

APPENDIX E

CASE 10-T-0139

JUSTIFICATION FOR DEVIATION ZONE

EXCURSIONS IN SEGMENT 12

1.0 Introduction

CHPE LLC and CHPE Properties, Inc., (collectively "CHPE" or the "Certificate Holders") are the holders of a Certificate of Environmental Compatibility and Public Need (the "Certificate") issued 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) on April 18, 2013. This Certificate incorporates the terms of a Joint Proposal and associated Certificate Conditions (CCs) negotiated with parties to the proceeding and establishes an approved route for the CHPE Facility.

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 rights-of-way (ROW)s, and certain adjacent areas as defined in Certificate Condition #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 all rights concerning property comprising the Facility ROW, the Construction Zone, off-ROW-access, storage or staging areas, or similar areas, the Certificate Holders have obtained or are in the process of obtaining initial title information and will continue to develop the required title reports in accordance with CC 143. Details of Facility ownership and easements are outlined in Table 4-4 of the EM&CP.

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). Further, CC 157 requires that an explanation must be provided should cable installation work occur outside of the ADZ. Provided that certain criteria are met, CC 157 confers discretion on Department of Public Service

(DPS) Staff to accept and review, without modification to the Certificate, Environmental Management & Construction Plan (EM&CP) filings which include design deviations, including deviations regarding location of facilities or structures. Specifically, CC 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 12, the Certificate Holders are proposing minor work outside of the ADZ along the Segment 12 Project Corridor (shown in Attachment 1 – Segment 12 Deviation Zone Excursions 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 excursion is limited to the minimum extent necessary.
2. Confirmation that Certificate Holders have obtained 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 that the Certificate Holders are in the process of recording those rights with the appropriate County office.
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 are not material.
4. A demonstration that installation of the Facility cables at the excursion will not substantially change the location of Facility components or structures and does not otherwise conflict with the other Certificate Conditions.

2.0 Explanation for Proposed Excursions from the Deviation Zone in Segment 12

The ADZ in Segment 12 is located predominately within existing ROWs of Route 9W and intersecting roads. The Certificate Holders have endeavored to keep the Facility located within the currently approved ADZ; however, certain physical limitations and obstacles have resulted in necessary shifts in the Facility location. Excursions from the ADZ have been identified at 17 unique locations along the Segment 12 Project Corridor. Table 1 identifies each excursion, its 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 resulting from the deviation (see also Table 1-3 of the EM&CP).

Table 1. Excursions from the Deviation Zone in Segment 12

Excursion	Parcel ID	Location (Approximate – see Drawings for Details)			Justification for Revision	Environmental Impact Reviewed
		Sheet	Station Start	Station End		
S12-1	15.02-4-59	C-100	72495+00	72498+50	Transition Vault 3; End Marine HDD, Begin Segment 12	Terrestrial Ecology, ESA 1
S12-2	15.02-4-50	C-101	72498+50	72500+00	Transition Vault 3; End Marine HDD, Begin Segment 12	Cultural Resources; Recreation, Terrestrial Ecology, ESA 1
S12-3	15.19-2-45	C-102	72526+50	72528+50	Splice Vault 245	Cultural Resources, ESA 1
S12-4	15.19-2-75	C-103	72539+50	72539+50	Splice Vault 245A	ESA 1
S12-5	20.07-3-68, 20.07-3-67, 20.07-3-66	C-104	72558+00	72559+25	Splice Vault 246	None
S12-6	20.07-3-64	C-105	72561+50	72563+00	Splice Vault 246	None
S12-7	20.07-3-63	C-105	72563+00	72563+00	Splice Vault 246	None
S12-8	20.02-11-31./300 20.02-11-30 20.11-3-1	C-106	72584+00	72586+00	Splice Vault 246B; HDD 126 work area	None
S12-9	20.15-3-1 20.19-1-1 20.19-1-4 20.19-1-3	C-108	72609+00	72619+00	HDD Work Area; Avoidance of subsurface utilities	ESA 1
S12-10	20.19-4-16, 20.19-4-17, 26.07-5-70	C-109 – C-110	72630+50	72640+00	Splice Vault 247; HDD Work Area; Avoidance of subsurface utilities	ESA 1

Excursion	Parcel ID	Location (Approximate – see Drawings for Details)			Justification for Revision	Environmental Impact Reviewed
		Sheet	Station Start	Station End		
S12-11	26.07-3-25 26.11-1-12.4 26.11-1-12.3 26.11-1-12.2	C-111	72651+00	72659+00	HDD workspaces; avoidance of subsurface utilities	None
S12-12	26.51-1-51	C-112	72675+00	72676+00	Splice Vault 248; HDD workspace; avoidance of subsurface utilities	ESA 1
S12-13	26.51-1-49	C-112 – C-113	72678+50	72681+00	Splice Vault 248; HDD workspace; avoidance of subsurface utilities	ESA 1
S12-14	27.61-1-3.1	C-115	72711+00	72714+00	Splice Vault 248A	None
S12-15	35.10-1-1	C-118	72765+00	72765+25	Splice Vault 249A	Terrestrial Ecology
S12-16	35.10-1-1	C-118	72766+75	72767+50	Splice Vault 249A	Terrestrial Ecology
S12-17	35.11-2-1	C-121	72809+50	72812+00	Splice Vault 250A	Recreation; ESA 1

All excursions are located immediately adjacent to the ADZ (i.e., the Route 9W ROW) and will be required in order to provide additional workspace for splice vaults and/or work areas for horizontal directional drill (HDD) installations. Each excursion has been minimized to the extent practicable thus avoiding substantial changes in Facility location.

The surrounding areas in Segment 12 are largely comprised of commercial, residential, and industrial uses. Based on a review of existing land uses, aerial imagery, and confirmation by site reconnaissance, no agricultural lands occur in the ADZ or the current Segment 12 Project Corridor. Wetland and stream resources in the vicinity of Segment 12 are also limited given the developed nature of the Project Corridor. Therefore, no additional wetland impacts are proposed to occur as a result of excursions outside of the ADZ. All stream crossings would be installed through

horizontal directional drilling (HDD), by bridge attachment, or by trenching above or below an existing culvert; therefore, no stream impacts are proposed within the entire Segment 12 Project Corridor. Based on the existing site conditions, the identified excursions will not result in any changes to the Facility's impacts on agricultural lands, wetlands, or streams.

