# Young / Sommer LLC

#### ATTORNEYS AT LAW

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March 5, 2024

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

### Re: Case 10-T-0139: Application of Champlain Hudson Power Express

Dear Secretary Phillips:

Enclosed for filing on the above proceeding, on behalf of CHPE LLC and CHPE Properties, Inc. (together "CHPE" or the "Certificate Holders"), please find a Change Notice proposed to the Segment 6 and 7 Environmental Management and Construction Plan (EM&CP).

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

Sincerely,

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

Enclosures



### Champlain Hudson Power Express ("CHPE") Environmental Management & Construction Plan Notice of Major Change

Project: <u>Champlain Hudson Power Express</u> Segment: <u>06</u> Notice Number: CN <u>063</u> PSC Case: <u>10-T-0139</u> USACE Permit Number: <u>NAN-2009-01089-M9</u> Location (Milepost, Town/County): <u>MP 164.8 to MP 165.9, Town of Ballston, Saratoga County, New York</u> Drawing References: <u>Segment 6 (Package 4A): C-121, C-122, C-123, C-124, C-125, C-304B, C-304B.1, C-304C, C-304C.1, C-411, C-412, C-413</u> Other Documents/References: <u>N/A</u> Component(s) Impacted by Change: <u>EM&CP Appendix C, Appendix E, and Appendix J</u>

### **Description of Change:**

This change involves a shift in the alignment outside of the deviation zone, related to a previously approved deviation (S6-P4A#5) included in the Segment 6 and 7 EM&CP. These changes are the result of coordination between National Grid, the Town of Ballston, and Champlain Hudson Power Express and consist of a change in installation methodology from a trenched cable installation to a trenchless horizontal directional drill (HDD) approach from approximately station 40352 to 40372, which addresses concerns related to collocated infrastructure, public land and community impacts. National Grid and the Town of Ballston have accepted the updated construction approach and alignment. This revision also has the benefit of reducing impacts to the travelling public by eliminating the trenched crossing of Main Street / Rte. 146.A / Burnt Hills Road.

Overall, this change does not result in a substantial increase to environmental impacts. In fact, this change leads to an overall 6,077 square feet (SF) net reduction of wetland impacts, although there is one 316 SF area of PSS wetlands which were not previously impacted. All changes to wetland impacts are to wetlands in USACE jurisdiction, not State-regulated wetlands. However, there is a 448 SF increased temporary impact to the state-regulated wetland *adjacent area* (buffer area) of wetland FA-DZ, of NYSDEC (R-18) jurisdiction. See attached for a comprehensive listing of revised rows of the waterbodies and wetlands impact tables (EM&CP tables 9.1 and 9.2, respectively), which will be provided to USACE.

Pursuant to Condition 158(b), this change does not require referral to the Commission based on a substantial increase in environmental impacts, nor does it relate to contested issues decided during the proceeding. While this change does involve State Highway 146(A), it involves an overall reduction in impacts to that State Highway, since it removes a trenched crossing in favor of an HDD. However, as noted above, this change involves shifting a portion of the alignment outside of the deviation zone, as previously modified by the Segment 6 and 7 EM&CP Approval Order (September 14, 2023, DMM Item 1390), and is submitted as a change to the approved EM&CP and Facility route under Certificate Condition 158.

As noted above, this design change occurs within the previously identified excursion S6-P4A#5, discussed in Appendix E to the approved Segment 6 and 7 EM&CP. Updates to the text of S6-P4A#5 resulting from this change are below. The same grounds which justified approval of this excursion in the Segment 6 and 7 EM&CP justify the approval of this additional shift in alignment to further avoid and minimize impacts to collocated infrastructure, wetlands, the host community, public lands and the traveling public.



#### Updates to Excursion S6-P4A#5

#### 1. Description of the Excursion

The length of the excursion is approximately 30,933 linear feet and approximately 5,093 feet is HDD below grade with no surface disturbance. The proposed excursion occurs approximately 220 linear feet west of the ADZ at the farthest point. <u>2. Justification</u>

In addition to the previously provided justification, this change is justified as a means to reduce potential conflicts with collocated infrastructure, as well as impacts to wetlands, the host community, public lands and the traveling public/local roadways.

#### 3. Environmental Impact

<u>Recreation</u> -- Temporary closures of the Veterans Bike Path will be required to complete the work. CHPE is coordinating with the Town of Ballston for closure scheduling, public notification, and detours and is in the process of finalizing a Road Use Agreement related thereto.

Agricultural Resources -- No change.

Cultural Resources -- No change.

<u>Threatened and Endangered Species</u> – *No change*.

<u>Wetlands and Streams</u> – Revised impacts to streams and wetlands are shown in Table 9.1 and Table 9.2 updates, attached.

#### **CC** Requirements for Modifying an EMCP

#	Certificate Condition	Description of the Proposed change
158	The EM&CP approved by the Commission may incorporate modifications from the EM&CP proposed by the Certificate Holders. No change to the approved EM&CP may thereafter be made except in accordance with the following procedures:	
158(a)	For a proposed change that: (i) would involve a site listed or eligible for listing on the New York State or National Register of Historic Places, the Certificate Holders shall give at least two (2) weeks prior notice to the Field Service Bureau of OPRHP. (ii) would involve any State-regulated wetland or protected stream or water body, the Certificate Holders shall give at least two weeks prior notice to NYSDEC, and, if within the Adirondack Park, to APA. (iii) would affect the occupied habitat of a TE species, the Certificate Holders shall give at least two weeks prior notice to NYSDEC and to the USFWS or NMFS (where applicable) prior to providing notice to DPS staff of the proposed change. (iv) would affect the individual or habitat supporting RTE plants, the Certificate Holders shall give at least two (2) weeks prior notice to NYSDEC and DPS. (v) would involve agricultural land, the Certificate Holders shall give at least two (2) weeks prior notice to Ag & Mkts. (vi) would involve the herbicides planned for use (including mixed proportions, additives or method of application), the Certificate Holders shall give at least thirty (30) days prior notice to NYSDEC. (vii) would affect land or water owned or controlled by CNY, the Certificate Holders shall give at least two (2) weeks prior notice to CNY.	<ul> <li>(i)This change does not involve a site listed in the NYS or National Register of Historic Places.</li> <li>(ii)This change involves new impacts to federally-regulated wetlands and new impacts to the adjacent area of a State-regulated wetland. It does not increase impacts to State-regulated wetlands or waterbodies. It is not located in the Adirondack Park.</li> <li>(iii)This does not affect the occupied habitat of a TE species.</li> <li>(iv) This change does not affect individual species or habitat supporting RTE plants.</li> <li>(v)The change does not involve Agricultural Land.</li> <li>(vi)There are no changes in herbicide use as result of the requested revision.</li> <li>(vii) The change is not on land owned or occupied by New York City.</li> </ul>
158(b)	The Certificate Holders shall report any proposed changes to the EM&CP to DPS Staff. DPS Staff will refer to the	See description above.



Commission for approval any proposed changes that cause	
a substantial increase in environmental impact, after	
consultation with NYSDEC, any proposed changes that	
relate to contested issues decided during the proceeding,	
and any proposed changes affecting State highways (but	
need not do so if the report indicates NYSDOT's agreement	
to such proposed changes). DPS Staff is authorized to	
approve all other proposed changes, in accordance with	
the procedure outlined herein, and will submit reports of	
such changes to the Secretary or the Secretary's designee,	
which reports will be posted on the Commission's website	
under this case number.	
Upon being advised that DPS Staff will refer a proposed N/A	
change to the Commission, the Certificate Holders shall	
notify all active parties that have requested to be so	
notified, as well as property owners or lessees whose	
158(c) property is affected by the proposed change. The notice	
shall: (i) describe the original conditions and the requested	
change; (ii) provide documents supporting the request;	
and (iii) state that persons may comment by writing to the	
Commission within twenty-one (21) days of the	
notification date.	
The Certificate Holders shall not execute any proposed	
change until they receive written approval from the	
Commission (if Commission approval is required pursuant	
to subparagraph (a) of this paragraph) or oral or written	
approval from DPS Staff (in the case of a change that Staff	
158(d) has authority to approve) except in emergency situations	
threatening personal injury, property damage, or severe	
adverse environmental impact, or as specified in the	
EM&CP. When the Certificate Holders have obtained oral	
approval from DPS Staff for a change, DPS Staff will confirm	
such approval in writing within ten (10) business days.	

