

APPENDIX A
AGENCY CORRESPONDENCE
CASE 10-T-0139

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU") effective as of January 3/, 2018 by and among Champlain Hudson Power Express, Inc. ("CHPEI"), the Town of Clarkstown, the Town of Haverstraw, the Village of Haverstraw, the Village of West Haverstraw, and the Town of Stony Point (the "Rockland Host Communities") in Rockland County, New York State (each a "Party", and collectively the "Parties")

WITNESSETH THAT

WHEREAS, CHPEI is developing the Champlain Hudson Power Express Project (the "Project"), a 1,000 MW underground and underwater high voltage, direct current ("HVDC") electric transmission facility extending from the United States' border with Canada to Queens, New York;

WHEREAS, CHPEI is in receipt of all federal and state siting approvals necessary in order to authorize the construction and operation of the Project, namely, a Presidential Permit issued by the U.S. Department of Energy, a permit issued by the U.S. Army Corps of Engineers, and a Certificate of Environmental Compatibility and Public Need issued by the New York State Public Service Commission (the "Article VII Certificate");

WHEREAS, the Project route within Rockland County, as approved by the Article VII Certificate, includes approximately 5.5 miles located on right-of-way property owned by CSX Transportation, Inc. (the "Rail ROW") and approximately 0.5 miles on U.S. Route 9W in the Town of Clarkstown (the "Original Rockland Routing");

WHEREAS, feedback from the local community with regard to the Original Rockland Routing has led CHPEI to develop an alternative routing (the "New Rockland Routing") that will increase the Project route mileage along U.S. Route 9W to a total of approximately 7.1 miles, with an additional 1.1 miles on other

incidental parcels of property and Park Road in Stony Point as such alternative routing is shown in the attached Exhibit "A";

WHEREAS, the New Rockland Routing eliminates reliance on the Rail ROW, with a view towards decreasing environmental, historical, and community impacts and increasing constructability;

WHEREAS, the New Rockland Routing extends along U.S. Route 9W northwards from the Town of Clarkstown through the Villages of West Haverstraw and Haverstraw and the Town of Stony Point;

WHEREAS, making the New Rockland Routing part of the Project design will entail seeking and obtaining an amendment to the Article VII Certificate, and, potentially, amendments to the Project's federal siting approvals (the "Federal Permits");

WHEREAS, CHPEI, the Rockland Host Communities, and engineers and consultants advising or employed by the Rockland Host Communities have reviewed the New Rockland Routing substantially in the form that CHPEI intends to submit to the New York State Public Service Commission (the "PSC") as part of its application for a modification of the Article VII Certificate (the "PSC Application") and, potentially, to the U.S. Department of Energy and the U.S. Army Corps of Engineers as part of applications for amendments to the Federal Permits;

WHEREAS, CHPEI anticipates applying to the Rockland County Industrial Development Agency (the "Rockland IDA") for the financial certainty afforded qualifying projects pursuant to Title 1 of Article 18-A of the New York State General Municipal Law, and, in particular, for a Payment In Lieu of Taxes Agreement, which will ensure that a mutually-agreed to and predictable stream of annual revenue is paid by CHPEI to the Rockland Host Communities and the relevant school districts (the "IDA Application");

WHEREAS, CHPEI believes that endorsement of the Project and the New Rockland Routing by the legislative bodies of the Rockland Host Communities is an essential prerequisite to filing the PSC Application, the IDA Application, and applications for amendments to the Federal Permits;

WHEREAS, CHPEI intends to file the PSC Application in early 2018 and the IDA Application sometime thereafter with on-the-record support from the Rockland Host Communities as provided for herein;

WHEREAS, CHPEI acknowledges that the New Rockland Routing will entail installing the Project cables in local roads and in a state highway that serves as a primary transportation artery extending through a particularly dense and diverse urban and suburban landscape, and such installation will cause temporary disruptions and inconveniences to citizens and businesses;

WHEREAS, recognizing the distinct character of these disruptions and inconveniences, CHPEI has developed a program of community benefits, including \$9 million in streetscape improvements (the "Streetscape Funding") and a Haverstraw Bay Community Benefit Fund in the amount of \$22 million to support capital projects within the Rockland Host Communities (the "Fund");

WHEREAS, specific details regarding the Fund, the Streetscape Funding, and the real property taxes (collectively, the "Benefits Package") to be paid by CHPEI to the Rockland Host Communities and the relevant school districts have been assembled and are set forth in a written proposal, which is attached hereto as Exhibit "B";