As depicted in Figure 1, the following excursions have been determined to have no 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: S12-5, S12-6, S12-7, S12-8, S12-11, and S12-14.

Cultural resources, recreation uses, and/or documented occurrences of ESA 1 are present along the Segment 12 Project Corridor in the vicinity of the remaining excursions (refer to Sections 7.2, 9, and 11 of the EM&CP for more detail on these resources). These resources have been reviewed for additional environmental impacts resulting from the remaining excursions and supporting information is provided to assist DPS staff in their review and approval of these minor excursions from the ADZ, as described in the following sections.

2.1 Excursion #S12-1 and #S12-2

1. Description of the Excursion

Excursions S12-1 and S12-2 are located just north of the Battlefield Road in the Town of Stony Point, Rockland County, New York, beginning near Station 72495+00 and extending to Station 72499+00 at the northern edge of the ADZ (see Figure 1 and Profile Drawings [Sheet C-100, Appendix C of the EM&CP]). S12-1 is predominately located on a property assessed as vacant land and is associated with the Tilcon quarry and S12-2 includes a small portion following the boundary line of the Stony Point Battlefield Park property.

2. Justification

At Excursion S12-1, the cable alignment was extended approximately 235 linear feet to the north of the ADZ to allow for proper positioning of Transition Vault #3 where Segment 12 connects with the transitional marine HDD from the Hudson River (see the Stony Point Transitional HDD EMCP). Additional space is required for construction of Transition Vault #3 as well as the HDD 124 entry work area. The use of this area outside the ADZ will aid Certificate Holders in minimizing impacts to traffic during this HDD installation by keeping the work area outside of Battlefield Road and Park Road as well as avoiding impacts to the cultural and recreational resources at Stony Point Battlefield. This ADZ Excursion request is grounded in engineering reasons and is the minimum necessary to feasibly achieve the installation.

3. Environmental Impact

The proposed excursion constitutes a minor change including only 420 linear feet outside of the ADZ. 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.

Cultural Resources – Portions of the ADZ occur directly adjacent to the Stony Point Battlefield, a State and National Register of Historic Places (S/NRHP) listed historic site. This excursion includes proposed work extending just east of the ADZ into the outer boundary of the Stony Point Battlefield Site. However, this portion of the cable will be installed via HDD; therefore, impacts to the historic site will be avoided. Hartgen Archeological Associates, Inc. (Hartgen) completed a Cultural Resource Management Plan (CRMP) included as Appendix O to the EM&CP. Archaeological testing or monitoring will be performed as recommended at the Stony Point Battlefield Site where work is proposed adjacent to the S/NRHP-listed property. Please refer to Section 11.0 of the EM&CP for additional information.

Recreation – As previously noted, portions of the ADZ occur directly adjacent to the Stony Point Battlefield. This excursion includes a portion of the alignment extending just east of the ADZ into the outer boundary of the Stony Point Battlefield Site. Given the alignment will be installed via HDD at this location and that all work will remain at the outermost portion of the property, no impacts to recreation uses within the park are anticipated.

Terrestrial Ecology – The extension of the cable alignment will not result in significant impacts to terrestrial ecology. As discussed above, the ADZ was limited to the road ROW of Route 9W and intersecting roads, including a portion of Battlefield Road and Park Road. The proposed work now extends into approximately 0.78 acre of forested area which will require selective tree clearing to facilitate construction. Tree and vegetation removal will be limited to the minimum necessary to construct the Facility and the impacted area will be allowed to return to existing conditions upon completion of the cable installation. As a result, these temporary impacts will have no significant impacts on wildlife or wildlife habitat.

Threatened and Endangered Species – According to information provided by NYSDEC, Excursion S12-1 occurs within 660 feet of two previously documented bald eagle nests and in proximity to a wintering eagle area. A bald eagle field reconnaissance survey was conducted to investigate the presence of bald eagles and evaluate potential project-related impacts. The survey found that the previously documented eagle nests were no longer present and no new bald eagle nests were identified in the vicinity of Project construction. Additionally, the survey concluded that, based on ambient noise conditions, bald eagles in the vicinity of the project area would be habituated to elevated noise conditions from surrounding existing anthropogenic disturbances. Therefore, construction activities associated with this excursion would be unlikely to result in disturbance or incidental take of bald eagles and no additional avoidance or minimization measures are required at this location. The survey results were filed in Appendix N to the Stony Point Transitional HDD EMCP on January 25, 2023 and which was approved by the Public Service Commission on March 20, 2023.

2.2 Excursion #S12-3

1. Description of the Excursion

Excursion #S12-3 is located along the east side of North Liberty Street between the intersections of Walnut Street and Bayview Drive in the Town of Stony Point in Rockland County, New York beginning near Station 72526+50 and extending approximately 191 linear feet to Station 72528+50 (see Sheet C-102 of the Plan and Profile Drawings, Appendix C of the EM&CP). The route is shifted into a parking lot of a restaurant within a predominantly residential and commercial landscape.

2. Justification

Additional space is needed to construct Splice Vault 245. The use of this area outside the ADZ will also aid Certificate Holders in minimizing impacts to traffic during this splice vault and HDD installation, by keeping the work area outside of South Liberty Drive (Route 9W). 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 excursion occurs only 17 feet east of the ADZ at its farthest point, constituting a minor change. 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.

Cultural Resources – This excursion occurs within National Register-eligible Michael J. Higgins House property. The installation of the splice vault will occur within the front yard. A low stone wall within the public road ROW will be impacted by construction; however, construction at this excursion is not anticipated to adversely affect the historic property. No protection measures are recommended but the Certificate Holders will implement additional archaeological testing or monitoring at this location. Please refer to Section 11 and Appendix O of the EM&CP for additional information regarding cultural resources in Segment 12.

Recreation – There are no parks or recreational land uses identified in the vicinity of this excursion; therefore, no impacts to recreation are anticipated as a result of the shifted route. Please refer to Section 7.2 of the EM&CP for additional information regarding recreation areas in Segment 12.

Terrestrial Ecology – The shifting of the route at this excursion area will not result in additional impacts to terrestrial ecology. The route is shifted into a parking lot of a restaurant within a predominantly residential and commercial landscape that is not anticipated to provide wildlife habitat. No tree clearing is proposed at this location.

