



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

Orsted/Sunrise Wind LLC
Mr. Ryan Chaytors
437 Madison Avenue, Suite 1903
New York, NY 10222

SUBJECT: Section 408 Decision Letter – Sunrise Wind by Orsted/Sunrise Wind LLC
(Section 408 Request Number: 408-NAN-2023-0004)

Dear Mr. Chaytors:

The New York District of the U.S. Army Corps of Engineers (USACE) has completed review of the Orsted/Sunrise Wind LLC Section 408 request for the installation of Sunrise Wind offshore wind power cables with proposed alteration to the following Federal Projects under Section 14 of Rivers and Harbors Act of 1899, 33 USC 408 (Section 408): Fire Island to Montauk Point Reformulation Study (FIMP) Federal Project and the Long Island Intracoastal Waterway (LIW) Federal Navigation Project located at Smith Point County Park, Suffolk County, New York. The LIW Federal Navigation Project is operated and maintained by USACE. The FIMP Federal Project at Smith Point County Park is operated and maintained by New York State Department of Conservation as the Non-Federal Sponsor and Suffolk County Department of Parks, Recreation and Conservation as the Local Sponsor. The no-objection letters from New York State Department of Conservation and Suffolk County Department of Parks, Recreation and Conservation are enclosed (Encl 1). The proposed routing of the offshore wind power cables under Federal Projects are shown on the enclosed Sunrise Wind Cable Route Drawings (Encl 2) and described as follows:

1. The proposed Sunrise Wind power cables would make landfall at Smith Point County Park, within the boundary of the FIMP Federal Project. Using Horizontal Directional Drill (HDD), the power cables would be installed at a depth of -59.5 feet (NAVD88) below the FIMP Federal Project. The HDD seaward pit would be located approximately 2,525 feet from the baseline boundary the FIMP Federal Project. The HDD landward pit would be located outside of the FIMP federal project boundary within the parking lot of Suffolk County's Smith Point County Park.
2. The proposed Sunrise Wind power cables would be installed beneath the LIW Federal Navigation Project. Using HDD, the power cables would be installed at a depth of -50 feet (MLLW) below the LIW Federal Navigation Project.

The USACE-New York District has completed its review of Orsted/Sunrise Wind LLC Section 408 Request for proposed installation of the offshore wind power cables with

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landfall under FIMP Federal Project and crossing under LIW Federal Navigation Project at Smith Point County Park, Suffolk County, New York.

Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408), this evaluation was performed to identify and assess elements of the proposed work crossing beneath the above Federal Projects. This evaluation was performed consistent with Engineer Circular (EC) 1165-2-220.

Based on this evaluation, USACE-New York District is granting permission for Orsted/Sunrise Wind LLC for the installation of the offshore wind power cables installed beneath the above listed Federal Projects, as specified in your request and is subject to compliance with the terms and conditions below.

1. This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.
2. The time limit for completing the work authorized ends on the same expiration date as Department of the Army Permit Number NAN-2022-00776-EVI. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
3. Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.
4. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.
5. The United States will in no case be liable for:
 - a. any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations

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- undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
 - b. damage claims associated with any future modification, suspension, or revocation of this permission.
6. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, indemnify, and hold harmless the United States and USACE from any and all such claims, subject to any limitations in law.
 7. Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.
 8. The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided.
 9. This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. you fail to comply with the terms and conditions of this permission;
 - b. the information provided in support of your application for permission proves to have been inaccurate or incomplete; or
 - c. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.
 10. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
 11. Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.
 12. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.

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13. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.
14. You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.
15. You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.
16. USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.
17. Once permission is granted, you must notify the USACE District at least 30 days before work/usage is started so that post-permission oversight can be performed by USACE.
18. You must submit a copy of "as-built" drawings within 90 days of completion of work showing the new work as it relates to identifiable features of the federal project.

This evaluation is based upon the latest documents, plans and project drawings you provided, dated May 2023 (Encl 2). If for any reason, the scope of work proposed or the nature of the work changes, this Section 408 permission could be revoked, and a separate Section 408 Review could subsequently be required.

