

APPENDIX E
CASE 10-T-0139
JUSTIFICATION FOR DEVIATION ZONE EXCURSIONS

1.0 INTRODUCTION

Champlain Hudson Power Express (now CHPE LLC and CHPE Properties, Inc.) (collectively the "Certificate Holders" or "CHPE") hold a Certificate of Environmental Compatibility and Public Need ("Certificate") issued April 18, 2013 by the New York State Public Service Commission ("PSC") pursuant to Article VII of the New York Public Service Law (PSL) to construct and operate the transmission project known as the Champlain Hudson Power Express Project (the "Facility") (PSC Case 10-T-0139). In the April 2013 Order approving the Certificate, and in amendments approved between August 2020 and February 2022, the PSC approved a Facility route, as depicted on a series of maps included as Appendix B of a Joint Proposal reached among the parties to case 10-T-0139 (and as amended).

The Facility route, as depicted on a series of maps included as Appendix B of the Joint Proposal and as amended, consists of a nominal centerline (the "Centerline") and an Allowed Deviation Zone (ADZ). Those portions of the ADZ that are determined to be affected by construction of the Facility, as well as certain areas outside the ADZ that are needed temporarily for site investigation, access, and construction, are referred to hereafter as the "Construction Zone." When the Facility is completed, the Certificate Holders will have land control through fee, easement, or other appropriate interest or through rights granted to use permanent right-of-ways (ROW), and certain adjacent areas as defined in Certificate Condition S8-5, which states:

The portions of the Allowed Deviation Zone to be occupied by the Facility once construction is complete are referred to herein as the Facility ROW. The Certificate Holder shall also acquire and maintain the continuing right to enter onto and use certain additional lands immediately adjacent to the Facility ROW needed for repair and maintenance purposes, including preclusion of vegetative encroachment, on terms prohibiting the owners of such land from taking any action on that land that would interfere with such repair and maintenance activities.

For rights concerning property to be used for permanent facility components or ROW, the Certificate Holders have obtained initial title information, where available and appropriate, and will continue to develop the required title reports in accordance with CC 143.

The Certificate Conditions state that construction of the overland portions of the Facility outside of the ADZ shall be allowed for appropriate environmental or engineering reasons, except where a conflict with other Certificate Conditions would be created (CC 156). The Certificate Conditions require that, should conduit installation work be proposed outside of the ADZ, an explanation for the proposed deviations must be provided pursuant to CC 157. Provided those certain criteria are met, Condition 157 of the Certificate confers discretion on the Public Service Commission to approve, the Environmental Management Construction Plan (EM&CP) filings which include "deviations from the design depth, height, and location of facilities or structures." Specifically, Condition 157 states that deviations "shall be allowed for appropriate environmental or engineering reasons without modification to [the] Certificate, except where a conflict with a specific provision of this Certificate would be created."

As part of the EM&CP filing for Segment 8, the Certificate Holders are proposing minor shifts in the proposed conduit outside of the ADZ at 22 unique locations along the Project Corridor (shown in Attachment 1 – Segment 8 Deviation Zone Excursions Locations figure set). This memorandum provides the required supporting materials necessary for DPS staff to review and approve these minor excursions from the ADZ as part of the EM&CP process. Specifically, this includes:

1. A detailed description of and justification for each excursion from the ADZ based upon appropriate environmental and engineering reasons, including a demonstration that the exceedance is limited to the minimum extent necessary.
2. Confirmation that Certificate Holders either (1) have obtained or will obtain rights to occupy and use the land(s) associated with any such ADZ excursions and the consent of any and all landowners owning any part of the excursion area to the occupancy and use of their land(s) for Facility purposes and are in the process of recording those rights with the appropriate County office, where required, and/or (2) have provided notice to any and all landowners owning any part of the ADZ Excursions with a written offer to such landowner for such rights to occupy and use their land(s) for Project purposes as would be needed for Certificate Holders under Section 11 of the Transportation Corporations Law.
3. A demonstration that any net incremental environmental impacts arising as a result of the construction, operation, and maintenance of the Facility at the excursion areas are not material.
4. A demonstration that installation of the Facility conduits at the ADZ Excursion Areas will not substantially change the overall character of the Facility.

2.0 EXPLANATION FOR PROPOSED EXCURSIONS FROM THE DEVIATION ZONE IN SEGMENT 8

The ADZ in Segment 8 is located almost entirely within the CSX Rail ROW. The Certificate Holders have endeavored to keep the Facility located within the currently approved ADZ; however, adherence to certain CSX requirements and avoiding certain physical limitations and/or obstacles have resulted in necessary shifts in the Facility location. Excursions from the ADZ have been identified at 22 unique locations along the Segment 8 Project Corridor, within the 16.99-mile segment. Table 1-1 below identifies each ADZ Excursion, their location on the Plan and Profile Drawings (Appendix C of the EM&CP), a justification for the excursion, and if there is any change in environmental impact. It is worth noting that some of these excursions consists mainly of construction via trenchless technologies (e.g., horizontal directional drill [HDD]) such that additional earth disturbance or adverse impacts can be avoided. Overall, these changes do not substantially change the overall character of the Facility or the proposed route, which still generally runs parallel to the CSX railroad line as approved in the Certificated Route.

Table 1-1. Deviation Zone Excursions in Segment 8

Deviation Zone Excursion Number	Parcel	Sheet	Location (approximate; see Drawings for Details)		Justification	Change in Environmental Impact
			Stationing Start	Stationing End		
S8-1	48.00-1-12	C-103	50034+75	50035+25	CSX requirement for offset from rail; utility conflicts close to rail	None – no resources present
S8-2	48.17-3-11.11	C-104	50053+00	50058+00	Additional space required for splice #156; rail signal avoidance	None – no resources present
S8-3	58.00-1-2.31	C-108	50107+00	50109+00	Required angle of alignment within HDD approaching I-90 bridge for avoidance due to terrain	None – within HDD
S8-4	58.14-1-4.111	C-109	50123+00	50130+00	Additional space required for splice #158.A	See below
	58.14-1-4.112					
	58.14-1-6					
S8-5	N/A – within CSX ROW	C-110	50135+00	50142+00	CSX requirements for offset from rail	See below
S8-6	70.06-3-1.1	C-111	50155+00	50161+00	Additional pace required for splice #159	See below
S8-7	70.00-3-29	C-112 and C-113	50176+00	50183+00	Additional space required for splice #160	See below
S8-8	7.02-50-507	C-113 and C-114	50194+00	50196+00	Avoid CSX signals at the at-grade crossings	See below
	14.-2-15					
S8-9	14.-2-15	C-114 and C-115	50204+00	50211+00	Additional room required for splice #161	See below
	14.-2-17					
S8-10	26.00-3-34	C-120	50289+00	50298+00	Additional space required for splice #164 and HDD 75.B avoiding 2 CSX culverts	See below
S8-11	26.00-3-35	C-120 and C-121	50299+00	50304+00	Additional space required for splice #164 and HDD 75.B avoiding 2 CSX culverts	See below
S8-12	26.00-3-35	C-121	50307+00	50315+00		None – within HDD

Deviation Zone Excursion Number	Parcel	Sheet	Location (approximate; see Drawings for Details)		Justification	Change in Environmental Impact
			Stationing Start	Stationing End		
	7.02-50-507				HDD angle to avoid CSX high rail abutment structure	
S8-13	38.00-4-9	C-124	50347+00	50357+00	Additional space required for splice #166 and approach to bridge attachment	See below
S8-14	50.00-1-15	C-127 to C-131	50399+00	50455+00	Avoid conflict with Black Creek	See below
	50.00-1-14.11					
S8-15	50.00-1-14.21	C-131 to C-133	50463+00	50493+00	Additional space for various splices; avoid steep embankment; CSX request to place alignment closer to edge of ROW	See below
S8-16	61.00-1-26.3	C-135	50514+00	50525+00	Additional space required for splice #171 and CSX request to be closer to edge of ROW	See below
S8-17	61.00-3-16.1	C-137	50550+00	50551+00	Additional space required for HDD exit/entry pit	See below
S8-18	72.8-1-26	C-141	50605+00	50611+00	HDD angle required to avoid CSX structural wing wall at road crossing	None – within HDD
	72.12-3-1					
	72.12-4-1					
S8-19	72.12-4-10	C-142	50621+00	50626+00	Additional space required for splice location #175	See below
	72.12-4-21					
S8-20	72.00-3-41.2	C-145	50664+00	50670+00	Avoiding impacts to stream with open trench	See below
S8-21	72.00-3-41.611	C-146	50677+00	50688+00	Additional space required for splice #177; additional space needed for HDD entry/exit pits	See below
	72.00-3-41.612					
S8-22	108.00-1-12	C-156 to C-160	50837+00	50901+00	CSX request to place alignment furthest possible from tracks due to future expansion of Selkirk Yard	See below
	108.00-1-13					