Threatened and Endangered Species - According to information provided by NYSDEC, portions of the ADZ were mapped approximately 0.6 mile from a previously documented bald eagle nest location, including the area of Excursion #S12-3. No blasting or other extremely loud noises are proposed at this excursion area; therefore, no adverse impacts to bald eagles are anticipated and no time of year restrictions are applicable for construction of this excursion. Additional avoidance and minimization measures related to bald eagles are provided in Section 9.3 of the EM&CP.

2.3 Excursion #S12-4

1. Description of the Excursion

Excursion #S12-4 is located within the Town of Stony Point along the west side of North Liberty Drive between the intersections with Ridge Street and Summit Avenue beginning near Station 72539+50 (see Sheet C-103 of Plan and Profile Drawings, Appendix C of the EM&CP). The route and associated work are shifted outside of the road ROW into a paved parking lot within a predominantly residential and commercial landscape.

2. Justification

Additional space is needed to construct Splice Vault 245A and the HDD 126 entry workspace and to avoid subsurface utilities within the roadway ROW. This area includes an approximately 17 linear foot excursion immediately adjacent to the eastern edge of the ADZ within a paved parking lot. The use of this area outside the ADZ will also aid Certificate Holders in minimizing impacts to traffic during this splice vault and HDD installation, by keeping the work area outside of North Liberty Drive (Route 9W). 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 excursion occurs immediately adjacent to the ADZ, constituting a minor change. 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.

Cultural Resources - There are no historic sites or archaeological resources identified in the vicinity of this excursion; therefore, no impacts to cultural resources are anticipated as a result of the shifted route. Please refer to Section 11 and Appendix O of the EM&CP for additional information regarding cultural resources in Segment 12.

Recreation - There are no parks or recreational land uses identified in the vicinity of this excursion; therefore, no impacts to recreation are anticipated as a result of the shifted route. Please refer to Section 7.2 of the EM&CP for additional information regarding recreation areas in Segment 12.

Terrestrial Ecology - The shifting of the route at this excursion area will not result in additional impacts to terrestrial ecology. The route is shifted into a parking lot within a predominantly residential and commercial landscape that is not anticipated to provide wildlife habitat. No tree clearing is proposed at this location.

Threatened and Endangered Species – According to information provided by NYSDEC, portions of the ADZ were mapped approximately 0.8 mile from a previously documented bald eagle nest location, including the area of Excursion #S12-4. No blasting or other extremely loud noises are proposed at this excursion area; therefore, no adverse impacts to bald eagles are anticipated and no time of year restrictions are applicable for construction of this excursion. Additional avoidance and minimization measures related to bald eagles are provided in Section 9.3 of the EM&CP.

2.4 Excursion #S12-9

1. Description of the Excursion

Excursion #S12-9 is located in the Village of West Haverstraw along the west side of North Route 9W (US-202) beginning at the Helen Hayes Hospital near Station 72609+00 to 72619+00 (see Sheet C-108 of Plan and Profile Drawings, Appendix C of the EM&CP). The route and associated work are shifted outside of the road ROW into a paved parking lot within New York State Department of Health property. The surrounding area is comprised of a predominantly residential and commercial landscape.

2. Justification

Additional space is needed for HDD installation and work areas and to avoid subsurface utilities within the roadway ROW. This area includes an approximately 1,000 linear foot excursion immediately adjacent to the eastern edge of the ADZ within a paved parking lot. The use of this area outside the ADZ will also aid Certificate Holders in minimizing impacts to traffic during this splice vault and HDD installation, by keeping the work area outside of Route 9W. 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 excursion occurs immediately adjacent to the ADZ, constituting a minor change. 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.

Cultural Resources - There are no historic sites or archaeological resources identified in the vicinity of this excursion; therefore, no impacts to cultural resources are anticipated as a result of the shifted route. Please refer to Section 11 and Appendix O of the EM&CP for additional information regarding cultural resources in Segment 12.

Recreation – There are no parks or recreational land uses identified in the vicinity of this excursion; therefore, no impacts to recreation are anticipated as a result of the shifted route. Please refer to Section 7.2 of the EM&CP for additional information regarding recreation areas in Segment 12.

Terrestrial Ecology - The shifting of the route at this excursion area will not result in additional impacts to terrestrial ecology. The route is shifted into a parking lot within a predominantly residential and commercial landscape that is not anticipated to provide wildlife habitat. No tree clearing is proposed at this location.

Threatened and Endangered Species – According to information provided by NYSDEC, portions of the ADZ were mapped approximately one mile from a previously documented bald eagle nest location, including the area of Excursion #S12-9. No blasting or other extremely loud noises are proposed at this excursion area; therefore, no adverse impacts to bald eagles are anticipated and no time of year restrictions are applicable for construction of this excursion. Additional avoidance and minimization measures related to bald eagles are provided in Section 9.3 of the EM&CP.

2.5 Excursion #S12-10

1. Description of the Excursion

Excursion #S12-10 is located in the Village of West Haverstraw along the west side of South Liberty Drive (South Route 9W) south of the intersection with Railroad Avenue beginning near Station 72630+50 to 72640+00 (see Sheet C-109 and C-110 of Plan and Profile Drawings, Appendix C of the EM&CP). The route and associated work are shifted outside of the road ROW into a paved parking lot within a predominantly residential and commercial landscape.

2. Justification

Additional space is needed to construct Splice Vault 247 and HDD installation workspace and to avoid subsurface utilities within the roadway ROW. This area includes an approximately 780 linear foot excursion immediately adjacent to the eastern edge of the ADZ within a paved parking lot. The use of this area outside the ADZ will also aid Certificate Holders in minimizing impacts to traffic during this splice vault and HDD installation, by keeping the work area outside of South Liberty Drive (Route 9W). 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 excursion occurs immediately adjacent to the ADZ, constituting a minor change. 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.

Cultural Resources - There are no historic sites or archaeological resources identified in the vicinity of this excursion; therefore, no impacts to cultural resources are anticipated as a result of the shifted route. Please refer to Section 11 and Appendix O of the EM&CP for additional information regarding cultural resources in Segment 12.

Recreation - There are no parks or recreational land uses identified in the vicinity of this excursion; therefore, no impacts to recreation are anticipated as a result of the shifted route. Please refer to Section 7.2 of the EM&CP for additional information regarding recreation areas in Segment 12.

