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September 25, 2020

Jay T. Ryan
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Christopher Lawrence
Office of Electricity
OE-20, Room 8E-0
United States Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

RE: CHPE, LLC
OE Docket No. PP-481
Application of CHPE, LLC for Amendment to Presidential Permit

Dear Mr. Lawrence:

In accordance with Executive Order 10485, as amended by Executive Order 12038, and the United States Department of Energy's (DOE) implementing regulations, 10 C.F.R. § 205.320 *et seq.*, please find enclosed for filing in the above-captioned proceeding an original and two (2) copies of the *Application of CHPE, LLC for Amendment to Presidential Permit* (Application). Also enclosed is a check for the filing fee in the amount of $150 made out to the Treasurer of the United States.

As discussed more fully in the Application, CHPE, LLC (Applicant) respectfully requests that Presidential Permit No. 481 be amended to allow for certain minor modifications to the permitted route and converter station location for the Champlain Hudson Power Express Project (Project). The proposed modifications will reduce impacts to the environment and further mitigate impacts to local communities. A description and an accompanying environmental analysis of the proposed route modifications are included in the Application. Additionally, the Applicant is providing an update on the anticipated overland installation method for the transmission cables. There are no significant changes in the environmental impacts associated with the changes to the overland installation method as previously described in the DOE's *Final Environmental Impact Statement for the Champlain Hudson Power Express Transmission Line Project* (DOE/EIS-0447).

The New York Independent System Operator (NYISO) is currently studying the Project as part of Class Year 2019. Based on available information, Applicant believes the NYISO will conclude its study processes in December 2020 / January 2021, which will trigger a requirement that Applicant post an estimated security of approximately $193 million dollars for required upgrades in February 2021. If the Applicant does not timely post the required security, the Project must enter a new NYISO Class Year study, which would delay the Project (and all of its attendant benefits) by 1-2 years. In order to be in a position to post a security of this magnitude, Applicant must have all permit modifications approved no later than January 2021 to enable financing to occur in early February 2021. Accordingly, Applicant respectfully requests that DOE approve the proposed route modifications and amend Presidential Permit 481 on or before January 19, 2021.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

/s/ Jay Ryan

Jay Ryan

cc: Melissa Pauley, DOE
Josh Bagnato, TDI
Bill Helmer, TDI
Sean Murphy, VHB

UNITED STATES OF AMERICA

BEFORE THE DEPARTMENT OF ENERGY

OFFICE OF ELECTRICITY DELIVERY AND

ENERGY RELIABILITY

CHPE, LLC

Docket No. PP-481

APPLICATION OF CHPE, LLC FOR AMENDMENT TO PRESIDENTIAL PERMIT

September 25, 2020

UNITED STATES OF AMERICA

BEFORE THE DEPARTMENT OF ENERGY

OFFICE OF ELECTRICITY DELIVERY AND

ENERGY RELIABILITY

CHPE, LLC	**)**	**OE DOCKET NO. PP-481**

APPLICATION OF CHPE, LLC FOR

AMENDMENT TO PRESIDENTIAL PERMIT

Pursuant to Section 202(e) of the Federal Power Act, 16 U.S.C. § 824(a)(e), Executive Order 10485 as amended by Executive Order 12038, and applicable regulations of the United States Department of Energy (DOE), 10 C.F.R. §§ 205.320 *et seq*, CHPE, LLC (the Applicant) respectfully files this application to amend Presidential Permit No. 481 (PP-481) to approve certain proposed route modifications and a change to the overland construction method as described herein.

BACKGROUND

On October 6, 2014, DOE issued a Presidential Permit (PP-362) authorizing the predecessor of CHPE, LLC[1] to construct, operate, and maintain the Champlain Hudson Power Express Project (Project). The Project is a 1,000 Megawatt (MW), high-voltage direct current

[1] PP-362 was issued to Champlain Hudson Power Express, Inc. (CHPEI), an affiliate of CHPE, LLC.

(HVDC), underground and underwater merchant transmission system that will cross the United States-Canada international border underwater near the Town of Champlain, New York, extend approximately 336 miles south through New York State, and interconnect to facilities located in Queens, New York. The aquatic segments of the transmission line will primarily be submerged in Lake Champlain and the Hudson, Harlem, and East rivers. The terrestrial portions of the transmission line will primarily be buried in existing road and railroad rights-of-way (ROW).

On April 6, 2020, CHPEI and CHPE, LLC jointly filed an application with DOE requesting that DOE amend or, in the alternative, rescind and reissue Presidential Permit No. PP-362 to enable the transfer of the permit from CHPEI to its affiliate CHPE, LLC. The transfer of the permit was necessitated by an internal corporate reorganization. In response to the joint application, DOE issued a Presidential permit to CHPE, LLC (PP-481) on July 21, 2020.

Since the issuance of the initial Presidential Permit in 2014, the Applicant, in consultation with various stakeholders, has developed certain modifications to the permitted Project route (Permitted Route), as well as a relocation of the Project converter station. The eight proposed route modifications represent the addition of approximately 5.1 linear miles or an overall increase in project length of less than 2%. The Permittees have also identified a construction method that will reduce environmental impacts.

These proposed changes are principally driven by environmental, landowner/stakeholder, and engineering considerations that have been identified as the Applicant has refined the design of the Project. Among other things, the proposed changes would avoid shallow water related engineering challenges, reduce rock removal and wetland impacts, eliminate disruption to downtown activities within the City of Schenectady, forego reliance on an aging railroad bridge,

accommodate community concerns, avoid recently constructed infrastructure while also optimizing the design of the converter station and the connection to existing electrical facilities. Letters from the hosting communities regarding these reroutes are provided in Appendix A.

The information provided below provides the basis upon which DOE should approve the proposed route and construction method modifications.

PROPOSED MODIFICATIONS

The Applicant submitted amendment applications to the New York State Public Service Commission (NYSPSC) in September and December of 2019 seeking approval of an improved installation methodology and seven of the eight route modifications, respectively. The NYSPSC approved the modified construction method on March 20, 2020[2] and seven route modifications and the relocation of the converter station on August 13, 2020.[3] The Applicant intends to submit a request for approval of the Harlem River Yard modification in the near future.

1.1 Project Description

The description of the project as approved in PP-362 remains unchanged except for the modifications discussed below. The route modifications do not affect the routing within the Hudson River or Harlem River other than a minor (less than 1,000 feet) decrease in the length of the transmission system installed in the Hudson River south of Haverstraw Bay.

[2] http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B85C1F1B-025F-4BB6-B24E-EB00C4994BB2} The Order also approved the Applicant's request to allow for: 1) flexibility in establishing the exact dimensions of the Project's permanent overland rights-of-way; 2) modification of shallow exclusions in the Harlem River; and 3) alignment of waterbody burial depths in the Certificate with those already authorized by the USACE.

[3] http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={05245FC5-371F-4EC3-B57E-A50E0736A59E}

Putnam Station

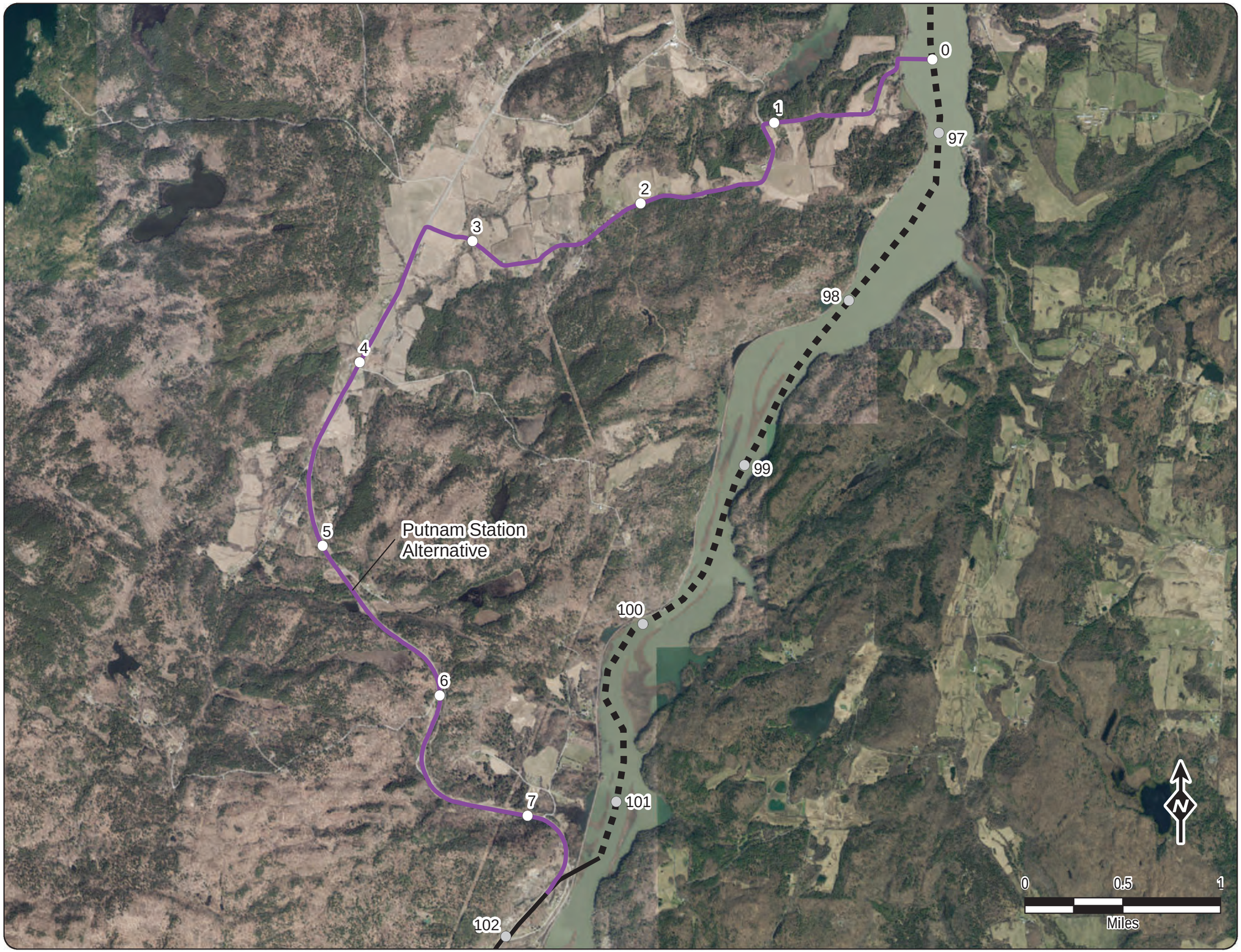
The Applicant proposes to have the transmission cables exit Lake Champlain at milepost (MP) 96.6 of the Permitted Route, relying on horizontal directional drilling techniques (HDD) to transition to the terminus of County Road 3 in the Town of Putnam (Figure 1.1-1). The route would then follow an overland route within the road rights-of-way (ROWs) for approximately 7.6 miles before reconnecting to the Permitted Route at MP 101.5. The routing would eliminate the previously proposed installation of the transmission system within the Narrows of Lake Champlain Federal Navigation Channel.

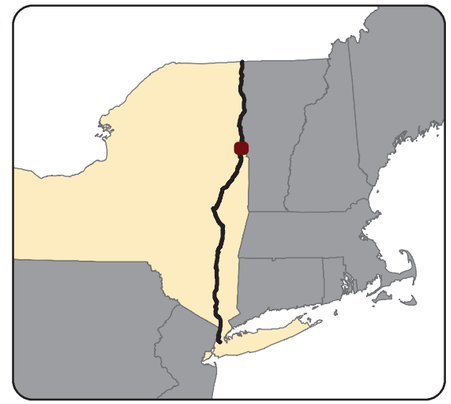
The Permitted Route and the proposed Putnam Station routing have similar environmental impacts (see Table 1.1-1). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the Putnam Station Route.

Table 1.1-1: Comparison of Permitted Route and Putnam Station Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	0.3	7.6
Submarine (Miles)	4.69	0
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	0	0
NYSDEC Wetland (Feet Crossed by CL)	0	0
NYSDEC Streams Crossed	NA*	14
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely

*Majority of route is within Lake Champlain.





Legend

- Preferred Alternative Milepost
- Certified Milepost
- Preferred Alternative
- Certified Route - Submarine
- Certified Route - Terrestrial

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-1

Site Location Map
Putnam Station
Preferred Alternative

Prepared by: TRC 11/15/2019

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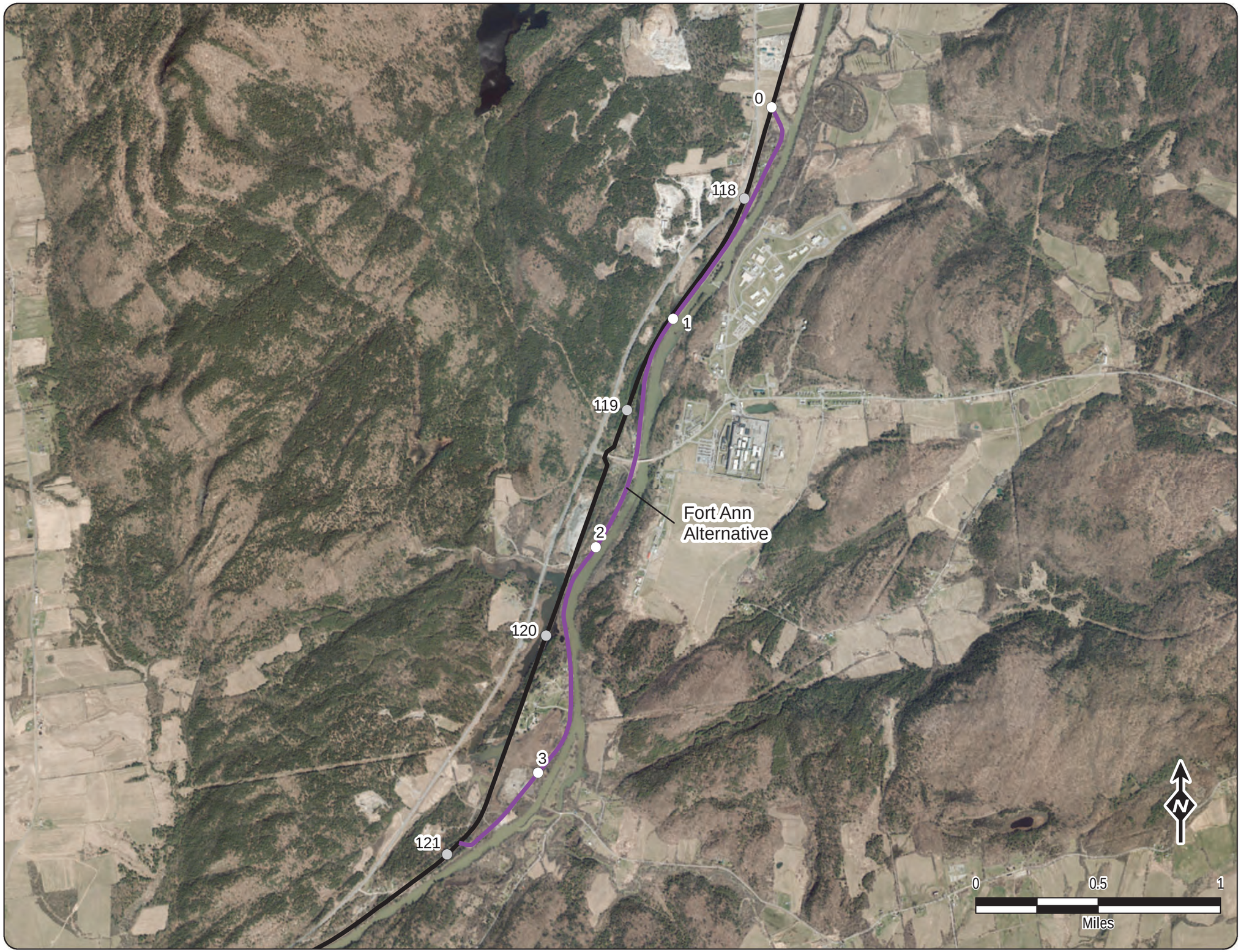
Fort Ann

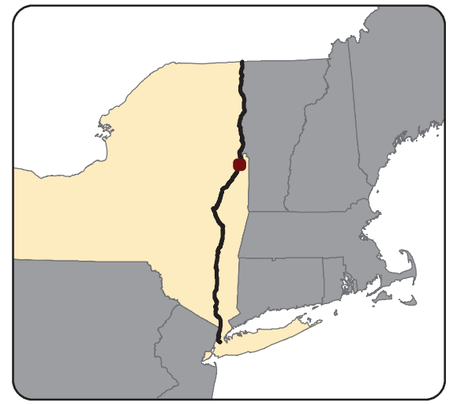
The Applicant proposes transitioning the cables from the Permitted Route at MP 117.6 in the Town of Whitehall to the Old Route 4 road ROW via an HDD (Figure 1.1-2). The route would travel south for approximately 3.4 miles within a road ROW in Whitehall and Fort Ann before rejoining the Permitted Route at MP 120.9 via another HDD.