WHEREAS, CHPEI is prepared to publicly release the details of the Benefits Package and include it in the PSC Application, with a recommendation that it be incorporated into the terms and conditions of the revised Article VII Certificate;

WHEREAS, the Rockland Host Communities are prepared to publicly announce their support for the Project (including for the New Rockland Routing); and

WHEREAS, the legislative bodies of the Rockland Host Communities have approved the terms of this MOU and have authorized and directed their chief executive officers to subscribe on their behalfs to this MOU;

NOW, THEREFORE, in consideration of the foregoing, the terms stated below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. PUBLIC ANNOUNCEMENT

As soon as possible following execution of this MOU, the Parties will agree upon a joint public statement regarding execution of the MOU. This statement will include expressions of support for the Project (including for the New Rockland Routing) from the Rockland Host Communities and will announce CHPEI's offer of the Benefits Package. The Parties believe that time is of the essence with respect to release of this statement, and they intend to begin work on the text as soon as practicable after this MOU has been signed by all of the Parties.

2. FOLLOW-UP ACTIVITIES

The Parties will cooperate in good faith with respect to implementation of the Benefits Package and preparation and filing of the PSC Application and the IDA Application. Furthermore, in the event that CHPEI determines to file any applications for amendments to the Federal Permits in connection with the New Rockland Routing, the Rockland Host Communities will indicate their on-the-record support for any such applications in a timely manner.

3. CONDITION PRECEDENT

The Parties understand and agree that implementation of the Benefits Package is contingent upon CHPEI undertaking the multi-year Project construction phase, after securing all necessary permits and approvals, including, without limitation, a revised Article VII Certificate approving the New Rockland Routing; obtaining full debt and equity funding for all of the costs of Project construction; and advancing to commercial operations on a timeline that substantially conforms to the anticipated development schedule, which currently calls for construction to commence by 2019. Furthermore, the Parties understand and agree that 50% of the Fund will be made available at the time of the completion of the Project's construction funding (the "First Fund Installment") and the remaining 50% will be made available at the time of initiation of Project commercial operations (the "Second Fund Installment"). The Streetscape Funding will be disbursed during the Project construction period pursuant to agreed-upon protocols, but in no event will any disbursement occur earlier than the date upon which the First Fund Installment is made available. For the purposes of this MOU, "completion of the Project's construction funding" will be deemed to have occurred as of the date upon which

funds sufficient to satisfy all anticipated costs of Project construction have been made available to CHPEI through the securing of equity and debt investments in CHPEI for that purpose and "initiation of Project commercial operations" will be deemed to have occurred as of the date upon which testing and commissioning of the Project is completed, the New York Independent System Operator has been advised of the energizing of the Project, and the first transmission of supply pursuant to a commercial arrangement with a customer or customers has taken place.

4. HANDLING OF AMOUNTS DEPOSITED IN AND EFFECT OF SUSPENSION OF PROJECT DEVELOPMENT ON THE FUND

The Rockland County Host Communities will have discretion regarding the disbursement of their allocable portions of the Fund and the Streetscape Funding, consistent with applicable law and the Benefits Package itself. Neither the First Fund Installment nor the Second Fund Installment shall be refundable. Similarly, disbursed Streetscape Funding shall not be refundable.

5. CONSTRUCTION PERIOD PROTOCOLS

In the preparation and execution of its Project construction program in the Rockland Host Communities, CHPEI will take into account local conditions and appropriately mitigate disruptions and inconveniences to the greatest possible extent.

6. CONSENT TO USE AND OCCUPANCY

To the extent that any of the Rockland Host Communities are the actual owners of any lands, rights-of-way, or other property interests upon which the New Rockland Routing is located, such municipal body hereby consents to the use and occupancy of such lands by CHPEI and the Project.

7. FURTHER ASSURANCES

The Parties agree that they will, at any time and/or from time to time and upon request, do, execute, acknowledge and deliver, or will cause to be done, executed, acknowledged and delivered, all such further acts, instruments, documents, forms,

certificates, and assurances as may reasonably be required for the accomplishment of the purposes of the Parties as set forth in this MOU.

GENERAL PROVISIONS

A. ASSIGNMENT

No Party may assign this MOU without the prior written consent of the other Party, which consent shall not unreasonably be withheld, delayed, or conditioned.