The following excursions have been determined to have no or limited additional environmental impact due to the minor nature of the shift, lack of sensitive resources present, or because installation method (e.g., HDD) have allowed for impact avoidance: S8-1, S8-2, S8-3, S8-12, S8-18. Descriptions of the remaining excursions are provided below:

2.1 EXCURSION S8-4

1. Description of the Excursion

Segment 8 Excursion 4 (Excursion S8-4) is located in the Town of Rotterdam just south of the New York State Thruway (I-90) crossing (approximately STA 50124 to 50130 on Sheet C-109 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. At Excursion S8-4, additional space is required for Splice 158.A. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for a total of approximately 675 linear feet. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change, as it is approximately 24 feet perpendicular to the edge of the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – None present within the vicinity of the excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-4 is not in the vicinity of any identified archaeological or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-4 occurs along a vegetated edge of the CSX ROW and encroaches slightly into adjacent private properties. Tree and vegetation clearing would be required within the ADZ at this location and is also required for the excursion. Excursion S8-4 requires the same amount of tree and vegetation clearing for the placement on the conduit in this location. Clearing will be selective and only remove what is required within the Limit of Work (LOW) for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP and any visual buffers will be replaced as required by DPS or private lease agreements.

Threatened and Endangered Species – There are no known rare, threatened or endangered (RTE) species habitat within the vicinity of Excursion S8-4 as identified through consultation with the DEC or USFWS.

Wetlands and Streams – There is one stream (G-R-S-E) which flows through a culvert at this location along the Project Corridor and within the area of the excursion. This culvert is being avoided by trenching around the end of the culvert outfall – similar to what would be proposed should the work not be located outside of the ADZ. Additionally, this excursion is within delineated wetland G-R-E. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would likely be impacted by the permanent placement of infrastructure if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP. Therefore, the proposed ADZ Excursion does not significantly increase impacts to wetlands or streams as compared with the approved ADZ.

2.2 EXCURSION S8-5

1. Description of the Excursion

Excursion S8-5 is located within the Town of Rotterdam beginning about 1,500 feet north of the Guilderland Avenue crossing (approximately STA 50135 to 50142 on Sheet C-110 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

At Excursion S8-5, CSX has requested the alignment be shifted further away from the tracks to avoid conflict with their infrastructure and operations and hug the far edge of the CSX ROW wherever possible. The Segment 8 alignment achieves this at Excursion S8-5 to satisfy the needs of CSX will be placed outside and parallel the ADZ for a total of approximately 655 linear feet. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 25 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of the excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-5 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-5 occurs along a vegetated forest stand along the CSX ROW. The same amount of tree and vegetation clearing is required at this location for the placement of the conduit regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – There are no RTE species within the vicinity of Excursion S8-5 as identified through consultation with the DEC or USFWS.

Wetlands and Streams – This excursion is within wetland G-R-F and G-R-G. These wetlands extend into the ADZ and would be impacted either way. These wetlands were delineated within the Project Corridor and extend outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP. Therefore, the proposed ADZ Excursion does not significantly increase impacts to wetlands or streams as compared with the approved ADZ.

2.3 EXCURSION S8-6

1. Description of the Excursion

Excursion S8-6 is located within the Town of Rotterdam beginning about 550 feet south of the Guiderland Avenue crossing (approximately STA 50155 to 50161 on Sheet C-111 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond to the length of cable on each reel. At Excursion S8-6, additional space is required for Splice 159. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ. for approximately 650 linear feet. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 20 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – None present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-6 is not in the vicinity of any identified archaeological or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-6 occurs along a vegetated forest stand along the CSX ROW. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – There are no RTE species within the vicinity of Excursion S8-6 as identified through consultation with the DEC or USFWS.

Wetlands and Streams – This excursion is within wetlands CH and CI. These wetlands extend into the ADZ and would be impacted should the conduit remain in its original location. These wetlands were delineated within the Project Corridor and extend outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP.

2.4 EXCURSION S8-7

1. Description of the Excursion

Excursion S8-7 is located within the Town of Rotterdam beginning about 1,900 feet north of the County Line Road crossing (approximately STA 50176 to 50183 on Sheet C-112 and C-113 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. At Excursion S8-7, additional space is required for Splice 160. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for approximately 780 linear feet. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 17 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-7 is not in the vicinity of any identified archaeological or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-7 occurs along a vegetated forest stand along the CSX ROW. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – There are no RTE species within the vicinity of Excursion S8-7 as identified through consultation with the DEC or USFWS.

Wetlands and Streams – This excursion is within wetland CK. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP.

2.5 EXCURSION S8-8

1. Description of the Excursion

Excursion S8-8 is located within the Town of Guilderland at the County Line Road crossing (approximately STA 50194 to 50196 on Sheet C-113 and C-114 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

County Line Road will be crossed via open trench at this location. In order to avoid the CSX signals at the at-grade crossings, the alignment has to swing out slightly. This shift puts the alignment just outside and parallel to the ADZ for approximately 400 linear feet. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 16 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-8 is not in the vicinity of any identified archaeological or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-8 occurs along a vegetated forest stand along the CSX ROW and across the paved portion of County Line Road. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – There are no RTE species within the vicinity of Excursion S8-8 as identified through consultation with the DEC or USFWS.

Wetlands and Streams – The northern edge of this excursion is within wetland CK. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP.

2.6 EXCURSION S8-9

1. Description of the Excursion

Excursion S8-9 is located within the Town of Guilderland beginning approximately 900 feet south of the County Line Road crossing (approximately STA 50204 to 50211 on Sheet C-114 and C-115 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reed. At Excursion S8-9, additional space is required for Splice 161. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for approximately 530 linear feet. This

ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 8 feet outside the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-9 is not in the vicinity of any identified archaeological or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-9 occurs along a vegetated forest stand along the CSX ROW. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – There are no RTE species within the vicinity of Excursion S8-9 as identified through consultation with the DEC or USFWS.

Wetlands and Streams – The northern edge of this excursion is within wetland M. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP.

2.7 EXCURSION S8-10

1. Description of the Excursion

Excursion S8-10 is located within the Town of Guilderland beginning approximately 1,900 feet north of the Western Turnpike crossing (approximately STA 50289 to 50298 on Sheet C-120 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. At Excursion S8-10, additional space is required for Splice 164. The splice work area must be placed perpendicular to the alignment and therefore

there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for approximately 820 linear feet. Additionally, the angle needed for HDD 75.B to avoid impacting two CSX culverts is considered beneficial by avoiding impacts to infrastructure. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 14 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – Based on desktop aerial imagery and field confirmation, from STA 20289 to 50291, portions of Agricultural Land S8-2 are located within this excursion, resulting in approximately 420 square feet of additional work within agricultural land.. The location of the alignment has been kept at the edge of the active field and will be restored in accordance with Section 14.5 of the EM&CP. All BMPs of Section 7.1 of the EM&CP will be followed and the land will be able to be used for its current purpose after construction and restoration of the area is complete. This minor temporary impact is necessary due to the justification described above.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-10 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-10 occurs along a vegetated forest stand along the CSX ROW and the very edge of an agricultural field. Tree and vegetation clearing is required only at this location for the splice and that same amount is needed regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. A majority of tree clearing is avoided due to the HDD, providing more of a benefit than an open trench within the ADZ.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-10 as identified through consultation with the DEC or USFWS is bald eagle. No active nests were identified in this area by DEC (the closest is approximately 0.55 miles away), therefore infrastructure and work within the ADZ vs. in Excursion S8-10 results in no difference of impact to the species. Additionally, this excursion does not result in blasting or require the implementation of the DEC's BMPs related to bald eagle with that type of construction.

Wetlands and Streams – The northern edge of this excursion is within wetland S. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland

would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP. Therefore, the proposed ADZ Excursion does not significantly increase impacts to wetlands or streams as compared with the approved ADZ.