### Proposed Change Involves New/Additional Impacts to:

□ Site listed or eligible for listing on the New York State or National Register of Historic Places [CC 158(a)(i)]

- □ State-regulated wetland or protected stream or water body [CC 158(a)(ii)]
- □ Occupied habitat of a TE species [CC 158(a)(iii)]
- □Individual or habitat supporting RTE plants [CC 158(a)(iv)]
- □ Agricultural land [CC 158(a)(v)]
- □Herbicides planned for use (including mixed proportions, additives or method of application) [CC 158(a)(vi)]
- Land or water owned or controlled by CNY [CC 158(a)(vii)]

E Federally regulated wetland or protected stream or water body [Requires Transmittal to ACOE]



### List of References and Attachments:

Segment 6 (Package 4A) EM&CP Appendix E Updates to Excursion S6-P4A#5 GIS Exhibit
Segment 6 (Package 4A) EM&CP Table 9.1 and 9.2 Waterbody and Wetland Impact Summary Updates
Segment 6 (Package 4A) EM&CP List of Appendix C Sheet Revisions
Segment 6 (Package 4A) EM&CP Appendix C Revised Sheets
Segment 6 (Package 4A) EM&CP Appendix J HDD Basis of Design Additions for HDD 57B
Segment 6 (Package 4A) EM&CP Appendix J2 HDD Inadvertent Release Contingency Plan Additions for HDD 57B

### Signoff by: <u>CHPE Overland Team</u>

Date: 03/05/2024

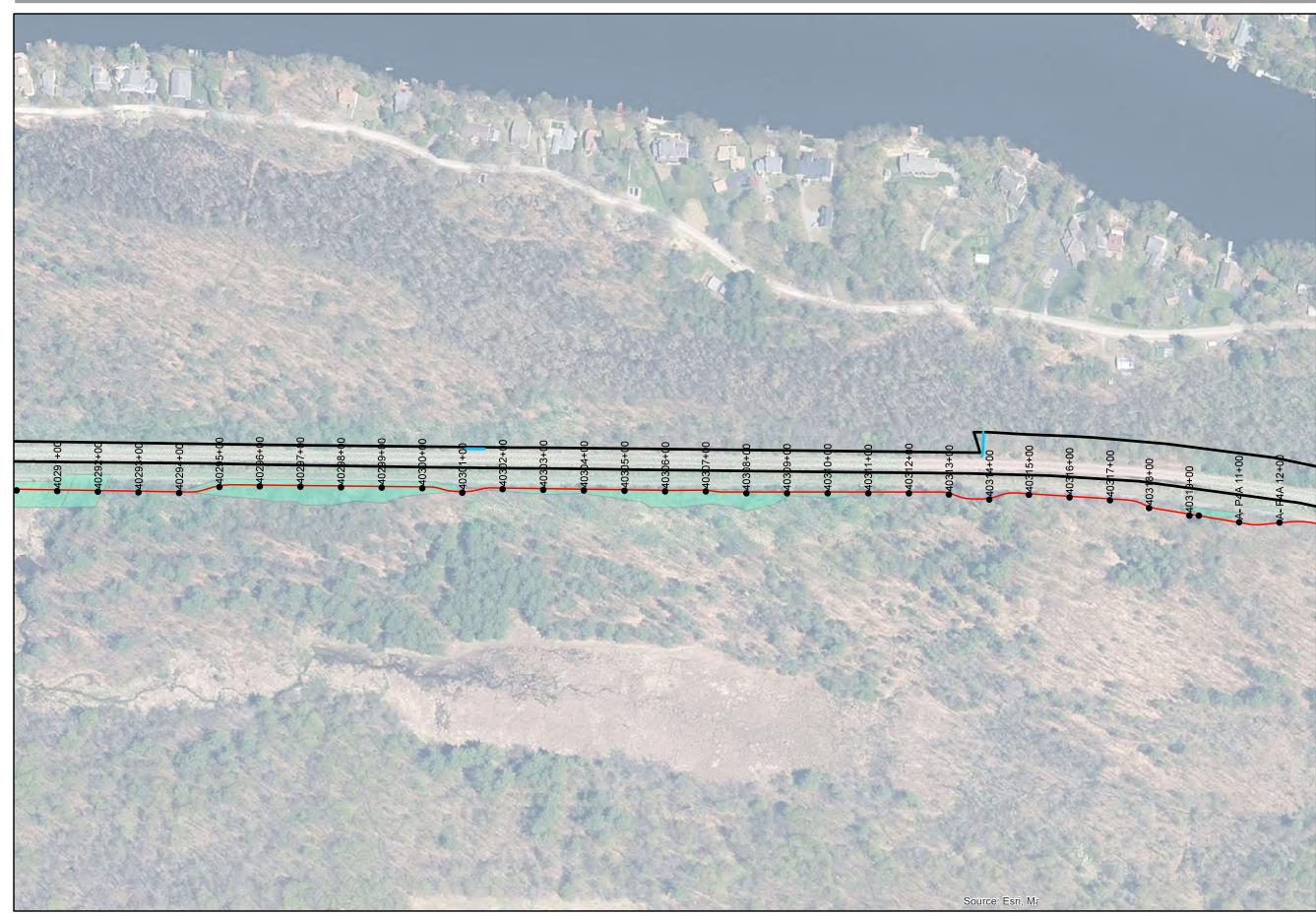
### Approvals

Position	Name	Signature	Date
Segment Engineer:	Patrick Belsheim	Parisk Belsheim Electronically signed by Patrick Belsheim Date: 02/15/2024 9:31:14 AM	2/15/2024
Segment Manager:	Patrick Bourgeois	Shi = 7 Electronically signed by Patrick Bourgeois Date: 62/15/2024 12:43:23 PM	2/15/2024
CHPE, LLC Approval:	Mike Mehrtens	My Ma	03/05/2024
Transmitted to DPS by	: Laura Darling	Laura Benjea Darby	03/05/2024
DPS Approval By:			
Transmitted to ACOE b	ру:		



# Segment 6 (Package 4A) EM&CP Appendix E Updates to Excursion S6-P4A#5 GIS Exhibit

## **APPENDIX E. PACKAGE 4A - SEGMENT 6 DEVIATION ZONE EXCURSIONS**

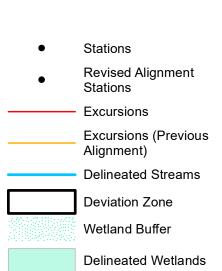


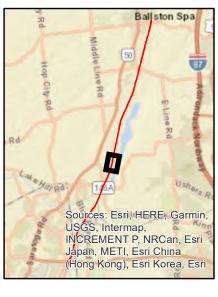
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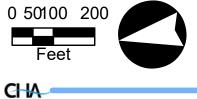
### CHPE EM&CP

