

# Young / Sommer LLC

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November 17, 2022

Hon. Michelle Phillips, Secretary  
NYS Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223-1350

**Re: Case 10-T-0139: Application of Champlain Hudson Power Express, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City**

Dear Secretary Phillips:

Enclosed please find the Temporary Laydown Yard Environmental Management and Construction Plan (EM&CP) for the electric transmission project known as the Champlain Hudson Power Express Project (the "Project"). This Temporary Laydown Yard EM&CP is submitted by CHPE LLC and CHPE Properties, Inc. (together "CHPE" or the "Certificate Holders") in accordance with the requirements of CHPE's April 18, 2013 Certificate of Environmental Compatibility and Public Need ("Certificate"), issued pursuant to Article VII of the Public Service Law ("PSL") by the New York State Public Service Commission (the "Commission").

The Project is a buried, High Voltage, Direct Current ("HVDC") transmission line extending approximately 339 miles from Montreal, Quebec to a converter station in Astoria, Queens. This EM&CP involves three temporary laydown yards proposed in the Towns of Fort Edward (Washington County), Bethlehem (Albany County) and Athens (Greene County), which will be used for construction staging, marshalling and storage during construction. The EM&CP describes and depicts the specific location of the laydown yards and temporary work areas, work to be performed, plan and profile drawings depicting the Project, and protocols to be used during construction to protect the community and the environment, and to comply with the CHPE Certificate. A revised schedule of EM&CP Segment submissions is included as Table 1.1 in the attached EM&CP Narrative.

While much narrower in scope than prior EM&CP submissions relating to permanent Facility components, the Laydown Yard EM&CP generally follows the format of the previously approved Segments 1 and 2 EM&CP documents, including inclusion of many of the previous approved work plans and appendices (e.g., Invasive Species Control Plan, Spill Prevention and Countermeasures

Control Plan). Efforts were made to maintain consistency across EM&CP documents, to provide clarity to agencies and stakeholders reviewing the documents.

The proposed laydown yards in this EM&CP have been located as much as possible within previously developed or disturbed areas, including areas that are already paved and/or contain gravel surface. Using these locations, CHPE has avoided and minimized adverse environmental impacts to the maximum extent practicable, consistent with its Certificate. The laydown yards proposed are located within upland areas in previously disturbed industrial properties, thereby avoiding impacts to wetland or water resources. Similarly, adverse impacts to other sensitive areas (e.g., cultural resources, sensitive habitats) will be avoided or minimized. There will not be impacts to agricultural land associated with these laydown yards. Due to the planned environmental impact avoidance and minimization, certain sections of the EM&CP have been condensed, where applicable.

The Certificate Holders have circulated notices related to this filing and will serve this filing in accordance with the Certificate. Notices have been published in the official newspapers for each of the Towns in which a proposed laydown yard is located, including the *Post Star* in Glens Falls (November 12, 2022); *The Times Union* (November 16, 2022), *Ravena News Herald* (November 17, 2022) and *Spotlight News* (November 16, 2022); and the *Daily Mail* in Catskill (November 15, 2022). Notices have also been mailed to landowners near the proposed Laydown Yards; posted to the project website; and circulated to Parties to this proceeding via upload to DMM. CHPE reviewed available title information to determine whether there were non-fee title holders of interests in the lands being used for the Laydown Yards who required notice; none were identified. No transmission line trenching or HDD installations are proposed for this EM&CP, therefore no notices to nearby structure owners were required. Proofs of service of notices and of the EM&CP documents, including affidavits of publication in local newspapers, will be submitted under separate cover as soon as they are available.

Lastly, the Temporary Laydown Yard EM&CP includes two documents which are submitted under confidential cover—Appendix O, Cultural Resources Management Plan, which is confidential because it identifies the location of sensitive cultural resources which are protected from disclosure by law, and Appendix T, Rare Threatened and Endangered Species Documentation, which contains some locational information regarding state-listed species which is protected from public release by NY Environmental Conservation Law § 3-0301(2)(r).

Please feel free to reach out to my office with any questions regarding this filing.

Sincerely,

/s/ **Laura Bomyea Darling**  
Laura Bomyea Darling, Esq.  
Young/Sommer LLC  
*Attorneys for CHPE*

Enclosures