2.8 EXCURSION S8-11

1. Description of the Excursion

Excursion S8-11 is located within the Town of Guilderland beginning approximately 1,030 feet north of the Western Turnpike crossing (approximately STA 50299 to 50304 on Sheet C-120 and C-121 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. At Excursion S8-11, additional space is required for Splice 164. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for approximately 450 linear feet. Additionally, the angle needed for HDD 75.B that avoids two CSX culverts causes the alignment leading up to it to be slightly outside the ADZ in this excursion. The avoidance to impact of these streams encased in the culverts is more beneficial than being within the ADZ. This ADZ Excursion request is grounded in environmental and engineering reasons and is the minimum necessary to feasibly achieve the installation while avoiding impacts to streams and conflicts with railroad infrastructure and operations.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 5.5 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-11 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-11 occurs along a vegetated forest stand along the CSX ROW and the very edge of a commercial/industrial paved lot. Tree and vegetation clearing is required only at

this location for the splice and the same amount is needed regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. A majority of tree clearing is avoided due to the HDD, providing more of a benefit than an open trench within the ADZ.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-11 as identified through consultation with the DEC or USFWS is bald eagle. No active nests were identified in this area by DEC (the closest being 0.8 miles away), therefore infrastructure and work within the ADZ vs. in Excursion S8-11 results in no difference of impact to the species. Additionally, this excursion does not result in blasting or require the implementation of the DEC's BMPs related to bald eagle with that type of construction.

Wetlands and Streams – The only delineated wetland within this excursion is wetland S. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The splice work area in this wetland is timber matted to mitigate additional impact from the work to install the splice vault. The area will be restored as described in Section 14 of the EM&CP. Therefore, the proposed ADZ Excursion does not significantly increase impacts to wetlands or streams as compared with the approved ADZ.

2.9 EXCURSION S8-13

1. Description of the Excursion

Excursion S8-13 is located within the Town of Guilderland beginning approximately 1,300 feet north of the Normans Kill Bridge attachment (approximately STA 50347 to 50357 on Sheet C-124 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. At Excursion S8-13, additional space is required for Splice 166. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for approximately 890 linear feet. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 17 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the

Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-13 lies within a Coss High Bluff Prehistoric Site. Hartgen has recommended monitoring in this area for Splice 166 only. The other areas within the excursion have been deemed too wet to be a cultural concern.

Terrestrial Ecology – Excursion S8-13 occurs along a vegetated forest stand along the CSX ROW leading up to the Normans Kill bridge attachment crossing. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-13 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – There is one delineated wetland within Excursion S8-13 – Wetland V. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP. Therefore, the proposed ADZ Excursion does not significantly increase impacts to wetlands or streams as compared with the approved ADZ.

2.10 EXCURSION S8-14

1. Description of the Excursion

Excursion S8-14 is located within the Town of Guilderland beginning approximately 300 feet south of the State Route 146 crossing running along the Northeast Industrial Park (approximately STA 50399 to 50455 on Sheet C-127 to C-131 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Excursion S8-14 is required to avoid impacts to Black Creek, a Class C state-regulated stream, that runs along the eastern edge of the Northeast Industrial Park. If the alignment were to stay within the ADZ, the stream would be impacted. There is no space for construction between the rail tracks and the stream, therefore the alignment has to be placed to the west of the stream between the industrial park and the stream. Due to this avoidance of the stream, the alignment will be placed outside and parallel to the ADZ for approximately 1.1 miles. This ADZ Excursion request is grounded in both environmental and engineering reasons and is the minimum necessary to feasibly achieve the installation without impacting a Class C state-regulated stream.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 120 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-14 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-14 occurs along the edge of the Black Creek running parallel to the Northeast Industrial Park complex adjacent to the CSX ROW. Very minimal tree and vegetation clearing is required due to the area being mostly developed and disturbed. Clearing will be selective and only remove what is required for the construction of the Facility. Some clearing is avoided due to the HDD within this portion of the Project, providing more of a benefit than an open trench within the ADZ.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-14 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – There are two delineated wetlands within Excursion S8-14 – Wetland AA and G-R-SA. These wetlands are entirely avoided by various HDDs, and therefore are not adversely impacted by the excursion.

2.11 EXCURSION S8-15

1. Description of the Excursion

Excursion S8-15 is located within the Town of Guilderland beginning approximately 4,000 feet north of the Stone Road crossing along the southeastern edge of the Northeast Industrial Park (approximately STA 50463 to 50493 on Sheet C-131 to C-133 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Excursion S8-15 is required a few reasons. Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. The splice work areas are placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment. Various splices in this excursion require additional space for this reason. Additionally, there is a steep embankment in this area that causes constructability issues, requiring the alignment to be shifted further out. Lastly, CSX has requested the alignment be shifted further away from the tracks to avoid conflict with their infrastructure and operations and hug the far edge of the CSX ROW wherever possible. The Segment 8 alignment achieves this at Excursion S8-15 to satisfy the needs of CSX. Due to these reasons, the alignment will be placed outside and parallel to the ADZ for approximately 0.58 miles. This ADZ Excursion request is grounded on multiple engineering-related grounds and is the minimum necessary to feasibly achieve the installation without potential adverse impacts to railroad infrastructure and operations.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 15 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none present within the vicinity of Excursion based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-15 is not in the vicinity of any identified archaeological or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-15 occurs along the edge of the Northeast Industrial Park complex adjacent to the CSX ROW. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-15 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – The only delineated wetland within Excursion S8-15 is Wetland G-R-A. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP. Therefore, the proposed ADZ Excursion does not significantly increase impacts to wetlands or streams as compared with the approved ADZ.

2.12 EXCURSION S8-16

1. Description of the Excursion

Excursion S8-16 is located within the Town of Guilderland beginning approximately 1,200 feet south of the Stone Road crossing (approximately STA 50514 to 50525 on Sheet C-135 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Excursion S8-16 is required a few reasons. Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. The splice work areas are placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment. Splice 171 occurs in this excursion, so the splice and the alignment leading to and from it will be outside the deviation zone. Additionally, CSX has requested the alignment be shifted further away from the tracks to avoid conflict with their infrastructure and operations and hug the far edge of the CSX ROW wherever possible. The Segment 8 alignment achieves this at Excursion S8-16 to satisfy the needs of CSX. For these reasons, the alignment will be placed outside and parallel to the ADZ for approximately 990 linear feet. This ADZ Excursion request is grounded on multiple engineering-related grounds and is the minimum necessary to feasibly achieve the installation without potential adverse impacts to railroad infrastructure and operations.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 4 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – Based on desktop aerial imagery and field confirmation, from STA 50514 to 50521, Agricultural Land S8-3 is within this excursion and results in approximately 2,700 square feet of agricultural impact. The location of the alignment and splice work area is on the edge of the active field and will be restored in accordance with Section 14.5 of the EM&CP. All BMPs of Section 7.1 of the EM&CP will be followed and the land will be able to be used for its current purpose after construction and restoration of the area is complete. This minor temporary impact is necessary due to the justification described above.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-16 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-16 occurs along a vegetated forest stand along the CSX ROW and the very edge of an agricultural field. Tree and vegetation clearing is required only at this location for the splice and that same amount is needed regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility.

Threatened and Endangered Species – The RTE species within the vicinity of Excursion S8-16 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – The only delineated wetland within Excursion S8-16 is Wetland CA. This wetland was delineated within the Project Corridor and extends outside of the ADZ. An equal amount of wetland would be impacted by the permanent placement of infrastructure even if the conduit remained within the ADZ. The area will be restored as described in Section 14 of the EM&CP. Therefore, the proposed ADZ Excursion does not significantly increase impacts to wetlands or streams as compared with the approved ADZ.

2.13 EXCURSION S8-17

1. Description of the Excursion

Excursion S8-17 is located within the Town of New Scotland beginning approximately 120 feet south of the Guilderland/New Scotland town line (approximately STA 50550 to 50551 on Sheet C-137 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

An HDD pit exists at Excursion S8-17 to avoid wetland impacts further down the alignment. The pits must be a certain size to accommodate the necessary equipment and personnel to perform the

HDD. The alignment within this HDD work area will be placed outside and parallel to the ADZ for approximately 63 linear feet. This ADZ Excursion request is grounded in both environmental and engineering reasons and is the minimum necessary to feasibly achieve the installation without impacting wetlands.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 1 foot perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – Based on desktop aerial imagery and field confirmation, Agricultural Land S8-4 is within this excursion and results in an additional 131 square feet of agricultural land impact. The location of the alignment and HDD work area is on the edge of the active field and will be restored in accordance with Section 14.5 of the EM&CP. All BMPs of Section 7.1 of the EM&CP will be followed and the land will be able to be used for its current purpose after construction and restoration of the area is complete. This minor temporary impact is necessary due to the justification described above.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-17 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-17 occurs along a vegetated forest stand along the CSX ROW and the very edge of an agricultural field. The excursion does not result in any additional tree and vegetation clearing because the alignment within the excursion occurs in the agricultural field where no vegetation requiring clearing exists.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-17 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – There are no delineated wetlands or streams in the vicinity of Excursion S8-17.