Please be advised that Orsted/Sunrise Wind LLC, as the Section 408 Requester, must obtain any and all other Federal, State and/or Local approvals prior to construction commencing. In particular, the Section 408 Requester must satisfy the requirements and conditions set forth in the Department of the Army Permit Number NAN-2022-00776-EVI administered by the USACE-New York District, Regulatory Branch.

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For any questions regarding this evaluation, please contact Mr. Randall G. Hintz, Chief Operations, Readiness, and Regulatory Functions Division at (917) 790-8400 or by email at Randall.G.Hintz@usace.army.mil.

Sincerely,

Alexander L. Young
Colonel, U.S. Army
District Commander

Enclosures

1. Non-Federal Sponsor and Local Sponsor No Objection Letters
2. Sunrise Wind Cable Route Drawings

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Flood Protection and Dam Safety
625 Broadway, Albany, New York 12233-3504
P: (518) 402-8185 | F: (518) 402-9029
www.dec.ny.gov

March 7, 2023

Mr. Stephan A. Ryba
United States Army Corps of Engineers, New York District
26 Federal Plaza
New York, New York 10278-0090

Re: FIMP/FIMI CRSM Project Section 408 Review

Dear Mr. Ryba:

I am writing on behalf of an applicant, Sunrise Wind, LLC, ("Sunrise") to request a Section 408 review for a Certificate of Environmental Compatibility and Public Need to construct, operate, and maintain the Sunrise Wind New York Cable Project ("Project"). The Project proposes an export cable originating from offshore wind turbines and will make landfall at Smith Point County Park via horizontal directional drilling from an exit location approximately 2,525 ft. from the boundary of the Fire Island Inlet to Montauk Point Hurricane and Shore Protection Project ("FIMP").

Suffolk County, who is the New York State Department of Environmental Conservation's (DEC) local sponsor for the FIMI and FIMP Projects, has reviewed the proposal and found that the Project will not interfere with the future Operation and Maintenance of FIMP or the Fire Island Inlet to Moriches Inlet ("FIMI") Project.

Enclosed is a letter of support from the Suffolk County and the relevant project drawings for review by the Army Corps of Engineers. As the Non-Federal Sponsor for the FIMI and FIMP Projects, DEC has no objection to the work being proposed by Sunrise.

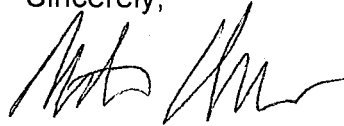
If you have any questions during your review, you can contact me at (518) 402-8139 or matthew.chlebus@dec.ny.gov.

Encl 1 - NYSDEC & Suffolk County No Objection
Letters



Department of
Environmental
Conservation

Sincerely,



Matt Chlebus, P.E.
Professional Engineer 1
Coastal Erosion Management Section

Enclosure: 408 Authorization Application
Suffolk County Letter of Support, dated 1/30/2023

cc: Ken Kosinski, NYSDEC
Eric Star, NYSDEC
Cindylou Dixon, NYSDEC
Karen Gaidasz, NYSDEC
Rebecca Ferres, NYSDOS
Anthony Ciorra, USACE
Jason Smagin, Suffolk County

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JASON SMAGIN
COMMISSIONER

January 30, 2023

Matthew J. Chlebus, P.E.

Coastal Erosion Management Section, Division of Water
New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233

Reference: Sunrise New York Cable Project

Dear Mr. Chlebus:

The County of Suffolk ("County") is in receipt of Sunrise Wind, LLC's ("Sunrise") application for a Certificate of Environmental Compatibility and Public Need to construct, operate and maintain the Sunrise Wind New York Cable Project (the "Project").

Please be advised that the County, in consideration of (i) the public need for the Project, (ii) Sunrise's substantive compliance with the County Administrative Code, and (iii) the limited number and scope of requests to the NYSPSC pursuant to PSL § 126 to refuse to apply certain listed local laws as described in further detail within the revised Exhibit 7 of its application to the New York State Public Service Commission ("NYSPSC" or "the Commission") which was approved by the Commission, the County supports the Project. Please refer to the attached letter of support from Bridget Fleming to the Secretary to the Commission dated September 22, 2021.