The Permitted Route and the proposed Fort Ann routing have similar environmental impacts (see Table 1.1-2). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the Fort Ann Route.

Table 1.1-2: Comparison of Permitted Route and Fort Ann Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	3.31	3.5
Submarine (Miles)	0	0
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	2.84	2.65
NYSDEC Wetland (Feet Crossed by CL)	101	198
NYSDEC Streams Crossed	4	3
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely





Legend

- Preferred Alternative Milepost
- Certified Milepost
- Preferred Alternative
- Certified Route - Terrestrial

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-2

Site Location Map
Fort Ann
Preferred Alternative

Prepared by: TRC 11/15/2019

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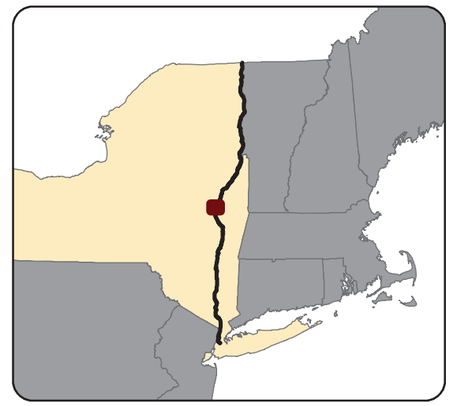
Schenectady

The Applicant proposes rerouting the cables from the Permitted Route within a railroad ROW at MP 169.1 in the City of Schenectady to a different railroad ROW for 6 miles in a western direction (Figure 1.1-3). The route would then cross under the Mohawk River via an HDD, beginning from a property on the north side of the Mohawk River crossing over a New York State Department of Transportation (NYSDOT) roadway ROW on the south side of the River before being installed within a railroad ROW for 3 miles before rejoining the Permitted Route at MP 177.1 in Rotterdam.

The Permitted Route and the proposed Schenectady routing have similar environmental impacts (see Table 1.1-3). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the Schenectady Route.

Table 1.1-3: Comparison of Permitted Route and Schenectady Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	7.97	9.72
Submarine (Miles)	0	0
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	3.73	0.04
NYSDEC Wetland (Feet Crossed by CL)	358	0
NYSDEC Streams Crossed	15	14
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely



Legend

- Preferred Alternative Milepost
- Certified Milepost
- Preferred Alternative
- Certified Route - Terrestrial

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-3

Site Location Map
Schenectady
Preferred Alternative

Prepared by: TRC 11/15/2019

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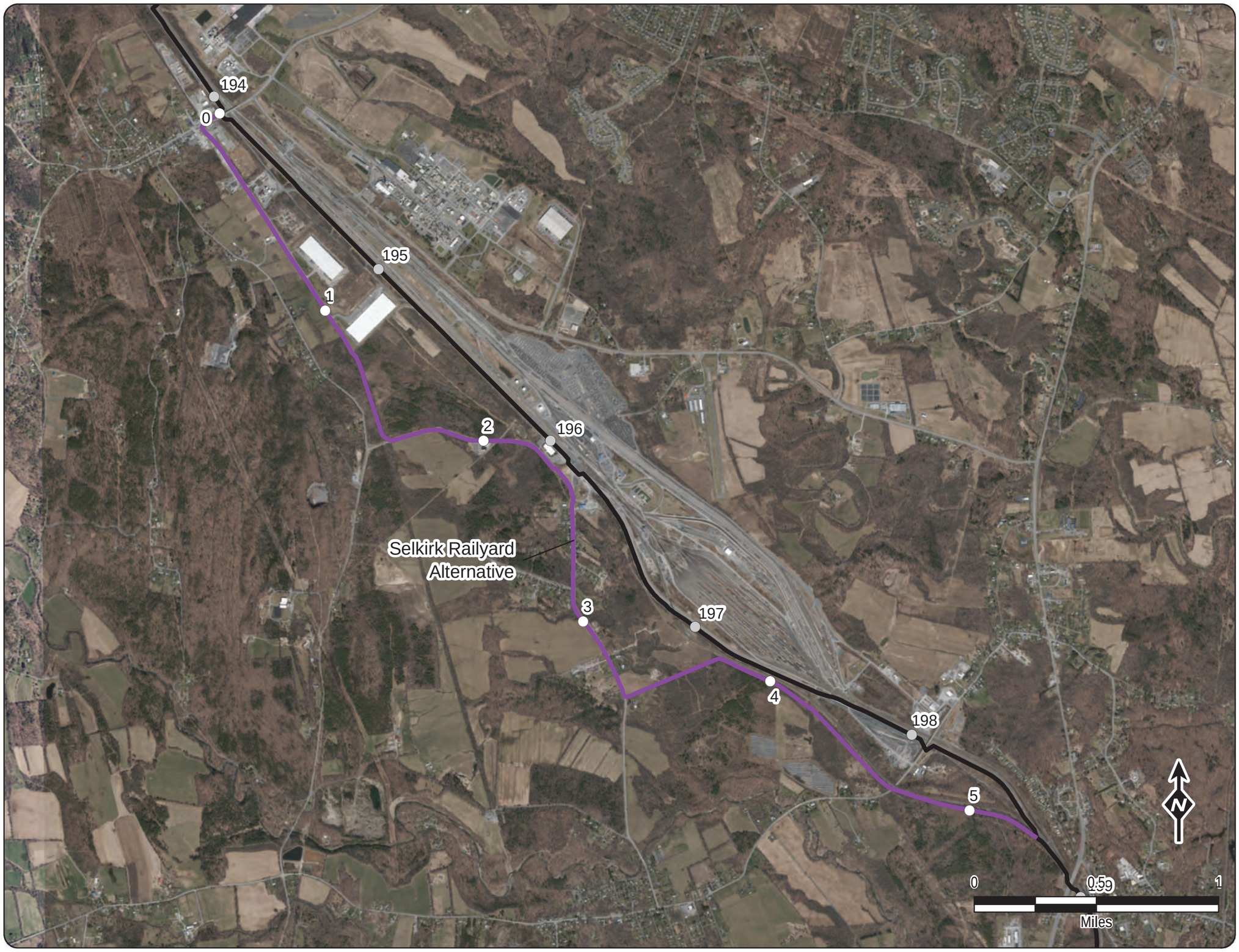
Selkirk Rail Yard

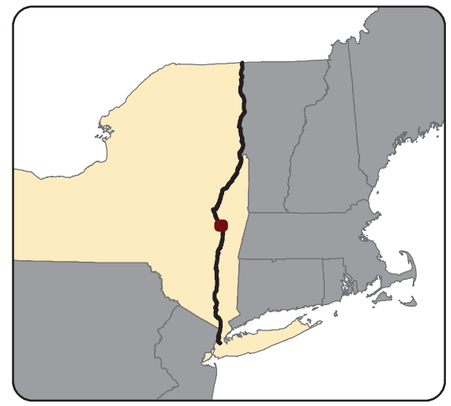
The Applicant proposes rerouting the transmission cables from the Permitted Route at MP 194.1 in Bethlehem to follow New York Route 32 and then West Yard Road (Figure 1.1-4). At the end of West Yard Road, the cables would be installed under approximately 0.5 miles of undeveloped land to South Albany Road. The cables would continue in the road ROW for 1.6 miles heading east before crossing over a property easement to rejoin the railroad ROW. The modified route would then parallel the Permitted Route within the railroad ROW for approximately 1.5 miles before rejoining the Permitted Route at MP 198.1.

The Permitted Route and the proposed Selkirk Rail Yard routing have similar environmental impacts (see Table 1.1-4). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the Selkirk Rail Yard Route.

Table 1.1-4: Comparison of Permitted Route and Selkirk Yard Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	4.62	5.30
Submarine (Miles)	0	0
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	0	0
NYSDEC Wetland (Feet Crossed by CL)	0	0
NYSDEC Streams Crossed	0	7
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely





Legend

- Preferred Alternative Milepost
- Certified Milepost
- Preferred Alternative
- Certified Route - Terrestrial

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-4

Site Location Map
Selkirk Railyard
Preferred Alternative

Prepared by: TRC 11/15/2019

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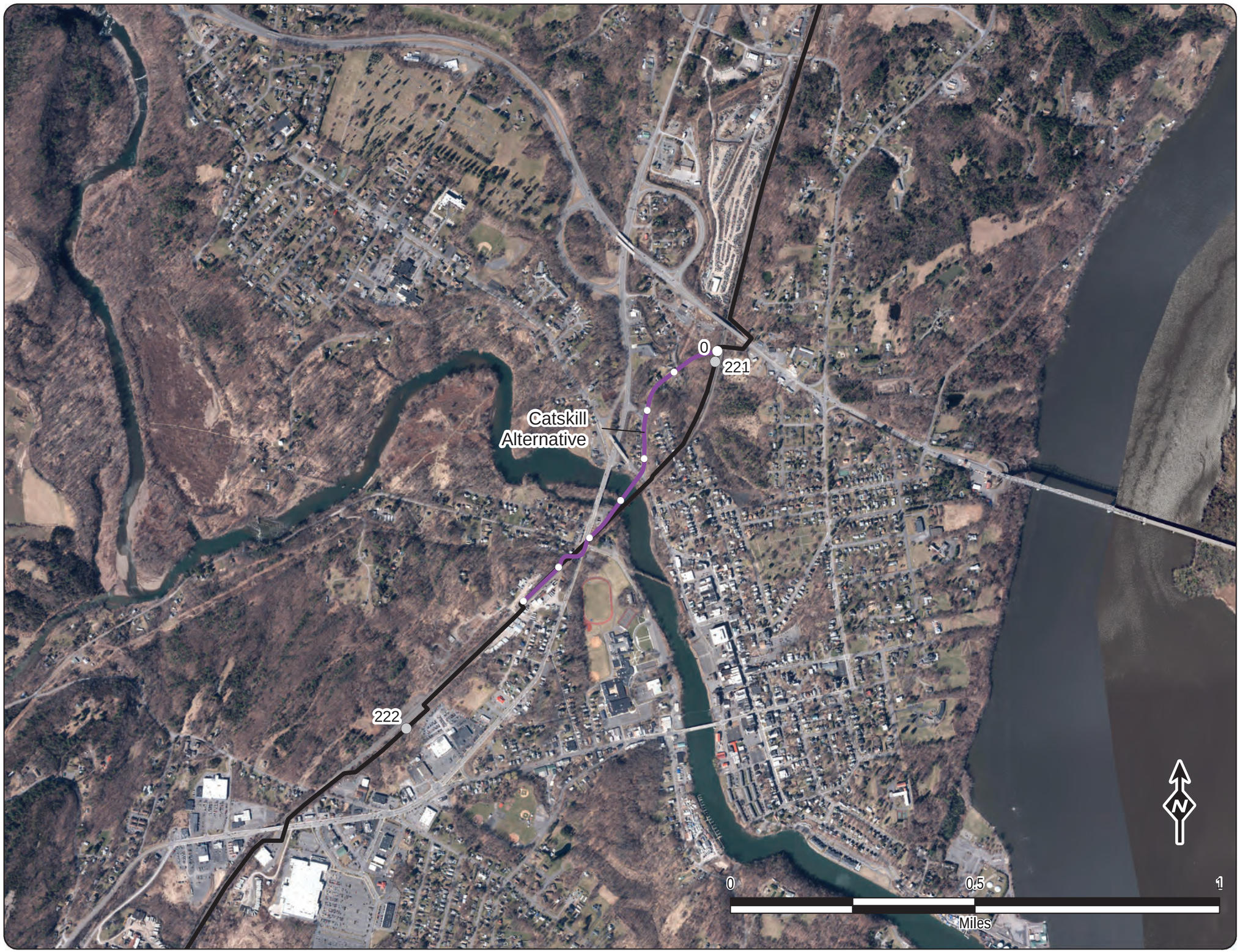
Catskill Creek

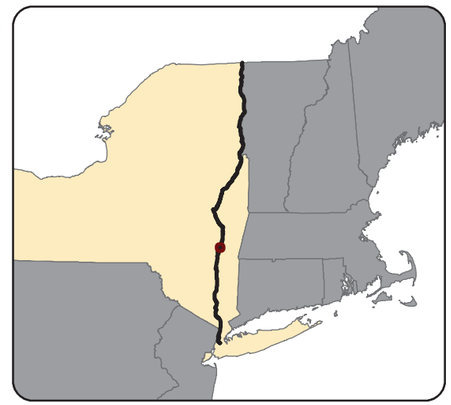
The Applicant proposes to move the cables from the Permitted Route at MP 221 in Catskill and have them travel west for approximately 0.1 miles underneath undeveloped land via a trench and a short HDD to reach Allen Street (Figure 1.1-5). The route would then follow Allen Street until an HDD would install the cables under Catskill Creek to a parcel on the south side of Catskill Creek. The cables then would travel across Route 9W onto Willow Lane before rejoining a railroad ROW and the Permitted Route at MP 221.7.

The Permitted Route and the proposed Catskill Creek routing have similar environmental impacts (see Table 1.1-5). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the Catskill Creek Route.

Table 1.1-5: Comparison of Permitted Route and Catskill Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	0.67	0.70
Submarine (Miles)	0	0
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	0	0
NYSDEC Wetland (Feet Crossed by CL)	0	0
NYSDEC Streams Crossed	2	5
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely





Legend

- Preferred Alternative Milepost
- Certified Milepost
- Preferred Alternative
- Certified Route - Terrestrial

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-5

Site Location Map
Catskill
Preferred Alternative

Prepared by: TRC 11/15/2019

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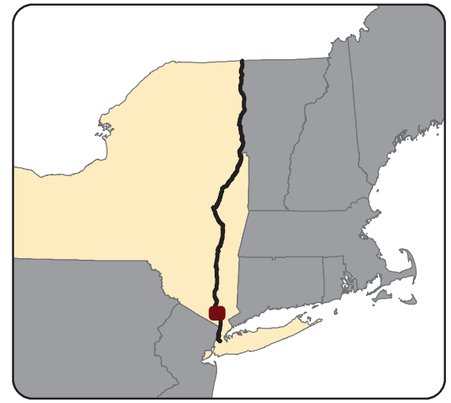
Rockland County

The Applicant proposes moving the cables from the Permitted Route at MP 295.4 in Stony Point to transition from the Hudson River via HDD (Figure 1.1-6). From the HDD exit, the cable would be installed via trenching onto Park Road in a westerly direction to connect into Route 9W heading south. Following Route 9W, the cables would travel south through the Town of Stony Point, the Town of Haverstraw, the Villages of West Haverstraw and Haverstraw, and the Town of Clarkstown for approximately 7 miles before a land-to-water HDD would connect to the Permitted Route at MP 303.

The Permitted Route and the proposed Rockland County routing have similar environmental impacts (see Table 1.1-6). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the Rockland County Route.

Table 1.1-6: Comparison of Permitted Route and Rockland County Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	7.9	8.56
Submarine (Miles)	0.22	0.23
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	4.29	0.81
NYSDEC Wetland (Feet Crossed by CL)	1,225	21
NYSDEC Streams Crossed	2	2
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely



Legend

- Preferred Alternative Milepost
- Certified Milepost
- Preferred Alternative
- Certified Route - Submarine
- Certified Route - Terrestrial

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-6

Site Location Map
Rockland County
Preferred Alternative

Prepared by: TRC 11/15/2019

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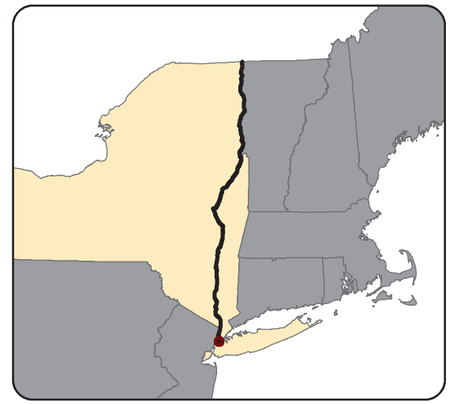
Harlem River Yard

The Applicant proposes moving the cables from the Permitted Route at MP 330 after making landfall in the Bronx, New York (Figure 1.1-7). At this location, the cables will be installed to traverse the eastern perimeter of the Harlem River Yard for approximately 0.25 miles before being installed under the Bronx Kill via HDD. The cables will exit into a splice box located under a travel lane of the Bronx Shore Road within Randall's Island Park. The cable will follow Bronx Shore Road past the RFK Bridge overpass and will then turn to be installed within the existing pedestrian pathways to the eastern side of the Park property. At this point, an HDD will be launched to cross under the East River (as in the Permitted Route) to connect with the Permitted Route at approximately MP 332.1.

The Permitted Route and the proposed Harlem River Yard routing have similar environmental impacts (see Table 1.1-7). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the Harlem River Yard Route.