B. GOVERNING LAW AND FORUM

This MOU shall be governed by and construed in accordance with the laws of the State of New York, without regard to the conflict of laws principles thereof, and the Parties irrevocably consent to the exclusive jurisdiction of the courts of the State of New York.

D. AMENDMENTS

No change or modification of this MOU shall be valid unless it is in writing and signed by each and every Party hereto.

E. NO PARTNERSHIP OR AGENCY RELATIONSHIP

Notwithstanding any other provision contained herein, this MOU shall not constitute, create, or imply any partnership, joint venture, agency, or fiduciary relationship between the Parties.

F. COSTS

Each Party shall bear its own costs and expenses in connection with all matters relating to this MOU, including, without limitation, the costs and expenses of its legal and other advisors and internal costs and expenses.

G. LIMITATION OF LIABILITY

Under no circumstances shall a Party or any of their respective officers, directors, members, partners, shareholders, employees, agents, or affiliates be liable for: consequential, incidental, or indirect damages; lost profits or opportunities; increased cost of capital; loss of income, revenue, or use; or other business interruption costs, losses, or damages, regardless of whether the same arise out of

statute or operation of law; sound in tort, contract, or otherwise; or relate to or are the result of any performance, mis-performance, or non-performance of any activity contemplated by this MOU.

IN WITNESS WHEREOF, the Parties have executed this MOU by affixing the signatures of the undersigned duly authorized representatives as of the date appearing in the spaces indicated.

Champlain Hudson Power Express, Inc.



Donald Jessome, Chief Executive Officer

Date: 1/31/18

Town of Stony Point



James Monaghan, Supervisor

Date: 1/24/18

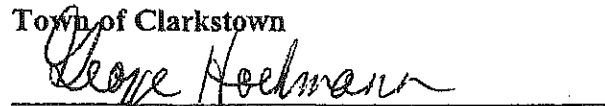
Town of Haverstraw



Howard T. Phillips Jr., Supervisor

Date: 1/24/18

Town of Clarkstown



George Hoehmann, Supervisor

Date: 1/29/18

Village of Haverstraw



Michael F. Kohut, Mayor

Date: January 2018

Village of West Haverstraw



Robert R. D'Amelio, Mayor

Date: January 2018

EXHIBIT A

NEW ROCKLAND ROUTING MAP



0 1,000 2,000 4,000 FT
 1 inch = 2,000 feet
 Project Number: 10-1007
 Date: January 10, 2013
 Prepared by: TDI
 Date: January 10, 2013
 File: TDI_RocklandCounty9W101013.mxd
 GIS: TDI

800' Upgrade Corridor
 Realignment Route
 Village Boundary
 Town Boundary
 Rockland County Tax Parcels

Map # etc. The boundaries and features depicted on this map are approximate and do not represent a legal survey.

Route 9W Upgrade Corridor
Prepared for TDI
 Town of Clarkstown
 New York
 Rockland County
 New York

C.L. BASS ASSOCIATES
 100 COUNTRY HILL DRIVE, SUITE 100, NEW YORK, NY 10019
 (212) 764-1000 • FAX (212) 764-1001 • WWW.CLBASS.COM

EXHIBIT B

ROCKLAND HOST COMMUNITIES BENEFITS PACKAGE

EXHIBIT B

Rockland Host Communities' Benefits Package from Champlain Hudson Power Express, Inc.

INTRODUCTON

CHPEI is the developer of the Champlain Hudson Power Express, a 333-mile, 1,000 MW HVDC underwater and underground transmission line bringing clean, low-cost energy from the U.S.-Canada border to New York City.

This innovative buried Project will provide renewable hydro and wind power to the New York metropolitan area while providing significant environmental and economic benefits to all New Yorkers. The Project will include substantial tax payments, create thousands of new jobs, and drive down energy costs for all New Yorkers, while protecting ratepayers from cost overruns. This privately financed, new energy infrastructure will be operational for decades and provide a critical building block for New York's clean energy future.

In Rockland County, CHPEI proposes to exit the Hudson River in the town of Stony Point and continue along a newly proposed route at essentially the same exit point as the Article VII Certificate's permitted route. Once upland, the cables will be installed via horizontal directional drilling ("HDD") and trenching for approximately 3,400 feet under and along the southeastern portion of the Tilcon quarry and travel 1/3 of a mile down Park Road to U.S. Route 9W. Once on U.S. Route 9W, the Project route will continue south along the road through the Towns of Stony Point and Haverstraw, and through the Villages of Haverstraw and West Haverstraw until connecting with the PSC-approved route in the Town of Clarkstown.

