in accordance with

the terms and conditions of a Highway Work Permit (HWP) issued by our Agency. Under this process, TDI is required to submit completed application(s) including detailed design drawings for the proposed installation. The submitted documents are then reviewed and, pending successful resolution by TDI of any review comments, approved for construction by the NYSDOT team. This process represents the standard channel by which the NYSDOT ultimately grants approval for construction within its jurisdiction.

Nevertheless, in keeping with the Governor's CLCPA mandate directing all New York State agencies and authorities to collaborate with stakeholders to develop a plan to reduce greenhouse gas emissions, and the timing requirement for TDI to submit its proposal to NYSED, NYSDOT will provide the following conditional acceptance for the proposed CHPE installation. It should be noted that any/all conceptual approvals do not reduce or change the obligations for TDI to complete the full HWP application process and continue community outreach efforts, including reacting to community feedback.

Based on the March 17, 2021, presentation package provided by TDI labelled "CHPE Project Update: Route 9W, Rockland County" and submitted related electronic files, the NYSDOT is confirming its conceptual agreement with the following key project elements:

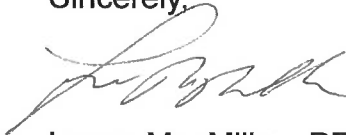
- The proposed general alignment within the Route 9W corridor appears feasible and is deemed satisfactory subject to further detailed engineering plans to be submitted as part of the HWP application.
- NYSDOT has reviewed the proposed cable trench for installation within the travel lanes, turning lanes, and shoulders of the highway. We preliminarily agree that the proposed shoring plans should enable the installation of the cables within the limits of the highway boundary without the need for extensive (wider) tracts of reconstruction.
- NYSDOT is in agreement with the proposed installation of the splice on offset locations identified. We understand that TDI has also identified potential additional/optional locations for splices should changes be necessitated during the detailed design phase.
- The general dimensions of the proposed trench, means of backfill, and extents of roadway reconstruction and surface restoration are conceptually acceptable. TDI shall further ensure that progressive utilities surveys are conducted throughout the design and construction process to further pinpoint the location of existing collocated utilities within the right of way to improve the certainty of constructability and schedule certainty.
- The HDD plan currently proposed within the right of way also appears reasonable. Consistent with other related installations, TDI's design plans for the HDDs should ensure that there is adequate coordination of its design with existing subterranean utility owners. Detailed HDD boring plans coordinated with site specific Work Zone Traffic Control (WZTC) plans will need to be developed as part of the HWP process.
- The general themes of the Work Zone Traffic Control plans, which were developed during collaborative working sessions between TDI and NYSDOT, appear to be reasonable and as such, are thereby considered acceptable. The schemes provided include primary and/or secondary traffic control plans that are outlined in road segment stages illustrate the anticipated directions, limits, and routes of traffic detours that would maintain both roadway safety and TDI's installation progress. NYSDOT will

continue to work with TDI and all the respective community stakeholders to finalize a plan for construction.

In granting this preliminary conceptual agreement, all parties understand that the proposed installation's design and construction plans will be further advanced by TDI and its contractors in compliance with the NYSPSC's Environmental Management and Construction Plan (EM&CP), NYSDOT Highway Work Permit applications and more specific WZTC scenarios. Additionally, it is understood that subject to these future development steps, the exact installation and horizontal and vertical cable placement may be adjusted within the framework established.

We look forward to continuing to actively engage with your organization to ensure that any proposed installation within the limits of the NYSDOT Right of Way is accomplished with minimal disruption and effect on the travelling public. Please do not hesitate to contact me at (845)431-5750 should you have any questions or require further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lance MacMillan', written over a horizontal line.

Lance MacMillan, PE  
Regional Director,  
NYSDOT Region 8

cc: Lance Gorney, PE, NYSDOT  
Lee Zimmer, NYSDOT  
Stephen Demassio, NYSDOT  
Oscar Pinheiro, NYSDOT  
Ayokunle Kafi, PE, TDI

**From:** [Davis, Kenneth G \(DOT\)](#)  
**To:** [Ayokunle Kafi](#)  
**Cc:** [Tedesco, Gaetano \(DOT\)](#); [Barnes, Patrick \(DOT\)](#); [Pyskadlo, Mark \(DOT\)](#); [Dickson, Allan J. \(DOT\)](#); [Haggerty, Matt \(DOT\)](#)  
**Subject:** CHPE - Plan Comments  
**Date:** Wednesday, February 23, 2022 3:56:03 PM  
**Attachments:** [image001.jpg](#)  
[CHPE Prelim Plan Comments 20220223.pdf](#)

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Good Afternoon Kunle,  
Please see attached comment letter based on the plans for the Champlain Hudson Power Express dated 1/17/2022.