Terrestrial Ecology - The shifting of the route at this excursion area will not result in additional impacts to terrestrial ecology. The route is shifted into a parking lot within a predominantly residential and commercial landscape that is not anticipated to provide wildlife habitat. No tree clearing is proposed at this location.

Threatened and Endangered Species - According to information provided by NYSDEC, portions of the ADZ were mapped approximately one mile from a previously documented bald eagle nest location, including the area of Excursion #S12-10. No blasting or other extremely loud noises are proposed at this excursion area; therefore, no adverse impacts to bald eagles are anticipated and no time of year restrictions are applicable for construction of this excursion. Additional avoidance and minimization measures related to bald eagles are provided in Section 9.3 of the EM&CP.

2.6 Excursions #S12-12 and S12-13

1. Description of the Excursion

Excursions #S12-12 and S12-13 are located in the Village of Haverstraw along the south side of South Liberty Drive (Route 9W) just west of the intersection with Westside Avenue beginning near Station 72675+00 to 72681+00 (see Sheet C-112 and C-113 of Plan and Profile Drawings, Appendix C of the EM&CP). The route and associated work are shifted outside of the road ROW into a paved parking lot within a predominantly residential and commercial landscape.

2. Justification

Additional space is needed to construct Splice Vault 248 and HDD workspace and to avoid subsurface utilities within the roadway ROW. S12-12 includes an approximately 70 linear foot excursion and S12-13 includes approximately 140 linear foot excursion immediately adjacent to the eastern edge of the ADZ within a paved parking lot. The use of this area outside the ADZ will also aid Certificate Holders in minimizing impacts to traffic during this splice vault and HDD installation, by keeping the work area outside of North Liberty Drive (Route 9W). 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 excursion occurs immediately adjacent to the ADZ, constituting a minor change. 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.

Cultural Resources - There are no historic sites or archaeological resources identified in the vicinity of this excursion; therefore, no impacts to cultural resources are anticipated as a result of the shifted route. Please refer to Section 11 and Appendix O of the EM&CP for additional information regarding cultural resources in Segment 12.

Recreation – There are no parks or recreational land uses identified in the vicinity of this excursion; therefore, no impacts to recreation are anticipated as a result of the shifted route. Please refer to Section 7.2 of the EM&CP for additional information regarding recreation areas in Segment 12.

Terrestrial Ecology - The shifting of the route at this excursion area will not result in additional impacts to terrestrial ecology. The route is shifted into a parking lot within a predominantly residential and commercial landscape that is not anticipated to provide wildlife habitat. No tree clearing is proposed at this location.

Threatened and Endangered Species – According to information provided by NYSDEC, portions of the ADZ were mapped approximately one mile from a previously documented bald eagle nest location, including the area of Excursions #S12-12 and S12-13. No blasting or other extremely loud noises are proposed at this excursion area; therefore, no adverse impacts to bald eagles are anticipated and no time of year restrictions are applicable for construction of this excursion. Additional avoidance and minimization measures related to bald eagles are provided in Section 9.3 of the EM&CP.

2.7 **Excursion # S12-15 and S12-16**

1. Description of the Excursion Area

Excursion #S12-15 and S12-16 is located in the Village of Haverstraw just south of Old Route 304 beginning near Station 72765+00 and extending to 72767+50 (see Sheet C-118 of the Plan and Profile Drawings [Appendix C of the EM&CP]).

2. Justification

The cable alignment was extended to the east outside of the ADZ to allow for appropriate transition of the end of Segment 12 and beginning of the marine HDD. S12-15 is comprised of approximately 45 linear feet of the cable alignment outside of the ADZ and S12-16 includes approximately 150 linear feet outside of the ADZ for construction of Splice Vault #249A. The use of this area outside the ADZ will aid Certificate Holders in minimizing impacts to traffic during the splice vault installation by keeping the work area outside of Route 9W. 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 excursion occurs immediately adjacent to the ADZ, constituting a minor change. 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.

Cultural Resources - There are no historic sites or archaeological resources identified in the vicinity of this excursion and Hartgen recommended no avoidance minimization or mitigation measures are necessary at this excursion. No impacts to cultural resources are anticipated to occur as a result of this excursion. Please refer to Section 11 and Appendix O of the EM&CP for additional information regarding cultural resources in Segment 12.

Recreation - There are no parks or recreational land uses identified in the vicinity of this excursion; therefore, no impacts to recreation are anticipated as a result of the shifted route. Please refer to Section 7.2 of the EM&CP for additional information regarding recreation areas in Segment 12.

Terrestrial Ecology - The extension of the cable alignment will not result in significant impacts to terrestrial ecology. Excursions #S12-15 and S12-16 occur along a vegetated edge of Route 9W and encroaches slightly into adjacent private properties. Minor tree and vegetation clearing would be required within the ADZ at this location. This excursion is anticipated to require more tree and vegetation clearing as the alignment has been pushed out of the previously disturbed corridor and into a more forested area. Clearing will be selective and only remove what is required within the LOW for the construction of the Facility. See Section 8.0 of the EMCP for details regarding tree clearing and disposal practices. 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.

Threatened and Endangered Species - According to information provided by NYSDEC, there are no threatened or endangered species or their habitat in the vicinity of this excursion.

2.8 Excursion # S12-17

1. Description of the Excursion Area

Excursion #S12-17 is located in the Town of Clarkstown along the northwest side of Route 9W where it intersects with Long Clove Road beginning near Station 72809+50 and extending to 72812+00 (see Sheet C-121 of the Plan and Profile Drawings (Appendix C of the EM&CP).

2. Justification

Additional space is needed to construct Splice Vault 250A and to avoid subsurface utilities within the roadway ROW. This excursion is comprised of approximately 240 linear feet of the cable alignment outside of the ADZ. The use of this area outside the ADZ will aid Certificate Holders in minimizing impacts to traffic during the transition vault and HDD installation by keeping the work area outside of Route 9W. 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 excursion occurs immediately adjacent to the ADZ, constituting a minor change. 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.

Cultural Resources - There are no historic sites or archaeological resources identified in the vicinity of this excursion and Hartgen recommended no avoidance minimization or mitigation measures are necessary at this excursion. No impacts to cultural resources are anticipated to occur as a result of this excursion. Please refer to Section 11 and Appendix O of the EM&CP for additional information regarding cultural resources in Segment 12.