The Project's export cable, "SRWEC-NYS", will make Landfall at Smith Point County Park via horizontal directional drill from an exit location located approximately 2,525 ft (770 m) from the boundary of the Fire Island Inlet to Montauk Point Hurricane and Shore Protection Project ("FIMP"). Please refer to the attached drawings depicting the Sunrise Wind Landfall Crossing Plan. Therefore, the County finds that the Project will not interfere with future Operation and Maintenance of the FIMP, nor will the Project interfere with future Operation and Maintenance of a sub-project of the FIMP closer to shore, the Fire Island Inlet to Moriches Inlet Stabilization Project ("FIMI"), the requirements for which are described in the Project Partnership Agreement and Operation, Maintenance, Repair, Replacement and Rehabilitation ("OMRR&R") Manual, Smith Point County Park, Suffolk County, NY, dated April 2017.

Further, the Project will not conflict with the Access Agreement granted to the New York State Department of Environmental Conservation last signed August 25, 2014 and recorded in the Office of the Suffolk County Clerk on September 10, 2014 in Liber 12788, Page 109, attached hereto.



Please free to contact me should you have any questions or require additional information.

Regards,


Jason Smagin
Commissioner

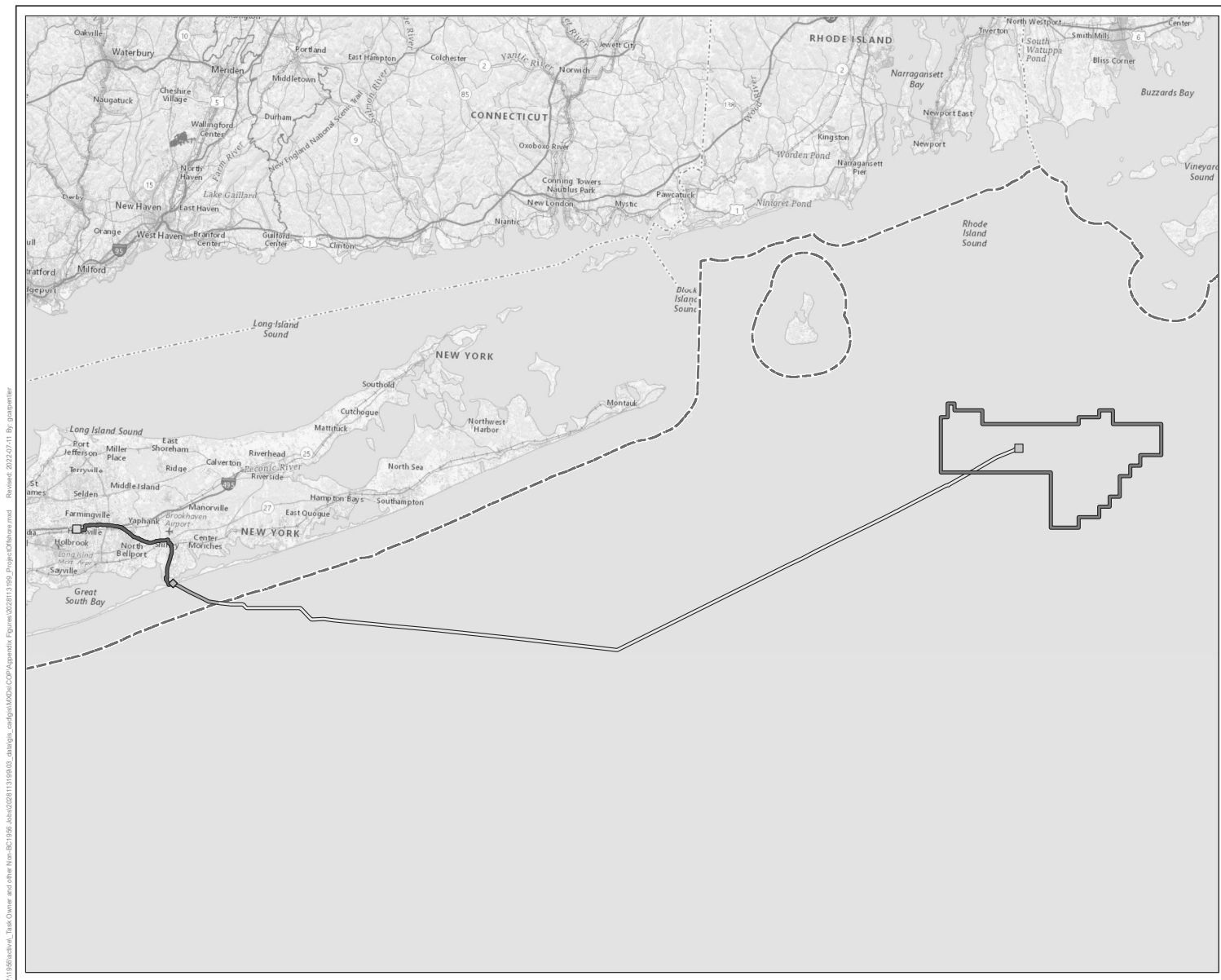
Attachments:

