

APPENDIX A
CASE 10-T-0189
AGENCY CORRESPONDENCE

Table of Contents

Local Consultations.....	2
NYS Department of Transportation.....	6
Wetland Delineation Report.....	15
New York Natural Heritage Program.....	19
New York State Department of Agriculture and Markets.....	23
United States Department of Energy.....	27
United States Fish and Wildlife Service.....	28
Lake Champlain Maritime Museum.....	32

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

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. 14th.

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
Cc: [Rick Chase](#)
Subject: CHPE Update and Request
Attachments: [Fact Sheet Co-Located Infrastructure CHPE.pdf](#)

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 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

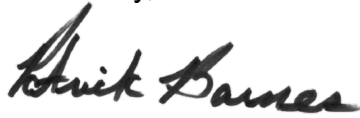
Mr. Gene Martin
May 6, 2021
Page 4

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 that reads "Patrick Barnes". The signature is written in a cursive, slightly slanted style.

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 NYSERDA, 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:

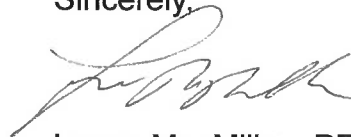
- The proposed general alignment within the Route 9W corridor appears feasible and is deemed satisfactory subject to further detailed engineering plans to be submitted as part of the HWP application.
- NYSDOT has reviewed the proposed cable trench for installation within the travel lanes, turning lanes, 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,



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](#)

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 3rd 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
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](#)

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: https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:21cf1433-f0b8-4ccb-890d-c474effce835

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

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
Executive Woods, Five Palisades Drive, Albany, NY 12205
www.youngsommer.com

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.


Laura Darling

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

Executive Woods, Five Palisades Drive, Albany, NY 12205

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This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.



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 Smith". The signature is fluid and cursive, with a small dot at the end of the last word.

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

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.

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, (518) 623-1286.

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

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	12857

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.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Reptiles			
Timber Rattlesnake	<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.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Mammals			
Northern Long-eared Bat <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, and from NYSDEC at 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	
Hill's Pondweed	<i>Potamogeton hillii</i>	Threatened	Imperiled in NYS and Globally Uncommon	2263
<p>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.</p>				
Lake Water Cress	<i>Rorippa aquatica</i>	Threatened	Imperiled in NYS	9495
<p>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.</p>				

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, from NatureServe Explorer at 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. For descriptions of all community types, go to www.dec.ny.gov/animals/29384.html for Ecological Communities of New York State.

Laura Darling

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

Executive Woods, Five Palisades Drive, Albany, NY 12205

www.youngsommer.com

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Laura Darling

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

Executive Woods, Five Palisades Drive, Albany, NY 12205

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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
<http://www.agriculture.ny.gov>

From: Laura Darling <ldarling@youngsommer.com>
Sent: Wednesday, March 30, 2022 4:04 PM
To: Wells, Tara (AGRICULTURE) <Tara.Wells@agriculture.ny.gov>; Mulford, Jason (AGRICULTURE)

<Jason.Mulford@agriculture.ny.gov>

Cc: Josh.Bagnato <Josh.Bagnato@transmissiondevelopers.com>; GLiberman <GLiberman@edrdpc.com>;

Martha.Robbart-PTR <mrobbart@edrdpc.com>

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

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Tara and Jason,

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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

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www.youngsommer.com

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March 17, 2021

Tim Sullivan
Biologist
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045
Via email tim_r_sullivan@fws.gov

**SUBJECT: Champlain Hudson Power Express Project
Re-initiation of Section 7 Consultation - Request for Concurrence
Docket No. DOE/EIS-0447-SA-01; Docket No. PP-481-1**

Dear Mr. Sullivan:

In the letter dated December 4, 2020, the U.S. Department of Energy (DOE) described CHPE LLC's application to DOE to amend their existing Presidential Permit ([PP-481](#)) for the Champlain Hudson Power Express Project (the Project) and requested re-initiation of informal consultation pursuant to Section 7 of the Endangered Species Act (ESA) as amended (16 U.S.C. 1531 et seq.). In addition to the minor route modifications and proposed relocation of the site of the converter station described in that letter, on January 15, 2021, CHPE LLC filed a supplement to its Amendment Application requesting that the capacity of the Project be increased from 1000 megawatts (MW), as currently permitted, to 1250 MW ([86 FR 11960; March 1, 2021](#)). Thank you for meeting with DOE several times regarding the above, most recently on March 4, 2021.