Recreation - This excursion area extends outside of the public road ROW into the property of Hook Mountain State Park. Given all work will remain at the outermost portion of the property, no impacts to recreation uses within the park are anticipated.

Terrestrial Ecology - The extension of the cable alignment will not result in significant impacts to terrestrial ecology. Excursion #S12-17 occurs along a vegetated edge of Route 9W and encroaches slightly into adjacent private properties. Minor tree and vegetation clearing would be required within the ADZ at this location. This excursion is anticipated to require more tree and vegetation clearing as the alignment has been pushed out of the previously disturbed corridor and into a more forested area. Clearing will be selective and only remove what is required within the LOW for the construction of the Facility. See Section 8.0 of the EMCP for details regarding tree clearing and disposal practices. 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.

Threatened and Endangered Species - According to information provided by NYSDEC, portions of the ADZ within this area occur approximately 0.5 mile from a previously documented bald eagle nest location, including this excursion. No blasting or other extremely loud noises are proposed at this excursion area; therefore, no adverse impacts to bald eagles are anticipated and no time of year restrictions are anticipated to be required during construction of the excursion. Additional avoidance and minimization measures related to bald eagles are provided in Section 9.3 of the EM&CP.

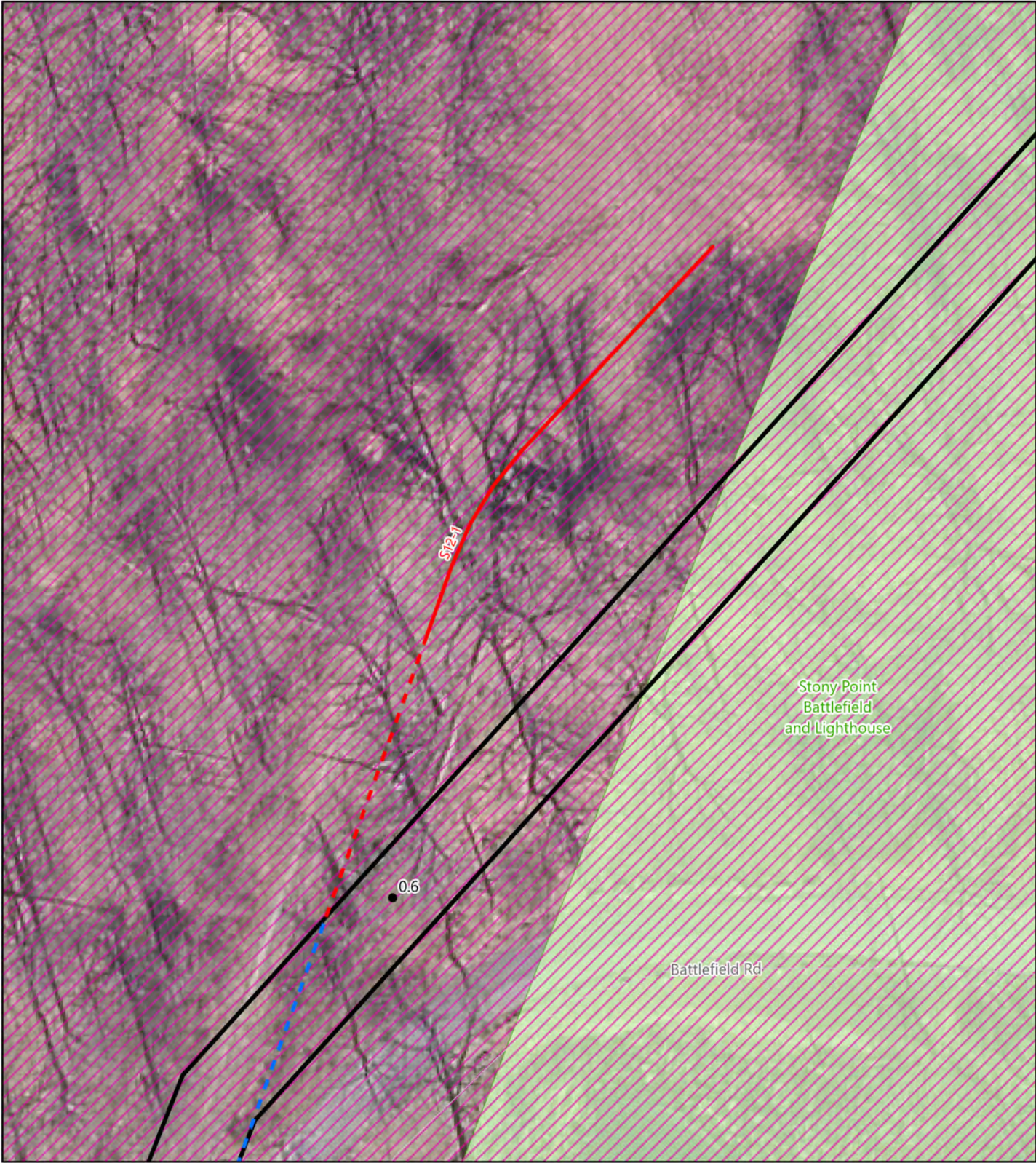
3.0 Conclusion

All the excursions described above are required to provide extra space for the installation of splice vaults and/or HDD work areas. Shifting these excursions outside of the ADZ aids in minimizing impacts to existing subsurface utilities as well as traffic and travel delays that would have occurred if the proposed work remained within the road ROW. As previously noted, environmental resources are relatively limited within the Segment 12 Project Corridor and the excursions are not anticipated to result in significant environmental impacts. No significant impacts to cultural resources are anticipated as a result of the excursions; however, additional testing or monitoring has been recommended at Excursions #S12-1 and S12-2 which are immediately adjacent to S/NRHP-listed or eligible for listing historic sites. Excursions #S12-1 and S12-16 occur within New York State parkland. However, the excursions will be limited to the outermost portion of the property adjacent to the Route 9W ROW and are not anticipated to impact any recreational use within the parks. With respect to rare, threatened, or endangered species, portions of the ADZ and several excursion areas are within one mile of bald eagle nests; however, no excursions are located within 0.25-mile of known bald eagle nests and no blasting, or other extremely loud noises are proposed. Therefore, no adverse impacts to bald eagles are anticipated and no additional avoidance or minimization measures are required at the excursions. Finally, any additional tree clearing associated with these excursions will be selective and limited to the minimum area necessary to complete construction.