Saratoga and Schenectady County, New York

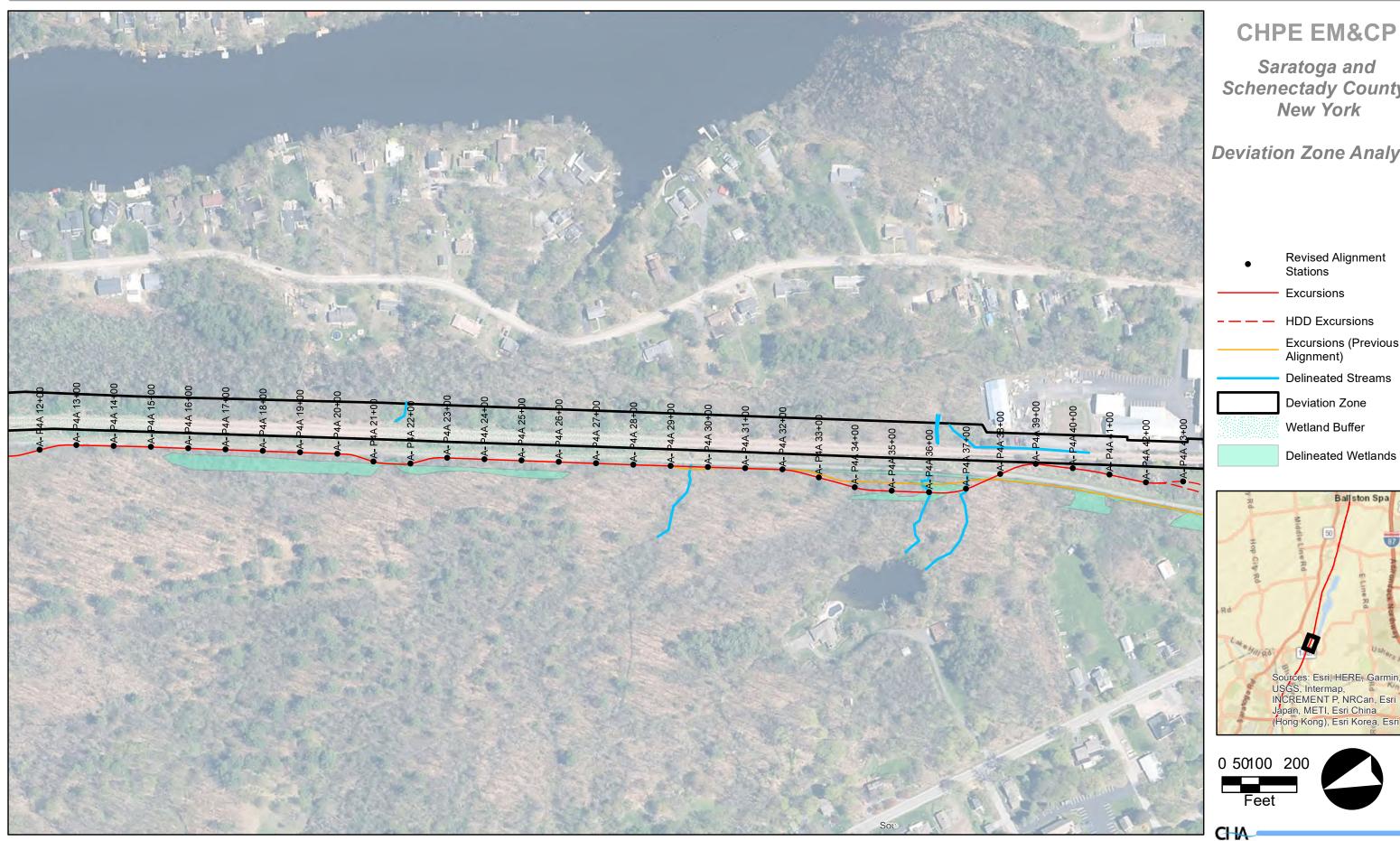
**Deviation Zone Analysis** 







### **APPENDIX E. PACKAGE 4A - SEGMENT 6 DEVIATION ZONE EXCURSIONS**



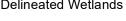
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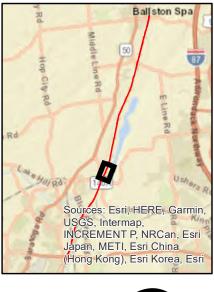
### **CHPE EM&CP**

Schenectady County,

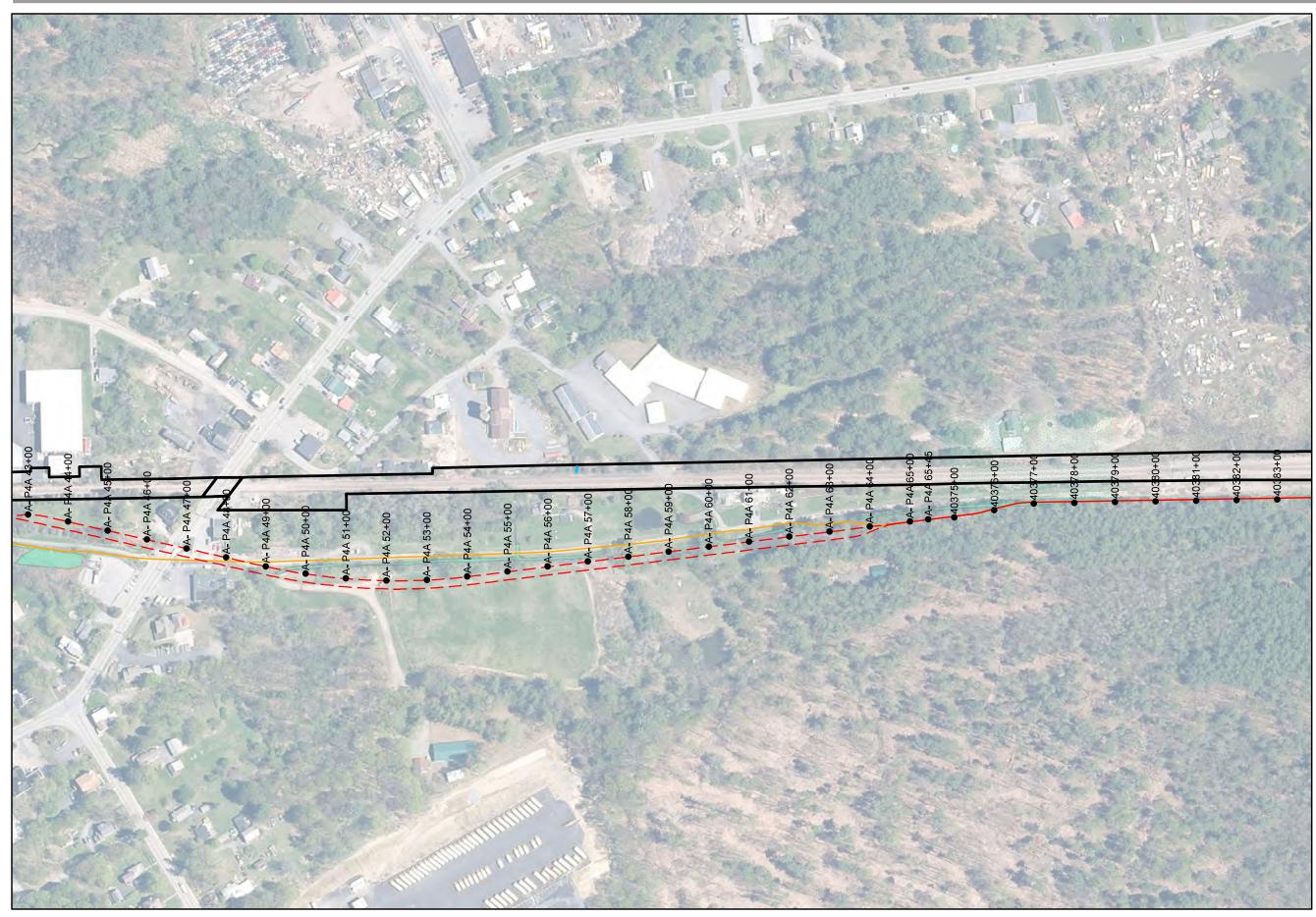
**Deviation Zone Analysis** 

Revised Alignment Stations Excursions (Previous Alignment) **Delineated Streams** 





# **APPENDIX E. PACKAGE 4A - SEGMENT 6 DEVIATION ZONE EXCURSIONS**



### Page 13 of 19

### CHPE EM&CP

Saratoga and Schenectady County, New York

**Deviation Zone Analysis** 

- Stations
   Revised Alignment Stations
   Excursions
   HDD Excursions
   Excursions (Previous Alignment)
   Delineated Streams
   Deviation Zone
   Wetland Buffer
  - Delineated Wetlands



Feet

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# Segment 6 (Package 4A) EM&CP Table 9.1 and 9.2 Waterbody and Wetland Impact Summary Updates

### **CN 63 Wetland and Waterbody Impact Table Updates**

Showing affected rows only

### Table 9.1 – Waterbody Impact Summary Within Segment 6

Approximate Station	Waterbody Name	NYSDEC Classification*	Field ID**	Flow Status	Lat/Long	Avoidance and Minimization Measures	Impact
40345+00 (C-412)	Unnamed Tributary to Ballston Lake	Unmapped	S2	Intermittent	42.912733, -73.874256	Dry Crossing	122 Linear Feet
40346+25 (C-412)	Unnamed Tributary to Ballston Lake	C/C 941-72	S1	Intermittent	42.912483, -73.87435	Dry Crossing	118 Linear Feet

\* Per 6 NYCRR Part 703. Classifications identified based on review of NYSDEC Environmental Resources Mapper (ERM).

\*\* Unique flagging sequence used to delineate/differentiate feature in the field.