The December 4, 2020 consultation re-initiation letter described the informal ESA Section 7 consultation process in detail, which was previously concluded in 2014. The USFWS concurred with DOE's determination in our Biological Assessment that the Project "may affect, but is not likely to adversely affect" the endangered Indiana bat (*Myotis sodalis*), the endangered Karner blue butterfly (*Lycæides melissa samuelis*), or the threatened northern long-eared bat (*Myotis septentrionalis*) or critical habitat in a letter dated September 10, 2014. It is DOE's determination that the proposed changes do not alter this effects determination, or your analysis thereof. DOE requests your updated concurrence with this determination.

Thank you for your engagement in this consultation. DOE looks forward to your response and would be pleased to speak with you again at any time. I can be reached by email at Melissa.Pauley@hq.doe.gov or phone at 202-586-2942.

Sincerely,



Melissa Pauley
Policy Analyst
Energy Resilience Division, OE-20
Office of Electricity
U.S. Department of Energy

cc: Stephan A. Ryba, Chief-Regulatory Branch, NY District, USACE
Josh Bagnato, Vice President, Project Development, Transmission Developers, Inc.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, New York 13045

March 29, 2021

Ms. Melissa Pauley, Policy Analyst
Energy Resilience Division
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Ms. Pauley:

This is in response to your March 17, 2021 letter requesting concurrence pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the proposed Champlain Hudson Power Express project, a long-distance electric transmission line planned in eastern New York state. As lead federal agency, the U.S. Department of Energy (DOE) is considering the approval of a Presidential Permit to construct, operate, and maintain the project. In your letter, DOE has asked the U.S. Fish and Wildlife Service (Service) to review the most recent information on the revised project. The project purpose is to transmit electricity generated from renewable sources in Canada to New York City.

In October, 2014, the DOE issued a Presidential Permit (PP-362) to Champlain Hudson Power Express, Inc. (CHPE) to construct, operate, maintain, and connect the project to the electric network. The project was also approved by other federal, state, and local authorizations at that time but was never constructed. On September, 25, 2020, CHPE submitted an application to DOE to amend PP-362, with project modifications. The revised project would be authorized under PP-481.

Consultation history

The Project was introduced to the Service in 2010 with the submittal of a permitting overview document and request for information on federally-listed species. Numerous other documents and information exchanges were provided to the Service over a multi-year period and we submitted comments on a Draft Environmental Impact Statement (DEIS) in December, 2013. After revisions, this subsequently led to the completion and publication of a Final EIS/Biological Assessment (FEIS/BA) dated August, 2014. The potential environmental effects of the project, including those to federally-listed species, were analyzed in the FEIS/BA. In a letter dated

September 10, 2014, the Service concurred with the BA in our Biological Opinion (BO). Specifically, the Service concurred with DOE's determination that the project *may affect, but is not likely to adversely affect* three federally-listed species (described below).

In a letter dated December 4, 2020, the DOE requested to reinitiate section 7 consultation with the Service for a revised project design, including shifts in alignment, increased capacity, and a relocated converter station. Representatives of CHPE, DOE, and the Service met on January 8, 2021 to discuss the revised project. During this meeting, some project details were unavailable but were later provided via electronic mail on February 10, 11, and 25, 2021. Finally, we met again on March 4, 2021, to discuss the location of a bald eagle nest in relation to the project alignment. We appreciate DOE's efforts to provide us with a complete project description.

Project description

The original project consisted of a buried 336-mile long, 1000-megawatt direct current transmission line to be located in 16 counties in New York State, from the Canadian Border at Lake Champlain and generally following the Hudson River south to New York City. As mentioned above, since the approval of the PP-362 CHPE has modified the project in several ways. The project was modified in October, 2020 to include a shift in the alignment at 8 locations resulting in an additional total length of approximately 5.1 miles. These shifts were to avoid sensitive resources and address community concerns, among others.