The adjusted route at the excursion areas presented above do not increase environmental impacts anticipated in comparison to the ADZ. In fact, the locations of these excursions will help to minimize potential traffic related impacts that would arise if the splice vaults and HDD workspaces remained inside the ADZ and existing roadway corridor. Impacts associated with this work have been minimized and mitigated and can be addressed by the Certificate Conditions and Best Management Practices already approved by the Commission for the Facility. The requested excursions from the ADZ are necessary for appropriate engineering and environmental reasons and do not conflict with the other Certificate Conditions.

On that basis, the Certificate Holders respectfully request that DPS Staff approve these excursions from the ADZ within the Segment 12 EM&CP without modification to the Certificate.

FIGURES



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Rockland County, New York

EM&CP Appendix E

- Mile Post
- Segment 12 Trench Excursion
- - - HDD Excursion
- - - HDD
- Recreation Area
- ESA 1
- Deviation Zone





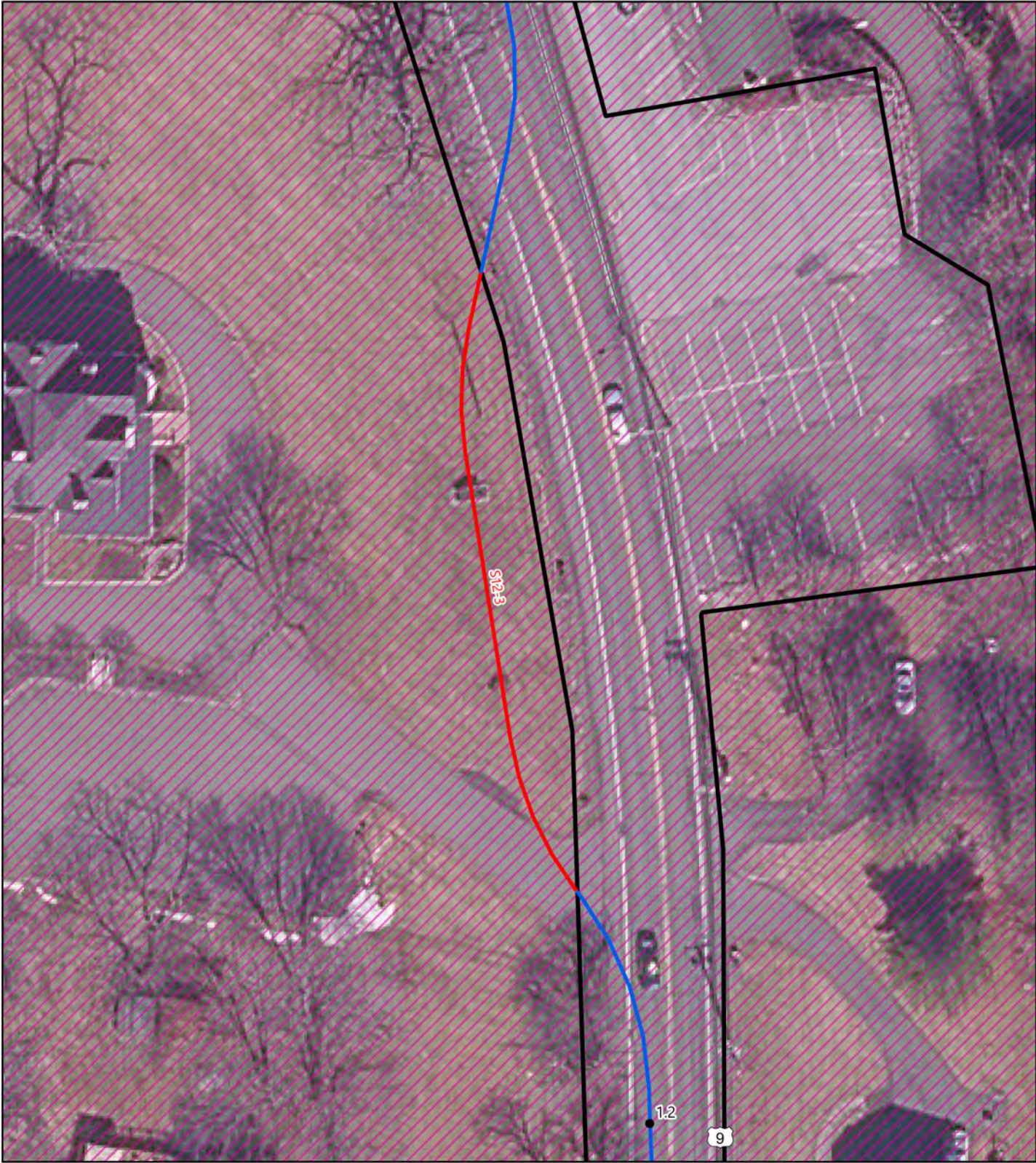
CHPE EM&CP

Rockland County, New York

EM&CP Appendix E

- Mile Post
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CHPE EM&CP
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EM&CP Appendix E

- Mile Post
- Segment 12 Trench Excursion
- Segment 12 Trench
- ▨ ESA 1
- ▭ Deviation Zone

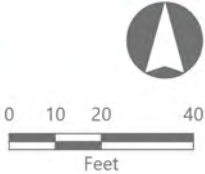


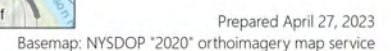


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EM&CP Appendix E

- Mile Post
- Segment 12 Trench Excursion
- Segment 12 Trench
- ▨ ESA 1
- ▭ Deviation Zone





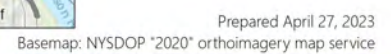


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EM&CP Appendix E

- Mile Post
- Segment 12 Trench Excursion
- - - HDD Excursion
- - - HDD
- Segment 12 Trench
- Deviation Zone







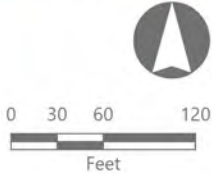
CHPE EM&CP

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- Mile Post
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- - - HDD Excursion
- - - HDD

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- Mile Post
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- Segment 12 Trench Excursion
- - - HDD Excursion
- HDD
- ▨ ESA 1
- ▭ Deviation Zone