2.14 EXCURSION S8-19

1. Description of the Excursion

Excursion S8-19 is located within the Town of New Scotland, Village of Voorheesville, beginning approximately 1,200 feet south of the Maple Avenue Crossing (approximately STA 50621 to 50626 on Sheet C-142 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. At Excursion S8-19, additional space is required for Splice 175. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for approximately 650 linear feet. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 20 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – none within the vicinity of Excursion S8-19 based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-19 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-19 occurs along the edge of a vegetated patch of land adjacent to the CSX ROW within the Village of Voorheesville. This location for the splice is the only spot where residential space isn't adversely affected. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-19 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – There are no delineated wetlands or streams in the vicinity of Excursion S8-19.

2.15 EXCURSION S8-20

1. Description of the Excursion

Excursion S8-20 is located within the Town of New Scotland beginning at the Youmans Road crossing (approximately STA 50664 to 50670 on Sheet C-145 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Delineated Stream AA (Class C state-regulated stream) is contained within a culvert in this excursion. In order to avoid impact to the stream, the culvert is trenched under, and the resulting angle pushes the alignment slightly outside and parallel to the ADZ for approximately 315 linear feet. This avoidance of impact is more beneficial than keeping the alignment within the ADZ. This ADZ Excursion request is grounded in both environmental and engineering reasons and is the minimum necessary to feasibly achieve the installation without impacting a Class C state-regulated stream.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 19 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – Based on desktop aerial imagery and field confirmation, Agricultural Land S8-5 is within this excursion from STA 50664 to 50667. The location of the alignment is on the edge of the active field that is still slightly woody and shrubby based on aerial imagery. The land will be restored in accordance with Section 14.5 of the EM&CP. All BMPs of Section 7.1 of the EM&CP will be followed and the land will be able to be used for its current purpose after construction and restoration of the area is complete. This minor temporary impact is necessary due to the justification described above.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Hartgen Associates has recommended testing or monitoring at this site for the work outside the ADZ to avoid impacts to cultural resources.

Terrestrial Ecology – Excursion S8-20 occurs along the edge of agricultural land and across the paved asphalt of Youmans Road. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove

what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-20 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – The delineated wetland within this excursion is Wetland FA-Z. The delineated stream is S-AA (Class C). The stream is avoided by trenching under the culvert, as explained in the justification above. The excursion will result in small impacts to the small wetland that surrounds the stream, but the same impact would occur with work inside the ADZ at this location as well. Therefore, the excursion results in no additional impact.

2.16 EXCURSION S8-21

1. Description of the Excursion

Excursion S8-21 is located within the Town of New Scotland beginning approximately 1,000 feet south of the Youmans Road crossing (approximately STA 50677 to 50688 on Sheet C-146 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

Splice vault locations are required at a certain interval (at least every 3,200 feet, approximately) to correspond with the length of cable on each reel. At Excursion S8-21, additional space is required for Splice 177. The splice work area must be placed perpendicular to the alignment and therefore there is not enough space for the splice work area between the tracks and the alignment at this location. Due to this spatial requirement, the alignment leading up to and out of the splice, and the splice itself will be placed outside and parallel to the ADZ for approximately 1,120 linear feet. Additionally, more space is required for the HDD entry/exit pit for the HDD that will avoid culverts and bridge crossings further down the alignment. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 40 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – None within the vicinity of Excursion S8-21 based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Excursion S8-21 is not in the vicinity of any identified archaeologic or historic resources and therefore does not result in any additional impact.

Terrestrial Ecology – Excursion S8-21 occurs along the vegetated edge of the CSX ROW. The same amount of tree and vegetation clearing is required at this location regardless of being in or out of the ADZ. Clearing will be selective and only remove what is required for the construction of the Facility. The area will be restored as described in Section 14 of the EM&CP.

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-21 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – The delineated wetland within this excursion is Wetland FA-S-U. The streams within this excursion are avoided by HDD. The excursion will result in small impacts to the wetland in the splice location and work area, but this same impact would occur with work inside the ADZ at this location as well. Therefore, the excursion results in no additional impact.

2.17 EXCURSION S8-22

1. Description of the Excursion

Excursion S8-22 is located within the Town of Bethlehem beginning approximately 2,600 feet south of the Delaware Turnpike crossing (approximately STA 50837 to 50901 on Sheet C-156 to C-160 of the Plan and Profile Drawings (Appendix C of the EM&CP); see also attached figure set).

2. Justification

CSX has requested the alignment be as far to the edge of the CSX ROW as possible to avoid future conflict with the expansion of the Selkirk Yard. To satisfy this requirement, the alignment has been shifted outside and parallel to the ADZ in this location for approximately 1.2 miles. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation without creating conflicts with railroad infrastructure or operations.

3. Environmental Impact

The anticipated ADZ exceedance constitutes a minor change as it is 140 feet perpendicular to the ADZ at its furthest point; environmental impacts will be minimized, and the overall character of the Facility will not be changed. A detailed impact review and a summary of environmental considerations are provided below.

Agricultural Resources – None within the vicinity of Excursion S8-21 based on desktop aerial imagery and field confirmation.

Cultural Resources – Hartgen Associates performed a review of the Segment 8 alignment and identified areas where the Facility may impact cultural resources (see Table 11-1 of the EM&CP and Appendix O – Cultural Resources Management Plan). Hartgen Associates has recommended testing or monitoring for the portions outside the old sidetrack to avoid impacts to cultural resources.

Terrestrial Ecology – Excursion S8-22 occurs along the vegetated edge of the CSX ROW. Tree and vegetation clearing is required for work both in and outside the ADZ but will require approximately 16,100 square feet of additional clearing for this excursion. Clearing will be selective and only remove what is required for the construction of the Facility. Approximately half of the additional tree clearing is avoided by the HDDs within this excursion (from an estimated 33,120 square feet of additional clearing to the 16,100 square feet noted above).

Threatened and Endangered Species – The only RTE species within the vicinity of Excursion S8-22 as identified through consultation with the DEC or USFWS is northern long-eared bat. Any tree clearing required for the construction of the Project will occur per the approved methods in the EM&CP (e.g., during the winter clearing window, or pending additional agency coordination) in order to avoid impacts.

Wetlands and Streams – There is one delineated stream within this excursion. The stream occurs within the ADZ and outside of it. The more southern portion of this excursion does result in some additional impact to the stream but is necessary due to the justification described above. All BMPs and minimization methods outlined in Section 9.1 of the EM&CP will be utilized.

3.0 CONCLUSION

The adjusted route at the various excursions in Segment 8 presented above do not significantly increase adverse environmental impacts, and some proposed excursions are designed to avoid or decrease impacts to wetlands and Class C state-regulated streams, or to otherwise avoid or reduce potential conflicts with railroad infrastructure and operations. Impacts associated with this work have been minimized and mitigated and can be addressed by the Certificate Conditions already approved by the Commission for the Facility. The deviation requested is necessary for appropriate engineering and environmental reasons and does not conflict with the other Certificate Conditions. The Certificate Holders have kept the proposed excursions to the minimum area necessary to ensure construction of the Facility is feasible, while attempting to reduce impacts and stay within the approved ADZ to the extent practicable.

On that basis, the Certificate Holders respectfully request that DPS Staff approve the excursions from the ADZ with the Segment 8 EM&CP without modification to the Certificate.

In the alternative, should DPS Staff determine that a Certificate modification is required to effectuate any of these changes to the ADZ, Certificate Holders respectfully request that the PSC consider this submission in lieu of a separate petition for a modification, given that this EM&CP submission materially adheres to the same general procedural and substantive requirements which would otherwise be required for such a modification (such as the dissemination of legal notices to affected landowners, notice to the public and host communities, and a robust justification for the changes requested). The ADZ changes will not result in any material increase in environmental impacts from the Facility—and, in fact, are intended to decrease environmental impacts at certain locations—and do not substantially change the location of the Facility for the reasons described in this memorandum. While the Certificate Holders do not believe that the adjustments outline in this memorandum constitute an amendment to the Certificate, should an amendment be necessary, Certificate Holders submit that a hearing is not required or warranted in accordance with PSL Section 123(2).