The revised project consists of a 341.1 mile-long, underground 1250-megawatt cable. The cable size or construction footprint would not substantially change from what was previously reviewed and approved, except in those areas of the proposed alignment shifts. CHPE states that the installation methods and project operation would also not change. The location of the new converter station in Queens would require an additional 0.5 acre of land disturbance and the buried cable from the river to the station has shifted, however it is all within an urban environment. In addition, CHPE has indicated that the previously agreed upon impact minimization and conservation measures and commitments, as described in the FEIS/BA, will remain in place for the revised project.

As mentioned, the project alignment will change in 8 areas to avoid natural and social resources. Even in these areas of change, the project will still follow and be constructed within existing road, railroad, and utility rights of way. A majority of the project will follow a route under Lake Champlain and the Hudson River as previously described and evaluated.

Updated ESA review

Pursuant to the ESA, the DOE in 2014 determined that the project will result in *no effect* to the federally-listed threatened bog turtle (*Clemmys* [= *Glyptemys*] *muhlenbergii*), northern wild monkshood (*Aconitum noveboracense*), small whorled pogonia (*Isotria medeoloides*), endangered piping plover (*Charadrius melodus*), roseate tern (*Sterna dougallii dougallii*), or proposed threatened red knot (*Calidris canutus rufa*), or the federal candidate for listing, the

New England cottontail (*Sylvilagus transitionalis*), as no suitable habitat for these species occurs along the project site. The red knot was listed by the Service as threatened in 2015. However, the listing status does not change the fact that there is no known habitat for the species in the project area and does not change the previous DOE determination. The New England cottontail is no longer a federal candidate for listing. We have no additional comments on these species.

In addition, the DOE previously determined that the proposed *project may affect, but is not likely to adversely affect*, the endangered Indiana bat (*Myotis sodalis*), Karner blue butterfly (*Lycæides melissa samuelis*), or the proposed (at that time) endangered northern long-eared bat (*Myotis septentrionalis*). The northern long-eared bat was subsequently listed by the Service as a threatened species in 2015.

Based upon the revised project description, a majority of the project will be sited within water. However, a portion does follow a land route between Lake Champlain at Dresden and the Hudson River at Cementon. The land route is collocated with road, utility, and railroad rights of way; however, some vegetation removal, including trees, will be required. These rights of way are currently managed for infrastructure purposes and subject to continual disturbance. Once installed, maintenance of the project right of way will be similar to what is currently being implemented. Given the linear nature of tree removal, the fact that the upland portion of the project will follow many existing transportation rights of way, and the proposed conservation measure of conducting tree removal between October 31 and March 31, we do not anticipate any measurable impacts to the northern long-eared bat. Therefore, we concur with your determination for the revised project.

The DOE has indicated that the construction and operation of the project *will not adversely affect* the Indiana bat as well. Because the conservation measure of removing trees when the bats are not present (October 31 to March 31) will be used for this project and the existing disturbed nature of the transportation rights of way where the project will be sited on land, we concur with the determination for the revised project.

The Karner blue butterfly occurs in the project area at two known general locations. Several sites within these locations contain patches of wild blue lupine (*Lupinus perennis*), an important food source for the larval stage of Karner blue butterfly. The project sponsor has agreed to drill and install the transmission cable 10 feet below these areas. Areas of lupine would be fenced to prevent intrusion of construction activity and no impact is expected to these areas. An environmental monitor will ensure the protection of these areas as well. No pesticides or herbicides would be used in lupine areas and coordination with the Service would be initiated if work near lupine habitat is expected. Given that there will be no direct impact to lupine habitat and conservation measures such as fencing and monitoring and no herbicides or pesticides will be used, we concur with the DOE's updated determination that the revised project *may affect but will not likely adversely affect* the Karner blue butterfly.

Summary

The DOE has analyzed the potential environmental effects of a revised CPHE project, including those to federally-listed species. DOE has confirmed that the analysis provided in the FEIS/BA

is still applicable with the exception of those recent changes provided to the Service under the request to reinitiate ESA consultation. In addition, DOE has found that the project will have *no effect* on bog turtle, northern wild monkshood, small whorled pogonia, endangered piping plover, roseate tern, or red knot. The project is within the range of three listed species, the Indiana bat, northern long-eared bat, and the Karner blue butterfly and potential habitat may be found in the project area but based upon the project description, including avoidance and minimization measures as well as conservation measures, the DOE has determined that the project *will not adversely affect these species*. We concur with that determination.