Attachment A: Letter of Support from Bridget Fleming, Suffolk County Legislator, September 22, 2021

Attachment B: Drawings – Sunrise Wind Landfall Crossing Plan

Attachment C: Recorded Access Agreement granted to New York State Department of Environmental Conservation





Sunrise Wind Farm Project

**Sunrise
Wind**

Powered by
Ørsted &
Eversource

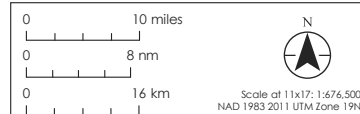
Legend

- Sunrise Wind Farm (SRWF)
- Offshore Converter Station (OCS-DC)
- SRWEC Landfall Location
- Union Avenue Site
- Sunrise Wind Export Cable (SRWEC-OCS)
- Sunrise Wind Export Cable (SRWEC-NYS)
- Onshore Transmission Cable
- LIE Service Road Route
- 3-nm State Waters Boundary

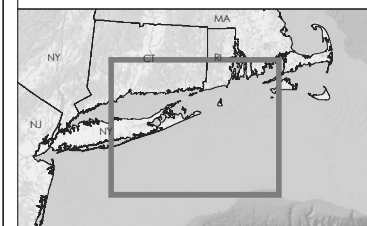
Note
Routes are indicative and subject to engineering design changes.

Sources
1. Base map: USGS The National Map

Date	07/11/2022
Project Number	2028113199
Prepared By	PB
Reviewed By	LJ



REFERENCE MAP



Encl 2 - Sunrise Wind Cable Route Drawing Landfall
and LIW

V:\1956\active\Task Owner and other Non-BCI\968_000\028113199_00_data\gis\landfall\mxd\2028113199_4.4.1.1_Landfall.mxd Reviewed: 2022-07-13 By: gaspenier



Landfall/ICW Study Area

**Sunrise
Wind**

Powered by
Ørsted &
Eversource

Legend

- Sunrise Wind Export Cable (SRWEC-NYS)
- Landfall HDD A
- Intracoastal Waterway Horizontal Directional Drilling (ICW HDD)
- Onshore Transmission Cable
- UE Service Road Route
- Landfall/ICW Study Area
- Landfall Work Area
- Temporary Landing Structure Area
- ICW Work Area
- Pipe Sea Access
- Pipe Stringing Area
- NYSDEC Wetlands
- NYSDEC Statewide Seagrass
- NYSDEC Seagrass
- NYSDEC Tidal Wetlands - NYC and Long Island
- NYSDEC Significant Coastal Fish and Wildlife Habitats
- NYS Natural Heritage Community Occurrences
- NWI Wetlands
- Estuarine and Marine Wetlands
- Freshwater Wetlands

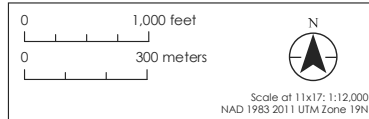
Note

- The cable route centerline and trenchless crossing work areas are indicative and subject to final engineering design.
- No fill will occur in any mapped wetlands with the exception of Narrow Bay for components of the Temporary Landing Structure.