Attachment 1

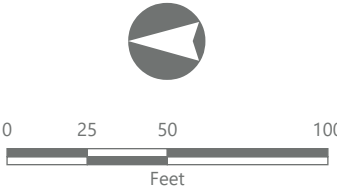
Figure Set

CHPE EM&CP

Schenectady and Albany County,
New York

Deviation Zone Analysis

- Mile Post
- Segment 8 Trench Excursions
- Segment 8 Trench Alignment
- ▭ Deviation Zone



Prepared December 20, 2022
Basemap: Esri "World Imagery" map service

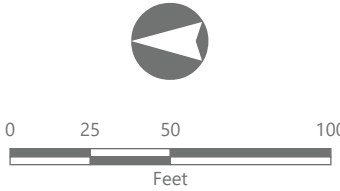


CHPE EM&CP

Schenectady and Albany County,
New York

Deviation Zone Analysis

- Mile Post
- Segment 8 Trench Excursions
- Segment 8 Trench Alignment
- ▭ Deviation Zone



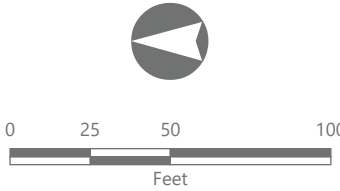
Prepared December 20, 2022
Basemap: Esri "World Imagery" map service

CHPE EM&CP

Schenectady and Albany County,
New York

Deviation Zone Analysis

- Mile Post
- Segment 8 HDD within Deviation Zone
- - Segment 8 HDD Deviation Zone Excursion
- ... Delineated Streams
- ▨ Delineated Wetlands
- ▭ Deviation Zone



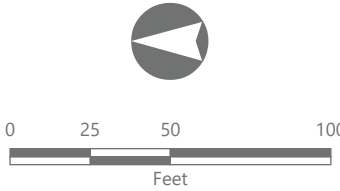
Prepared December 20, 2022
Basemap: Esri "World Imagery" map service

CHPE EM&CP

Schenectady and Albany County,
New York

Deviation Zone Analysis

- Mile Post
- Segment 8 HDD within Deviation Zone
- Segment 8 Trench Excursions
- Segment 8 Trench Alignment
- Delineated Streams
- ▨ Delineated Wetlands
- ▭ Deviation Zone



Prepared December 20, 2022
Basemap: Esri "World Imagery" map service

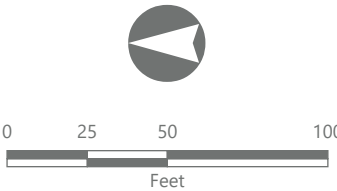


CHPE EM&CP

Schenectady and Albany County,
New York

Deviation Zone Analysis

- Mile Post
- Segment 8 Trench Excursions
- Segment 8 Trench Alignment
- ▨ Delineated Wetlands
- ▭ Deviation Zone



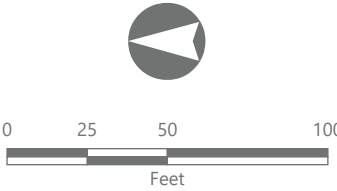
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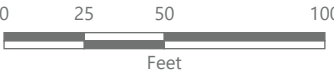
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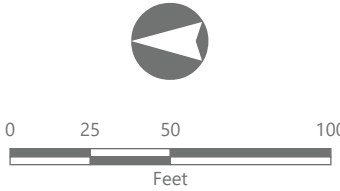


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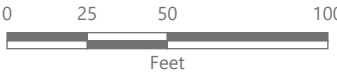
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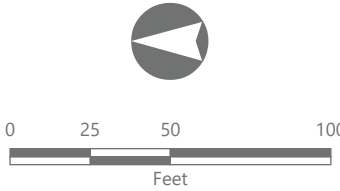
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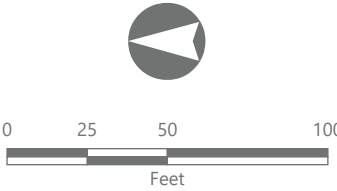
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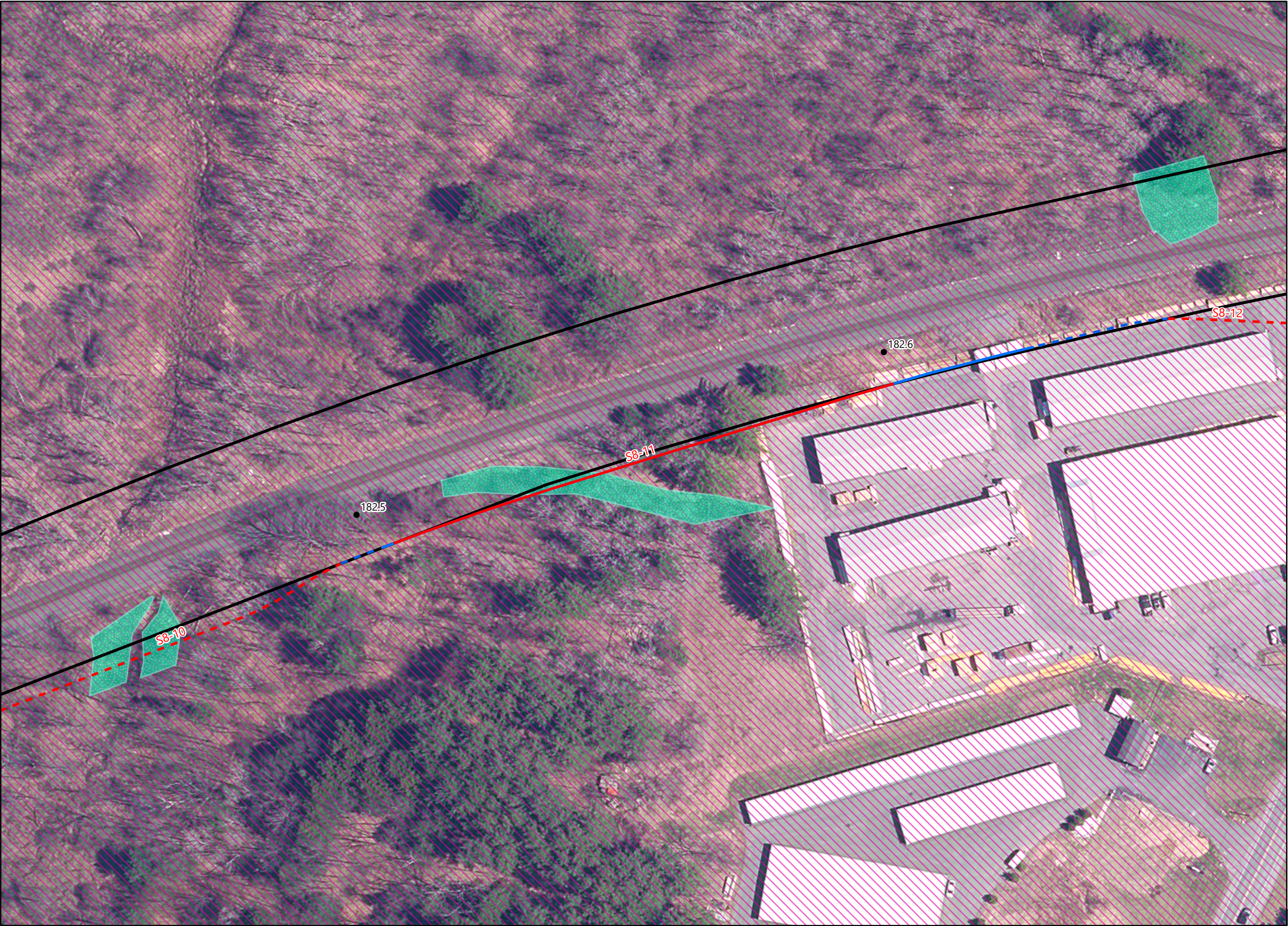
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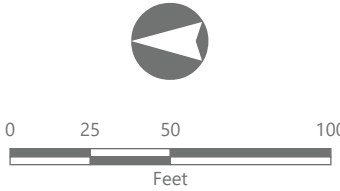
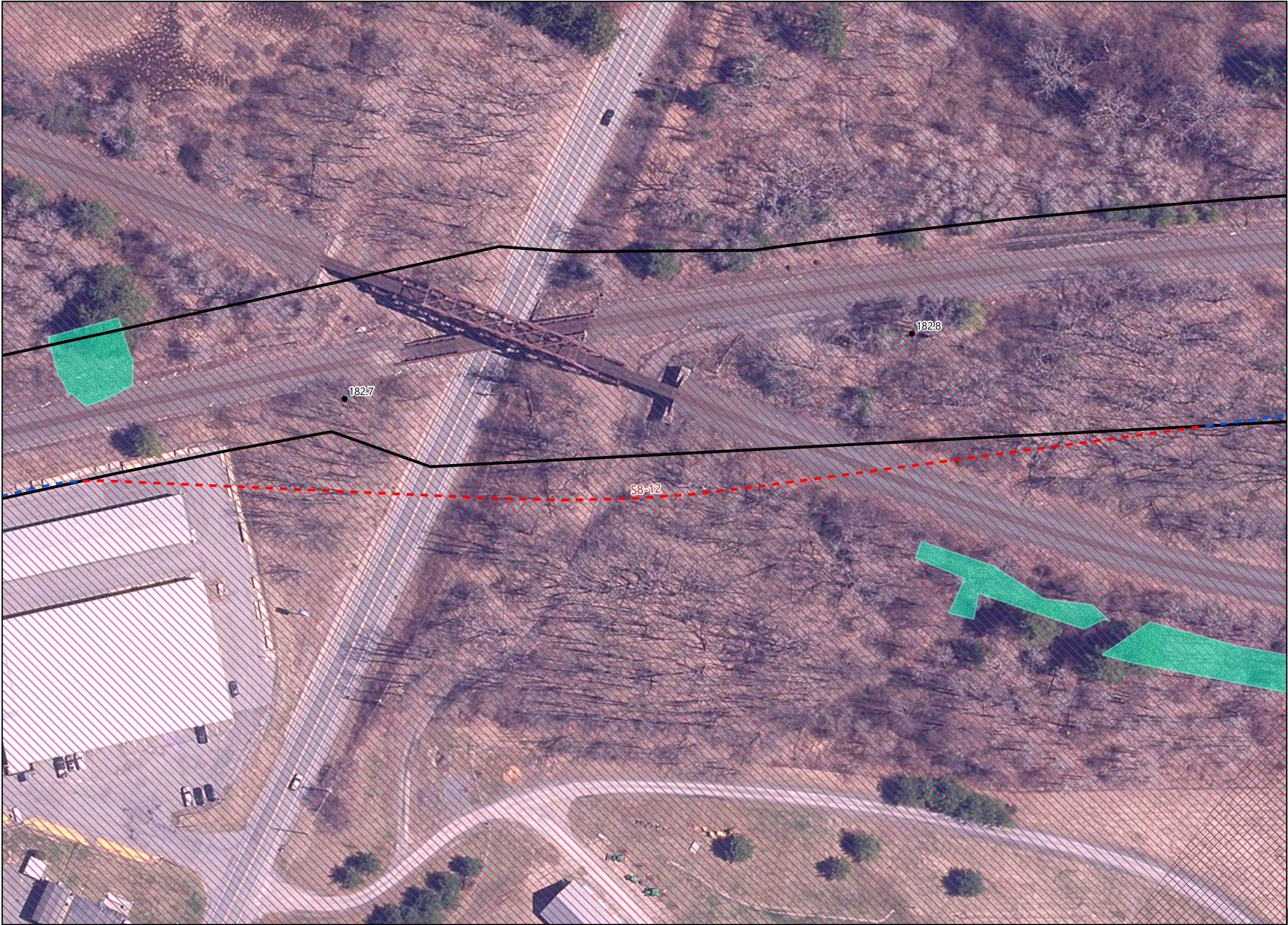