Table 1.1-7: Comparison of Permitted Route and Harlem River Yard Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	2.1	2.1
Submarine (Miles)	0	0
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	0	0
NYSDEC Wetland (Feet Crossed by CL)	0	0
NYSDEC Streams Crossed	0	0
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely



Legend

- Certified Milepost
- Proposed HDD
- Preferred Route
- Certified Route - Submarine
- Certified Route - Terrestrial
- Preferred Converter Station

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-7
Site Location Map
Harlem Rail Yard Preferred Alternative and Converter Station

Prepared by: TRC 9/18/2020

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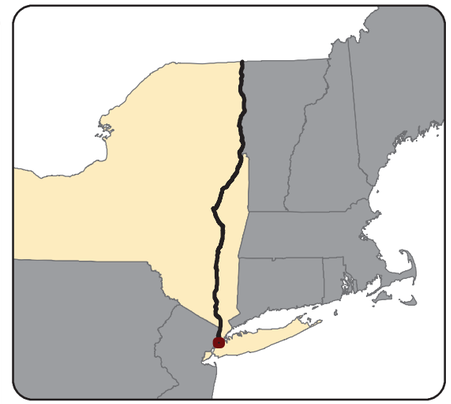
Astoria Rainey Cable (ARC)

The Applicant proposes to have the ARC exit the Permitted Route at 20th Avenue in Queens, New York and follow existing road ROWs for approximately 3.4 miles before connecting with the Permitted Route at the intersection with 35th Avenue, just outside of the Rainey Substation (Figure 1.1-8).

The Permitted Route and the proposed ARC routing have similar environmental impacts (see Table 1.1-8). The route modification avoids and minimizes potential environmental impacts to terrestrial resources; therefore, there is no material increase in potential environmental impacts between the Permitted Route and the ARC Route.

Table 1.1-8: Comparison of Permitted Route and ARC Route

Resource	Permitted Route	Alternative Route
Terrestrial Length (Miles)	3.39	3.38
Submarine (Miles)	0	0
Conflicts with Land Use Plans	None	None
NYSDEC Wetland (Acres within 600')	0	0
NYSDEC Wetland (Feet Crossed by CL)	0	0
NYSDEC Streams Crossed	0	0
Threatened /Endangered Species Conflicts	Unlikely	Unlikely
Culture Resource Conflicts	Unlikely	Unlikely



Legend

- Preferred Alternative Milepost
- Certified Milepost
- Preferred Alternative
- Certified Route - Submarine
- Certified Route - Terrestrial

Basemap: ESRI Aerial

Transmission Developers Inc.

Champlain-Hudson Power Express Project

Champlain-Hudson Power Express Inc.

Figure 1.1-91

Site Location Map
Astoria Rainey Cable
Preferred Alternative

Prepared by: TRC 11/18/2019

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Converter Station Relocation

In addition to the route modifications, the Applicant proposes to relocate the converter station approximately 0.2 miles north of the permitted converter station site (Figure 1.1-9). The new location is part of the same complex of lands (the "Astoria Complex") where the permitted converter site was located.[4]

1.2 Maps of Proposed Route Modifications

Maps identifying the proposed route modifications are provided above.

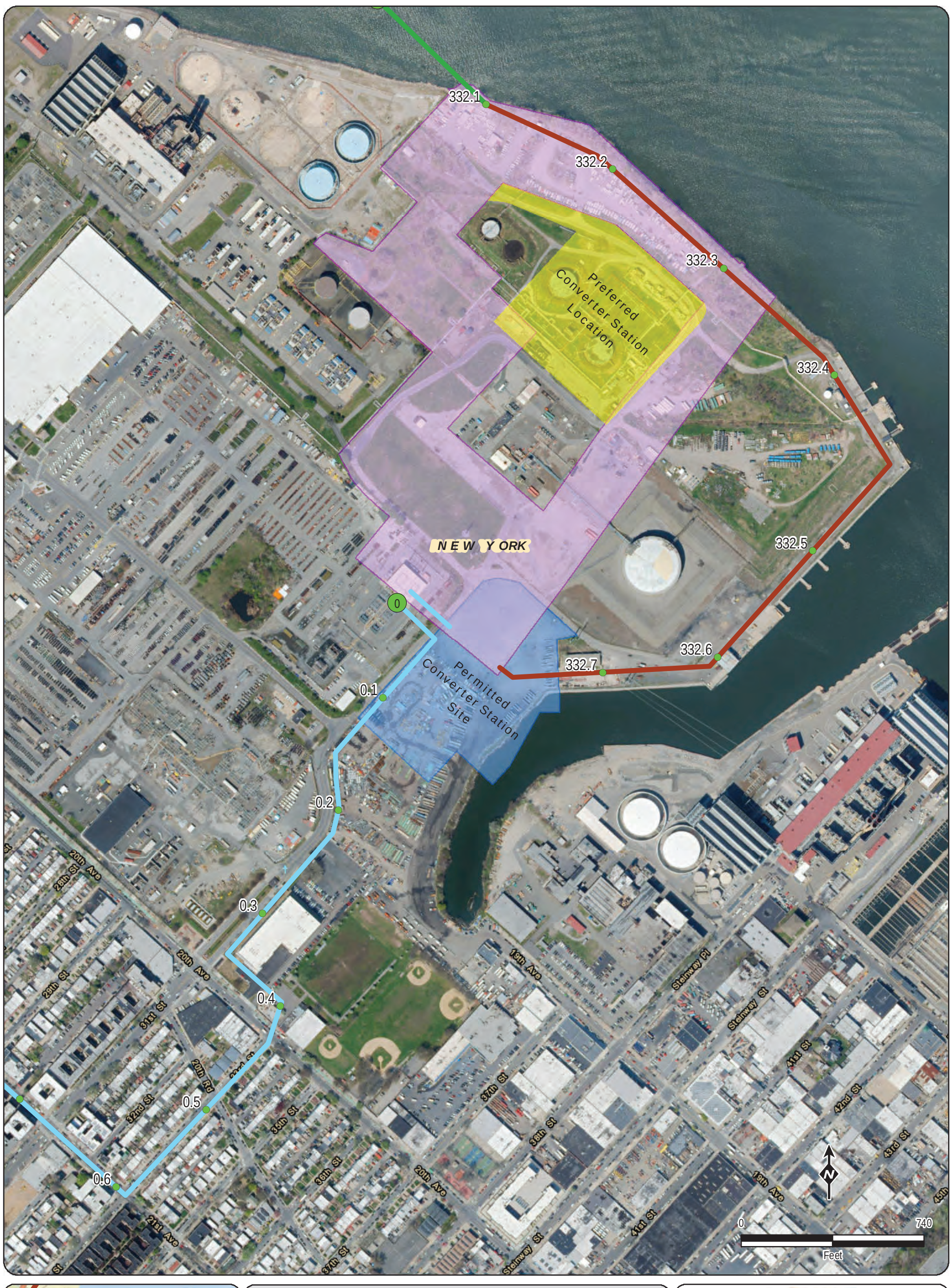
1.3 Bulk Power System Information

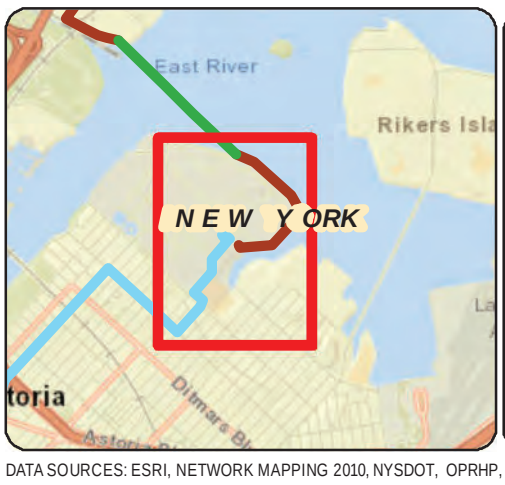
Bulk power system information related to the Project has not changed materially since the issuance of PP-362.

1.4 Other Information Regarding the Applicant

In response to 10 C.F.R. § 205.322(a), "Information Regarding the Applicant," Applicant hereby incorporates by reference the information provided in its April 6, 2020 application requesting that DOE amend or, in the alternative, rescind and reissue Presidential Permit No. PP-362. The information regarding Applicant has not changed since the April 6, 2020 filing and the proposed route modifications do not affect or alter the information regarding the Applicant.

[4] The NYPSC approved the relocation of the converter station on August 13, 2020.





LEGEND

- Terrestrial Route HVDC
- Submarine Route HVDC
- Terrestrial Route HVAC
- Preliminary HDD Locations
- Preliminary Pipe Bridge Location
- 111.8 Certified Milepost - Tenths
- 135 Certified Milepost
- Article VII Permitted Deviation Zone
- Astoria Permitted Converter Station Site
- Additional Deviation Zone for Preferred Converter Station Location

NOTES

a. The routing of the DC cables from the HDD landing point to the Preferred Converter Station Location will be done within the Modified Deviation Zone area. It will be submitted as part of the EM&CP

b. The routing of the AC cables from the Preferred Converter Station Location to Astoria Annex Substation will be done within the Modified Deviation Zone area. It will be submitted as part of the EM&CP

Transmission Developers Inc.

Champlain Hudson Power Express Project

Champlain Hudson Power Express Inc.

Figure 1.1-9

Converter Station Preferred Alternative

Astoria, Borough of Queens

Prepared by: AECOM 11/14/2019

DATA SOURCES: ESRI, NETWORK MAPPING 2010, NYSDOT, OPRHP, TDI, TRC

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2.0 Environmental Analysis of Proposed Route Modifications

A. Background

On January 25, 2010, CHPEI applied to the DOE for a Presidential Permit. Acting as lead agency under the National Environmental Policy Act (NEPA), the DOE issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the proposed action and conducted public scoping (75 Federal Register 34,720). The DOE issued a draft EIS in September 2013 and provided a 45-day public review period starting November 1, 2013, which was extended for an additional 30 days and ended on January 15, 2014. Concurrently, the DOE held four (4) public hearings for the draft EIS and received over 100 comments. Consultation was completed pursuant to Section 7 of the Endangered Species Act, culminating in a July 2014 Biological Assessment and letters of concurrence from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Similarly, consultation completed under Section 106 of the National Historic Preservation Act resulted in the completion of a Programmatic Agreement in a June 2014. In August 2014, the DOE issued the *Final Environmental Impact Statement for the Champlain Hudson Power Express Transmission Line Project* (DOE/EIS-0447). The Record of Decision, published on September 24, 2014 (70 Federal Register 59,258), summarized the EIS development process, Best Management Practices (BMPs), and Applicant Proposed Measures (APMs).

The information provided below provides the Applicant's analysis of potential environmental impacts associated with the proposed route modifications and the relocation of the converter station, comparing these potential impacts to those previously analyzed in DOE/EIS-0447.

B. Resource Areas with No Change

The Applicant reviewed the environmental resource areas that were considered in the EIS. The proposed route modifications will not have any substantive effect on certain resources and there is no new information that would suggest there are impacts that were not considered in the EIS to these resources. These resources are discussed below, as well as the rationale for excluding them from a more detailed analysis.

Transportation and Traffic

The EIS evaluated potential impacts to transportation and traffic related to the Project and concluded there would be non-significant disruptions to navigation, railroad operations, and traffic flow, as well as commercial and recreational transportation uses, during construction. The EIS also evaluated the impacts associated with anchor snag during operation of the Project.

The proposed modifications would not substantively change the affected environment for transportation and traffic as described in Sections 3.1.2, 3.2.2, 3.3.2, and 3.4.2 of the EIS. The proposed route modifications would impact similar overland transportation corridors as those described in the EIS (*e.g.*, roadway, railroad) and would represent a decrease in the navigational impacts and risk of anchor snag in Lake Champlain. The Applicant engaged in significant consultation with the NYSDOT regarding optimal cable placement and applicable construction methods to be deployed for the proposed alignments within and adjacent to the state ROWs. For example, at the request of the NYSDOT the locations of the splice vaults were selected so as to avoid disruptions to local business operations, transportation patterns and existing utilities to the extent practical. The Applicant would employ the same impact avoidance and minimization

measures, including Best Management Practices (BMPs), described in Section G.2 of Appendix G in the EIS. There would be no additional transportation or traffic issues for the proposed route modifications over those considered in the EIS.

Water Resources and Quality

The EIS evaluated potential impacts to water resources and quality related to the construction and operation of the Project and concluded there would be localized and non-significant increases in turbidity, suspension of sediments in surface waters, nearby groundwater wells, and wetland areas during construction.

The proposed modifications would not substantively change the affected environment for water resources and quality as described in Sections 3.1.3, 3.2.3, 3.3.3, and 3.4.3 of the EIS. The proposed route modifications would decrease the length of installation in Lake Champlain by approximately four (4) miles and would traverse the same types of waterbodies as described in the EIS, with similar impacts on aquatic habitat and species (see discussion of Aquatic Habitats and Species below). The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.3 of Appendix G in the EIS, such as the use of HDD technology for water to land transitions and installation under major waterways. There would be no additional water resources or quality issues for the proposed route modifications over those considered in the EIS.

Aquatic Protected and Sensitive Species

The EIS evaluated potential impacts to aquatic protected and sensitive species related to the construction and operation of the Project and concluded there would be localized non-significant effects on federally listed and state-listed sturgeon species in the Hudson River.

The proposed modifications would not substantively change the affected environment for aquatic protected and sensitive species as described in Sections 3.1.5, 3.2.5, 3.3.5, and 3.4.5 of the EIS. The Rockland County route modification is the only change within the Hudson River and there is a reduction of approximately 1,000 feet of installation of the cable within the River where the transmission system would enter the Hudson River south of Haverstraw Bay. The Applicant would employ the same impact avoidance and minimization measures during construction and operation, including BMPs, described in Section G.5 of Appendix G in the EIS. There would be no aquatic protected and sensitive species issues for the proposed route modifications over those considered in the EIS.

Terrestrial Habitats and Species

The EIS evaluated potential impacts to terrestrial habitats and species related to the construction and operation of the Project and concluded that there would be impacts associated with the conversion of fringe-forest habitat to scrub-shrub habitat. Other impacts, such as noise, dust, soil compaction, and habitat fragmentation, were determined to be localized and non-significant. Operation impacts were limited to some species potentially detecting the transmission system's magnetic fields and heat generation, as well as those associated with periodic maintenance and infrequent emergency repair.

The proposed modifications would not substantively change the affected environment for terrestrial habitats and species as described in Sections 3.1.6, 3.2.6, 3.3.6, and 3.4.6 of the EIS. The proposed route modifications would be located almost entirely within and along previously disturbed and heavily used railroad and road ROWs. Temporary impacts to wildlife species, such as disturbance and displacement, are expected to be similar as those considered in the EIS. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.6 of Appendix G in the EIS, such as invasive species control and targeted vegetative clearing. There would be no additional terrestrial habitat and species issues for the proposed route modifications over those considered in the EIS.

Terrestrial Protected and Sensitive Species

The EIS evaluated potential impacts to terrestrial protected and sensitive species related to the construction and operation of the Project and concluded that there would be localized non-significant effects on federally listed and state-listed species including the Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), the Karner blue butterfly (*Plebejus melissa samuelis*), and migratory birds potentially present during construction.

The proposed modifications would not substantively change the affected environment for terrestrial protected and sensitive species as described in Sections 3.1.7, 3.2.7, 3.3.7, and 3.4.7 of the EIS. The proposed route modifications would be located in similar landscapes as that considered in the EIS and there should be no significant difference in impacts. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.7 of Appendix G in the EIS, which were developed in consultation with the U.S. Fish

and Wildlife Service. These include, but are not limited to, conducting tree clearing during winter months to avoid Indiana bats and northern long-eared bats, employing HDD technology to install cables under sensitive Karner blue butterfly lupine habitat, and marking all known locations of protected and sensitive species on construction drawings and in the field. There would be no additional terrestrial protected and sensitive species for the proposed route modifications over those considered in the EIS.

Geology and Soils

The EIS evaluated potential impacts to geology and soils resources related to the construction and operation of the Project and concluded that there would be temporary disturbance of soils as well as non-significant impacts from bedrock blasting and removal, increased erosion and sedimentation, and soil compaction on land and sediment disturbance in waterways and wetlands.

The proposed modifications would not substantively change the affected environment for geology and soils as described in Sections 3.1.9, 3.2.9, 3.3.9, and 3.4.9 of the EIS. The proposed route modifications would be located in similar landscapes as that considered in the EIS and there should be no significant difference in the impacts. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.9 of Appendix G in the EIS, such as erosion and sediment control measures. There would be no additional geology and soils issues for the proposed route modifications over those considered in the EIS.

Visual Resources

The EIS evaluated potential impacts to visual resources related to the construction and operation of the Project and concluded that there would be non-significant impacts from the temporary presence of construction equipment and activities, as well as those related to the presence of cooling stations.

The proposed modifications would not substantively change the affected environment for visual resources as described in Sections 3.1.11, 3.2.11, 3.3.11 and 3.4.11 of the EIS. The proposed route modifications would also bury cables primarily within existing ROWs and there would be no substantive increase in the impacts associated with the construction of the transmission system. There would also not be the need for the installation of any cooling stations which would have been above grade structures since they are no longer required. The proposed location for the converter station is north of the Permitted location and therefore further from residential homes and roadways. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.11 of Appendix G in the EIS, such as good housekeeping practices. There would be no additional visual resources issues for the proposed route modifications over those considered in the EIS.

Infrastructure

The EIS evaluated potential impacts to infrastructure related to the construction and operation of the Project and concluded there would be non-significant impacts associated with intersecting utility lines, potential temporary service disruption of public water supply, increased fuel use, storm water management, and solid waste management.