### Table 9.2 – Wetland Impact Summary Within Segment 6

Wetland ID	Jurisdiction	Drawing Sheet Number and Approximate Station	Wetland Community Type*	Permanent ROW Impacts (square feet)	Temporary Construction Impacts (square feet)	State Wetland Buffer Temporary Construction Impacts (square feet)
G-0	USACE	40318+75 to 40320+25 (C121, C-411)	PEM	100	2,044	0
G-N	USACE	40325+00 to 40335+50 (C-122, C-411)	PFO	383	12,900	0
FA-DZ	USACE, NYSDEC (R-18)	40331+00 to 40337+50 (C-122, C-411)	PFO	0	0	5,494
G-L	USACE	40339+00 to 40353+50 (C-122, C-411)	PEM	1,252	3,429	0
G-L	USACE	40339+00 10 40333+30 (C-122, C-411)	PFO	0	0	0
G-M	USACE	40343+00 to 40346+25 (C-123, C-412)	PSS	582	6,457	0
P4A-Q	USACE	40372+60 to 40379+25 (C-125, C-413)	PEM	1,566	3,222	0

\* PEM – Palustrine emergent, .PSS – Palustrine scrub-shrub, PFO – Palustrine forest



Segment 6 (Package 4A)
List of EM&CP Appendix C Sheet Revisions

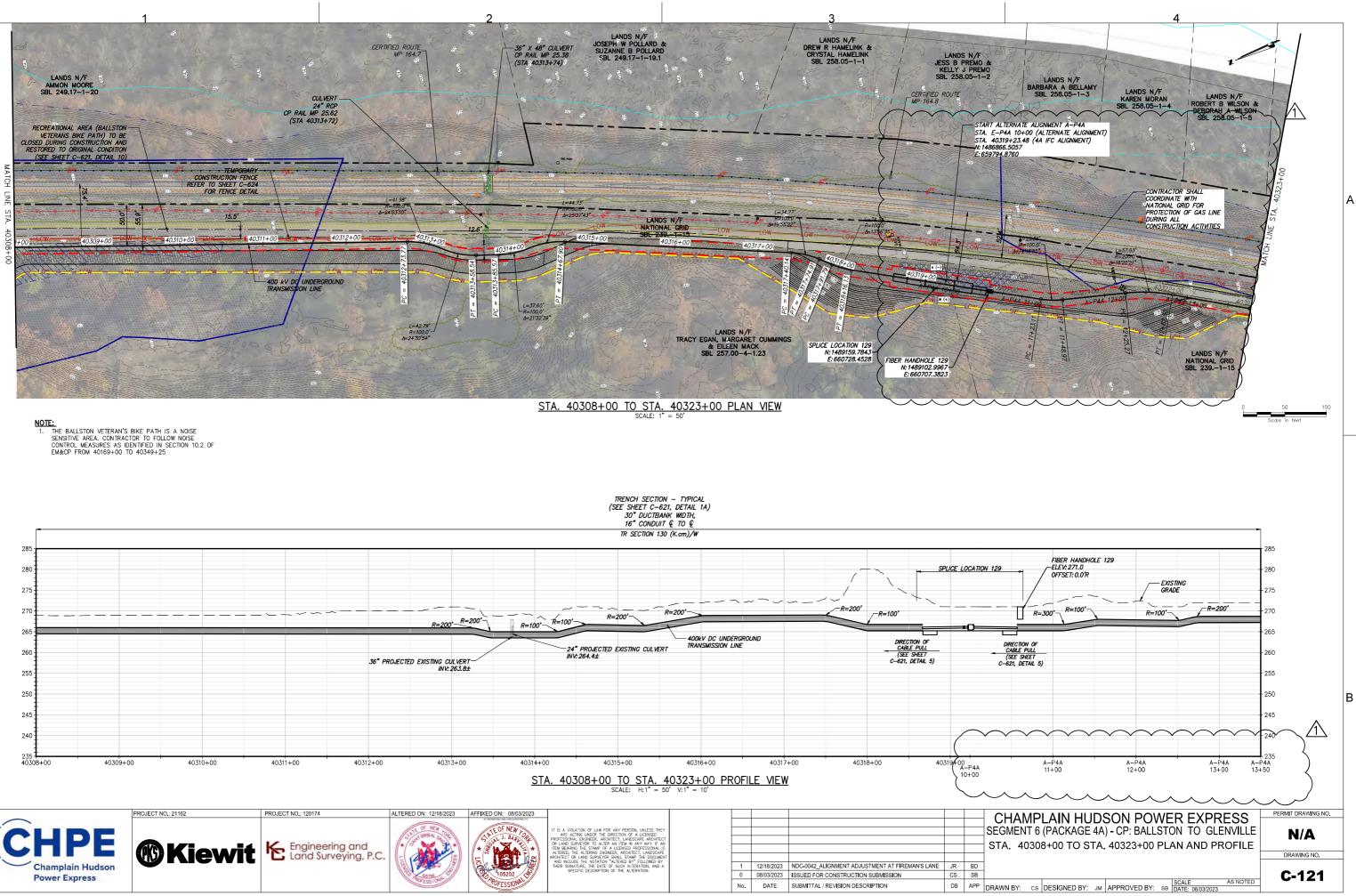
			EM&CP Append	lix C - Plan Sheet Updates
Seg	Sheet	Rev No	Revision Description	Summary
	C-121	1	NDC-0042_Alignment Adjustment at Fireman's Lane	Nominal change only. Splice 130 was shifted (C-123), so new contin
6				established back to Splice 129.
	C-122	1	NDC-0042_Alignment Adjustment at Fireman's Lane	Nominal change only. Splice 130 was shifted (C-123), so new contin
6				established back to Splice 129.
	C-123	1	NDC-0042_Alignment Adjustment at Fireman's Lane	Shift of Splice location 130. Added HDD 57B. Alignment and LOW a
6				
	C-124	1	NDC-0042_Alignment Adjustment at Fireman's Lane	Added HDD 57B. Alignment and LOW adjustments to support.
6				
	C-125	2	NDC-0042_Alignment Adjustment For Fireman's Lane	Added HDD 57B. Alignment and LOW adjustments to support.
6				
6	C-304B	0	Issued for Construction: NDC-0042	New HDD: 57B.
6	C-304B.1	0	Issued for Construction: NDC-0042	New HDD: 57B.
6	C-304C	0	Issued for Construction: NDC-0042	New HDD: 57B.
6	C-304C.1	0	Issued for Construction: NDC-0042	New HDD: 57B.
	C-411	1	NDC-0042_Alignment Adjustment For Fireman's Lane	Created station equation to allow shift of splice 130. Nominal chan
6				
	C-412	1	NDC-0042_Alignment Adjustment For Fireman's Lane	ESC updates based on revised alignment/LOW.
6				
	C-413	2	NDC-0042_Alignment Adjustment For Fireman's Lane	ESC updates based on revised alignment/LOW.
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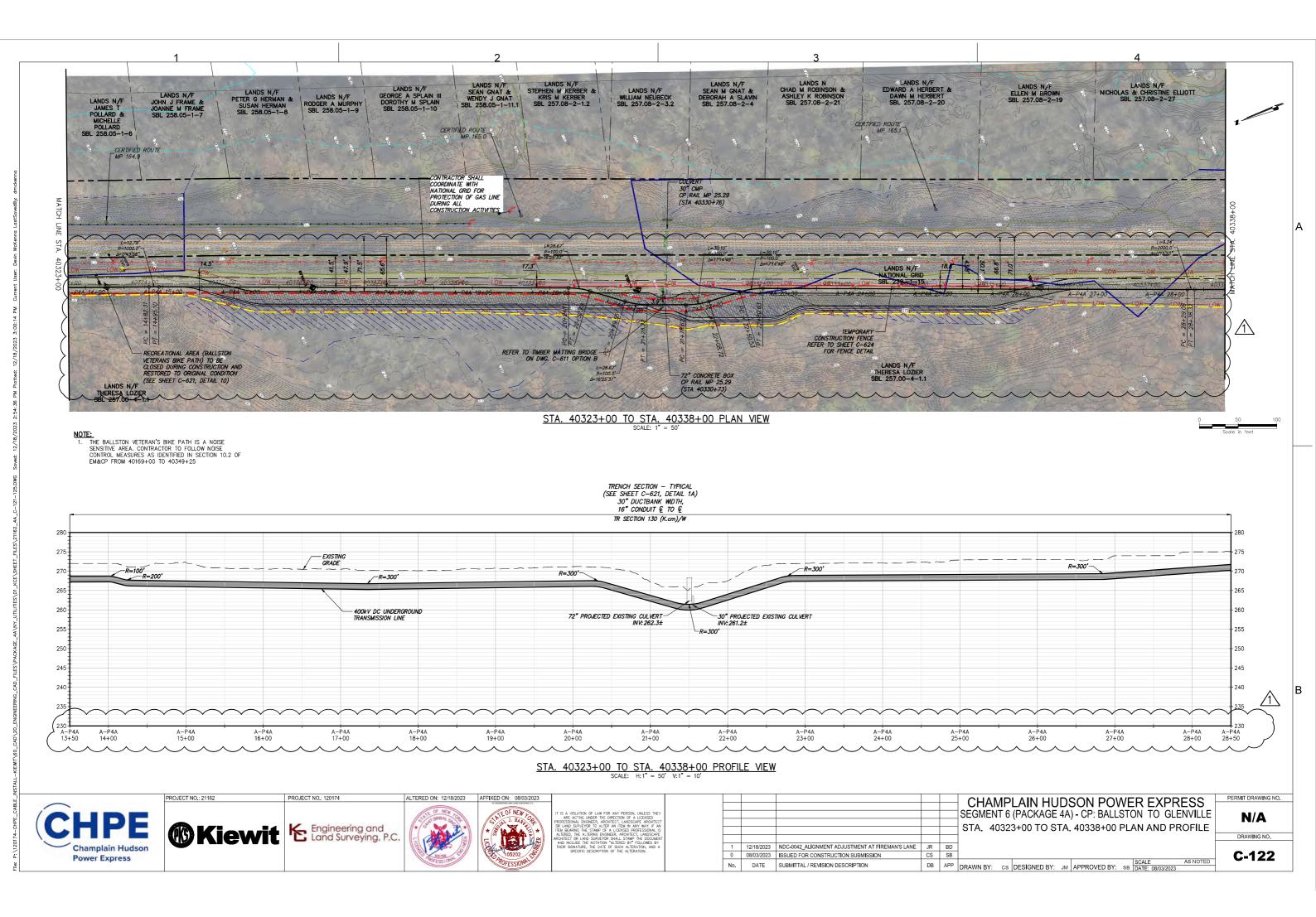
### NDC-0042 -- CHANGE NOTICE #63 -- SUMMARY OF REVISIONS