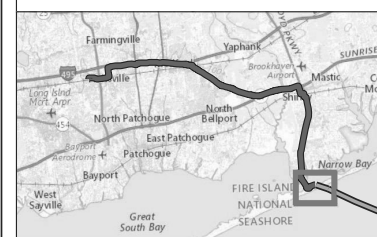
Sources

NYSDEC, NYSDEC, NYS Natural Heritage Program, NYS GIS Clearinghouse, USFWS

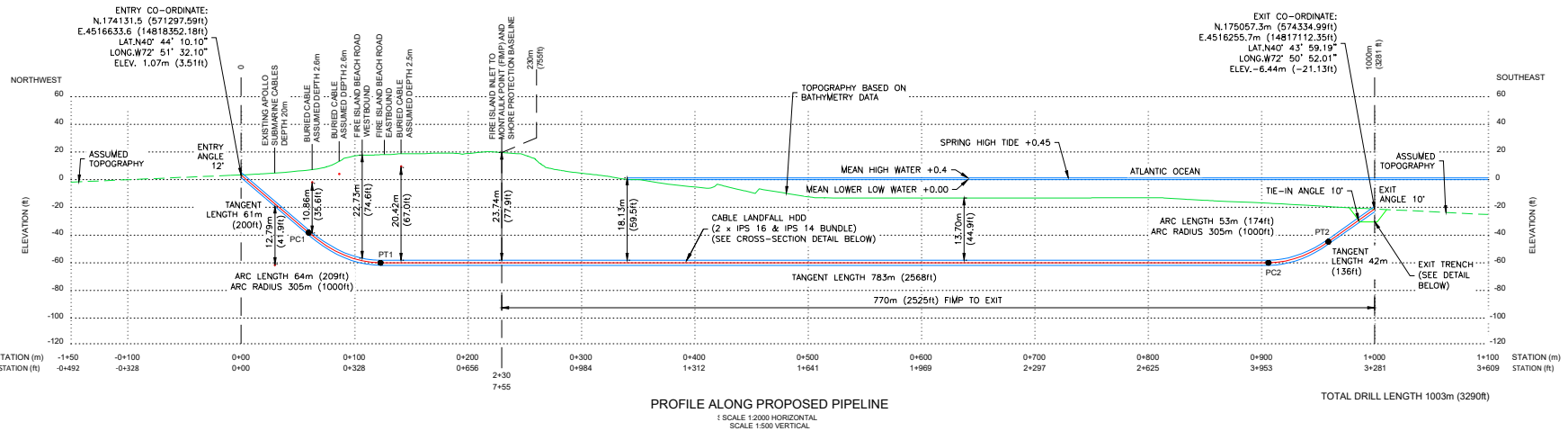
Date	07/11/2022
Project Number	2028113199
Prepared By	GC
Reviewed By	AP



REFERENCE MAP



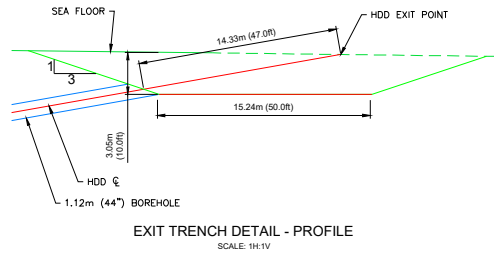
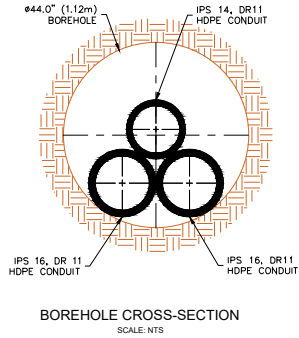
File Name: W:\US_Coastal_Job\114-Closed-Sunrise Wind Project\EG\Drawing\01-Sunrise Wind\HDD\HDD-Profile.dwg Plot Date: 2023-11-12 1:47:56 PM User: R. Rene Chaudhary



NOTES:

1. ALL COORDINATES SHOWN ARE IN NAD83(2011) UTM ZONE 19N.
2. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO VERTICAL DATUM NAVD 88.
3. FOR HDD PLAN DETAIL, REFER TO DRAWING NO. 3114-EG-0401
4. FOR HDD CONSTRUCTION NOTES, REFER TO DRAWING 3114-EG-0403.

