

Case 10-T-0139

Champlain-Hudson Power Express Project

Environmental Trust Governance Committee Meeting Minutes

June 07, 2023

draft

On June 07, 2023, the Governance Committee for the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust (the “Trust”) held a regular meeting.

Pursuant to New York State's Open Meetings Law, as amended, the meeting took place at the Department of Public Services Albany Office, the NYS APA Raybrook office and the NYS DEC Norrie Point office and BLDG 4 of the State Office Campus in Albany

Attendees:

Certificate Holders: Josh Bagnato, Bill Helmer

Department of Public Service (DPS): Matthew Smith;

Department Environmental Conservation (DEC): Sita Crouse, Heather Gierloff , Nicole Balk; MaryAnn Bonilla,

Department of State (DOS): Matthew Maraglio,

Trout Unlimited (TU): Roger Olson (web only and not counted towards quorum);

Hudson River Foundation (HRF): Jonathan Kramer, Jim Lodge;

Scenic Hudson: Alex Wolfe

Riverkeeper: Tracy Brown; (remote not counted towards quorum)

New York City: Jay Goodman; Rebecca Massey (NYC Parks)

Adirondack Park Agency (APA): James Pinheiro

The meeting was called to order at 1:35 p.m. and a quorum was confirmed.

1. Motion to approve 03/08/22 Meeting minutes made by NYC, Seconded by DPS, motion carried -river keeper abstained.
2. Project updates
 - a. Project remains on tract to commence operations on time.
 - b. Working on EM & CPs
 - i. Approximately 20 different sections in various states of completeness
 1. 12 submittals
 - a. 6 approvals
 2. In water EM&CPs expected to be submitted in fall 2023
 3. Last EM&CP will be the AC line
 - c. Are in the field working on a 20 mile segment near Whitehall following notice to proceed
 - d. Marine installation expected to in 2024
 - e. Converter station construction is expected to take several years
 - f. Outreach efforts with munis and others continue
 - g. Riverkeeper requested a draft of the marine EM & CPs
 - i. Certificate holder advised that it will be posted on the DPS website when available
 - h. NYC requested an update on the class year study
 - i. Certificate holder advised that appendix A is being updated to reflect a minor modification to Breaker 6
 1. Certain FERC authorizations are forthcoming
 2. NYISO is purportedly discussing the CHPE project as a key to grid reliability and is highlighting its importance to be operating by May 2026
3. TWGs
 - a. As part of ACOE permit cert holder needs to develop a mitigation plan
 - i. Draft mitigation plan went to NOAA and NOA asked HRF to use a specific checklist to determine if a Trust project would qualify as a mitigation project. HRF will utilize the checklist
 - ii. TU inquired who determined is something qualifies
 1. Certificate holder responded that it was NOAA with certificate holders recommendation
 - iii. Scenic Hudson requested a copy
 1. Certificate holder agreed to provide
 - iv. NYC requested the mitigation plan
 1. Certificate holder agreed to provide
 - v. Certificate holder clarified that the checklist review would not affect project selection; it is completed after the fact
 - vi. Checklist does not apply to upland projects
 - vii. APA requested a copy of the ACOE permit

1. Certificate holder agreed to provide
 - b. HRF led discussion:
 - i. Fair amount of progress has been made
 - ii. HRF will submit case statements by 7/10 and would like comments by 8/1
 - iii. Plans to provide GC with draft 5 yr plans by 8/31/23
 - iv. Please expect to discuss 5 yrs plans during September mtg.
 - v. Riverkeeper discussed wanting to split the priority and non priority projects to be 50/50 of funding
 1. HRF stated he thought the GC was generally agreed that the priority projects were still relevant and asked Riverkeeper to look at the projects again and discuss at the September meeting
 2. Riverkeepers stated they wanted to look at the universe of projects
 3. NYC reiterated that priority projects have been updated through the case statements and brought up that we don't yet have a process to solicit new projects
 4. DEC stated that the HR projects were very broad and are still necessary.
 5. TU stated that there is latitude to use 25% of a years fund for non priority projects
 6. Riverkeeper asked about regional allocations for funding
 - a. HRF stated that that is a discussion topic for the Sept meeting.
 - vi. HRF showed the currently proposed priority projects on a table and a representative illustration of a 5 year plan and discussed that it will be complex to manage the funding stream – HRF will help the GC manage the funding stream
 - c. Cert holder discussed a financial sub committee
 - i. Discussion followed and no decision was made to establish a sub committee
 - ii. APA stated that a summary of the financial commitments would be useful
 - iii. Cert Holder discussed that next funding allotment would be made in fall 2023
 - d. Next meeting date
 - i. 9/20 @ 10 am . meeting will be in person for a working meeting. Discussion followed the discussions would follow over email to further adjust the meeting date.
4. Action items
 - a. Certificate holder to provide:
 - i. NOAA checklist
 - ii. NOAA mitigation plan
 - iii. ACOE permit conditions

- b. Adjournments
 - i. DOS moved
 - ii. Riverkeeper 2nd
 - iii. Meeting adjourned at 2:48 PM

DRAFT