The proposed modifications would not substantively change the affected environment for infrastructure resources as described in Sections 3.1.12, 3.2.12, 3.3.12 and 3.4.12 of the EIS. The Harlem River Yard and ARC routes were selected in part to reduce the potential impact to existing infrastructure within the City of New York. The proposed route modifications would employ the same protections for collocated infrastructure and public water supply as those set forth in the New York State Certificate of Environmental Compatibility and Public Need. The Applicant also would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.12 of Appendix G in the EIS. There would be no additional infrastructure issues for the proposed route modifications over those considered in the EIS.

Public Health and Safety

The EIS evaluated potential impacts to public health and safety related to the construction and operation of the Project and concluded that the only potential health and safety impacts would be for construction workers during construction, maintenance, and repair operations.

The proposed modifications would not substantively change the affected environment for public health and safety resources as described in Sections 3.1.14, 3.2.14, 3.3.14 and 3.4.14 of the EIS. The public health impacts associated with the proposed configurations, including those related to the electromagnetic field (EMF) associated with the operation of the HVDC and High Voltage Alternating Current (HVAC) transmission cables, are anticipated to be consistent with those of the EIS Route. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.14 of Appendix G in the EIS, such as proper

planning related to safety concerns. There would be no additional health and safety issues for the proposed route modifications over those considered in the EIS.

Hazardous Materials and Wastes

The EIS evaluated potential impacts to hazardous materials and waste related to the construction and operation of the Project and concluded that the storage of hazardous materials (e.g. oils, solvents, anti-freeze) presented a potential risk of land and water contamination should a spill occur.

The proposed modifications would not substantively change the affected environment for hazardous materials and waste as described in Sections 3.1.15, 3.2.15, 3.3.15 and 3.4.15 of the EIS. The proposed route modifications would store and use the same materials as those considered in the EIS. The proposed location for the converter station is in close proximity to the site considered in the EIS and, due to historic uses in the larger industrial complex, the potential issues associated with the discovery and handling of contaminated soils would essentially be the same. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.15 of Appendix G in the EIS, such as appropriate transport and storage measures. There would be no additional hazards materials and waste issues for the proposed route modifications over those considered in the EIS.

Air Quality

The EIS evaluated potential impacts to air resources related to the construction and operation of the Project and concluded that there would be localized, intermittent impacts from use of construction equipment, including greenhouse gas emissions.

The proposed modifications would not substantively change the affected environment for air quality as described in Sections 3.1.16, 3.2.16, 3.3.16 and 3.4.16 of the EIS. The proposed route modifications would employ the same equipment, with the same associated impacts as those considered in the EIS. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.16 of Appendix G in the EIS, such as proper operation and maintenance of construction equipment and vehicles. There would be no additional air quality issues for the proposed route modifications over those considered in the EIS.

Noise

The EIS evaluated potential noise impacts related to the construction and operation of the Project and concluded that there would be temporary, localized construction noise impacts indicated for terrestrial and aquatic habitats and species during construction, maintenance, and repairs. Noise from equipment during operation would be within state standards and insignificant.

The proposed modifications would not substantively change the affected environment for noise as described in Sections 3.1.17, 3.2.17, 3.3.17 and 3.4.17 of the EIS. The proposed route modifications would employ the same equipment, with the same associated noise impacts as those considered in the EIS. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.17 of Appendix G in the EIS, such as appropriate steps to take in the vicinity of residential areas and other noise-sensitive locations. There would be no additional noise issues for the proposed route modifications over those considered in the EIS.

Socioeconomics

The EIS evaluated potential socioeconomic impacts related to the construction and operation of the Project and concluded that there would be localized benefits during construction and real property tax revenue and potential savings on energy costs during operations.

The proposed modifications would not substantively change the affected environment for socioeconomic resources as described in Sections 3.1.18, 3.2.18, 3.3.18 and 3.4.18 of the EIS. The proposed route modifications would provide the same socioeconomic benefits as those considered in the EIS. There would be no additional socioeconomic issues for the proposed route modifications over those considered in the EIS.

Environmental Justice

The EIS evaluated potential environmental justice impacts related to the construction and operation of the Project and concluded that there would be not be disproportionately high and adverse human health or environmental effects on minority or low-income populations.

The proposed modifications would not substantively change the affected environment for environmental justice resources as described in Sections 3.1.19, 3.2.19, 3.3.19 and 3.4.19 of the EIS. As the proposed route modifications are in the same counties and/or metropolitan areas, they would not pose any different human health or environmental impacts than those considered in the EIS and therefore any human health or environmental effects related to minority or low-income populations would be negligible. There would be no additional environmental justice issues for the proposed route modifications over those considered in the EIS.

C. Resource Areas Considered

Based on a review of the environmental resource areas that were considered in the EIS, the Applicant believes the following resource categories require supplemental discussion: Land Use, Aquatic Habitats and Species, Wetlands, Recreation, and Cultural Resources. These resource areas are presented below.

Land Use

The EIS evaluated potential impacts to land use resources related to the construction and operation of the Project and concluded that during construction there would be temporary, non-significant disruption of normal routines due to access limitations from presence of construction activities. During operations, there would be a potential for restrictions to allow for operations and maintenance.

Based on the fifty (50) foot Region of Interest (ROI) applied in the EIS, land uses changes would be as follows:

- Putnam Station: The land uses within the ROI for this proposed modification are predominantly Commercial / Industrial / Transportation, Open Land / Pasture / Hay / Scrub / Shrub, and Forested, whereas the corresponding route considered in the EIS for this section is primarily Open Water (Lake Champlain).
- Fort Ann: The land uses within the ROI for this proposed modification are predominantly Commercial / Industrial / Transportation, Forested and Open Land / Pasture / Hay / Scrub / Shrub, which are the same as the corresponding route considered in the EIS.

- Schenectady: The land uses within the ROI for this proposed modification are primarily Commercial / Transportation / Industrial and Forested, which are the same as the corresponding route considered in the EIS.
- Selkirk Rail Yard: The land uses within the ROI for this proposed modification are primarily Commercial / Transportation / Industrial, Forested, and Open Land / Pasture / Hay /Scrub / Shrub. The land uses for the corresponding route considered in the EIS are predominantly Commercial / Transportation / Industrial and Open Land / Pasture / Hay /Scrub / Shrub, which are essentially the same as the alternative.
- Catskill Creek: The land uses within the ROI for this proposed modification are predominantly Commercial / Industrial / Transportation, Residential, and Forested, which are the same as the corresponding route considered in the EIS.
- Rockland County: The land uses within the ROI for this proposed modification are primarily Commercial / Industrial / Transportation and Forested. The land uses for the corresponding route considered in the EIS are predominantly Commercial / Industrial / Transportation, Forested, and Open Land / Pasture / Hay /Scrub / Shrub, which are essentially the same as the alternative.
- Harlem River Yard: The land uses within the ROI for this Preferred Alternative are primarily Open Water, Parks / Open Space / Recreation, and Commercial / Transportation / Industrial and Residential. The land uses for the corresponding route considered in the EIS are Commercial / Transportation / Industrial and Open Water.

- Astoria Rainey Cable: The land uses within the ROI for this Preferred Alternative are primarily Commercial / Transportation / Industrial and Residential, which is the same as the corresponding route considered in the EIS.

Because the cables will be installed primarily within previously disturbed railroad and/or roadway ROWs, it is anticipated that the proposed route modifications will not directly affect existing or future land uses. In addition, because the cables will be buried, they will not change the character of the neighborhoods traversed by the Project and will not adversely affect local or regional land uses, land use planning, or any federal, state, or local public lands. Similar to the routing considered in the EIS, some of the proposed route modifications are located in the vicinity of Agricultural Districts, but because the vast majority of construction impacts will be contained within existing ROWs the impacts to agricultural lands will be limited. The Applicant has already agreed to employ appropriate mitigation measures so as to maintain agricultural viability of agricultural soils, such as the designation of an "Agricultural Inspector" during construction.

As discussed earlier, the Applicant engaged in significant consultation with the NYSDOT regarding optimal cable placement and applicable construction methods to be deployed for the proposed alignments within and adjacent to the state ROWs. For example, at the request of the NYSDOT, the Applicant has extended the length of the cable reels along certain road ROWs to reduce the number of splice vaults and associated impacts of splice vault construction. In addition, the locations of the splice vaults were selected so as to avoid disruptions to local business operations, transportation patterns and existing utilities to the extent practical.

The Harlem River Yard Alternative is being proposed to avoid new buildings and subsurface utility infrastructure (electric feeders, water and gas mains) that were installed along

the Permitted Route since the permit was issued. The Preferred Alternative will also mitigate any anticipated disruption to local business operations, transportation access and logistics activities within the Yard. The Applicant has worked closely with New York City Department of Parks and Randall's Island Park Alliance to optimize the placement of the proposed alignment. As an example, the crossover HDD from the Harlem River Yard will terminate within the Bronx Shore Road rather than in an area utilized by recreationalists. The Applicant has also committed to working cooperatively to identify off-peak periods in which to complete the necessary construction. Any impacts to land use from the Harlem River Yard Alternative are expected to be temporary and localized.

The proposed relocation of the converter station, which will be located within the same industrial complex as previously proposed, is consistent with the industrial character of the area, as the site is located on lands that have historically hosted utility-related land uses and are zoned M3-1 for heavy manufacturing-industrial uses. There would be no impact to existing New York City plans, including the New York City Comprehensive Waterfront Plan and the New York City Waterfront Revitalization Plan.

The proposed modifications would not substantively change the affected environment for land use as described in Sections 3.1.1, 3.2.1, 3.3.1 and 3.4.1 of the EIS. The proposed route modifications would be located in similar land uses as those considered in the EIS. The proposed location for the converter station is in close proximity to the location considered in the EIS and has been utilized for the same purposes as the location considered in the EIS. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.1 of Appendix G in the EIS, such as engaging a qualified Agricultural Inspector and

proper site restoration. There would be no additional land use issues for the proposed route modifications over those considered in the EIS.

Aquatic Habitats and Species

The EIS evaluated potential impacts to aquatic habitats and species related to the construction and operation of the Project and concluded that there would be localized non-significant disturbance of lake, stream and river bottoms, resulting in habitat degradation, avoidance, or loss; noise, and vibration; impacts on benthic communities; potential for accidental exposure to hazardous materials, as well as non-significant increases in turbidity, suspension of sediments in surface waters, nearby groundwater wells, and wetland areas during construction. During operation there would be non-significant generation of magnetic fields and induced electric fields, as well as potential sediment temperature increase around the cables.

For the purposes of understanding the environmental setting, the EIS divided the transmission route into four geographically logical segments (see Section 2.4.1 of the EIS for a description of each). Section 3.2.4 of the EIS states that the Overland Segment ROI "crosses through more than 230 open water features such as rivers, intermittent and perennial streams, ditches, ponds, pools, and lakes, along with deep marshes and forested wetlands that could support SAV ("Submerged Aquatic Vegetation"). Section 3.3.4 of the EIS states that the "Hudson River Segment crosses a number of tributaries of the Hudson River, including Cedar Pond Brook (MP 297.3), Minisceongo Creek (MP 298.5), and several other named and unnamed perennial and intermittent streams." The proposed route modifications are not expected to significantly increase the number of waterways crossed compared to the routing considered in the EIS (see Table 2-1)

and, as discussed below, the same construction mitigation measures and BMPs would be employed for these crossings.

Table 2-1 Expected Impacts to Waterways along the Permitted and Alternate Routes

	Permitted Route	Alternative Route
Number of Waterbodies Crossed	362	361
Cumulative Length of Waterbody Crossings (feet)	2,375	2,370
Area of Impact (cubic yards)	1,759	1,754

The proposed modifications would not substantively change the affected environment for aquatic habitat and species as described in Sections 3.1.4, 3.2.4, 3.3.4, and 3.4.4 of the EIS. The proposed route modifications would decrease the length of installation in Lake Champlain and would traverse the same types of waterbodies as described in the EIS, with similar impacts on aquatic habitat and species. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.4 of Appendix G in the EIS. These measures include, but are not limited to, utilizing HDD for the crossing of larger waterbodies, engaging an Environmental Inspector, maintaining vegetative buffers as practical, and employing pre-approved crossing methods. There would be no additional aquatic habitat and species issues for the proposed route modifications over those considered in the EIS.

Wetlands

The EIS evaluated potential impacts to wetland resources related to the construction and operation of the Project and concluded that there would be potential localized non-significant impacts on wetlands during construction. During operation there would be non-significant heat

impacts associated with the heat of the cables due to subsurface dissipation, as well as temporary impacts associated with vegetative maintenance and emergency repairs.

The EIS stated that permanent, significant impacts for the entire Permitted Route would occur on a total 2.0 acres (0.8 hectares) of forested wetlands that would be converted to emergent or scrub-shrub wetlands and on a total of 8.3 acres (3.4 hectares) of non-forested wetlands. This conversion would alter the wetland vegetation from trees greater than 20 feet (6 meters) to woody vegetation less than 20 feet (6 meters), including true shrubs and young trees. Impacts on forest-dwelling wetland species would be expected once the wetland has been converted from a forested wetland to a shrub-scrub wetland.

Following the issuance of the EIS, the U.S. Army Corps of Engineers (USACE) requested that CHPEI complete a desktop review of the wetland delineation forms conducted for 38 wetlands that were classified as palustrine forested (PFO) to confirm their wetland classification. Applying the standard set by Cowardin (1979), only wetlands which had 30 percent or greater areal cover of trees were classified as PFO. If available information was insufficient to assign a wetland classification, the original PFO classification was not changed. Based on this analysis, the impact to forested wetlands was reduced from an estimated 2 acres (0.8 hectares) to 0.6 acres (0.2 hectares), with a commensurate increase in the expected impacts to non-forested wetlands. These adjusted values were incorporated into the USACE Permit NAN-2009-01089 issued in April of 2015.

Applying the same methodology employed to develop previous impact values that were incorporated into the USACE permit, the Applicant determined the expected impacts to wetlands

within the permanent ROW, as well as the temporary ROW impacts to wetlands within the construction corridor (see Table 2-2 below).

Table 2-2 Expected Impacts to Wetlands along the Permitted and Alternate Routes

	Permitted Route	Alternative Route
Permanent ROW Impacts		
Forested Wetlands (Acres)	0.6	0.6
Non-Forested Wetlands (Acres)	9.7	8.7
Temporary ROW Impacts		
Forested Wetlands (Acres)	16.2	6.4
Non-Forested Wetlands (Acres)	51.2	53.5

As shown in Table 2-1, the expected impacts to forested and non-forested wetlands within the Permanent ROW remain constant or decrease, respectively. While there is a marked decrease in the expected temporary impacts to forested wetlands, there is a slight rise in the expected acreage of non-forested wetland which are impacted.

Wetland mitigation would be required for any permanent impacts on wetlands. As part of the Section 404 and Section 10 permit application submitted to the USACE, a conceptual wetland mitigation plan addressed this permanent change in habitat type. To mitigate for permanent impacts on wetlands per the mitigation plan, the Applicant would establish 1 acre (0.4 hectares) of new wetland and preservation and enhancement of 10 acres (4 hectares) of wetlands for each 1 acre (0.4 hectares) of permanently impacted wetlands.

The proposed modifications would not substantively change the affected environment for geology and soils as described in Sections 3.1.8, 3.2.8, 3.3.8, and 3.4.8 of the EIS. The proposed route modifications would be located in similar landscapes as that considered in the EIS and there should be no significant difference in impacts. The Applicant will provide compensatory

mitigation for all permanent impacts. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.8 of Appendix G in the EIS, such as the marking of wetlands during construction and installation of sediment- and erosion-control devices. There would be no additional wetland resource issues for the proposed route modifications over those considered in the EIS.

Recreation

The EIS evaluated potential impacts to recreational resources related to the construction and operation of the Project and concluded that there would be non-significant restrictions on recreational use during construction, maintenance, and repair activities from the temporary presence of construction equipment and activities.

The proposed modifications would not substantively change the affected environment for recreational resources as described in Sections 3.1.13, 3.2.13, 3.3.13 and 3.4.13 of the EIS. The proposed route modifications would generally impact similar overland recreational corridors as those described in the EIS (e.g. roadway, railroad) and would represent a marginal decrease in the recreational impacts in Lake Champlain. Recreationalists and occupants of Randall's Island Park may experience temporary disturbance and traffic inconvenience associated with construction activities. These effects will be temporary and, in general, most disturbances will last only a brief period of a few days or a week at any particular location. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.13 of Appendix G in the EIS, such as site restoration activities.

For the Randall's Island routing, the Applicant has committed to multiple additional mitigation measures, including (1) installing the cables 6' below the surface; (2) utilizing a Horizontal Directional (HDD) technology; (3) installing the vaults and cables under paved surfaces; (4) performing construction activities during off season when park use is low; (5) HDD receiving and launching areas in locations recommended by the New York City Department of Parks; and (6) full restoration of impacted park facilities. There would be no additional recreation issues for the proposed route modifications over those considered in the EIS.