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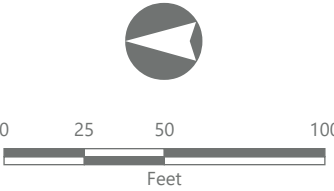
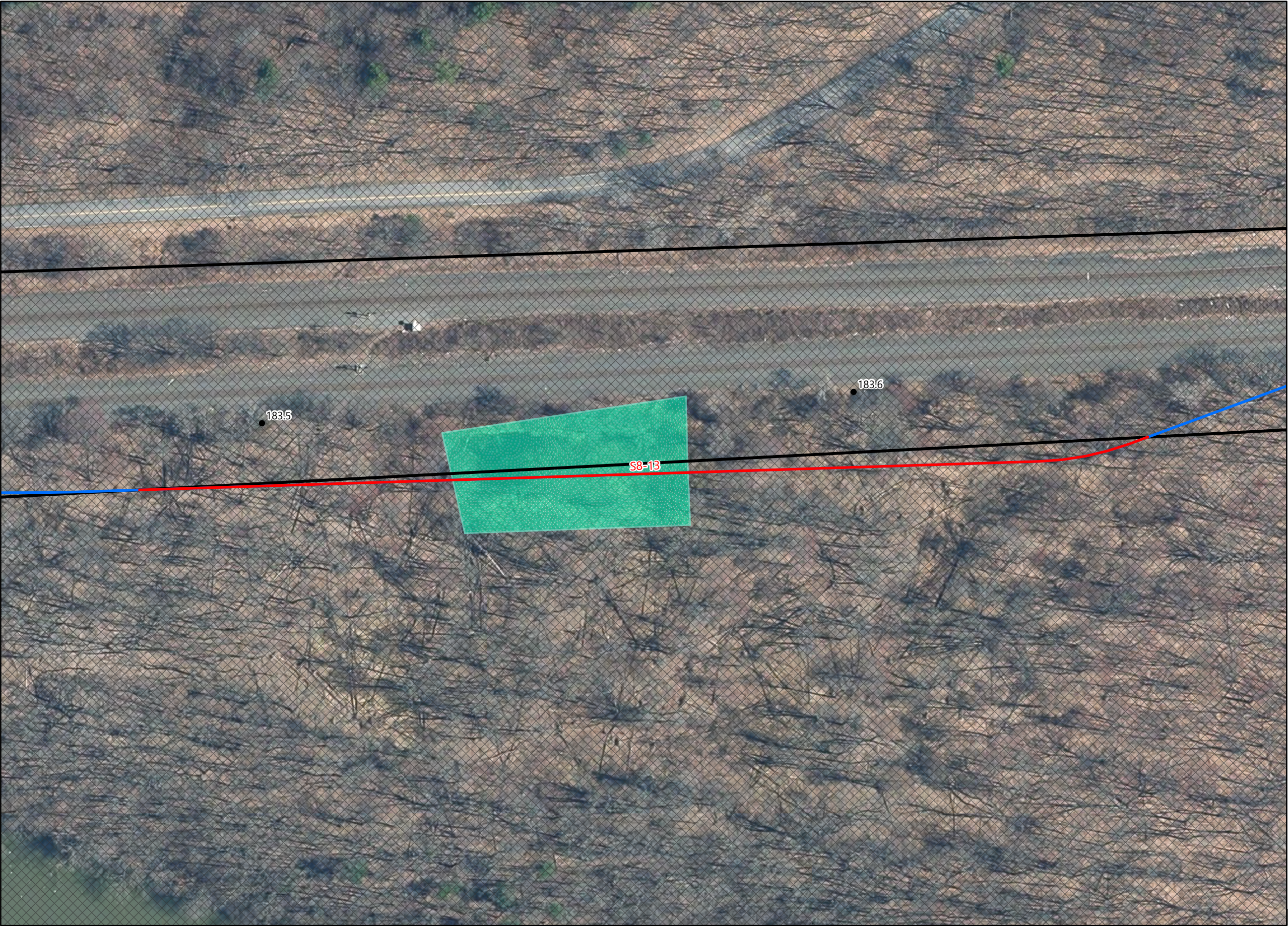
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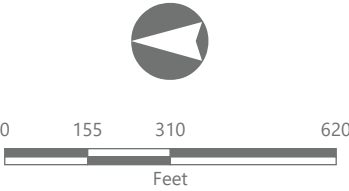
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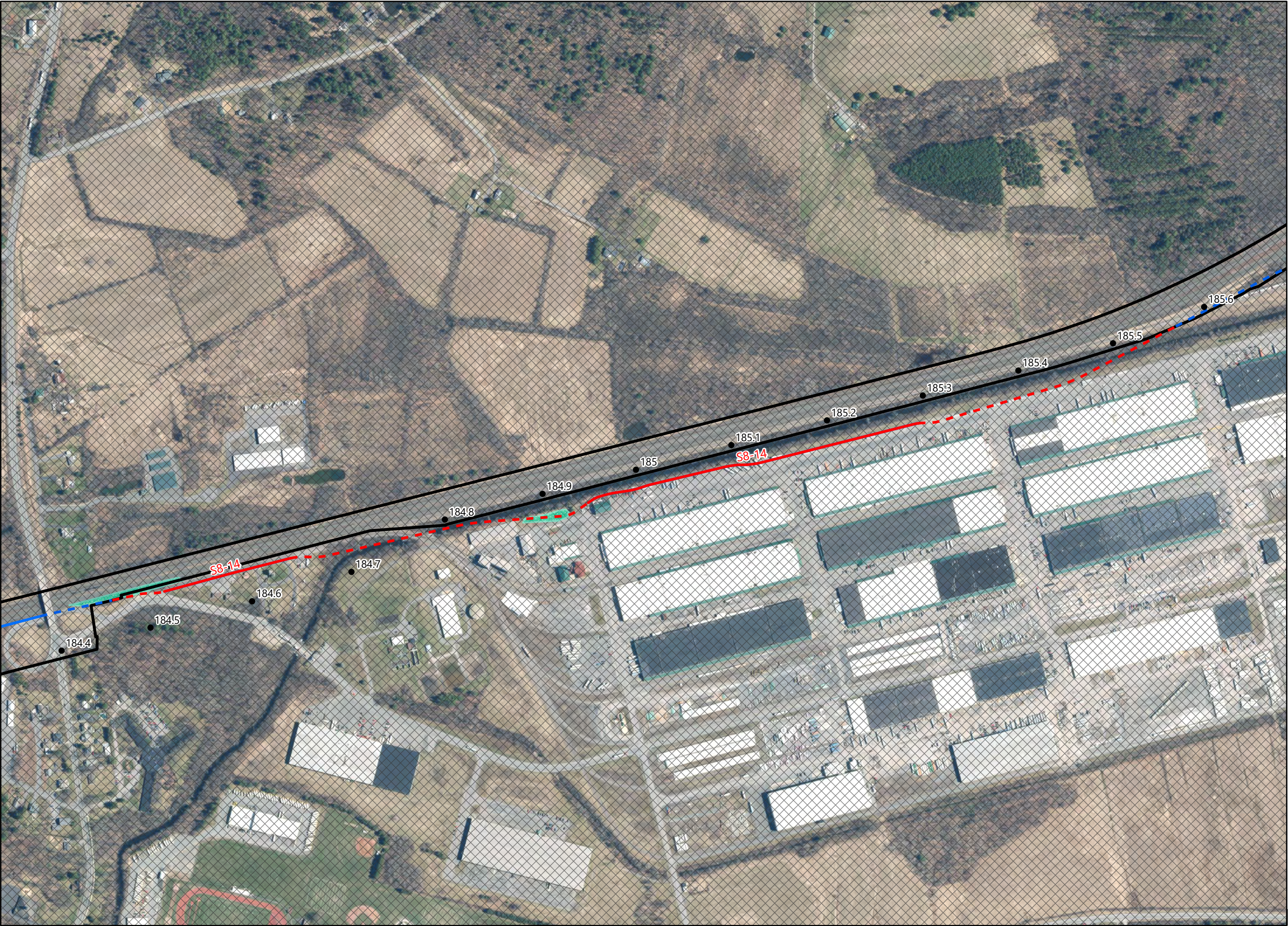
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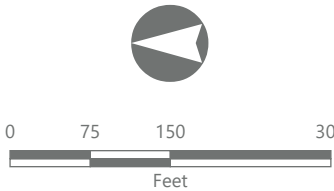