No further coordination or consultation under the ESA is required with the Service at this time. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed projects are complete, we recommend that you check our website regularly to ensure that listed species presence/absence information for the proposed projects is current.*

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. This response does not preclude additional Service comments under other legislation.

Any additional information regarding the proposed projects and their potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

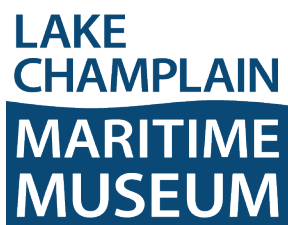
Thank you for the opportunity to review this project. If you require additional information or assistance please contact Tim Sullivan at 607-753-9334.

Sincerely,

David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, New Paltz, Ray Brook, and Schenectady, NY (Env. Permits)
NYSDEC, Albany, NY (Wildlife Diversity)



August 24, 2022

To: Matthew Kirk
Principal Investigator/Vice President
Hartgen Archaeological Associates, Inc.

From: Christopher R. Sabick
Director of Research and Archaeology
Lake Champlain Maritime Museum

RE: UNDERWATER ARCHAEOLOGICAL RESOURCE ASSESSMENT OF HDD ALIGNMENTS LOCATED NORTH AND SOUTH OF THE RT. 22 BRIDGE, WHITEHALL, NEW YORK IN SUPPORT OF THE CHAMPLAIN HUDSON POWER EXPRESS

Matthew,

The following is the summary review of the geophysical data collected along the proposed HDD alignments crossing South Bay, Lake Champlain as a component of the Champlain Hudson Power Express. The purpose of this underwater archaeological assessment is to determine the presence or absence of submerged cultural resources within the proposed alignments and provide recommendations to aid in avoidance of those resources if needed.

Data Sources

For this assessment Lake Champlain Maritime Museum (LCMM) reviewed a number of data sets including:

- 2022 Kiewit Engineering report and analysis of sediment bores from a number of surveys including:
 - AECOM, Geotechnical Data Report, Upland Segments: Putnam Station, Washington County, to Cementon, Green County, NY, Champlain Hudson Power Express, dated May 28, 2021.
 - Kiewit Engineering Group Inc., Segment 11 Package 7A HDD Borings - Catskill, Champlain-Hudson Power Express, dated May 9, 2022.
 - Schnabel Engineering, Geophysical Survey North and South of the Rt. 22 Bridge, Champlain Power Express: Rt 22-Whitehall, NY, dated June 10, 2022.
 - State of New York Departments of Public Works and Transportation, South Bay Bridge, S.H. 9113, Whitehall-Dresden, Route 22, Washington County, dated 1971.
 - S.W. Cole Engineering, Inc., Geotechnical and Geophysical Data Report, Champlain Hudson Power Express Project, Route 22 Terrestrial Route, dated January 4, 2013.
- 2022 Schnabel Engineering report of the on-water Geophysical Survey north and south of the Rt. 22 Bridge. This geophysical survey includes the following data sets which were collected in April 2022:
 - Multibeam bathymetry
 - Side-scan sonar
 - Magnetic field
 - Reflection seismic

For a detailed description of the survey methodology and equipment deployed for data collection of geophysical survey data please see the 2022 Schnabel Engineering geophysical survey report.

Proposed HDD Alignments

This underwater archaeological assessment includes two proposed HDD alignments which cross South Bay, Lake Champlain:

- The Northern HDD alignment is located north of the modern (1971) Rt. 22 bridge and is roughly adjacent to the historic 1929 bridge crossing of South Bay.
- The Southern HDD alignment is positioned directly south of the modern Rt. 22 bridge crossing.

See Figure 1.