The installation of the Project's cables will be similar to the installation of other municipal services (water, sewer or communication lines) in streets and roads, creating a localized inconvenience to the main thoroughfare through the county during construction.

As part of the Project's installation:

- CHPEI will strive to minimize the inconvenience to businesses and residents due to construction.
- CHPEI will leave the reconstructed U.S. Route 9W in better shape than it found it.
- Once installed and operational, CHPEI will pay annual property taxes without the need for municipal services support.

During the first 40 operating years of the Project, Rockland County Host Communities and schools should expect to receive approximately \$254 million of total benefits, including approximately \$223 million in real property taxes, \$9 million in streetscape improvements and \$22 million in disbursements from the Haverstraw Bay Community Benefit Fund as a direct result of the Project.

Haverstraw Bay Community Benefit Fund

In recognition of the localized inconvenience to a main county thoroughfare during construction, CHPEI will establish a Haverstraw Bay Community Benefit Fund in the amount of \$22 million to support capital projects within the Rockland Host Communities (the Towns of Stony Point, Haverstraw and Clarkstown, and the

Villages of Haverstraw and West Haverstraw). It is proposed that each municipality will share in the fund on a pro-rated basis related to miles along public rights of way, municipal property rights and other factors. See Table 1.1 for the anticipated allocation of the Fund by community.

The following outlines the general terms of the Haverstraw Bay Community Benefit Fund:

1. 50% of the Fund will be available at the Project's financial closing and the remaining 50% of the Fund will be available upon the commencement of commercial operation.
2. Monies from the Fund will be used to support new capital projects only.
3. Projects eligible for funding will be owned/operated by governmental bodies or non-profit organizations.
4. Each Rockland Host Community will establish protocols for identifying, reviewing, choosing and monitoring funded projects.
5. Payments made to the Rockland Host Communities are non-refundable.

Streetscape Improvements

As part of the construction of the Project, CHPEI will provide an estimated \$9 million for road improvements and beautification projects (Streetscape Funding) along the Route 9W corridor comprising the Project route in the Town of Stony Point and the Villages of Haverstraw and West Haverstraw. Eligible streetscape improvements include, but are not limited to, new curbing, new sidewalks, new street lighting, benches and plantings. The intent of the Streetscape Funding is to mitigate impacts from the temporary construction of the CHPE to the residential neighborhoods and businesses districts along the Route 9W corridor. Following the transmission line construction, TDI will be responsible for curb to curb repaving and the repair of any construction related damage to curbs or sidewalks. In turn, Streetscape funds must be utilized to improve the 9W corridor for the affected users. From the \$9 million Streetscape Funding, CHPEI will allocate the fund as follows: \$2,914,286 to the Town of Stony Point, \$2,228,572 to the Village of West Haverstraw and \$3,857,142 to the Village of Haverstraw to be used for eligible streetscape improvements. See Table 1.1 for the direct allocation of the Streetscape Funding by community. Specific improvements will be determined by the Rockland Host Communities in consultation with businesses, residents and other stakeholders in the 9W corridor.

For the purposes of this agreement, the Route 9W corridor is defined as the Route 9W roadway, sidewalks and immediately adjacent properties, or on roadways or streets intersecting with Route 9W extending no further than 800 feet to the east or west of Route 9W's centerline. A map depicting the geographic area where Streetscape Funding shall be used is attached.

Implementation of eligible streetscape improvements will be done in coordination with CHPEI so as not to interfere with construction of the CHPE.

Table 1.1 Fund and Streetscape Improvements for Municipalities

MUNICIPALITY	FUND	STREETSCAPE FUNDING	TOTAL
TOWN OF STONY POINT	\$5,300,000	\$2,914,286	\$8,214,286
TOWN OF HAVERSTRAW	\$6,800,000	\$0	\$6,800,000
VILLAGE OF WEST HAVERSTRAW	\$2,500,000	\$2,228,572	\$4,728,572
VILLAGE OF HAVERSTRAW	\$3,500,000	\$3,857,142	\$7,357,142
TOWN OF CLARKSTOWN	<u>\$3,900,000</u>	<u>\$0</u>	<u>\$3,900,000</u>
TOTALS	\$22,000,000	\$9,000,000	\$31,000,000

Estimated Taxes

CHPEI's engineers and financial team have determined the portion of the Project (in miles and in capital cost) located in each taxing authority. Along with our counsel, Barclay Damon, we have also gathered current tax rate information from each taxing authority. The total tax amounts discussed below are the product of a) the total capital cost of the project located in each taxing authority multiplied by b) the relevant tax rate.