We would like to set up an in person meeting with your team (TDI, Kiewit, CHA) to review these comments. Tentatively we would like to meet Thursday March 3<sup>rd</sup> at 1:00 pm at our offices at 50 Wolf Rd. Concurrently with the in person meeting, we will also set up a Web-Ex for anyone who cannot make it in person. If this time does not work for you or your team please provide an alternate time.

We look forward to meeting with you and your team to progress this project.

Best,  
-Ken

**Kenneth Davis, P.E.**  
Regional Permit Engineer

**New York State Department of Transportation, Region 1**  
50 Wolf Road, Albany, New York 12232  
(518) 457-5691 | [kenneth.davis@dot.ny.gov](mailto:kenneth.davis@dot.ny.gov)  
[www.dot.ny.gov](http://www.dot.ny.gov)

DOT LOGO FOR EMAIL SIGNATURES



**From:** [Ayokunle Kafi](#)  
**To:** [Barnes, Patrick \(DOT\)](#)  
**Cc:** [Davis, Kenneth G \(DOT\)](#); [Tedesco, Gaetano \(DOT\)](#); [Hall, Jeffrey](#); [Main, Michael](#); [Mandy.Medcalf](#)  
**Subject:** : Follow-Up to CHPE Package 1A and 1B Design Comment Review Meeting on March 3, 2022  
**Attachments:** [image001.png](#)  
[2022-03-08\\_NYS DOT Comment Resolution Log.pdf](#)  
[TDI-NYS DOT R1 Letter-2022-03-11 VShared.pdf](#)

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Patrick:

Good afternoon. Please find attached and via downloadable link below, our team's response to the NYSDOT R1 team's comments.

Item Description	Downloadable Link
Packages 1A and 1B Heat Map Analysis	"20001480-259A3A3D650047F6B328A7F8CFC4C2E5.zip" at: <a href="https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:21cf1433-f0b8-4ccb-890d-c474effce835">https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:21cf1433-f0b8-4ccb-890d-c474effce835</a>

Best Regards,

Ayokunle "Kunle" Kafi, PE,CEM  
Vice President, Project Services  
Transmission Developers, Inc.  
1301 Avenue of the Americas | New York, NY 10019-6022  
C: [\(347\) 920-6550](tel:3479206550)



## Laura Darling


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**From:** Laura Darling  
**Sent:** Thursday, March 3, 2022 2:28 PM  
**To:** Behnke, Heather (DPS); chris.hogan; sita.crounse; Corey.Strub; Josh.Bagnato; leigh.walrath; elizabeth.phillips; david.drexler; matthew.smith; ayokunle.kafi; bob.harrison; scott.salmon; william.sharp@dos.ny.gov  
**Subject:** Case 10-T-0139, CHPE Segment 1 Wetland Delineation Report and Waterbody Inventory

Dear DPS, DEC, DOS, and APA Staff,

Pursuant to Certificate Conditions 113(a) and 114(a), below is a link to files included in the Wetland Delineation Report for Segment 1 of the Champlain Hudson Power Express (CHPE) transmission line. These conditions require that, at least 30 days prior to filing of a proposed Segment Environmental Management and Construction Plan (EM&CP), the Certificate Holder must share these documents with DPS, DEC, DOS and, for wetlands in the Adirondack Park, the APA.

Please note that the geographic scope of wetlands included in this report is somewhat larger than what will be included in the Segment 1 EM&CP, which CHPE anticipates filing in April 2022. The Segment 1 EM&CP will cover an upland segment of the line within the Towns of Dresden, Putnam, and Whitehall, with a short portion in the Village of Whitehall, ending at the railroad right of way. A future Segment EM&CP will cover the remaining areas delineated in connection with this report which go beyond that geographic scope.

 [Case No. 10-T-0139 TDI Wetland Delineation Report](#)

If you have questions or difficulty accessing the document, please contact my office.