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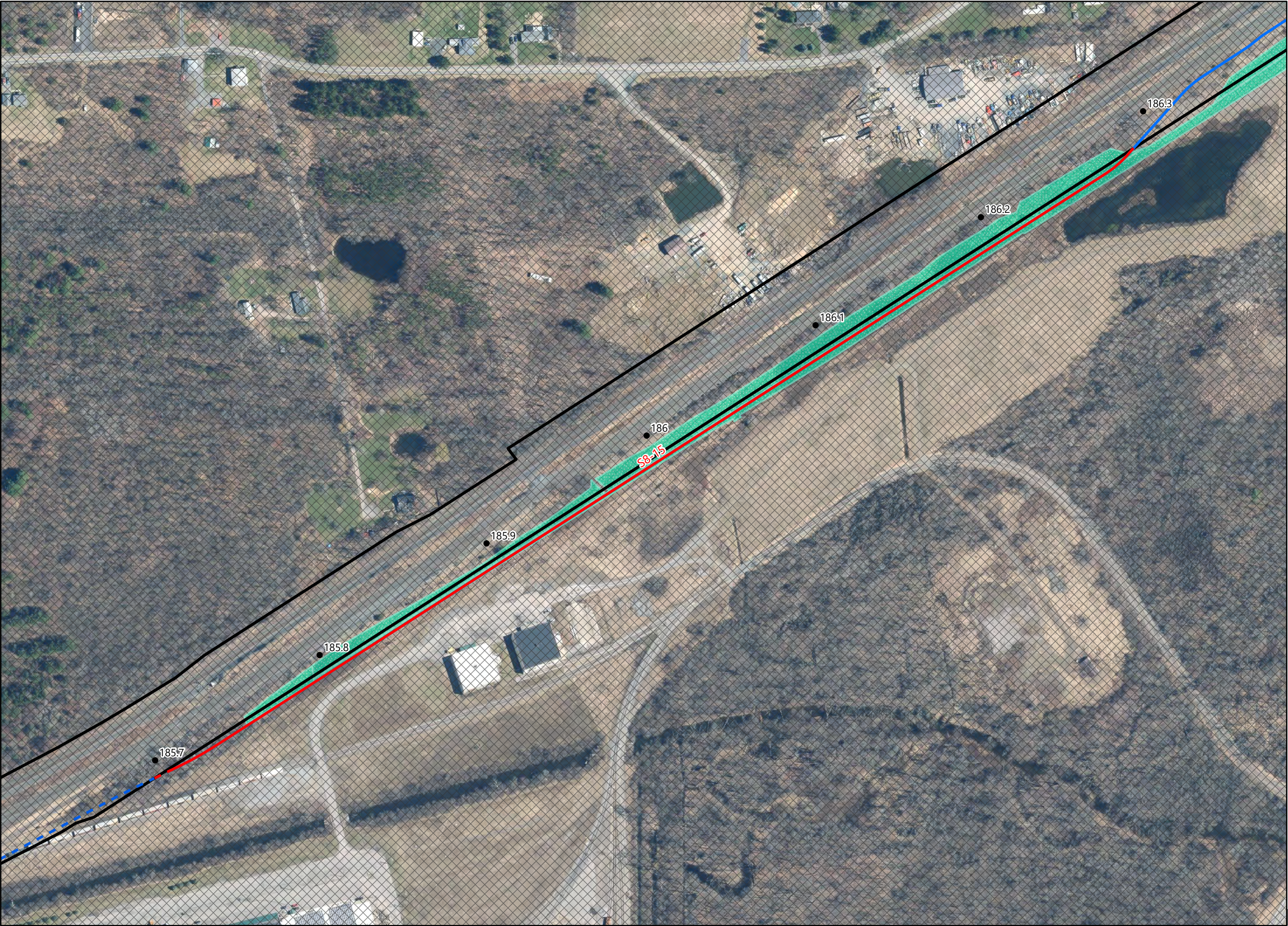
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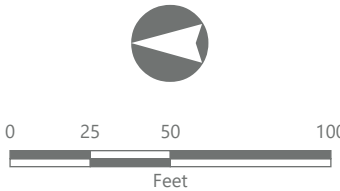


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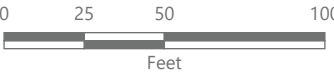
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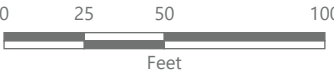