Pilot Hole Tolerances	
Item	Tolerance
Pilot entry angle	Increase angle up to 1" (higher), but no decrease in angle allowed or adjust as required as long as design profile radius is not compromised.
Pilot entry location	As staked by COMPANY. No change without COMPANY approval.
Pilot exit angle	Increase angle up to 1" (higher). Decrease up to 2" (flatter), but design profile radius cannot be compromised.
Pilot exit location	Up to 20 feet longer or 10 feet shorter than exit stake. Between 5 feet left and 5 feet right of COMPANY survey centerline.
Pilot depth	Up to 5 feet decrease in pipe design depth allowed except under critical areas such as roads, utilities, etc., near the entry and exit points. Up to 10 feet increase in depth allowed. Best efforts shall be made to stay at or below pipe design profile depth.
Pilot alignment	Shall remain within 5 feet left or right of COMPANY centerline survey.



HORIZONTAL DIRECTIONAL DRILL DATA				
DESCRIPTION	HORIZONTAL DRILL STATION		ELEVATION	
	feet	feet	feet	feet
ENTRY @ 12"	0+00.00	0+00.00	0+00.00	1.07 3.51
PC1 = 305m RADIUS	0+099.73	1+95.95	0+61.06	2+00.33 -11.63 -38.15ft
PT1	0+123.10	4+03.88ft	1+24.90	4+09.77 -18.29 -60.00
PC2 = 305m RADIUS	9+06.18	29+73.02ft	9+07.98	29+78.92 -18.29 -60.00
PT2	9+59.11	31+46.67ft	9+61.18	31+53.46 -13.66 -44.81
EXIT @ 10"	10+00.05	32+80.99ft	10+02.75	32+89.85 -6.44 -21.13
H DISTANCE	10+00.05	32+80.99ft		
HDD PIPE LENGTH	10+02.75	32+89.85ft		