Sincerely,

Laura Bomyea Darling  
Associate Attorney  
**Young / Sommer LLC**  
ATTORNEYS AT LAW  
office: 518.438.9907 Ext. 249  
fax: 518.438.9914  
[ldarling@youngsommer.com](mailto:ldarling@youngsommer.com)  
Executive Woods, Five Palisades Drive, Albany, NY 12205  
[www.youngsommer.com](http://www.youngsommer.com)

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## Laura Darling


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**From:** Laura Darling  
**Sent:** Thursday, March 3, 2022 2:42 PM  
**To:** matthew.maraglio@dos.ny.gov  
**Subject:** Case 10-T-0139, CHPE Segment 1 Wetland Delineation Report and Waterbody Inventory

Dear DPS, DEC, DOS, and APA Staff,

Pursuant to Certificate Conditions 113(a) and 114(a), below is a link to files included in the Wetland Delineation Report for Segment 1 of the Champlain Hudson Power Express (CHPE) transmission line. These conditions require that, at least 30 days prior to filing of a proposed Segment Environmental Management and Construction Plan (EM&CP), the Certificate Holder must share these documents with DPS, DEC, DOS and, for wetlands in the Adirondack Park, the APA.

Please note that the geographic scope of wetlands included in this report is somewhat larger than what will be included in the Segment 1 EM&CP, which CHPE anticipates filing in April 2022. The Segment 1 EM&CP will cover an upland segment of the line within the Towns of Dresden, Putnam, and Whitehall, with a short portion in the Village of Whitehall, ending at the railroad right of way. A future Segment EM&CP will cover the remaining areas delineated in connection with this report which go beyond that geographic scope.

 [Case No. 10-T-0139 TDI Wetland Delineation Report](#)

If you have questions or difficulty accessing the document, please contact my office.

Sincerely,

Laura Bomyea Darling  
Associate Attorney

**Young / Sommer LLC**

ATTORNEYS AT LAW

office: 518.438.9907 Ext. 249

fax: 518.438.9914

[ldarling@youngsommer.com](mailto:ldarling@youngsommer.com)

Executive Woods, Five Palisades Drive, Albany, NY 12205

[www.youngsommer.com](http://www.youngsommer.com)

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*Gene Martin*  
*President & Chief Operating Officer*

March 15, 2022

VIA EMAIL

Mr. Stephen A. Ryba  
Chief, Regulatory Branch, New York District  
U.S. Army Corps of Engineers  
Jacob K. Javits Federal Building  
Room 1937  
26 Federal Plaza  
New York, NY 10278-0090

**RE: Champlain Hudson Power Express, Permit NAN-2009-01089-M4**

Steve,

Following up on our conversation last week, please find attached a letter transmitting documents in compliance with Special Condition AA and Special Condition H of the permit issued by the Army Corps for the Champlain Hudson Power Express Project. Specifically, the Permittees are providing the following:

- Information from the “EM&CP Presentation for the Department of Public Service” that was shared with PSC staff on February 24, 2022;
- Preliminary Draft EM&CP Segment #1 Designs; and,
- An EM&CP Wetlands Overview Memo.

These documents can be accessed using the following link and password:

<https://transmissiondevelopers.egnyte.com/fl/IQ4GBT2QSx>

Password: RrH2AarNjCSh

As always, please let me know if I can answer any questions that you may have regarding the materials. We look forward to meeting with you later this month.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Chertok". The signature is fluid and cursive, with a small dot at the end.

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program  
625 Broadway, Fifth Floor, Albany, NY 12233-4757  
P: (518) 402-8935 | F: (518) 402-8925  
[www.dec.ny.gov](http://www.dec.ny.gov)

March 25, 2022

Nicole Frazer  
CHA  
III Winners Circle  
Albany, NY 12205

**Re: Champlain Hudson Power Express - Phase 1 - Packages 1A, 1B, 1C**

County: Washington    Town/City: Dresden, Putnam, Whitehall

Dear Nicole Frazer:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 5 Office, Division of Environmental Permits, at [dep.r5@dec.ny.gov](mailto:dep.r5@dec.ny.gov).