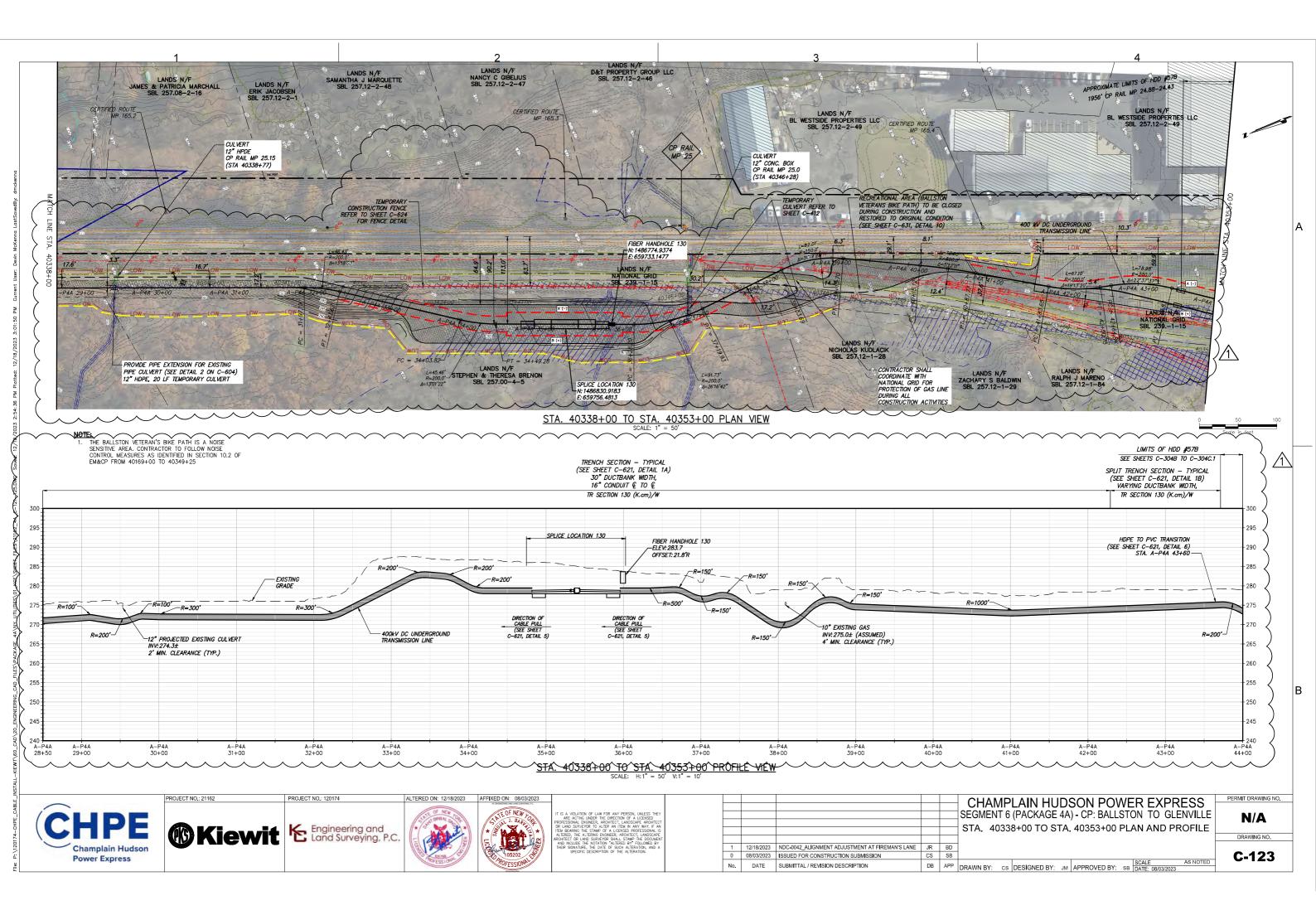
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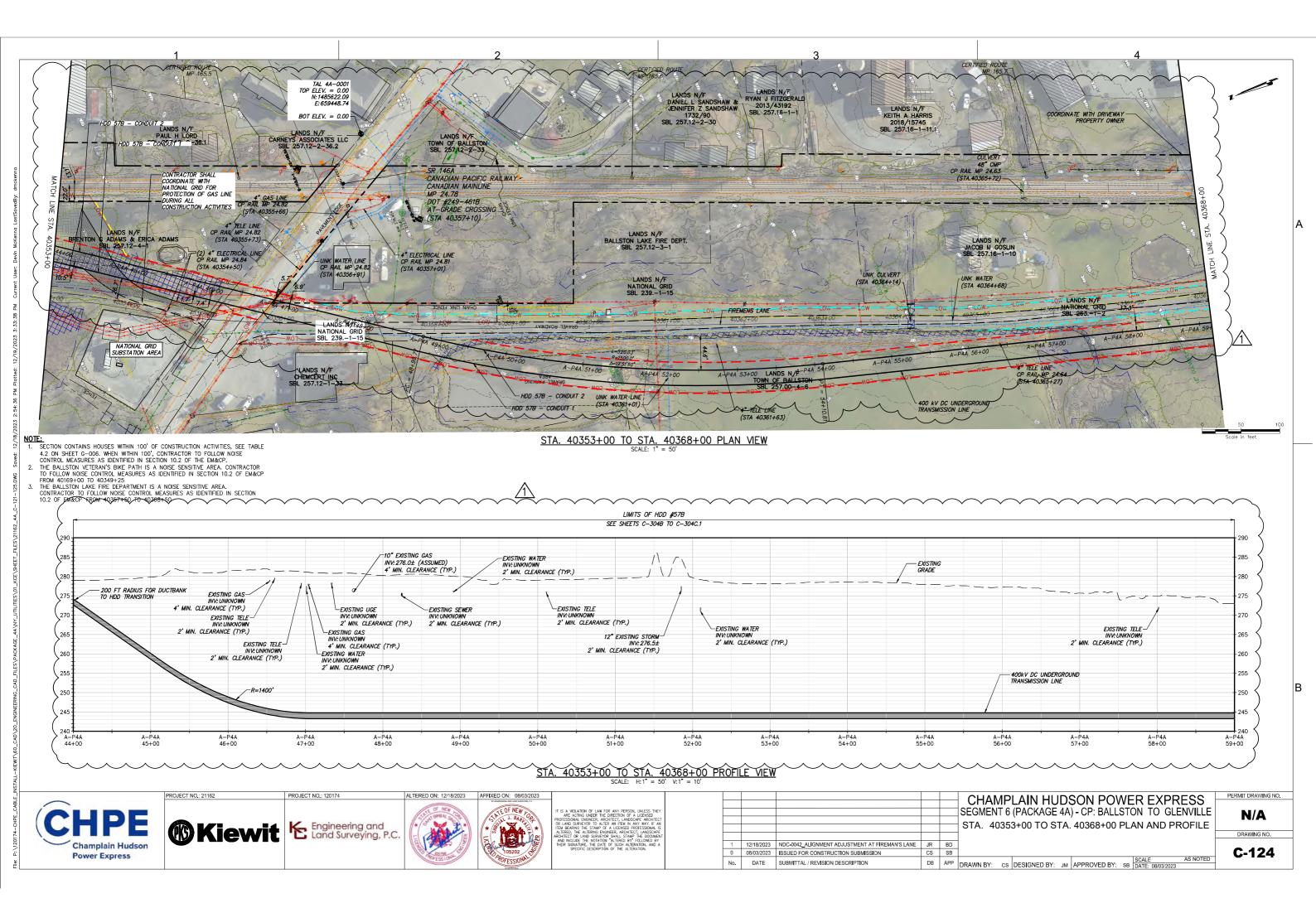