Archaeological Resource Assessment, Northern Alignment

The proposed Northern HDD alignment, which runs roughly along the corridor of the historic 1929 bridge crossing of South Bay, Lake Champlain passes through an area that includes a number of previously identified submerged cultural resources including sunken canal boats. Specifically, the proposed alignment passes beneath a portion of Wreck G5 (NYSM 11643, Schnabel target #10), an 1873 class Champlain Canal Boat, which is located on the bottom lands of South Bay in the center of the proposed alignment. There are also a number of other known sites in close proximity to the proposed northern HDD alignment including Wreck F5 (NYSM 11642, Schnabel target #8), an 1873 class Champlain Canal Boat, which lies directly north of Wreck G5 and the proposed alignment. See Figure 2.

Additionally, a considerable amount of unidentified debris was observed in the side scan sonar, and magnetic data sets. This includes Schnabel targets #5, 11, 25, 31, 37, 62, and 68. The Schnabel geophysical survey report also states that “Wrecks along with accumulated debris in the vicinity of the northern proposed HDD pathway limited the ability of the seismic pulses to penetrate into the subsurface.” thereby limiting the effectiveness of the seismic survey to collect sufficient data to determine the presence or absence of potential obstructions or features along portions of this alignment.

Recommendation

Analysis of the geophysical data demonstrates the presence of one known historic shipwreck (Wreck G5) along the proposed alignment, as well as a number of unidentifiable targets and areas of debris. In consideration of the presence of these identified targets, combined with the lack of seismic data from portions of this route, *LCMM recommends against the selection of the Northern HDD alignment for the Champlain Hudson Power Express.*

Archaeological Resource Assessment, Southern Alignment

The proposed Southern HDD alignment is directly south of, and adjacent to, the modern bridge which crosses South Bay. Review of the geophysical survey data reveals that there are two magnetic targets (#74 and 75) adjacent to this corridor. Magnetic targets #74 and 75 have no related side scan sonar data suggesting that they are completely covered by shallow lake bottom sediments or fill. Magnetic targets of this nature and size are unlikely to represent significant historical features. Side scan sonar data demonstrates three small targets along this alignment (Schnabel targets #14, 39, and 40). These appear to represent scattered debris on the lake bottom and are not indicative of significant historical resources. See Figure 3.

Recommendation

Analysis of the geophysical data for the southern HDD alignment demonstrates that while there are a number of side scan sonar targets adjacent to the proposed alignment (Schnabel targets #39, and 40) and one which lies directly over the alignment (Schnabel target #14) none of them display characteristics consistent with significant cultural or historic features. This is also true of the two magnetic targets (Schnabel targets #74 and

75) located just to the south of the proposed alignment. These two targets are shallowly buried and present no associated sonar target, and it is unlikely that they represent significant historical features.

Conclusions

Careful analysis of the geophysical data presented has led LCMM archaeologists to recommend that the southern HDD alignment be selected for this project as no identifiable historic features were found during this assessment.

There are a number of known historic vessels sunk across, and adjacent to, the northern alignment as well as a significant amount of unidentifiable debris. The large amount of debris and wreckage in this area made it impossible to gather seismic data in portions of this alignment. These are not issues shared with the southern HDD alignment which does not intersect with known historic features or large quantities of unidentifiable debris. The lack of debris along the southern alignment has also allowed for a more complete picture of the subsurface stratigraphy to be gathered.

LCMM archaeologists recommend that that the Southern HDD alignment will have no impact on significant cultural or historic features in the project area. Any deviation from the alignments provided for this analysis may require a reassessment of their potential impacts on historic features. If unanticipated artifacts or historic features are encountered during the implementation of this project the project personnel will refer to the following Cultural Resource Management Plans:

- *TRC, Champlain Hudson Power Express HVDC Transmission Line Project, Cultural Resource Management Plan, 2015, revised 2021.*
- *Hartgen Archaeological Associates Inc., Supplemental Cultural Resources Management Plan: Champlain Hudson Power Express HVDC Transmission Line Project, Part 1: Putnum to Whitehall (Segments 1 and 2), 2022.*

Regards,



Christopher R. Sabick
Director of Research and Archaeology
Lake Champlain Maritime Museum



Figure 1: Aerial photograph of the project area with both proposed HDD alignments depicted. The northern alignment in red and the southern in yellow. (modified from Schnabel Geophysical survey report, 2022).