Cultural Resources

The EIS evaluated potential impacts to cultural resources related to the construction and operation of the Project and concluded that there would be potential adverse effects on terrestrial and aquatic sites. As noted in the EIS, ground-disturbing activities associated with construction could damage archaeological features and disturb the context of artifacts of terrestrial archaeological sites, underwater sites, and historic cemeteries. In the case of terrestrial and underwater archaeological sites that are listed or eligible for listing in the National Registrar of Historic Properties (NRHP), this could constitute an adverse effect under 36 C.F.R. § 800.5(a)(1).

Because the transmission line would be underground or underwater and would avoid any standing structures, the adverse effects from construction on the NRHP-listed and eligible architectural properties in the Area of Potential Effect (APE) would be limited to exposure to temporary noise, dust, and vibrations and short-term visual effects from the proximity of construction activities and equipment. These effects would not require mitigation. A Cultural Resources Management Plan (CRMP) will inform Project construction activities.

The proposed modifications would not substantively change the affected environment for geology and soils as described in Sections 3.1.10, 3.2.10, 3.3.10, and 3.4.10 of the EIS. The proposed route modifications would be located in similar landscapes as that considered in the EIS and there should be no significant difference in the impacts. Consultation regarding potential adverse effects on historic properties is ongoing through the Section 106 process, and a CRMP will manage and resolve adverse effects through avoidance, minimization, or mitigation.

A Phase 1A archeological assessment was completed for seven route modification and the relocated converter station. This document concluded that no additional studies were necessary, a finding to which the New York State Historic Preservation Office (SHPO) concurred. A Phase 1A study has also been completed for the Harlem River Yard and, as with the ARC alternative, the report concluded that the history of the area suggests it is unlikely that any archaeological resources would be preserved within the route APE. This report will be submitted to the New York SHPO. Moreover, the CRMP requires additional study and consultation prior to construction. The Applicant would employ the same impact avoidance and minimization measures, including BMPs, described in Section G.10 of Appendix G in the EIS. There would be no additional cultural resource issues for the proposed route modifications over those considered in the EIS.

Mitigation / BMPs

As documented in Appendix G and other locations throughout the EIS, the Applicant has proposed comprehensive avoidance, minimization and mitigation measures. Key commitments related to the proposed route modifications include but are not limited to:

- The Applicant has agreed to establish a $117 million trust fund (Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust) to be used exclusively for in-water mitigation studies and projects that have a direct nexus to the construction and operation of the proposed Project.
- As part of its Section 404 and Section 10 permit application, the Applicant has submitted a conceptual wetland mitigation plan to the USACE to address permanent changes in habitat type. To mitigate for permanent impacts on wetlands, per the mitigation plan, the Applicant will establish 1 acre (0.4 hectares) of new wetlands and preserve and enhance of 10 acres (4 hectares) of wetlands for each 1 acre (0.4 hectares) of permanently impacted wetlands.
- All known threatened and endangered species, occupied habitats, and locations where rare, threatened, and endangered plants have been observed, based on the field surveys and available data, will be clearly marked on the construction drawings. The construction drawings will be provided to state resource agencies and the USFWS for review of mapped occupied habitat areas and locations where rare, threatened, and endangered plants have been observed.
- Construction personnel will be trained to identify known and potential threatened and endangered species; rare, threatened, and endangered plants, and significant natural

communities that could be encountered. Additionally, construction personnel will be trained on associated protection measures.

- Prior to construction, a qualified biologist will conduct surveys for the presence of Karner blue and frosted elfin butterflies, in accordance with the USFWS and the New York State Departmental of Environmental Conservation (NYSDEC) guidance document "Karner Blue Butterfly (Lycaeides melissa samuelis) Survey Protocols Within the State of New York" (USFWS and NYSDEC 2008). These protocols include marking the boundaries of wild blue lupine (*Lupinus perennis*) patches, providing training for contractors and construction crews, reporting of previously unknown lupine patches, and implementation of protection measures during operations and maintenance.
- To avoid impacts to Indiana bat and northern long-eared bat, during the preconstruction survey the contractors will identify and avoid large live or dead trees with peeling bark, including large specimens of shagbark hickory (*Carya ovata*), with the potential to serve as maternity or roost trees and these will be marked. Potential roost trees identified within the construction limits will be avoided where possible during construction activities. Tree removal will occur between October and March.
- As part of consultation under Section 106 of the National Historic Preservation Act, CRMP will be prepared and reviewed by signees to the Programmatic Agreement to manage and resolve adverse effects to cultural resources through avoidance, minimization or mitigation.

In addition, the Applicant has committed to Best Management Practices that have been incorporated into the Certificate of Environmental Compatibility and Public Need issued by the

New York State Public Service Commission to the Applicant. These BMPs are available on page 356 in the full version of the Certificate that can be found at the CHPE EIS Web site Document Library at the following link: http://www.chpexpresseis.org/ docs/NYSPSC_Order.pdf.

MODIFIED CONSTRUCTION METHOD

As a result of ongoing development of the Project's engineering design, the Applicant is proposing to modify the method for installing the cables along overland sections of the route. The Applicant has initially proposed direct burial of the cables via the traditional open trench excavation and the direct placement of the cables at the bottom of the trench along the alignment, prior to the full restoration of the trench. The Applicant, however, has concluded that installing the cables within a conduit within the established trench along the overland portions of the Project (the "Series Installation Method") would, among other things:

1. Reduce the length of open trench required at any given time during the construction cycle,
2. Reduce the duration of community impacts as installation within a particular segment of the alignment will progress more quickly, and
3. Provide more flexibility in scheduling and sequencing the differing construction trades necessary to dig the trench, install the conduit, backfill the trench, and pull the cable.

The proposed width and depths of the trenches will remain unchanged from those associated with the direct burial technique. Thermal impacts to surrounding soils will also be slightly reduced by virtue of the insulating effect of the conduits.

To update the administrative record, the Applicant hereby submits as Appendix A a revision to the relevant section of the previously referenced Best Management Practices document that describes the Series Installation Method with an accompanying supplementary design drawing. These documents were previously provided to the NYPSC, which approved this construction method on March 20, 2020.[5]

CONCLUSION

WHEREFORE, for the reasons stated herein, the Applicant respectfully requests that DOE amend PP-481, on or before January 19, 2021, to approve and incorporate the proposed route and converter station location modifications and the modification to the overland construction method.

Respectfully submitted,

/s/ Jay Ryan

_____

Jay Ryan
Baker Botts LLP
700 K Street, N.W.
Washington, D.C. 20001
(202) 256-9813
jay.ryan@bakerbotts.com

[5] This same Order approved the Applicant's request to allow for: 1) a more narrow permanent ROW provided sufficient justification is presented in the Environmental Management and Construction Plan; 2) installation in the Harlem River where the water depth exceeds ten (10) feet at mean low water; and 3) burial depths in the Harlem River to be those authorized by the USACE. In a separate order issued on September 17, 2020, the NYPSC authorized the Applicant under certain conditions to initiate construction in advance of the Canadian portion of the Project being authorized by Canadian federal and/or provincial authorities.

Verification Statement

The undersigned attests that he is an officer of Champlain Hudson Power Express, Inc. and CHPE, LLC and that he has read and has knowledge of the matters set forth in this application, and that the facts and representations set forth in said application are true and correct to the best of his knowledge.

By: William S. Helm

Date: September 25, 2020

Sworn to before me this
25th day of September, 2020.
Tracie A. Chase

TRACIE A. CHASE
Notary Public, State of New York
Qualified in Albany Co. No. 01CH4989574
My Commission Expires 12/9/2021

OPINION OF COUNSEL

I, William S. Helmer, General Counsel and Corporate Secretary of CHPE, LLC, do hereby state and give my opinion, pursuant to 10 C.F.R. § 205.322(a)(6) as follows:

1. I have examined and am familiar with the Certificate of Incorporation and By-laws of CHPE, LLC;

2. I have examined and am familiar with the contents of CHPE, LLC's Application for Amendment to which this Opinion is attached; and

3. I am of the opinion that the construction, connection, operation and maintenance of the facilities, as described in Presidential Permit No. 481 and this Application, are within the corporate power of CHPE, LLC as set out in CHPE, LLC's Certificate of Incorporation and By-laws, and that CHPE, LLC has complied with or will comply with all pertinent Federal and State laws.

William S. Helmer

William S. Helmer, Esq.
General Counsel and Corporate Secretary
CHPE, LLC

Dated September 25, 2020

APPENDIX A

LETTERS FROM HOST MUNICIPALITIES

Champlain Hudson Power Express

Route Resolutions / Letters

September 2020

TABLE OF CONTENTS

I. Town of Putnam

Resolution No. 51 of 2018

Resolution of the Putnam Town Board
Washington County, New York 12861

March 8, 2018

14 Putnam Center Road
Putnam, New York
(518) 547-8317

WHEREAS, the Champlain Hudson Power Express, Inc. (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; and

WHEREAS, CHPEI has advised the Putnam Town Board that the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, CHPEI has advised the Putnam Town Board that the Project has received both State and Federal approvals to proceed with the project; and

WHEREAS the Project route was originally located under the waters of Lake Champlain (the "Water Route"), extending through lower Lake Champlain (the" Original Putnam Routing"); and

WHEREAS, for a variety of practical and environmental reasons intended to decrease environmental impacts and improve constructability, CHPEI has determined that a portion of the Project is better suited to bypass and leave the original Water Route and continue underground through a portion of the Town of Putnam and other communities ("Putnam Underground Route") before re-entering the Water Route at some point further south of the Town of Putnam; and

WHEREAS, CHPEI has developed an alternate, proposed Underground Route in which the route of the electric transmission equipment departs the

Water Route at the shoreline of Lake Champlain in the vicinity of County Route 3 in the Town of Putnam, then extending along County Route 3 for approximately one (1) mile, then turning south onto Lake Road, continuing for approximately two (2) miles, connecting with NYS Route 22 and continuing south approximately two (2) miles to the southern boundary of the Town of Putnam, continuing through the Town of Dresden and beyond; and

WHEREAS, the CHPEI advises the Town of Putnam that the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions, creating jobs, including local jobs during the Project's construction time; and

WHEREAS, CHPEI has indicated its intention to generate tax revenue, either directly or via allowable payment in lieu of taxes (PILOT), to the Town of Putnam, the Putnam Central School District and the County of Washington at such time the Project commences operation; and

WHEREAS; once construction of the Project commences, no services will be required of any Town of Putnam departments or from the Putnam Central School District; and

WHEREAS, CHPEI is seeking the endorsement of the Town of Putnam for the proposed alternate Putnam Underground Route; and

WHEREAS, CHPEI believes that endorsement of the alternate Putnam Underground Route by the Putnam Town Board is a key pre-requisite to obtaining all final Project permits and approvals from all authorities with jurisdiction over the Champlain Hudson Express Project;

NOW, THEREFORE BE IT RESOLVED,

1. The Town Board of the Town of Putnam has been advised by CHPEI about the general scope of the Champlain Hudson Express Project and the proposed alternate underground routing of electric transmission equipment through the Town of Putnam and beyond.

2. The Town Board of the Town of Putnam understands that the proposed alternate underground route for the Project's electric transmission equipment departs the original Water Route at the shoreline of Lake Champlain in the vicinity of County Route 3, extending along County Route 3 for approximately one (1) mile, then turning south onto Lake Road, continuing for approximately two (2) miles, connecting with NYS Route 22 and continuing south approximately two (2) miles to the southern boundary of the Town of Putnam, continuing through the Town of Dresden and beyond.
3. The Town Board of the Town of Putnam hereby consents to the proposed alternative underground routing so that CHPEI may seek and obtain any and all permits and approvals for the proposed alternate underground routing plan through the Town of Putnam for the Champlain Hudson Power Express Project, and once obtained to enter the Town of Putnam for the purpose of planning, laying down, constructing, installing, repairing and maintaining its wires, conductors, conduits, equipment and other fixtures in and under the streets, roads, public parks and other places located in the Town of Putnam, County of Washington, and State of New York in accordance with the requirements of any and all of CHPEI's plans, amended and revised plans; subject to all federal, state, county and local approvals, permits, and authority; and further subject to the jurisdiction of any other county or state government entity with jurisdiction or authority over, under and across the proposed alternate underground route.
4. The Town Board of the Town of Putnam hereby authorizes and directs the Putnam Town Clerk to forward a certified copy of this resolution to Transmission Developers, Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, New York 122907 to be included in the Champlain Hudson Power Express, Inc. application to amend its New York State

Certificate of Environmental Compatibility and Public Need and any other or further required applications for amendments to the Federal Permits for the alternate underground route described hereinabove for the Champlain Hudson Power Express Project.

5. The terms of this resolution of the Putnam Town Board shall take effect immediately.

The question of the adoption of the foregoing resolution was duly discussed and put to a roll call vote as follows:

Ayes: 5 Nays: 0

Thereupon, the foregoing resolution was duly adopted.

Dated this 8th day of March, 2018.

I hereby certify that this Resolution was duly adopted by the Town Board of the Town of Putnam at the regular meeting of the Town Board conducted on March 8, 2018.

Seal

Darlene Kerr

Darlene Kerr
Putnam Town Clerk

II. Town of Dresden

DRESDEN, N.Y.
WASHINGTON COUNTY

FROM THE DESK OF
DRESDEN TOWN CLERK/ TAX COLLECTOR

Marcinda Wilbur
1 Lillians Way
Clemons, NY 12819
Ph. 518-499-1813
Fax 518-499-2763

September 9, 2018

Transmission Developers, Inc.
The Pieter Schuyler Building
600 Broadway St.
Albany NY 12207

Dear Sirs:

Please find enclosed a certified copy of the approved resolution passed during the Town of Dresden Town Board Meeting held on August 13, 2018.

In accordance with paragraph #2, I have affixed the town seal and ascribed my signature to the foregoing document.

If there are any questions please don't hesitate to contact me during business hours at the number above.

Sincerely,

Marcinda Wilbur

Marcinda Wilbur Dresden Town Clerk
C/c Supervisor P. Ferguson

TOWN BOARD OF THE TOWN OF DRESDEN
COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution No. 15 of 2018
Adopted August 13, 2018

Introduced by Councilman Greenough
Who moved its adoption

Seconded by Councilman Raymond

Resolution adopting Champlain Hudson Power Express Project, Inc. Alternative Routing in the Town of Dresden, New York

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; and

WHEREAS, the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, the State and Federally-approved Project route was originally located underwater in lower Lake Champlain (the Water Route") (the Original Dresden Routing"); and

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPEI") has discussed the project with the Town of Dresden ("Dresden Host Community"), as the Project will be located within this community;

WHEREAS, the Original Dresden Routing led CHPEI to develop an alternative routing (the New Dresden Routing") in the Town of Dresden, NY that departs the Water Route in the Town of Dresden, NY and travels underground along County Route 22 for approximately two miles longer than the Original Dresden Routing; and

WHEREAS, the New Dresden Routing is proposed with a view towards decreasing environmental impact and increasing constructability; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions and jobs, including local jobs during the Project's construction; and

WHEREAS, in recognition that CHPEI will generate tax revenue to Washington County, the Town of Dresden, and the Whitehall School District once the project commences operation; and

WHEREAS, once the project commences operation it will not require ongoing services of Town departments or local schools; and

WHEREAS, CHPEI desires that the Town of Dresden endorse the Project and the New Dresden Routing within the Town of Dresden; and

WHEREAS, CHPEI believes that the Town of Dresden endorsement is a key prerequisite to obtaining all final Project permits and approvals;

NOW, THEREFORE, IT BE RESOLVED,

1. That the Town Board of the Town of Dresden is fully familiar with the Project, including the scope of the work to be performed by CHPEI within the Town of Dresden in furtherance of the Project.

2. That, the Town Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers, Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.

3. That the Town Board of the Town of Dresden hereby grants its consent to CHPEI in accordance with section 11 of New York's Transportation Corporations Law to lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and places in the Town of Dresden in accordance with the requirements of CHPEI's Article VII Certificate, as amended and in effect from time to time.

4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call which resulted as follows:

Councilman Barber	Aye
Councilman Wilbur	Aye
Councilman Greenough	Aye
Councilman Raymond	Aye

The foregoing resolution was thereupon declared duly adopted the 13th day of August, 2018.