Sincerely,



Heidi Krahling  
Environmental Review Specialist  
New York Natural Heritage Program



**The following state-listed animals have been documented  
in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed.

**For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 5 Office at [dep.r5@dec.ny.gov](mailto:dep.r5@dec.ny.gov), (518) 623-1286.**

**The following species has been documented within 1/2 mile of the project site near Putnam Station.**

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
<b>Birds</b>			
<b>Bald Eagle</b> <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	12657

**The following species has been documented within 1/3 mile of the project site in the Town of Putnam. Individual animals may travel 1.5 miles from documented locations.**

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
<b>Reptiles</b>			
<b>Timber Rattlesnake</b>	<i>Crotalus horridus</i>	Threatened	8859

**The following species has been documented in the Town of Dresden within 2.5 miles of the project site and in the Town of Hague within 4 miles of the project site. Individual animals may travel 5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees.**

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	FEDERAL LISTING
<b>Mammals</b>			
<b>Northern Long-eared Bat</b> <i>Hibernacula</i>	<i>Myotis septentrionalis</i>	Threatened	Threatened 14206

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



**The following rare plants, rare animals, and significant natural communities  
have been documented at the project site, or in its vicinity.**

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQ. Field surveys of the project site may be necessary to determine whether a species currently occurs at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. Each community is either an example of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
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#### **Upland/Terrestrial Communities**

##### **Red Cedar Rocky Summit**

High Quality Occurrence of  
Uncommon Community Type

Documented within 100 yards of the project site in the Town of Dresden. Patches occur on either side of Route 22 in the northern portion of the Town of Dresden. This is a relatively small red cedar rocky summit, near its northern limit for this type, in very good condition within a very large, good quality forested landscape.

12930

#### **Wetland/Aquatic Communities**

##### **Deep Emergent Marsh**

High Quality Occurrence of  
Uncommon Community Type

Enormous marsh complex occupying 50% of the upper portion of Lake Champlain with excellent native species diversity and one or more large cores with minimal disturbances, but with several cores with high concentration of invasive exotics.

3049

##### **Silver Maple-Ash Swamp**

High Quality Occurrence of  
Uncommon Community Type

A narrow strip along the west shore of Lake Champlain near Chubbs Dock in the Town of Dresden. Exotics present, but not abundant.

10514

The following plants are listed as Endangered or Threatened by New York State, and/or are rare in New York State, and so are a vulnerable natural resource of conservation concern.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS	
<b>Hill's Pondweed</b>	<i>Potamogeton hillii</i>	Threatened	Imperiled in NYS and Globally Uncommon	2263
Documented at the project site near Route 22 and B Lane near the border between the Towns of Dresden and Putnam. 1999-08-12: A beaver pond and small streamlets with sluggish water and muddy full exposures.				
<b>Lake Water Cress</b>	<i>Rorippa aquatica</i>	Threatened	Imperiled in NYS	9495
Documented within 1/4 mile east of the project site near Dresden. 1987-07-16: Rock piles along lakeward side of the railroad with loads of Trapa. Rocks and the railroad embankment near emergent marsh covered with Trapa.				

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org). For descriptions of all community types, go to [www.dec.ny.gov/animals/29384.html](http://www.dec.ny.gov/animals/29384.html) for Ecological Communities of New York State.

## Laura Darling

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**From:** Laura Darling  
**Sent:** Wednesday, March 30, 2022 4:04 PM  
**To:** Tara.Wells; Mulford, Jason (AGRICULTURE)  
**Cc:** Josh.Bagnato; GLiberman; Martha.Robbart-PTR  
**Subject:** CHPE NY Ag & Markets Consultations (10-T-0139)  
**Attachments:** P1A - C-201 Ryder Road Staging and Laydown Area.pdf; 066076\_1A\_C-110.pdf; 066076\_1A\_C-111.pdf; CHPE Preliminary EM&CP Plan.pdf

Tara and Jason,

Our office is representing CHPE, LLC as the Champlain Hudson Power Express project moves into the EM&CP and compliance phase. Pursuant to Certificate Condition 76, the Certificate Holder is directed to consult with NYS Ag & Mkts if land is identified within the Construction Zone which is reasonably believed to be agricultural.

CHPE has recently identified two areas which appear to be current or recent agricultural lands in the First Segment of EM&CP submissions CHPE is hoping to make on or about April 15, 2022: a proposed temporary staging and laydown yard on Ryder Road, in the Town of Whitehall, and a bore pit for an HDD crossing on Lake Road in the Town of Putnam. Attached please find preliminary drawings showing what's currently proposed in those areas.