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EM&CP Appendix E

- Mile Post
- Segment 12 Trench Excursion
- HDD Excursion
- HDD
- ESA 1
- Deviation Zone



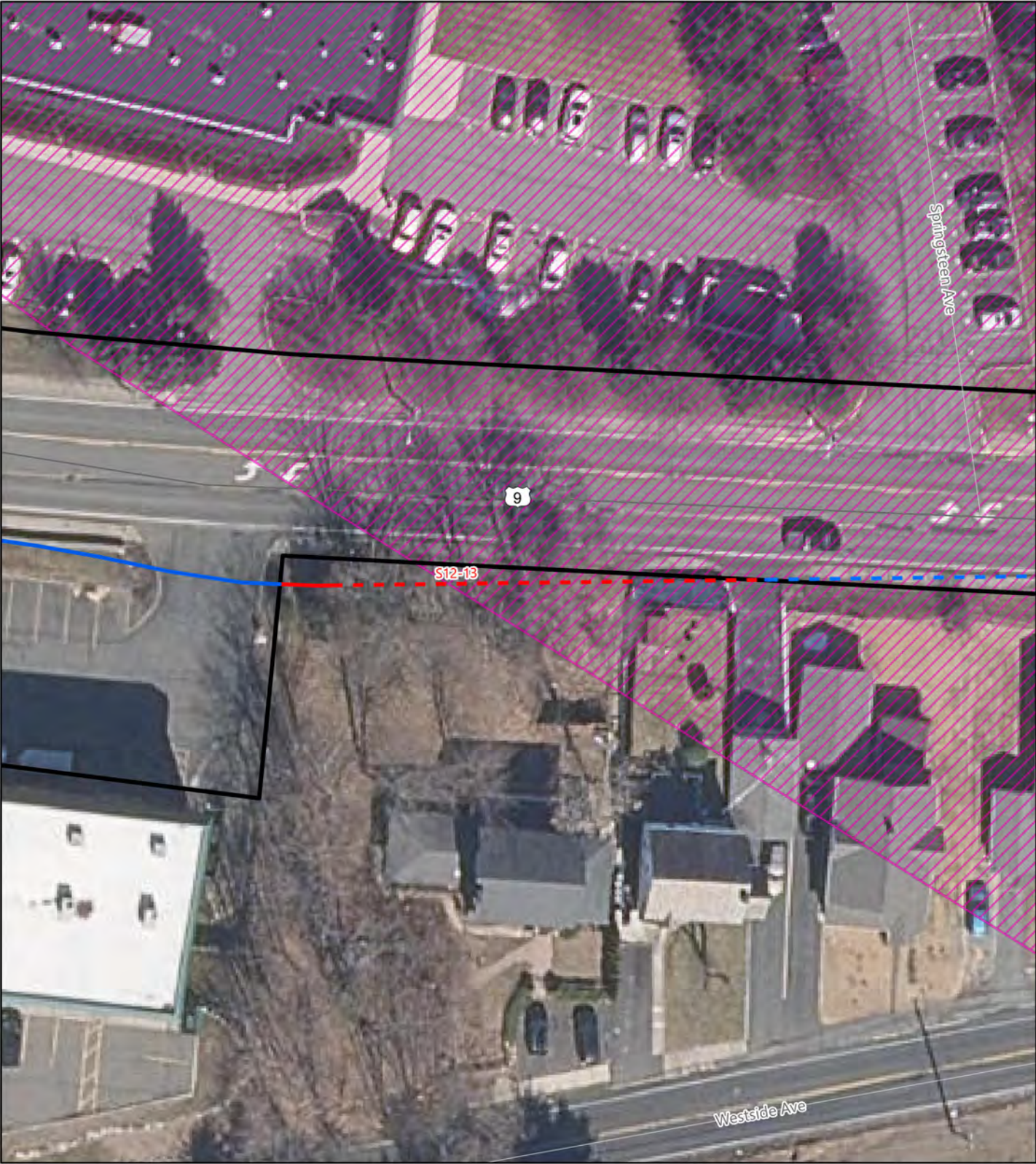


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EM&CP Appendix E

- Segment 12 Trench Excursion
- HDD Excursion
- HDD
- Segment 12 Trench
- ESA 1
- Deviation Zone



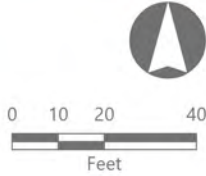


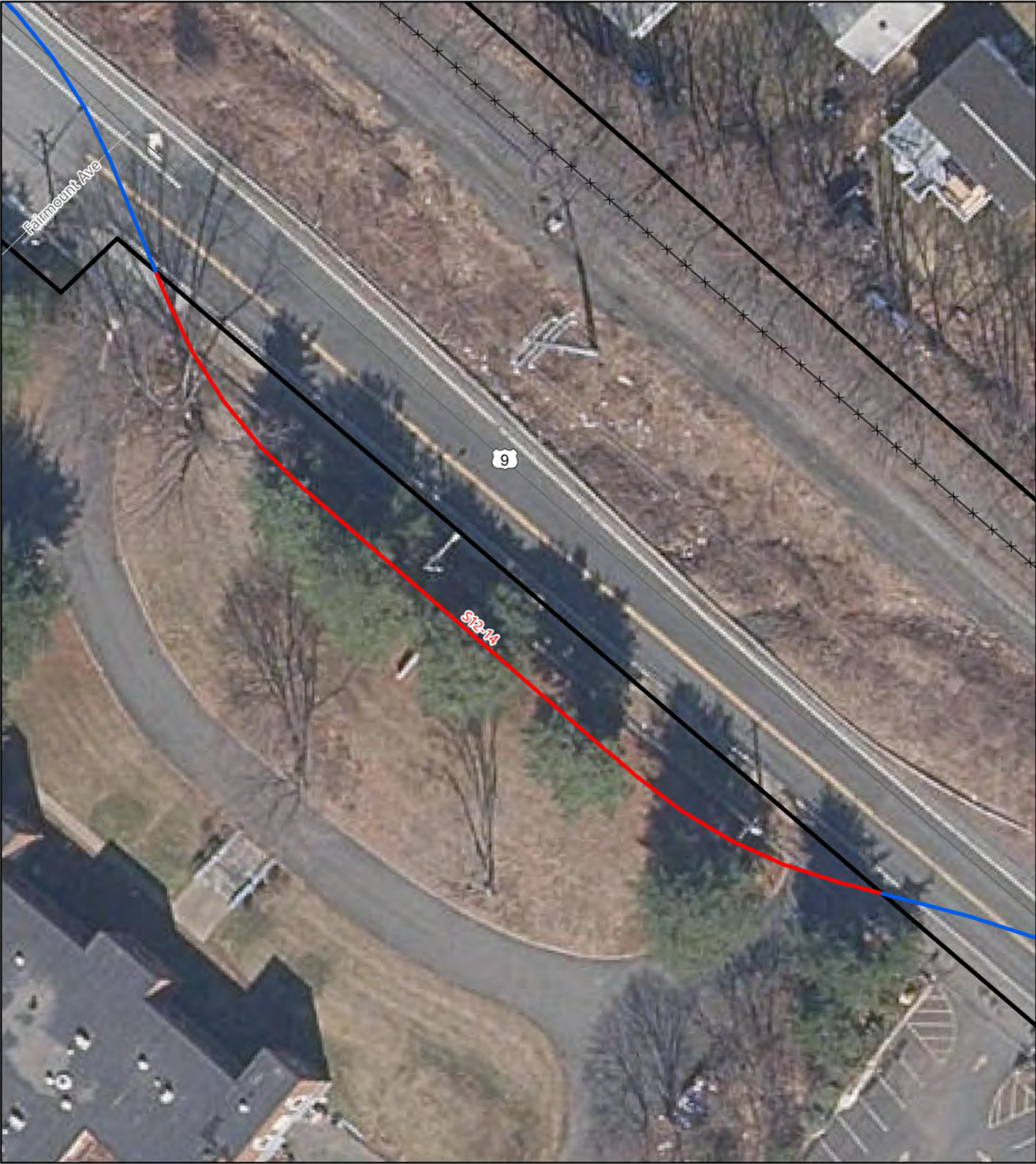
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Rockland County, New York