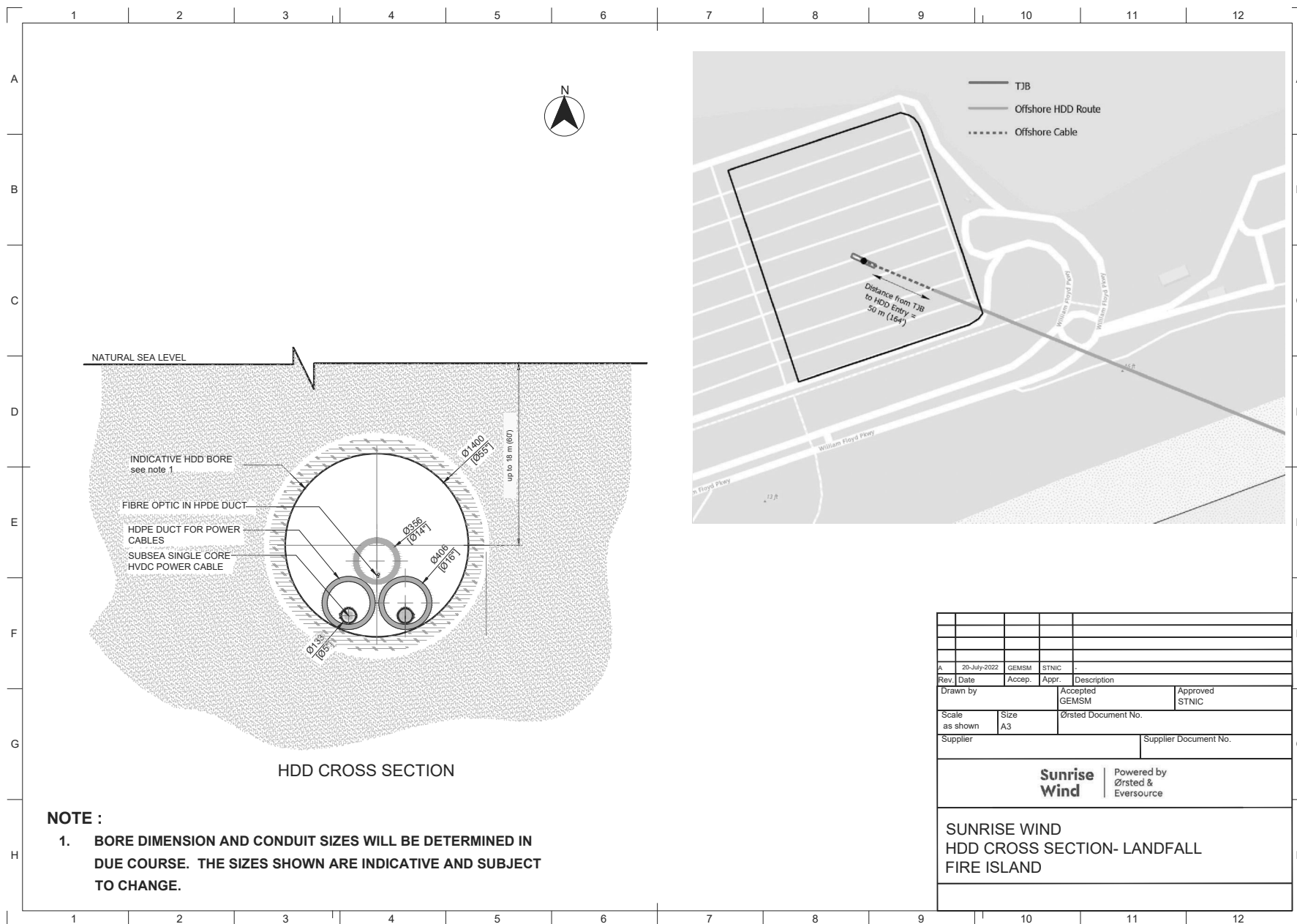
REFERENCE DOCUMENT NO.	DATE	ENGINEER AND PERMIT STAMPS	HDD SPECIFICATIONS	
1. Suffolk County project data Nov 2019 (07074445_A)	2021-06-16		IPS 14	IPS 16
2. COORDINATE SYSTEM: NAD 1983 2011 UTM ZONE 19N	2022-09-27		355.6	406.4
3. SRW01_104_Audits_North_Air_Bul_20200622_RevA (07092867_A)	2021-11-09		32.3 (DR 11)	37 (DR11)
4. 41-910285.00 SRP Landfill Use Data Report - FINAL, 202-08-10 (072757_A)	2021-08-10		PE4710	PE4710
5. 9410157420 SRW01 Measured and Derived Parameters Report_030524.mxd	2021-12-07		GRADE	GRADE
			PRODUCT	HDPE
			MATERIAL	HDPE
			INTERNAL COATING	NONE
			OUTER COATING	NONE
			MAX OPER. PRESSURE (MPa)	N/A
			MIN TEST PRESSURE (MPa)	N/A
			MAX OPER. TEMP (°C)	N/A
			MAX INSTALLATION TEMP (°C)	N/A

DRAWING STATUS	DATE	DRN	CHK	DES	GEO	APR	CR
ISSUED FOR PERMIT	2023-04-23	RC	MAL	GB	SG	JT	SM
ISSUED FOR REVIEW	2022-11-21	RC	MAL	GB	SG	JT	SM
ISSUED FOR REVIEW	2022-10-28	RC	AN	GB	SG	JT	SM
ISSUED FOR REVIEW	2022-10-20	RC	AN	GB	SG	JT	SM
ISSUED FOR REVIEW	2022-10-18	RC	AN	GB	N/A	JT	SM
ISSUED FOR REVIEW	2021-10-05	RER	MAL	RC	N/A	KP	SM