Jason, the best point of contact for the technical aspects of this will be Greg Liberman at EDR – he is copied here and can answer any technical questions.

Lastly, just for context, CHPE will be submitting the EM&CPs in segments throughout 2022 and 2023. An anticipated/preliminary schedule is attached as "CHPE Preliminary EM&CP Plan" for your reference. Obviously, many of these segments involve marine portions of the cable, or will otherwise not involve agricultural lands, but we wanted to provide this for your reference/information looking forward. Please note these schedules may change in the EM&CP we file next month – this is just for your information.

Please let us know if you have questions or want to set up a time to discuss.

Sincerely,

Laura Bomyea Darling  
Associate Attorney  
**Young / Sommer LLC**  
ATTORNEYS AT LAW  
office: 518.438.9907 Ext. 249  
fax: 518.438.9914  
[ldarling@youngsommer.com](mailto:ldarling@youngsommer.com)  
Executive Woods, Five Palisades Drive, Albany, NY 12205  
[www.youngsommer.com](http://www.youngsommer.com)

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## Laura Darling

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**From:** Laura Darling  
**Sent:** Tuesday, April 5, 2022 3:12 PM  
**To:** Mulford, Jason (AGRICULTURE); Tara.Wells  
**Cc:** Josh.Bagnato; GLiberman; Martha.Robbart-PTR  
**Subject:** RE: CHPE NY Ag & Markets Consultations (10-T-0139)  
**Attachments:** 066076\_P1A\_C-201 Ryder Road South.pdf; 066076\_P1A\_C-202 (Ryder Road North).pdf

Jason,

An update to the below – we are looking at two alternatives for the laydown yard on Ryder Road. The map we provided was for the Southern location – also attached here is a proposed Northern location.

Thanks,

Laura Bomyea Darling  
Associate Attorney

**Young / Sommer LLC**

ATTORNEYS AT LAW

office: 518.438.9907 Ext. 249

fax: 518.438.9914

[ldarling@youngsommer.com](mailto:ldarling@youngsommer.com)

Executive Woods, Five Palisades Drive, Albany, NY 12205

[www.youngsommer.com](http://www.youngsommer.com)

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**From:** Mulford, Jason (AGRICULTURE) <Jason.Mulford@agriculture.ny.gov>  
**Sent:** Thursday, March 31, 2022 7:55 AM  
**To:** Laura Darling <ldarling@youngsommer.com>; Tara.Wells <Tara.Wells@agriculture.ny.gov>  
**Cc:** Josh.Bagnato <Josh.Bagnato@transmissiondevelopers.com>; GLiberman <GLiberman@edrdpc.com>; Martha.Robbart-PTR <mrobbart@edrdpc.com>  
**Subject:** RE: CHPE NY Ag & Markets Consultations (10-T-0139)

Thank you Laura,

We have expecting movement on this through other consultation with DPS. I will review the attached ASAP. I will contact Greg and Mat Smith of DPS if I should have any questions.

Jason Mulford, CPESC  
Senior Environmental Analyst  
**Department of Agriculture and Markets | Division of Land and Water**  
10B Airline Drive, Albany, NY 12235  
(518) 457-5606 | [Jason.mulford@agriculture.ny.gov](mailto:Jason.mulford@agriculture.ny.gov)  
<http://www.agriculture.ny.gov>

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**Sent:** Wednesday, March 30, 2022 4:04 PM  
**To:** Wells, Tara (AGRICULTURE) <[Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov)>; Mulford, Jason (AGRICULTURE)



<[Jason.Mulford@agriculture.ny.gov](mailto:Jason.Mulford@agriculture.ny.gov)>

Cc: Josh.Bagnato <[Josh.Bagnato@transmissiondevelopers.com](mailto:Josh.Bagnato@transmissiondevelopers.com)>; GLiberman <[GLiberman@edrdpc.com](mailto:GLiberman@edrdpc.com)>;

Martha.Robbart-PTR <[mrobbart@edrdpc.com](mailto:mrobbart@edrdpc.com)>

**Subject:** CHPE NY Ag & Markets Consultations (10-T-0139)

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Tara and Jason,

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Sincerely,

Laura Bomyea Darling

Associate Attorney

**Young / Sommer LLC**

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