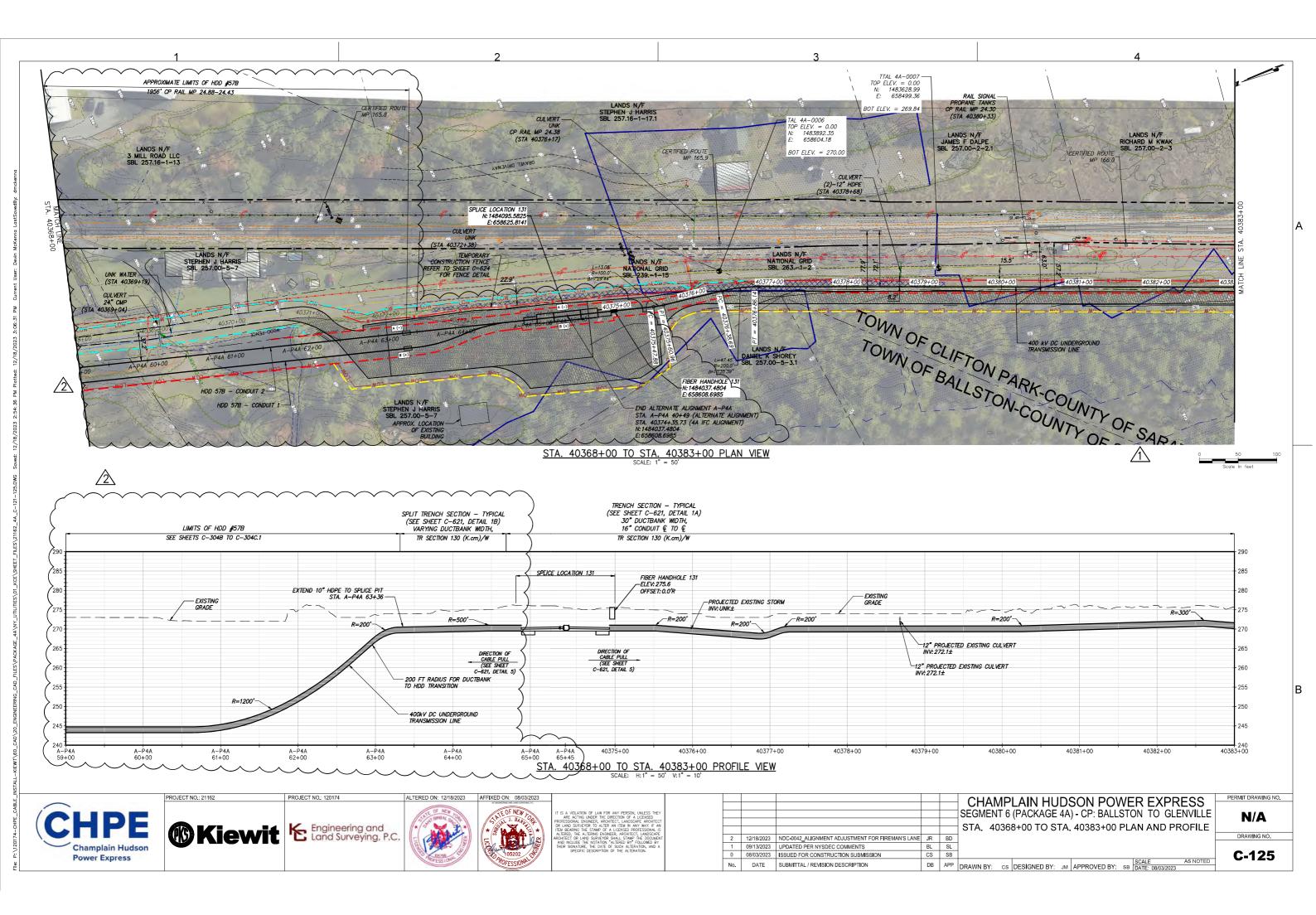
# Segment 6 (Package 4A) EM&CP Appendix C Revised Sheets