Based on CHPEI's initial analysis, the Project is expected to generate approximately \$4,110,000¹ of property tax revenue in Rockland Host Communities in the first year of operations.

CHPEI expects the total tax revenue to increase moderately year over year. For discussion purposes, we have assumed 1.5% growth per annum, which results in a total of approximately \$223 million over the first 40 years of operations.

Table 1.2 Estimated Taxes

TAXING AUTHORITY	ESTIMATED TAXES YEAR 1 OPERATIONS ¹
ROCKLAND COUNTY	\$ 195,000
TOWN OF STONY POINT	\$ 250,000
TOWN OF HAVERSTRAW	\$ 615,000
VILLAGE OF WEST HAVERSTRAW	\$ 95,000
VILLAGE OF HAVERSTRAW	\$ 255,000
TOWN OF CLARKSTOWN	\$ 160,000
NORTH ROCKLAND CENTRAL SCHOOL	\$2,040,000
CLARKSTOWN CENTRAL SCHOOL	<u>\$ 500,000</u>
TOTAL	\$4,110,000

¹ Based on initial analysis of November 2017 and includes county, town, village and school estimated taxes.

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

April 22, 2022

Nicole Frazer
CHA
III Winners Circle
Albany, NY 12205

Re: Champlain Hudson Power Express - Phase 2 - Package 7a
County: Rockland Town/City: Clarkstown, Haverstraw, Stony Point

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 along the project alignment or in its vicinity.

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 Division of Environmental Permits.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



The following state-listed animals have been documented along the Champlain-Hudson Power Express Phase 2 Package 7a alignment.

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

For more information, including any permit considerations for the project, contact the NYSDEC Division of Environmental Permits.

The following species has been documented nesting within one mile of the project alignment, or closer, in several locations in the Towns of Stony Point, Haverstraw, and Clarkstown.

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

Nesting within 125 yards of the project alignment in the Town of Stony Point.

Nesting within one mile of the project alignment in the Town of Haverstraw.

Nesting within 1/4 mile of the project alignment in the Town of Clarkstown, and within 200 yards of the southern entry of the alignment into the Hudson River.

Stony Point and the adjacent Hudson River are documented regular locations for wintering bald eagles.

The following species have been documented in the Hudson River, at both ends of the project alignment.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	Endangered
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	No Open Season	Endangered

This stretch of the Hudson River has also been documented as supporting overwintering juvenile shortnose sturgeon.

This report only includes records from the NY Natural Heritage 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 and significant natural communities have been documented along the Champlain-Hudson Power Express Phase 2 Package 7a alignment.

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 SEQRA. Field surveys of the project site may be necessary to determine the status of a species 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 plants are listed as Endangered or Threatened by New York State, and are a vulnerable natural resource of conservation concern.

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.

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
Oak-Tulip Tree Forest			Rare Community Type
<p>Adjacent to the project alignment south from the intersection of NYS Routes 9W and 303 in the Town of Clarkstown; then when the project alignment turns sharply from the road, it crosses through parts of the forest at it heads to the Hudson River, and the forest occupies the river shore at the alignment's entry to the river. This is a mature forest of moderate size with several nice, large tree patches within a roughly 1600 acre natural area (not including the adjacent river) along the west bank of the lower Hudson River.</p>			
			3150
<p>The following natural community and rare plants occur at High Tor State Park on the ridge overlooking the project alignment.</p>			
Rocky Summit Grassland			High Quality Occurrence of Rare Community Type
<p>High Tor: Very diverse, good native species composition and moderate impact from trails. This occurrence is comprised of many small patches, regularly spaced along a diabase (traprock) ridgeline. There are few exotics. The landscape is relatively mature and in good condition.</p>			
			9782
Basil Mountain Mint	<i>Pycnanthemum clinopodioides</i>	Endangered	Critically Imperiled in NYS and Globally Rare
<p>High Tor, 2011-08-18: The plants are found on a south-facing slope in a rocky summit grassland and Appalachian oak-hickory forest (growing mainly in the woodland) on trapp rock in the Palisades.</p>			
			5186
Torrey's Mountain Mint	<i>Pycnanthemum torreyi</i>	Endangered	Critically Imperiled in NYS and Globally Rare
<p>High Tor, 2011-08-18: The plants are found on a south-facing slope in a rocky summit grassland and Appalachian oak-hickory forest (growing mainly in the woodland) on trapp rock in the Palisades.</p>			
			5134

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.