Marcinda Wilbur

Marcinda Wilbur Dresden Town Clerk

(Seal)

III. Town of Whitehall

TOWN OF WHITEHALL
57 Skenesborough Drive
Whitehall, NY 12887
Phone :(518)499-1535 Fax :(518)499-1546
Email: townofwhitehall@live.com
Supervisor, John Rozell

Councilperson, Christopher Dudley Sr.
Councilperson, Timothy Kingsley
Town Clerk, Julie Millett
Councilperson, David Hollister
Councilperson, Stephanie Safka

RESOLUTION # 33

Motion made by Councilperson Hollister

Seconded by Councilperson Safka

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; and

WHEREAS, the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, the State and Federally-approved Project route within the Town of Whitehall, NY originally included approximately 4.7 miles located on right-of-way property owned by Canadian Pacific Railway (the "Rail ROW") (the Original Whitehall Routing"); and

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPEI") has discussed the project extensively with the Town of Whitehall ("Whitehall Host Community"), as the Project will be located within this community; and

WHEREAS, the Original Whitehall Routing led CHPEI to develop an alternative routing (the "New Whitehall Routing") to include the Rail ROW until it diverts to Old North Route 4 for approximately 0.2 miles to the southern Town of Whitehall boundary where it then continues in the Town of Fort Ann; and

WHEREAS, the New Whitehall Routing is proposed with a view towards decreasing environmental, and community impacts and increasing constructability; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions and jobs, including local jobs during the Project's construction; and

WHEREAS, in recognition that CHPEI will generate tax revenue to Washington County, the Town of Whitehall and the Whitehall Central School District once the project commences operation; and

WHEREAS, once the project commences operation it will not require ongoing services of Town departments or local schools; and

WHEREAS, CHPEI desires that the Town of Whitehall endorse the Project and the New Whitehall Routing within the Town of Whitehall; and

WHEREAS, CHPEI believes that the Town of Whitehall endorsement is an essential prerequisite to obtaining all final Project permits and approvals; and

NOW, THEREFORE, BE IT RESOLVED,

1. That the Town Board of the Town of Whitehall is fully familiar with the Project, including the scope of the work to be performed by CHPEI within the Town of Whitehall in furtherance of the Project.
2. That, the Town Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.
3. That the Town Board of the Town of Whitehall hereby grants its consent to CHPEI in accordance with section 11 of New York's Transportation Corporations Law to lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and places In the Town of Whitehall in accordance with the requirements of CHPEI's Article VII Certificate, as amended and in effect from time to time.
4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor John Rozell, aye

Councilperson Stephanie Safka, aye

Councilperson David Hollister, aye

Councilperson Timothy Kingsley, aye

Councilperson Christopher Dudley Sr., aye

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATION

I, Julie Millett, the duly qualified and acting Town Clerk of the Town of Whitehall, New York, do hereby certify that the preceding Resolution was duly adopted at a regular meeting of the Town of Whitehall held on March 21, 2018 that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members od said Town Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand affixed the seal of the Town of Whitehall, NY this 21st day of March, 2018.

DATED: March 21 **, 2018**

Whitehall, New York

Julie A. Millett

Town Clerk of the Town of Whitehall

Washington County, New York

TOWN OF WHITEHALL

IV. Town of Fort Ann

TOWN BOARD OF THE TOWN OF FORT ANN
COUNTY OF WASHINGTON, STATE OF NEW YORK

RESOLUTION NUMBER 61 OF 2018
Adopted March 12, 2018

Introduced by COUNCILMAN HALL who moved its adoption
Seconded by COUNCILWOMAN WITHERELL

RESOLUTION TO SUPPORT CHAMPLAIN HUDSON POWER EXPRESS PROJECT

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; and

WHEREAS, the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, the State and Federally-approved Project route within the Town of Fort Ann, NY originally included approximately 6.6 miles located on right-of-way property owned by Canadian Pacific Railway (the "Rail ROW") (the "Original Fort Ann Routing"); and

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPEI") has discussed the project extensively with the Town of Fort Ann ("Fort Ann Host Community"), as the Project will be located within this community; and

WHEREAS, the Original Fort Ann Routing led CHPEI to develop an alternative routing (the "New Fort Ann Routing") along Old North Route 4 and Old South Route 4 for approximately 3.1 miles from the Towns of Whitehall and Fort Ann boundary to its southern end where it then connects with the Rail ROW for approximately 3.5 miles; and

WHEREAS, the New Fort Ann Routing is proposed with a view towards decreasing environmental, and community impacts and increasing constructability; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions and jobs, including local jobs during the Project's construction; and

WHEREAS, in recognition that CHPEI will generate tax revenue to Washington County, the Town of Fort Ann and the Fort Ann Central School District once the project commences operation; and

WHEREAS, once the project commences operation it will not require ongoing services of Town departments or local schools; and

WHEREAS, CHPEI desires that the Town of Fort Ann endorse the Project and the New Fort Ann Routing within the Town of Fort Ann; and

WHEREAS, CHPEI believes that the Town of Fort Ann endorsement is an essential prerequisite to obtaining all final Project permits and approvals;

NOW, THEREFORE, BE IT RESOLVED,

1. That the Town Board of the Town of Fort Ann is fully familiar with the Project, including the scope of the work to be performed by CHPEI within the Town of Fort Ann in furtherance of the Project.
2. That, the Town Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.
3. That the Town Board of the Town of Fort Ann hereby grants its consent to CHPEI in accordance with section 11 of New York's Transportation Corporations Law to

lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and places in the Town of Fort Ann in accordance with the requirements of CHPEI's Article VII Certificate, as amended and in effect from time to time.

4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Councilman Fletcher - AYE
Councilwoman Stark - AYE
Councilman Hall – AYE
Councilwoman Witherell – AYE
Supervisor Moore - AYE

V. Town of Glenville

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Michael R. Cuevas, Attorney for the Town

RESOLUTION NO. 108-2019

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Godlewski

WHEREAS, Champlain Hudson Power Express, Inc. ("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; and

WHEREAS, the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, the State and Federally-approved Project route within the Town of Glenville originally included approximately 3 miles located on right-of-way property owned by CSX Transportation (the "Rail ROW ") (the "Initial Leg of the Original Town of Schenectady Routing"); and

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPEI") has discussed the project extensively with the Town of Glenville ("Glenville Host Community"), as the Project will be located within this community; and

WHEREAS, the Initial Leg of the Original Town of Schenectady Routing led CHPEI to develop an alternative routing (the "New Pan Am Railroad Routing") along approximately 5.9 miles located on right-of-way property owned by Pan Am Railroad within the Town of Glenville (Route) bordered between Maple Avenue on the Northeast; and Amsterdam Road, on the Southwest portion of the Town.

WHEREAS, the New Pan Am Railroad Routing is proposed with a view towards decreasing environmental, and community impacts and increasing constructability; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions and jobs, including local jobs during the Project's construction; and

WHEREAS, in recognition that CHPEI will generate tax revenue to Schenectady County, the Town and Scotia Glenville Central School District once the project commences operation; and

WHEREAS, by a letter agreement to be fully executed as of this date, CHPEI has committed to the funding up to a not to exceed amount as a part of its construction program of certain pedestrian improvements (the "Letter Agreement"); and

WHEREAS, once the project commences operation it will not require ongoing services of Town (Village) departments or local schools; and

WHEREAS, CHPEI desires that the Town of Glenville endorse the Project and the New Pan Am Railroad Routing within the Town of Glenville and

WHEREAS, CHPEI believes that the Town of Glenville endorsement is an essential prerequisite to obtaining all final Project permits and approvals;

NOW, THEREFORE, BE IT RESOLVED,

1. That the Town Board of the Town of Glenville is fully familiar with and supportive of the Project, including the scope of the work to be performed by CHPEI within the Town of Glenville in furtherance of the Project.
2. That the Town Board of the Town of Glenville directs the Supervisor to execute the Letter Agreement and deliver a copy to the appropriate CHPEI representative.
3. That, the Town Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.
4. That the Town Board of the Town of Glenville hereby grants its consent to CHPEI in accordance with section 11 of New York's Transportation Corporations Law to lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and places in the Town of Glenville in accordance with the requirements of CHPEI's Article VII Certificate, as amended and in effect from time to time.
5. This Resolution shall take effect immediately.

Ayes: Councilmen Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: Councilman Pytlovany
Abstentions: None

Motion Carried

Town Board decision on June 12, 2019 (spec. mtg.)

This is a certified copy of the original document filed in the Office of the Town Clerk of the Town of Glenville, New York.
Dep Town Clerk Date 6/26/2019

VI. Village of Scotia

RESOLUTION

MOVED by Trustee Rizzo, seconded by Trustee Tiberio 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; and

WHEREAS, the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, the State and Federally-approved Project route bypassed the Village of Scotia, NY (the "Original Project Routing") travelling through the Erie Boulevard corridor in Schenectady, NY ("Erie Boulevard Corridor"); and

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPEI') has discussed the project extensively with the Village of Scotia ("Scotia Host Community"), as the Project will be located within this community; and

WHEREAS, the Original Project Routing led CHPEI to develop an alternative routing (the "New Scotia Routing") along the Pan Am Railway through the Village of Scotia for approximately 1.2 miles due to recent development of the Erie Boulevard Corridor; and

WHEREAS, the New Scotia Routing is proposed with a view towards decreasing environmental, and community impacts and increasing constructability; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions and jobs, including local jobs during the Project's construction; and

WHEREAS, in recognition that CHPEI will generate tax revenue to Schenectady County, the Village of Scotia and the Scotia-Glenville Central School District once the project commences operation; and

WHEREAS, once the project commences operation it will not require ongoing services of Village departments or local schools; and

WHEREAS, CHPEI desires that the Village of Scotia endorse the Project and the New Scotia Routing within the Village of Scotia; and

WHEREAS, CHPEI believes that the Village of Scotia endorsement is an essential prerequisite to obtaining all final Project permits and approvals;

NOW, THEREFORE, BE IT RESOLVED,

1. That the Village Board of Trustees of the Village of Scotia is fully familiar with the Project, including the scope of the work to be performed by CHPEI within the Village of Scotia in furtherance of the Project.
2. That, the Village Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.
3. That the Village Board of Trustees of the Village of Scotia hereby grants its consent to CHPEI in accordance with section 11 of New York's Transportation Corporations Law to lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and places

in the Village of Scotia in accordance with the requirements of CHPEI's Article VII Certificate, as amended and in effect from time to time.

4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Aye: Trustee Gifford, Mathes,Rizzo, Tiberio and Mayor Kastberg
Nay: None

The foregoing resolution was thereupon declared duly adopted.

I, MARIA SCHMITZ, Village Clerk of the Village of Scotia, NY **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Village Board of Trustees of the Village of Scotia at a regular meeting of the Board of Trustees duly called and held on the 11th day of APRIL, 2018; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board of Trustees had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Scotia, NY this 12th day of APRIL, 2018.

DATED: APRIL 12, **2018**
Scotia, New York

Maria Schmitz

Village Clerk of the Village of Scotia
Schenectady County, New York

VII. Town of Rotterdam

RESOLUTION NO. 143.18

WHEREAS, Champlain Hudson Power Express, Inc. ("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; and

WHEREAS, the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, the State and Federally-approved Project route within the Town of Rotterdam, NY originally included approximately 4.7 miles located on right-of-way property owned by Canadian Pacific and CSX Railways (the "Rail ROW") (the "Original Rotterdam Routing"); and

WHEREAS, CHPEI has discussed the project extensively with the Town of Rotterdam, as the Project will be located within this community; and

WHEREAS, the Original Rotterdam Routing led CHPEI to develop an alternative routing (the "New Rotterdam Routing") along the CSX Railway for approximately 7.0 miles, beginning at the boundary between the Towns of Glenville and Rotterdam where it then proceeds south through the Town along the railroad; and

WHEREAS, the New Rotterdam Routing is proposed with a view towards decreasing environmental, and community impacts and increasing constructability; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions and jobs, including local jobs during the Project's construction; and

WHEREAS, in recognition that CHPEI will generate tax revenue to Schenectady County, the Town of Rotterdam and the Schalmont Central School District once the project commences operation; and

WHEREAS, once the project commences operation it will not require ongoing services of the Town of Rotterdam or Schalmont Central School District; and

WHEREAS, CHPEI desires that the Town of Rotterdam endorse the Project and the New Rotterdam Routing within the Town of Rotterdam; and

WHEREAS, CHPEI believes that the Town of Rotterdam endorsement is an essential prerequisite to obtaining all final Project permits and approvals; **NOW**

THEREFORE, UPON MOTION OF Councilmember CHRISTOU, seconded by Councilmember SIGNORE,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS

SECTION 1. The Town Board of the Town of Rotterdam is fully familiar with the Project, including the scope of the work to be performed by Champlain Hudson Power Express, Inc. ("CHPEI") within the Town of Rotterdam in furtherance of the Project.

SECTION 2. The Town Board of the Town of Rotterdam is fully familiar with the Project, including the scope of the work to be performed by Champlain Hudson Power Express, Inc. ("CHPEI") within the Town of Rotterdam in furtherance of the Project.

SECTION 3. The Town Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.

SECTION 4. The Town Board of the Town of Rotterdam hereby endorses the New Rotterdam Routing.

SECTION 5. The Town Board of the Town of Rotterdam hereby grants consent to CHPEI in accordance with Section 11 of New York's Transportation Corporations Law to lay down, construct and maintain its wires, conductors, conduits and other fixtures in and under the streets, avenues, public parks and places in the Town of Rotterdam in accordance with the requirements of CHPEI's Article VII Certificate, as amended and in effect from time to time.

SECTION 6. This resolution shall become effective April 25, 2018.

DATED: April 25, 2018

NAME	AYES	NOES	ABSTAIN
Christou	X		
Guidarelli	X		
Miller-Herrera	X		
Signore	X		
Tommasone	X		

VIII. Town of Bethlehem

STATE OF NEW YORK)
COUNTY OF ALBANY) SS:
TOWN OF BETHLEHEM)

I, Nanci Moquin, Town Clerk of the Town of Bethlehem, Albany County, New York DO HEREBY CERTIFY as follows:

The attached copy of Resolution # 2019-16 is a true and correct copy of the original resolution approved by the Town Board at the Town Board meeting held on June 12, 2019.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 26th day of June, 2019.

Nanci Moquin
Town Clerk

Resolution # 2019-16

TOWN BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

Resolution on Champlain Hudson Power Express Project - New Bethlehem Routing

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

WHEREAS, the State and Federally-approved Project route within the Town of Bethlehem originally included approximately 3.2 miles located on right-of-way property owned by CSX Transportation, Inc. (CSXT) (the "Original Bethlehem Routing"); and

WHEREAS, the Original Bethlehem Routing led CHPEI to develop an alternative routing (the "New Bethlehem Routing") along approximately 3.3 miles within the Town of Bethlehem, commencing at Feura Bush Road, turning into West Yard Road, continuing to the end of West Yard Road, crossing a CSXT abandoned rail spur to connect onto South Albany Road, then continuing on this route which changes to Bell Crossing Road before becoming Route 54, and finally returning to the CSXT Railroad Right of Way via a private easement; and

WHEREAS, once the project commences operation it will not require ongoing services of the Town of Bethlehem departments or local schools; and

WHEREAS, CHPEI desires that the Town of Bethlehem endorse the Project and the New Bethlehem Routing within the Town of Bethlehem.

NOW, THEREFORE, BE IT RESOLVED,

1. That the Town Board of the Town of Bethlehem is familiar with the Project and has no objections to the New Bethlehem Routing, including the scope of the work to be performed by

CHPEI within the Town of Bethlehem in furtherance of the Project.

2. That, the Town Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.
3. This Resolution shall take effect immediately.

On a motion by Councilman Foster, seconded by Councilman Coffey and a vote of 3 for and 2 against, and 0 absent, this RESOLUTION was adopted on June 12, 2019.

IX. Village of Catskill

RESOLUTION

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; and

WHEREAS, the Project will supply clean, renewable hydroelectricity to New York State; and

WHEREAS, the State and Federally-approved Project route within the Village of Catskill originally included approximately 0.65 miles located on right-of-way property owned by CSX (the "Rail ROW") (the "Original Catskill Routing");

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPEI') has discussed the project extensively with the Village of Catskill ("Catskill Host Community"), as the Project will be located within this community; and

WHEREAS, the Original Catskill Routing led CHPEI to develop an alternative routing (the "New Catskill Routing") along approximately 0.24 miles along Allen Street, 0.01 miles on Village Land adjacent to Catskill Creek, 0.02 miles at the West Main Street crossing and 0.01 miles at the Willow Lane crossing, all properties of the Village of Catskill.

WHEREAS, the New Catskill Routing is proposed with a view towards decreasing environmental, and community impacts and increasing constructability; and

WHEREAS, the Project will provide significant economic and environmental benefits to New York State in the form of lower electric rates, by reducing greenhouse gas emissions and providing for jobs, including local jobs during the Project's construction; and

WHEREAS, in recognition that CHPEI will generate tax revenue to Greene County, the Town and Village of Catskill and the Catskill Central School District once the project commences operation; and

WHEREAS, once the project commences operation it will not require ongoing services of the Village of Catskill departments or local schools; and

WHEREAS, CHPEI desires that the Village of Catskill endorse the Project and the New Catskill Routing, with the possibility of additional minor changes, within the Village of Catskill; and

WHEREAS, CHPEI believes that the Village of Catskill endorsement is an essential prerequisite to obtaining all final Project permits and approvals;

NOW, THEREFORE, BE IT RESOLVED,

1. That the Village Board of the Village of Catskill is fully familiar with and supportive of the Project, including the scope of the work to be performed by CHPEI within the Village of Catskill in furtherance of the Project.
2. That, the Village Clerk is hereby directed to forward a certified copy of this approved resolution to Transmission Developers Inc. at The Pieter Schuyler Building, 600 Broadway, Albany, NY 12207 for inclusion with CHPEI's application for amendment to its New York State Certificate of Environmental Compatibility and Public Need and any required applications for amendments to the Project's Federal Permits.
3. That the Board of Trustees of the Village of Catskill hereby grants its consent to CHPEI in accordance with section 11 of New York's Transportation Corporations Law to lay down, construct and maintain its wires, conductors, conduits and other

fixtures in and under the streets, avenues, public parks and places in the Village of Catskill in accordance with the requirements of CHPEI's Article VII Certificate, as amended and in effect from time to time.