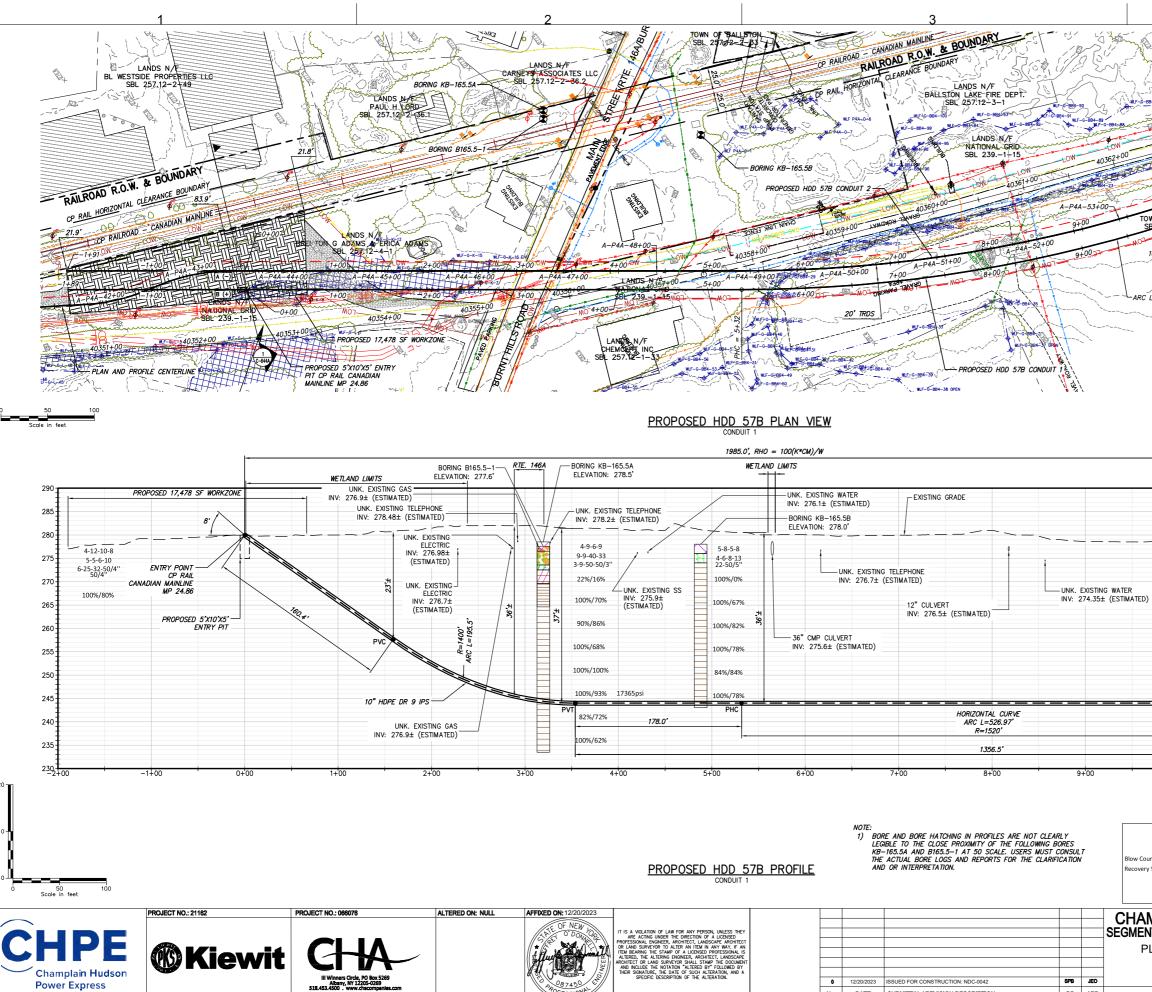












No. DATE SUBMITTAL / REVISION DESCRIPTION

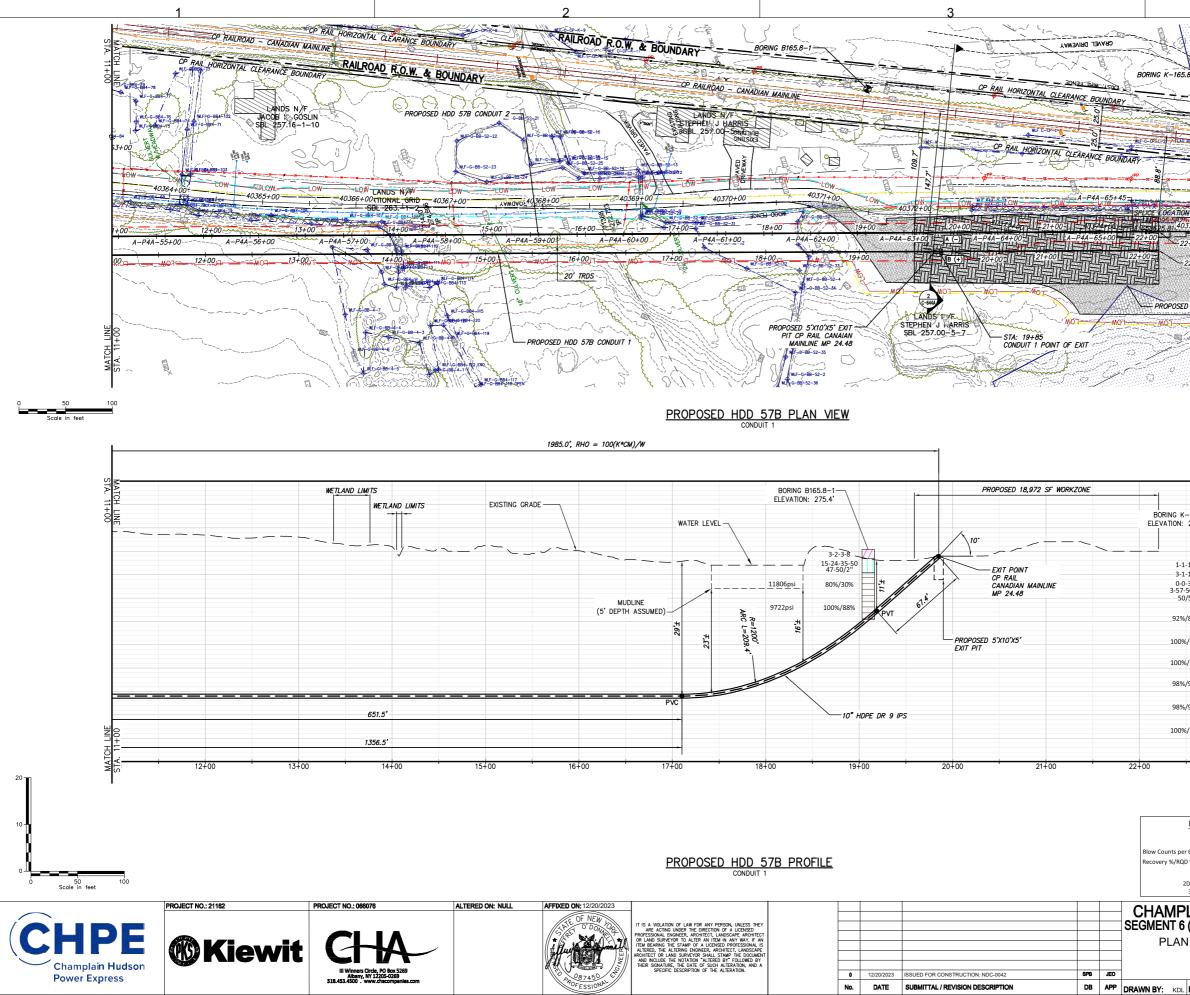
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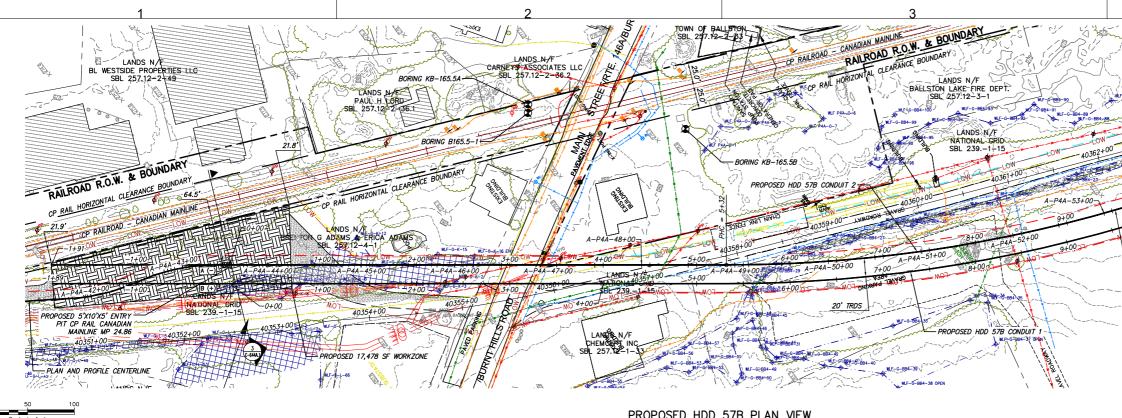
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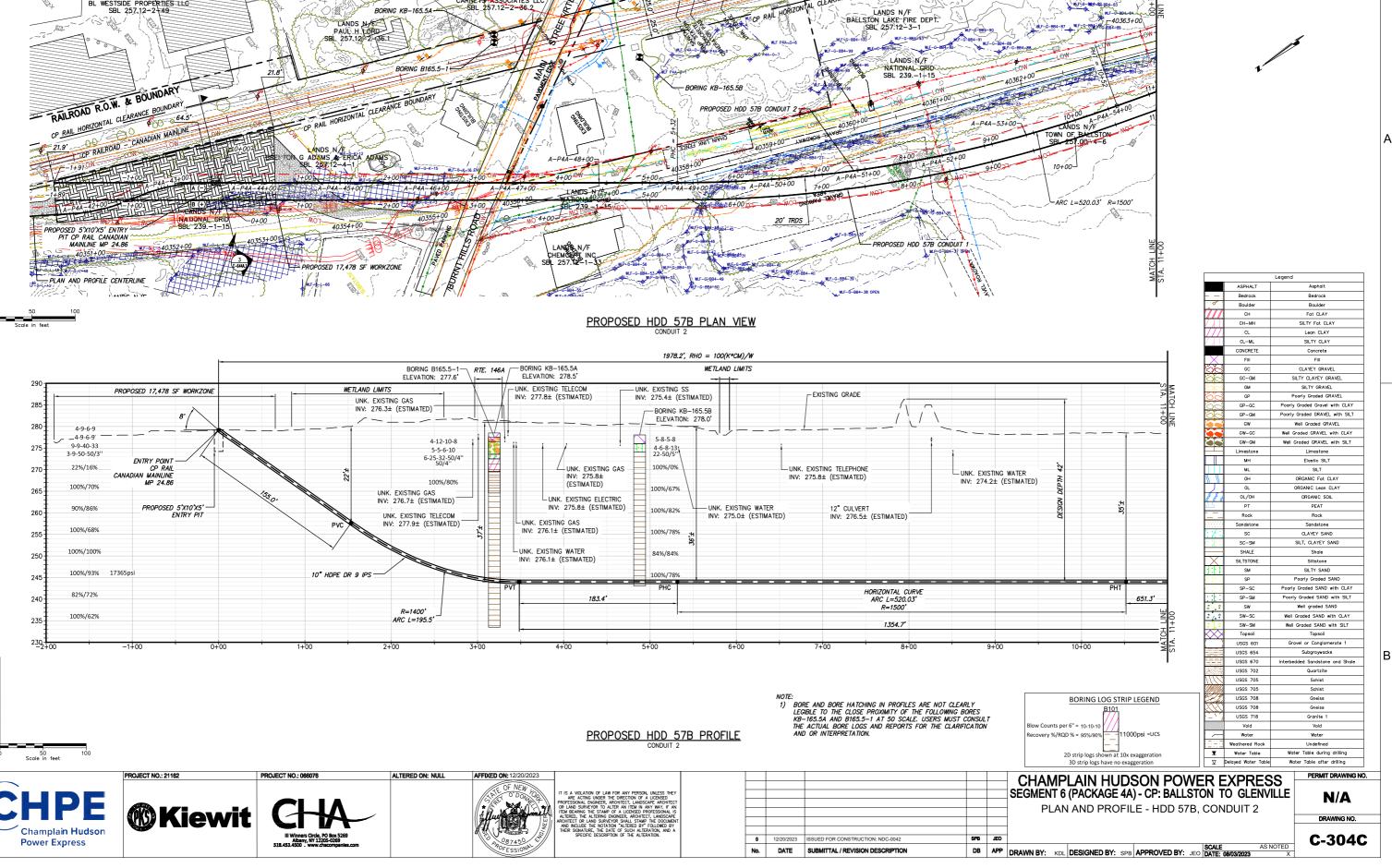
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r 6" = 10-10-10 D % = 95%/90% - 11	1000psi =UCS		Void Water	Void Water
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	FILE - HDD 57			
				DRAWING NO.
				C-304B