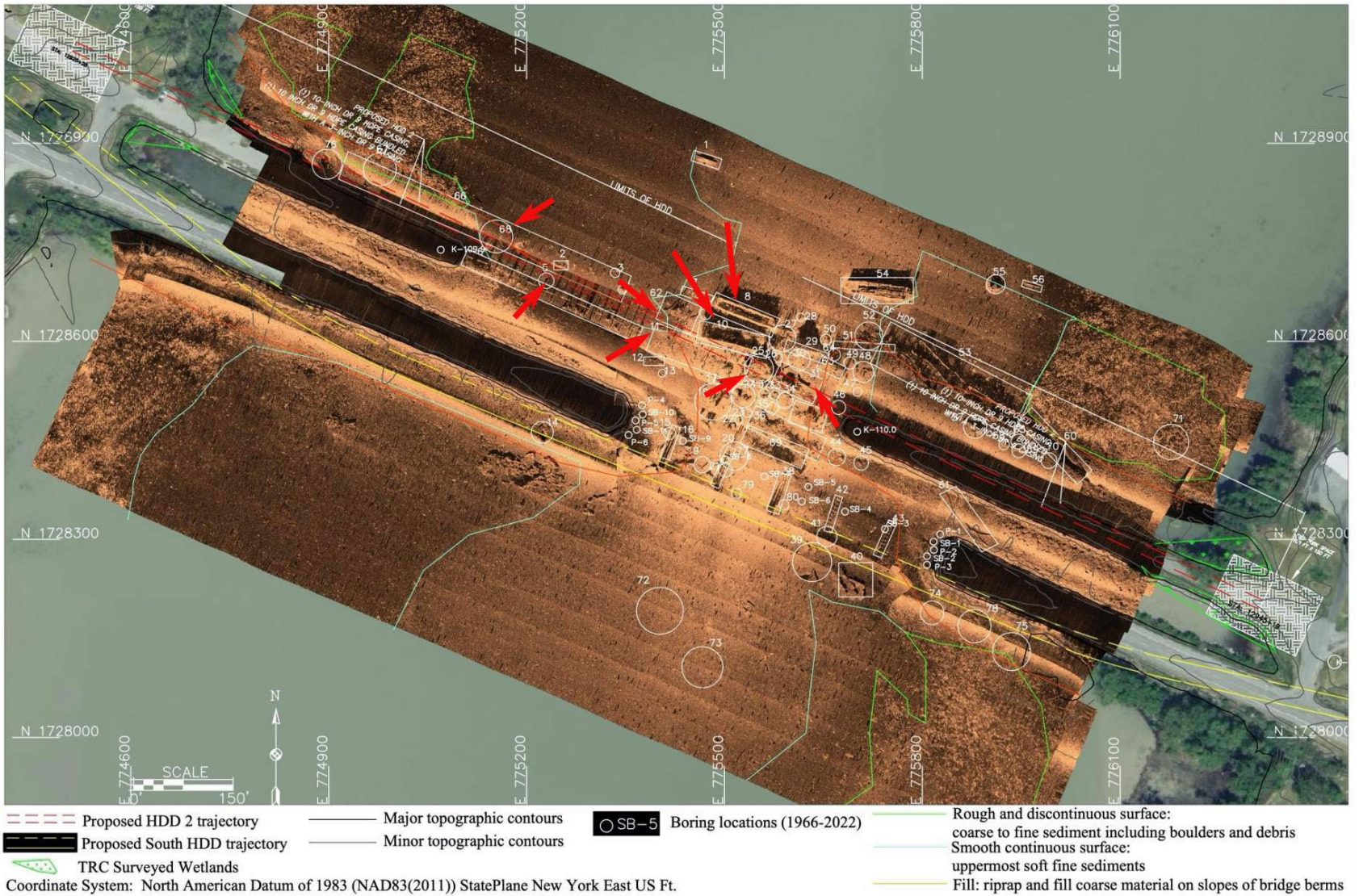


Figure 2: Known historic canal boat wrecks and unidentified debris located in close proximity to the northern HDD alignment indicated with red arrows. (modified from Schnabel Geophysical survey report, 2022).



Figure 3: Side scan sonar and magnetometer targets identified near the southern HDD alignment indicated with yellow arrow (modified from Schnabel Geophysical survey report, 2022).