4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

	Aye	Nay
President: Vincent Seeley	✓	
Trustees: Stanley Dushane Joseph Kozloski Peter Grasse Greg Smith	✓ ✓ ✓ ✓	

The foregoing resolution was thereupon declared duly adopted.

I, , Betsy Cothren, Village Clerk of the Village of Catskill, NY, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Village Board of the Village of Catskill at a regular meeting of the Board duly called and held on the 25th day of July, 2018; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Catskill, this 26th day of July, 2018.

DATED: July 26 **, 2018**
Catskill **, New York**

Village Clerk of the Village of Catskill
Greene County, New York

X. Town of Stony Point

MOU CHAMPLAIN HUDSON POWER EXPRESS

A motion was made by Supervisor Monaghan, seconded by Councilman White and **unanimously carried by a voice vote of all board members present, with Councilman Basile voting no** to approve the Memorandum of Understanding for the Champlain Hudson Power Express as submitted.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU") effective as of January _, 2017 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.

EXECUTIVE SESSION
At 7:30 pm a motion was made by Supervisor Monaghan, seconded by Councilman Basile and **unanimously carried** by a voice vote of those board members present to adjourn into executive session to discuss personnel matters regarding Parks & Recreation. No further votes will be taken.

ADJOURN
The January 23, 2018 Stony Point Town Board meeting adjourned at 7:45pm and no additional votes were taken.

Respectfully submitted

Joan Skinner, Town Clerk

XI. Town of Haverstraw

24. **MEMORANDUM OF UNDERSTANDING WITH CHAMPLAIN HUDSON POWER EXPRESS, INC.**

RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CHAMPLAIN HUDSON POWER EXPRESS, INC. IN REGARD TO THE PROPOSED ELECTRIC TRANSMISSION FACILITY ALONG ROUTE 9W.

HAVERSTRAW TOWN BOARD
JANUARY 22, 2018

STATE OF NEW YORK }
ROCKLAND COUNTY } ss:
TOWN OF HAVERSTRAW }

I, Raquel Ventura, Clerk of said Town of Haverstraw, County of Rockland, hereby certify that I have compared the foregoing resolution of the Town Board, January 22, 2018, with the original now on file in said office, and find the same to be a true and correct transcript therefrom and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Town of Haverstraw, this 5th day of April 2018

Raquel Ventura .....Town Clerk

XII. Village of West Haverstraw

RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH CHAMPLAIN HUDSON POWER EXPRESS, INC.

WHEREAS, Champlain Hudson Power Express, Inc. ("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; and

WHEREAS, CHPEI has represented that is in receipt of all federal and state siting approvals necessary in order to authorize the construction and operation of the Project, subject to amendments made necessary by recent changes to the project route within Rockland County (the" New Rockland Routing") intended to decrease environmental, historical, and community impacts and increase constructability, 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"); and

WHEREAS, the New Rockland Routing, as approved by the Article VII Certificate, includes approximately 7.1 miles on U.S. Route 9W in Rockland County, of which approximately .9 mile lies within the Village of West Haverstraw; and

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 communities impacted by the project (the "Rockland Host Communities") and the relevant school districts; and

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; and

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; and

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"); and

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 Memorandum of Understanding between and amongst the parties; and

WHEREAS, CHPEI is prepared to publicly release the details of the Benefits Package which includes benefits to the Village of West Haverstraw totaling $4,728,572, and estimated annual tax revenues of approximately $95,000; and

WHEREAS, the Village Board has reviewed the material terms of the MOU, and, subject to final review and approval by the Village Attorney with respect to form and legality, supports its execution,

NOW, THEREFORE, in consideration of the foregoing, the Village Board hereby expresses its support for the Project, and approves MOU, subject to final review by the Village Attorney as to form and legality, and authorizes the Mayor to execute same on behalf of the Village, and to take such other and further steps, and to execute such other documents, as may be required to effectuate the terms of the parties' agreement.

Ayes: Mayor D'Amelio, Trustee Nardi, Trustee Lagrow, Trustee Lopez, Trustee Kirschkel
Noes: None

VILLAGE OF WEST HAVERSTRAW
STATE OF NEW YORK
COUNTY OF ROCKLAND

I, CATHERINE B. KOPF, DEPUTY CLERK OF SAID VILLAGE OF WEST HAVERSTRAW, COUNTY OF ROCKLAND, HEREBY CERTIFY THAT I HAVE COMPARED THE FOREGOING COPY OF THIS RESOLUTION – VILLAGE BOARD MINUTES – January 3, 2018 – WITH THE ORIGINAL NOW ON FILE IN SAID OFFICE, AND FIND THE SAME TO BE A TRUE AND CORRECT TRANSCRIPT THEREFROM AND OF THE WHOLE OF SUCH ORIGINAL.

IN TESTIMONY WHEREOF, I HAVE SUBSCRIBED
MY NAME AND AFFIXED THE SEAL OF
SAID VILLAGE OF WEST HAVERSTRAW,
THIS 4th day of April 2018.

DEPUTY VILLAGE CLERK

XIII. Village of Haverstraw

Incorporated

Village Of Haverstraw

RESOLUTION # 3 – 2018

Introduced by: Rafael Bueno
Seconded by: Emily Dominguez

NOW THEREFORE BE IT RESOLVED:

That the Board of Trustees of the Village of Haverstraw has approved, and authorized the Mayor to sign, the following Memorandum of Understanding by and among Champlain Hudson Power Express, Inc. (CHPEI), the Town of Clarkstown, the Town of Haverstraw, the Village of West Haverstraw, the Town of Stony Point, and the Village of Haverstraw in Rockland County, New York:

Memorandum of Understanding

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.

- End MOU -

Motion Passes: All

I, Judith R. Curcio, Clerk/Treasurer of the Village of Haverstraw, New York, do hereby certify that the above resolution was adopted at a Regular Meeting of the Board of Trustees held on January 2, 2018 and i son file and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: April 4, 2018
Haverstraw, New York

Judith R. Curcio

Seal of Municipality

6

XIV. Town of Clarkstown

TOWN OF CLARKSTOWN

OFFICE OF THE TOWN ATTORNEY

INTEROFFICE MEMORANDUM

TO: Justin Sweet, Town Clerk

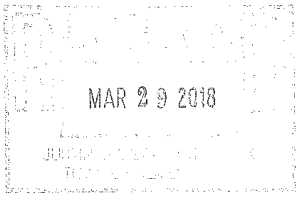
FROM: Office of the Town Attorney/kh

SUBJECT: **Memorandum of Understanding by and among Town of Clarkstown, Town of Haverstraw, Village of Haverstraw, Village of West Haverstraw, Town of Stony Point and Champlain Hudson Power Express, Inc. (CHPEI) Regarding the Champlain Hudson Power Express Project**

DATE: **March 28, 2018**

Enclosed is a copy of the Town Board Resolution, adopted January 30, 2018, regarding the above, together with a copy of the fully executed Memorandum of Understanding, for filing in your Office.

Thank you.



Enclosures

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN A MEMORANDUM OF UNDERSTANDING REGARDING THE CHAMPLAIN HUDSON POWER EXPRESS PROJECT

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

WHEREAS, CHPEI is in receipt of all federal and state siting approvals necessary in order to authorize the construction and operation of the Project from the U.S. Department of Energy, the U.S. Army Corps of Engineers, and the New York State Public Service Commission; and

WHEREAS, the Project will connect with the PSC-approved route in the Town of Clarkstown; and

WHEREAS, Rockland County Host Communities should expect to receive benefits in real property taxes and disbursements from the Haverstraw Bay Community Benefit Fund as a direct result of the Project; and

WHEREAS, the Haverstraw Bay Community Benefit Fund is being established by CHPEI in recognition of the localized inconvenience to Host Communities during construction and will support capital projects in each municipality on a pro-rated basis related to miles along public rights of way, municipal property rights and other factors;

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the Supervisor to sign a Memorandum of Understanding with Champlain Hudson Power Express, Inc., the Town of Haverstraw, the Village of Haverstraw, the Village of West Haverstraw, and the Town of Stony Point in order to share in the Haverstraw Bay Community Benefit Fund.

Dated: January 30, 2018

TB 01-30-18 TA RES CHPEI-kh

Adopted

XV. Washington County

WASHINGTON COUNTY
BOARD OF SUPERVISORS
County Municipal Center
383 Upper Broadway, Bldg. B.
Fort Edward, New York 12828
Tel. (518) 746-2210
Fax (518) 746-2219
*Service by fax not accepted
Supervisors@co.washington.ny.us

CLERK OF THE BOARD
Debra R. Prehoda

ARGYLE
Robert A. Henke, Chairman

PUTNAM
John R. LaPointe, Vice Chair

CAMBRIDGE
Cassie Fedler

DRESDEN
Paul D. Ferguson

EASTON
Daniel B. Shaw

FORT ANN
Richard F. Moore

FORT EDWARD
Terry L. Middleton

GRANVILLE
Matthew Hicks

GREENWICH
Sara S. Idleman

HAMPTON
David K. O'Brien

HARTFORD
Dana E. Haff

HEBRON
Brian R. Campbell

JACKSON
Jay B. Skellie

KINGSBURY
Dana Hogan

SALEM
Evera Sue Clary

WHITE CREEK
Robert E. Shay

WHITEHALL
John W. Rozell

MEMO

TO: Rick Chase
Transmission Developers

FROM: Debra Prehoda, Clerk
Board of Supervisors

DATE: March 19, 2018

RE: Res. No. 77

Please find enclosed a certified copy of the above mentioned resolution adopted by the Board of Supervisors.

enc.

Resolution No. 77 March 16, 2018
By Supervisors Shaw, Campbell, Shay, Idleman, Haff, O'Brien, Skellie, Hogan

TITLE: To Endorse Concept of the Champlain Hudson Power Express Power Line

WHEREAS, representatives from the Champlain Hudson Power Express project presented the concept and route to the Finance Committee, and

WHEREAS, the project would route two cables down Lake Champlain until they exited the lake in Putnam, then through Washington County to Fort Edward and into Saratoga County, and

WHEREAS, the initial route will be changed somewhat due to discovery of obstructions and other issues, and

WHEREAS, these route changes will require further amended permitting from State and Federal authorities; now therefore be it

RESOLVED, that the Washington County Board of Supervisors hereby endorses the concept of the Champlain Hudson Power Express project; and be it further

RESOLVED, that approval of this project by the Board is contingent upon further permitting by the relevant authorities as well as any local input as may be required.

BUDGET IMPACT STATEMENT: None for this resolution.

XVI. City of New York

NYC DCAS
Citywide Administrative Services

Lisette Camilo
Commissioner

Anthony J. Fiore
Deputy Commissioner
Energy Management

September 25, 2020

Mr. Gene Martin
President & COO
Transmission Developers, Inc.
1301 Avenue of the Americas
New York, NY 10019

Re: Champlain Hudson Power Express ("CHPE") Project's Alternate New York City Route Segment Proposal

Dear Mr. Martin:

The Department of Citywide Administrative Services serves as the hub for operationalizing energy policy in the City of New York and as such is responding to Transmission Developers, Inc. ("TDI") request to alter the Champlain Hudson Power Express project's approved route within in New York City as described in its Article VII permit. TDI has informed the City of New York that construction of its proposed underground transmission project in the certified route through Harlem River Yards is no longer feasible. Accordingly, representatives from the City of New York, including the New York City Department of Parks and Recreation and Department of Transportation, have been working with TDI to evaluate relocating a segment of the project to a new route that would avoid Harlem River Yards and traverse Randall's Island Park. The parties have identified a route that would locate the facility predominately under athletic fields, paved roads and pathways for approximately one mile, with minimal impact to park users, park facilities, and the environment. Pending further technical review of TDI's revised plans, and so long as the City's requirements are met through the revocable consent process described below, the parties have conceptually agreed upon an approach that includes the following general parameters:

- utilizing Horizontal Directional Drill ("HDD") technology to install the cable for the portion of the route between the shoreline and the transition vaults;
- using an open trench method to install the cables for the portion of the route between the two transition vaults. The open trench portion will be constructed at a depth approximately 6 feet below the surface, and will predominately be constructed below the paved surface of a bicycle/pedestrian path;
- installing two transition vaults each with two 24 – 36-inch diameter surface access hatches under paved road, providing the maximum depth feasible between the surface elevation and the roof of the vault;
- performing construction activities during off seasons when park use is lower;
- placing HDD receiving and launching areas in locations recommended by the City; and
- full and prompt restoration of impacted park facilities.

To facilitate the placement of CHPE's transmission system below ground within Randall's Island Park, NYC Parks and other responsible City agencies intend to support an application for a revocable consent to authorize TDI access during construction and occupancy throughout Project operations. As part of this support, TDI has committed to engage local communities and relevant stakeholders, including elected representatives, through which the line will traverse to ensure the continued well-being of the affected

The David N. Dinkins Municipal Building
1 Centre Street, New York, NY 10007
212-386-0230
nyc.gov/dcas

communities. The City reserves the right to review, comment on, condition, and/or reject any such application as it sees fit in the due exercise of its discretion.

Sincerely,

Anthony J. Fiore
Chief Energy Management Officer
City of New York

APPENDIX B

REVISED BEST MANAGEMENT PRACTICES

WITH ACCOMPANYING DESIGN DRAWING

Champlain Hudson Power Express Inc.

Best Management Practices

General Information
Regarding Application

(Revised Section 7)
September 26, 2019

TABLE OF CONTENTS

7.0 OVERLAND CABLE INSTALLATION

The objective of the overland trenching operations for the Facility is to safely and efficiently install the HVDC cable within the available right-of-way, minimize the use of land outside of the available right-of-way and avoid and/or minimize environmental impacts. Over the length of the overland portion of the Facility the available right-of-way varies in width, grade, which will require variation of the installation methods. The three primary installation methods will be traditional trench and spoil method, series trenching method and trenchless installation method. Variation among these three installation methods will be prescribed based on site specific evaluations with the EPC Contractor selected by the Certificate Holders and then identified on the EM&CP Plan and Profile drawings. General descriptions of traditional trench and spoil installation and series installation are provided in the following sections and trenchless installation is described in Section 8.0. The installation construction method for each segment of the Facility will be identified on the EM&CP Plan and Profile drawings.

7.1 PRECONSTRUCTION STUDIES

Preconstruction studies will include identifying available right-of-way construction areas, identifying structural crossings and verification of landforms along the cable route, including geotechnical investigations where needed, to determine the geology in the area to be trenched. These preconstruction studies will be used to identify the areas where various installation methods will be effective. In addition to preconstruction studies, agreements with the railroads will be completed to determine protection measures to be utilized to assure the Facility does not interfere with operations or safety of railroads and highways and the Facility will comply with New York State's Dig Safely Program ("One-Call") notification system, 16 NYCRR Part 753. The construction work area, specific installation method and site specific details for installation of the Facility will be identified on the EM&CP Plan and Profile drawings.

7.2 CORRIDOR PREPARATION

A linear work corridor ranging from twenty (20) feet to in excess of fifty (50) feet where right-of-way permits, will first be cleared, grubbed and graded to establish an access path for subsequent steps. The width of the work corridor prepared will vary based on the selected installation method for a given section of the overland cable route. Multiple installation methods and variations of each method will be developed to facilitate installation of the Facility in areas with limited right-of-way widths. Further description of clearing and grubbing to prepare the work area is provided in Sections 5.0 and 6.0, respectively.

7.3 TRADITIONAL TRENCH AND SPOIL METHOD

Traditional trench and spoil procedures are typically the most efficient for underground cable installation. The trench and spoil method involves excavation of the trench by traditional back hoe or bulldozer from an access road established adjacent to the trench area, segregating and stockpiling the excavated trench material next to the trench (Figure 7-1). Although typically the most efficient, this method requires the widest construction corridor.

Trenching will be conducted in accordance with OSHA's Technical Manual for open trenching (i.e., Section V, Chapter 2) and Section 10.1.2.1. The excavated trench will be between 2'6"and 4' wide and four (4) or five (5) feet deep (depending upon site specific requirements). Figure 7-2 provides a typical trench cross section when the cable is directly buried while Figure 7-2A provides the typical trench cross section when the cable is encased in conduit. In all agricultural areas a minimum depth of forty-eight inches of cover over the Facility is required. In areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the cable shall be buried entirely below the top of the bedrock. Material removed from the trench will be stockpiled next to the trench and segregated as ballast, cinders, topsoil, and subsoil, as appropriate. Geotextile fabric or similar material may be used where space constraints require layering of various materials. In locations where the right-of-way limits stockpiling next to the trench, trench material may be removed from the immediate construction area and stockpiled in an approved location until backfilling and restoration. Excavated materials stockpiled away from the immediate excavation will be set back at least one hundred (100) feet from streambanks and wetlands and will be protected with appropriate erosion and sedimentation controls.