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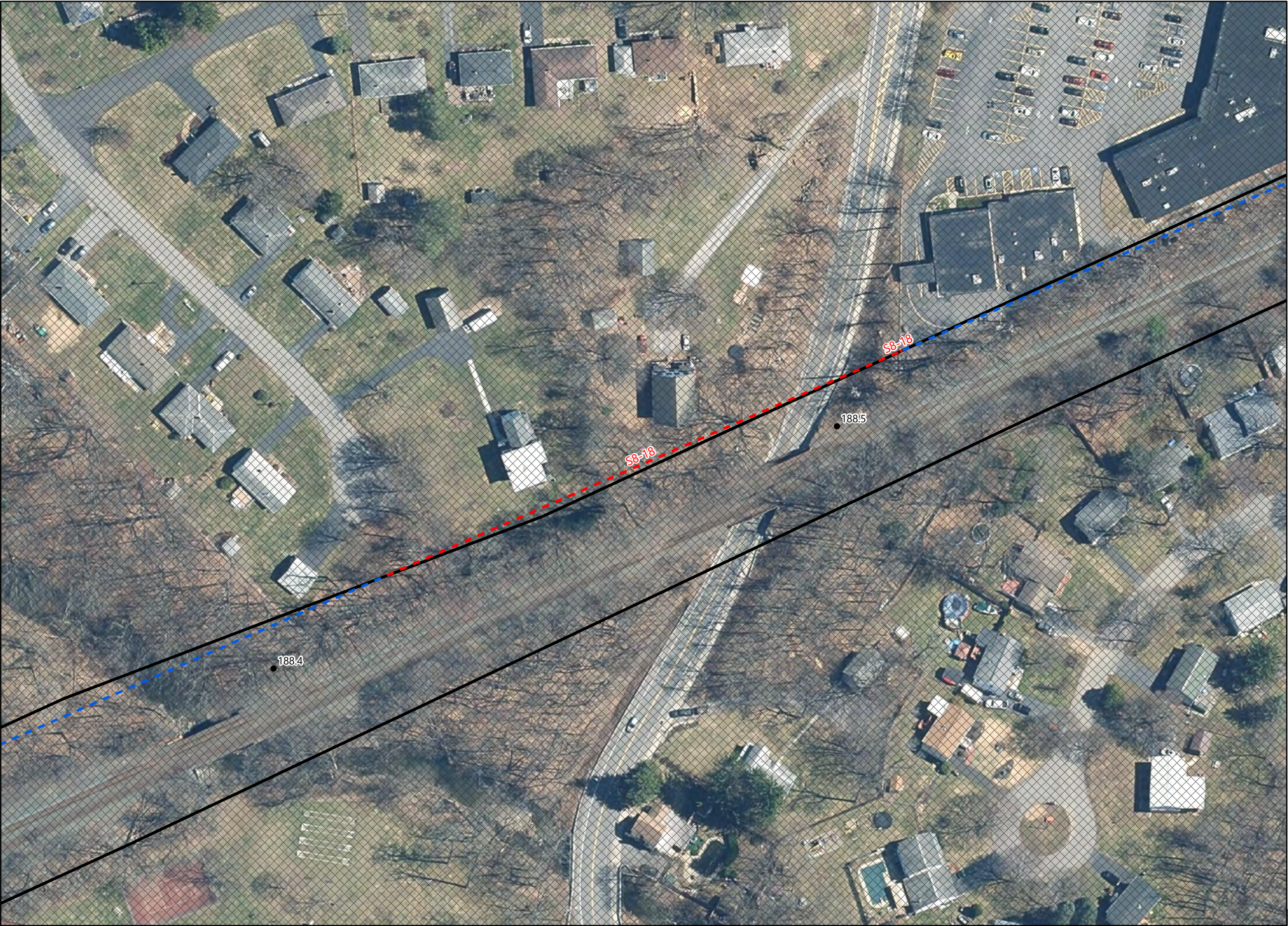
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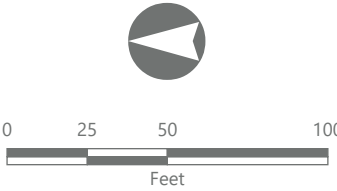


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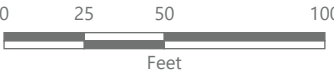
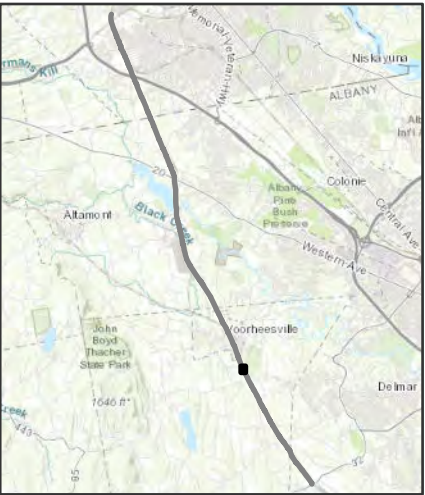
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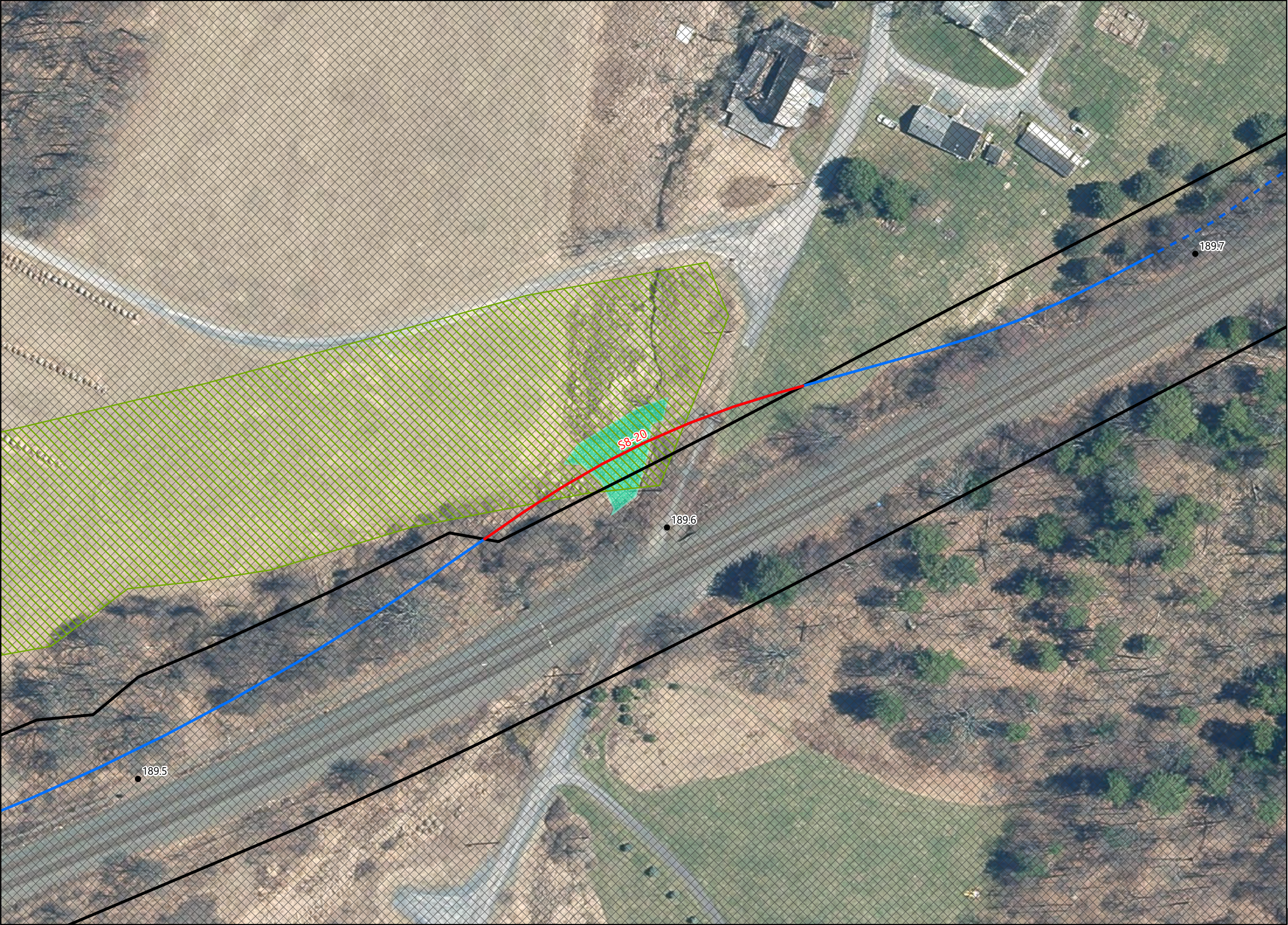
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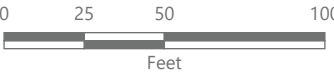
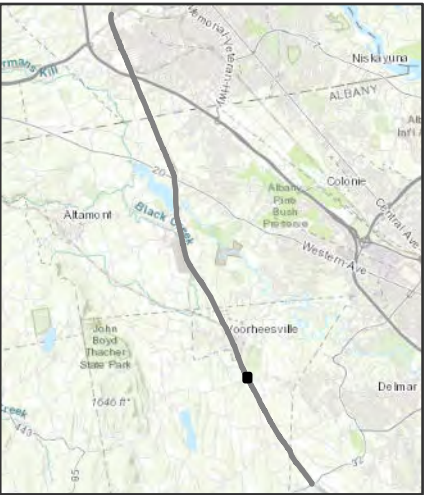


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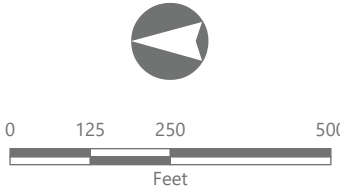
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