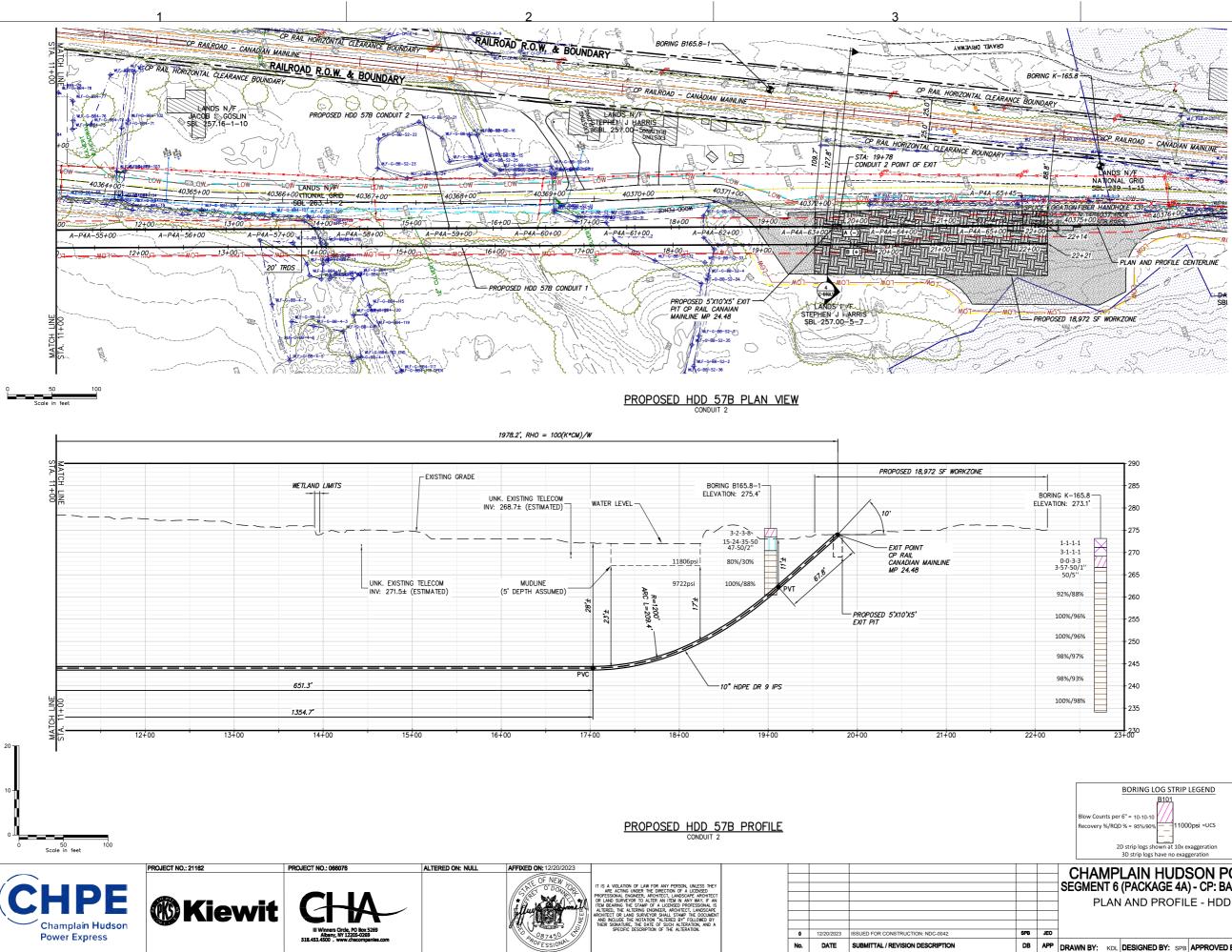
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WE-6-884-80-9-784-78-884

WLP-0-084-02-084-03



ZONE			
TANK AND			Legend
		ASPHALT	Asphalt
20		Bedrock	Bedrock
	· · Ø** ·	Boulder	Boulder
	111	СН	Fat CLAY
		CH-MH	SILTY Fat CLAY
	111	CL	Lean CLAY
		CL-ML	SILTY CLAY
		CONCRETE	Concrete
		Fill	Fill
	66	GC	CLAYEY GRAVEL
200	66	GC-GM	SILTY CLAYEY GRAVEL
1 <sup>290</sup>	66	GM	SILTY GRAVEL
	00	GP	Poorly Graded GRAVEL
- 285	00	GP-GC	Poorly Graded Gravel with CLAY
	00	GP-GM	Poorly Graded GRAVEL with SILT
280		GW	Well Graded GRAVEL
		GW-GC	Well Graded GRAVEL with CLAY
- 275	66	GW-GM	Well Graded GRAVEL with SILT
2/5		Limestone	Limestone
		MH	Elastic SILT
- 270		ML	SILT
	<u> </u>	он	ORGANIC Fat CLAY
- 265		OL	ORGANIC Lean CLAY
		OL/OH PT	ORGANIC SOIL
260	<u></u>		PEAT
200		Rock	Rock
055		Sandstone SC	Sandstone CLAYEY SAND
- 255	· · · ·	SC-SM	SILT, CLAYEY SAND
	· 1. ·	SHALE	Shale
250		SILTSTONE	Siltstone
		SM	SILTY SAND
245		SP	Poorly Graded SAND
	1.17	SP-SC	Poorly Graded SAND with CLAY
240		SP-SM	Poorly Graded SAND with SILT
210	1.1	SW	Well graded SAND
075	× / *	SW-SC	Well Graded SAND with CLAY
- 235	1 1	SW-SM	Well Graded SAND with SILT
	$\otimes$	Topsoil	Topsoil
230		USGS 601	Gravel or Conglomerate 1
66		USGS 654	Subgraywacke
		USGS 670	Interbedded Sandstone and Shale
		USGS 702	Quartzite
	MU	USGS 705	Schist
		USGS 705	Schist
ORING LOG STRIP LEGEND		USGS 708	Gneiss
B101		USGS 708	Gneiss
. ///	1 - `'ı	USGS 718	Granite 1
'= 10-10-10		Void	Void
5 = 95%/90% - 11000psi =UCS		Water	Water
		Weathered Rock	Undefined Water Table during drilling
trip logs shown at 10x exaggeration	<b>▼</b>	Water Table Delayed Water Table	Water Table during drilling Water Table after drilling
strip logs have no exaggeration		osiayeu muter Table	
AIN HUDSON POW		YDDEC	PERMIT DRAWING
AIN HODSON POWN PACKAGE 4A) - CP: BALLST AND PROFILE - HDD 57B	'ON T	O GLENV	ILLE N/A
	,		DRAWING NO.
	SCALE	124	



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