EM&CP Appendix E

- Segment 12 Trench Excursion
- HDD Excursion
- HDD
- Segment 12 Trench
- ESA 1
- Deviation Zone





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- Segment 12 Trench Excursion
- Segment 12 Trench
- Railroad
- Deviation Zone



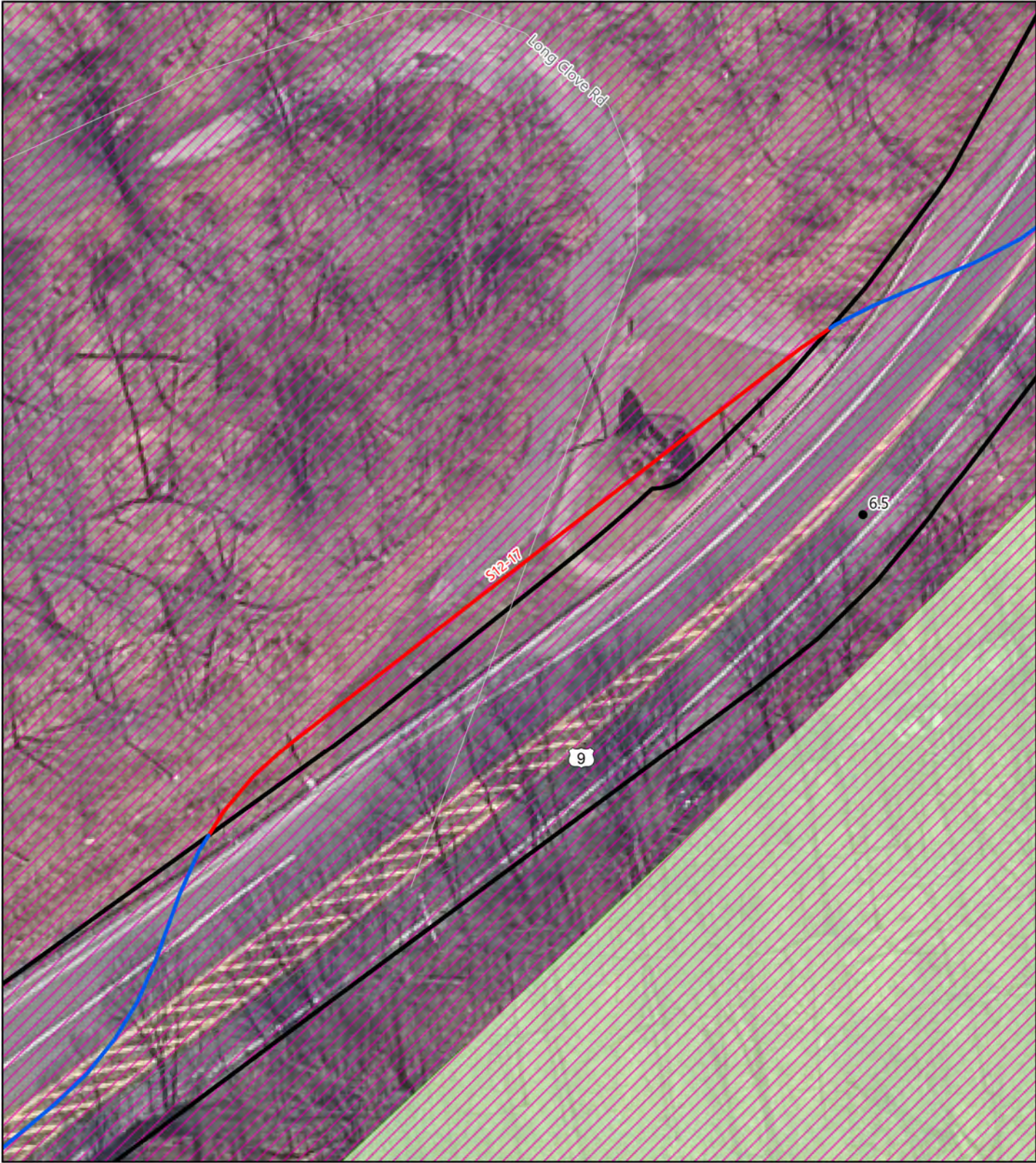


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EM&CP Appendix E

- Mile Post
- Segment 12 Trench Excursion
- Segment 12 Trench
- ✕ Railroad
- ▭ Deviation Zone





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- Mile Post
- Segment 12 Trench Excursion
- Segment 12 Trench
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