7.3.1 Cable Pulling

Cables of the size and voltage design used on the Facility are supplied spooled on a steel reel. A suitable trailer or rail car will be used for transporting the cable reel to the pulling sites. The cable is pulled into the trench or into the conduit off the trailer. If the cable is not to be laid directly off the trailer, it will be unloaded as close as possible to where it is to be pulled out along the right-of-way and lowered into the trench at a later time.

For a direct burial installation, the cable corridor is prepared with cable rollers along the ground surface. The cable reels will be placed on stable ground, firmed up by rock fill and steel plates if necessary. The cables are pulled by pulling machines placed evenly along the cable route. Alternatively, for a cable in conduit installation, a nose pull by a winch or continuous bond pull may be applied. The cable will not be pulled over hard and pointed obstacles, as these could damage the corrosion protection and/or insulation, nor will the cable be bent more than the minimum bending radius. An appropriate communication system will be established and tested for all operators.

During wet weather, operations will be suspended in areas with unstable soil conditions to prevent potential rutting, erosion, and other site hazards. Any erosion control devices that are moved or damaged by construction equipment will be replaced or repaired by the end of the work day or sooner during wet weather.

7.3.2 Length of Open Trench

The length of the open trench for direct burial installation will be determined by the maximum length of cable that can be transported in a single piece or by the maximum length of cable that can be pulled, whichever is the least. For land installation, typical segment lengths range from three tenths (0.3) to six tenths (0.6) miles. For cable in conduit installation typical open trench lengths are expected between one tenth (0.1) and two tenths (0.2) miles.

7.3.3 Splicing/Jointing

The number of splices required will be determined either by the maximum length of cable that can be transported in a single piece or by the maximum length of cable that can be pulled; whichever is the least. Joints may also be required where trenching methods change and where there are transitions from underwater to overland cable. Although electrically identical to the underground cable, underwater cable is armored, has an overall larger diameter, is heavier and has a larger minimum bend radius. These properties make it more difficult and expensive to install than underground cable.

Jointing and termination will be performed by skilled jointers according to detailed installation instructions. The work is performed in a jointing enclosure ("house") supported on a stable work base of crushed stone, concrete or suitable native soil. The jointing house controls the ambient conditions during the splicing operation, including controlled levels of humidity, temperature, and airborne dust. The jointing house is assembled from pre-constructed modular units that can be modified in terms of length and width. The units include heating, air conditioners, dehumidifiers, and lifting equipment such as traverse carriers. Where necessary, the jointing house and splicing location ("bay") may include a concrete base and side walls for mechanical protection and separation from parallel utilities.

7.3.4 Padding and Thermal Cover

To protect the cables, imported or screened on-site material may be used to pad the cables. Subsequent to cable laying, the trenches will be backfilled with low thermal resistivity uniformly graded sand or excavatable, low density concrete. In some locations where the risk of dig-in or damage is higher, a protective concrete layer or steel plate may be installed over the thermal sand or flowable fill cover above the low thermal resistive backfill material. Excavated material with boulders and large cobbles removed will then be placed in the trench. Stockpiled trench material will be replaced in the trench in reverse order and stabilized in accordance with SSESC as described in Section 4.0. Unsuitable native material (wet clay, silt, organic matter or material having large cobbles) will be replaced with appropriate backfill. The whole assembly will have a marker tape placed one (1) to two (2) feet above the cables.

7.3.5 Backfilling

Following cable installation, and placement of thermal cover and top protection, the trench will be backfilled with screened native material or material imported to the site. These materials will be tested to ensure they possess the proper thermal characteristics to meet engineering specifications. The upper portion of the trench will use the native spoil as backfill free of boulders, large cobbles, foreign matter, or other deleterious materials. Where it is permissible to open cut roadways, the upper portions of the trench will be backfilled with roadway base material meeting NYSDOT standard specifications. Any excess natural material, except shot rock will be spread over the cable trench area or in upland areas within the right-of-way, in a

manner that does not detrimentally affect pre-existing surface drainage. Excess unnatural road base material must be disposed of in compliance with all applicable environmental regulations. Backfilling in agricultural lands in conformance with the agricultural mitigation standards in the guidance developed by Ag & Mkts (1997) (Section 20.0).

All granular backfill material will be placed when conditions are dry and compacted to the density required by the cable design. Backfill or fill material will not be placed on surfaces that are muddy, frozen, or contain frost or ice. Excavated areas will be dewatered pursuant to Section 4.2.3 as required to perform the work and in such a manner as to preserve the undisturbed state of the approved subgrade material. Flowable fill may be placed by tremie where dewatering is unsuccessful to create a dry situation. Backfill, fill and site topsoil will either be compacted to match the surrounding grade or a crown will be left over the trench to accommodate settling.

Railroad ballast and cinder materials will be replaced and spread where it had been removed.

Any contaminated soils removed from a work site may not be used as backfill and shall be analyzed and disposed of in accordance with the applicable regulations.

After rough grading, the topsoil will be York-raked and seeded, or similarly prepared for an acceptable vegetative cover. Crowned trenches will be periodically inspected following restoration, and necessary measures will be taken to restore grade and stabilize the right-of-way. Backfill will be completed within two (2) days of lowering-in the cable.

7.4 SERIES INSTALLATION METHOD

Series installation involves specialized equipment that excavates and lays the cable in one step. The series installation method utilizes the trench area as the access for installation equipment, minimizing the construction work space needed. Following preparation of the work corridor, the cable would be unreeled and laid along the surface of the corridor by equipment moving along the corridor, or pulled over blocks along the ground surface. A specialized excavator straddles the cable and lifts and passes it overhead while excavating the trench; placing the excavated material on one or both sides of the trench. The cable is then lowered into the trench in one pass. Series operations can also backfill the trench as the work progresses, but this is most readily accomplished in areas where the native soil does not have to be replaced with thermal fill.

7.4.1 Cable Pulling

With the series installation method the cable pulling is very similar to the traditional method described in Section 7.3.1 except that the cable is laid on the surface and not in a trench.

7.4.2 Length of Open Trench

When utilizing the series installation method, the linear length of the open trench will be very short because backfilling occurs quickly after the cable laying. It is expected that by the end of each day the trench will be backfilled to a point very close to the excavator. Any excavations

left open overnight will be marked as a safety precaution. Open excavations at locations such as roadsides, access roads, or in villages shall be marked with lighting and barricades.

Another alternative installation method includes a process of directly laying the cable and immediately backfilling it. Use of this method will be limited to locations where thermal backfill will not be necessary, the soil is stable enough not to require shoring, and the right-of-way width will allow installation at the required depth without violation of established railroad construction criteria (theoretical embankment boundaries).

7.4.3 Splicing/Jointing

Jointing and splicing may be performed using two different approaches. The first and most likely method would use a procedure similar to that of the traditional installation method. The second approach would leave a short section of trench open, with the ends of the cable exposed within the open excavation. After the installation operation has moved forward, the splice area will be prepared to receive the splice house. The splice operation itself is identical to that previously described. When complete, the splice house and related equipment will be removed and the pit backfilled.

7.4.4 Padding and Thermal Cover

Padding and thermal cover will be installed in the same manner as in the traditional method discussed in Section 7.3.4, unless native material is suitable for this use. If native material is used the trench would be backfilled in the same process as the trench excavation and cable laying.

7.4.5 Backfilling

Backfilling will occur immediately following placement of low thermal resistive fill and follow the same procedures as used in the traditional method.

7.5 MECHANICAL ROCK REMOVAL AND BLASTING

During preconstruction studies, areas where rock or ledge may be encountered during construction will be identified. Rock and ledge encountered above the minimum cable installation depth will be removed by mechanical equipment if possible. Often the rock surface has been weathered enough that mechanical removal is possible. Where it is not, three options exist: evaluation of a more shallow cable installation with enhanced concrete or steel cover protection, an increase in the amount of cover (if the changed topography is not problematic), or blasting to achieve the standard depth.

Mechanical removal would be the preferred method of achieving the required burial depth; however if any blasting is required it will be performed by licensed professionals pursuant to New York State Department of Labor's regulations 12 NYCRR Part 39, Possession, Handling, Storage and Transportation of Explosives, and in strict accordance with guidelines designed to

control energy release. DPS will be provided with a copy of the blaster's license prior to any blasting that might be necessary.

In areas where blasting is anticipated, pre-blast surveys of foundations, underground wells, and other susceptible in ground and above ground structures will be performed to determine pre-blasting condition of the structures.

Proper safeguards will be taken to protect personnel and property in the area. Charges will be kept to the minimum required to break up the rock. Where appropriate, mats made of heavy steel mesh or other comparable material will be utilized to prevent the scattering of rock and debris. Blasting will strictly adhere to all industry standards applying to controlled blasting and blast vibration limits with regard to structures and underground utilities. No fly rock will be allowed to leave the right-of-way. Blasting in the vicinity of nearby utilities will be coordinated with the owner, as necessary. Blasted rock will be hauled off-site and disposed of in an appropriate manner. Details of blasting controls and safety procedures will be specified in the site-specific EM&CP documents.

In agricultural areas of till over bedrock where blasting is required, the Certificate Holders will use matting or controlled blasting to limit the dispersion of rock fragments. All blasted rock not used as backfill will be removed from croplands, haylands, and improved pastures. The till and topsoil shall be returned in natural sequence to restore the soil profile. Farm owners/operators will be given timely notice prior to blasting on farm property.

7.5.1 Monitoring and Inspection

A Safety Inspector and Construction Inspector will be present for areas that require blasting. In addition, an independent consultant will be hired to monitor blasting and the effects of the blasting on structures, wells and other infrastructure and to investigate claims of damage.

7.5.2 Time Constraints and Notification

Explosives use will be limited to the hours of 9:00 am to one hour before sunset on non-holiday weekdays, unless otherwise approved by DPS. Fly rock or other airborne debris will be controlled by heavy steel mesh or other comparable material. DPS staff, NYSDOT, and local and state public safety officials will be notified at least forty eight (48) hours prior to the initiation of blasting, and each morning with planned blasting locations. Inhabitants of occupied structures and farm operators within one- quarter (0.25) mile of the blasting area will be notified at least forty eight (48) hours before blasting in that area.

7.5.3 Remediation

Any claims of damage from blasting that are documented and verified as having been caused by such blasting by an independent consultant will be assessed for remediation by the Certificate Holders.

7.6 TRENCH PLUGS

After cable installation, permanent sand bag trench plugs will be installed before backfilling (Figure 7-3). Trench plugs will be installed at the locations shown on the EM&CP Plan and Profile drawings or as determined by the Environmental Inspector. If not specified, the following spacing will be used:

Table 7.1
Trench Plug Slope and Spacing Specifications

Slope (%)	Spacing (feet)
<5	No Structure
5-15	300
>15 – 30	200
>30	100

Trench plugs will be installed at the base of slopes adjacent to waterbodies and wetlands and where needed to avoid draining of a resource area.

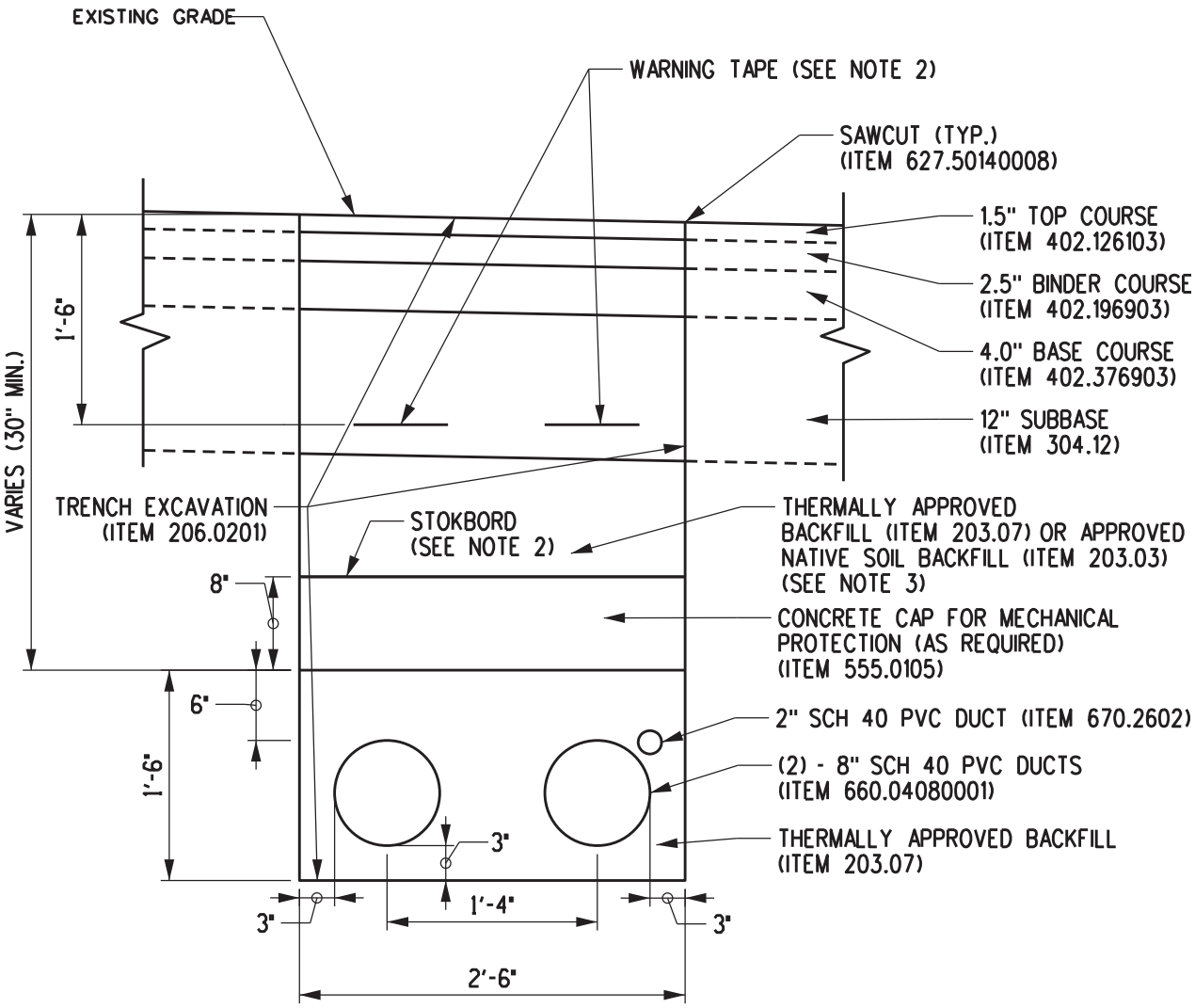
7.7 TRENCH DEWATERING

Dewatering of the trench may be required in areas with a high water table or after a heavy rain. All trench water will be discharged into well-vegetated upland areas or properly constructed dewatering structures to allow the water to infiltrate back into the ground, thereby minimizing any long-term impacts on the water table. If trench dewatering is necessary in or near a waterbody or wetland, the trench water will be discharged into a portable sediment tank or sediment filter bags (see Section 4.2.4.3 and Figure 7-4) located away from the waterbody to prevent silt-laden water from flowing into the waterbody (Section 4.2.4.1).

Any contaminated waters removed from a work site may not be discharged without a SPDES permit or must be discharged at a waste water treatment plant following chemical analysis.

References - Section 7.0

[OSHA] Occupational Safety and Health Administration. January 20, 1999. OHSA Technical Manual.



TYPICAL CABLE ROUTE
TRENCH CROSS SECTION

NOT TO SCALE

ITEM	DESCRIPTION
203.03	EMBANKMENT IN PLACE
203.07	SELECT GRANULAR FILL
206.0201	TRENCH AND CULVERT EXCAVATION
304.12	SUBBASE COURSE, TYPE 2
402.126103	12.5 F1 TOP COURSE HMA, 60 SERIES COMPACTION
402.196903	19 F9 BINDER COURSE HMA, 60 SERIES COMPACTION
402.376903	37.5 F9 BASE COURSE HMA, 60 SERIES COMPACTION
555.0105	CONCRETE FOR STRUCTURES, CLASS A
627.50140008*	CUTTING PAVEMENT
660.04080001**	FURNISH AND INSTALL PVC UTILITY CONDUIT - 8 INCH
670.2602	RIGID PLASTIC CONDUIT, 2"

*SPECIAL SPEC
**SPECIAL NOTE

NOTES:

1. FILL MATERIAL SHALL HAVE THERMAL RESISTIVITY OF 1.0 K*m/W OR LESS.
2. FITTINGS, CONNECTIONS, WARNING TAPE, AND STOKBORD WILL BE INCLUDED UNDER ITEM 660.04080001.
3. FOR INSTALLATION NOT LOCATED IN ROADWAYS, APPROVED NATIVE SOIL BACKFILL WILL EXTEND TO EXISTING GRADE.

DESIGNED BY:
DRAFTED BY:
CHECKED BY:
CHECKED BY:
DESIGN SUPERVISOR:

PROJECT TITLE CHAMPLAIN HUDSON POWER EXPRESS TRANSMISSION DEVELOPERS, INC.	LOCATIONS	
AECOM	DRAWING TITLE TYPICAL TRENCH CROSS SECTION WITH PVC CONDUIT	DATE: 9/26/2019 DRAWING NUMBER: FIG 7.2A