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/97703.html for Ecological Communities of New York State.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov



In Reply Refer To:

December 14, 2022

Project Code: 2022-0072199

Project Name: CHPE Package 7B - Segment 12

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)).

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Note: IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

Long Island Ecological Services Field Office

340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

Project Summary

Project Code: 2022-0072199
Project Name: CHPE Package 7B - Segment 12
Project Type: Transmission Line - New Constr - Below Ground
Project Description: CHPE Package 7B - Segment 12
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.200006599999995,-73.98292055221586,14z>



Counties: Rockland County, New York

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Laura Darling

From: Laura Darling
Sent: Wednesday, August 3, 2022 2:51 PM
To: Smith, Matthew (DPS); Maraglio, Matthew (DOS); sita.crounse; Behnke, Heather (DPS); Drexler, David (DPS); Gaidasz, Karen M (DEC); Rahm, Patrick J (DEC)
Cc: Josh.Bagnato; Michael Main; Ayokunle KAFI
Subject: Case 10-T-0139, CHPE Packages 3, 5B, 6, 7A, 7B, and 8 Wetland Delineation Reports and Waterbody Inventories

Dear DPS, DEC, and DOS Staff,

Pursuant to Certificate Conditions 113(a) and 114(a), below is a link to files included in the Wetland Delineation Reports for packages 3, 5B, 6, 7A, 7B and 8 of the Champlain Hudson Power Express (CHPE) transmission line, including Shapefiles. 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 and DOS. These segments are not located in the Adirondack Park, therefore the APA is not included in this distribution.

The geographic scope of these segments are as follows:

Package 3 – Fort Edward to Milton (26.5 miles along CP rail corridor starting in Town of Kingsbury and extending to Town of Ballston Spa)

Package 5B – Bethlehem (5.3 miles starting in Bethlehem along NYS Route 32, West Yard Road, and other areas in the Town)

Package 6 – Selkirk to Catskill (beginning Town of Bethlehem and extending approximately 20.8 miles on CSX rail line through Towns of Coeymans, New Baltimore, Cocksackie, Athens and Catskill)

Package 7A – CSX Railroad Catskill (extending 8.7 miles along CSX railroad starting in Catskill then running along Allen Street, Route 9W and Alpha Boulevard to the west bank of the Hudson River)

Package 7B – 9W Rockland (7.6 miles beginning in Haverstraw and extending along several state and local roads)

Package 8—Bronx to Astoria (2.13 miles – areas near the Harlem and Hudson Rivers in New York City) – *Please note there are no shapefiles for Package 8, as there were no wetlands identified.*

We anticipate filing the EM&CP for these segments in the fall of 2022.

The reports and related shapefiles can be accessed here:

 [CHPE Packages 3, 5B, 6, 7A, 7B and 8 Wetland and Waterbody Reports and Shapefiles](#)

Please feel free to reach out with any questions, or if you have difficulty accessing the documents.

Sincerely,

Laura Bomyea Darling
 Associate Attorney

Young / Sommer LLC
ATTORNEYS AT LAW

12/13/2022

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.

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 (*Lycaeides 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)



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 NYSEERDA, NYSDOT will provide the following conditional acceptance for the proposed CHPE installation. It should be noted that any/all conceptual approvals do not reduce or change the obligations for TDI to complete the full HWP application process and continue community outreach efforts, including reacting to community feedback.

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

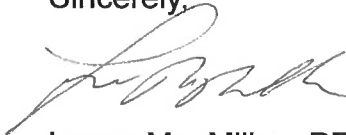
- The proposed general alignment within the Route 9W corridor appears feasible and is deemed satisfactory subject to further detailed engineering plans to be submitted as part of the HWP application.
- NYSDOT has reviewed the proposed cable trench for installation within the travel lanes, turning lanes,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

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

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

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

Sincerely,

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

Lance MacMillan, PE
Regional Director,
NYSDOT Region 8

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

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

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)