Sunrise Wind | Powered by Ørsted & Eversource

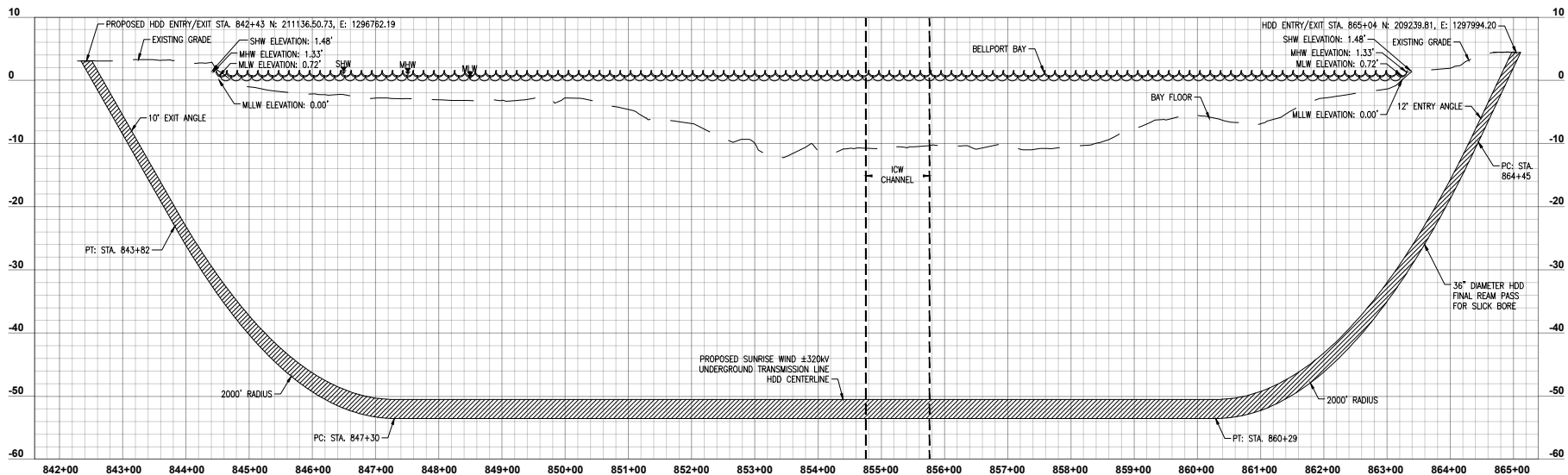
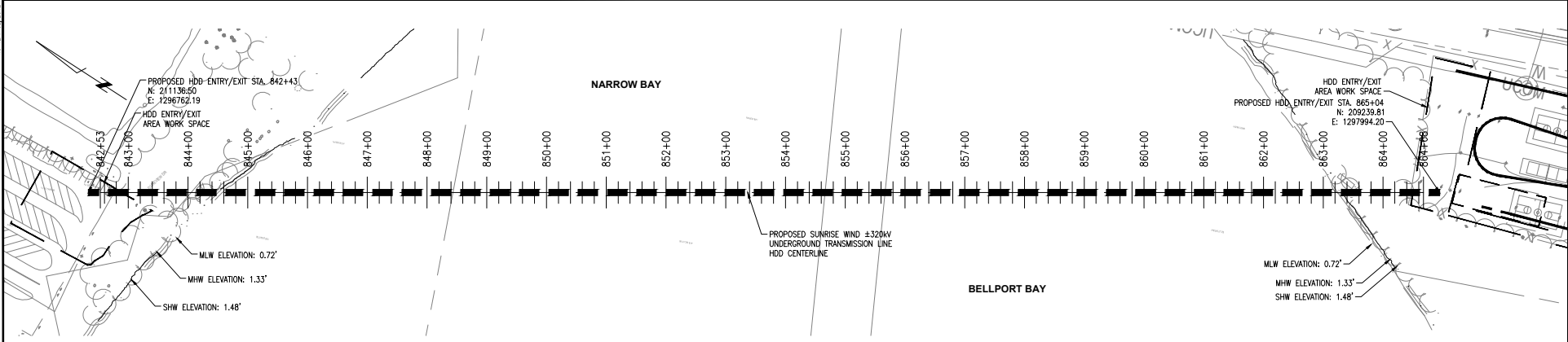
ORSTED - SUNRISE OFFSHORE WIND FARM PROJECT
SUNRISE WIND LANDFALL CROSSING
PROFILE - IPS 16/14 BUNDLE
FIRE ISLAND, BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

SCALE	DWG. #	REVISION	SHEET
AS SHOWN	3114-EG-0402	F	2 OF 3



ML VER: 02/2012

4/17/2023 5:58 PM - definition - C:\pwr_working\power_distribution\m_and_p\4046357\DC_Plan_Aid_Profile_trenchless.dwg - 161-Intra-coastal HDD-50KCE



NOTES:

- UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROL TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO EVERSOURCE ENERGY. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG: 1.800.272.4480.

**PRELIMINARY
NOT FOR CONSTRUCTION**

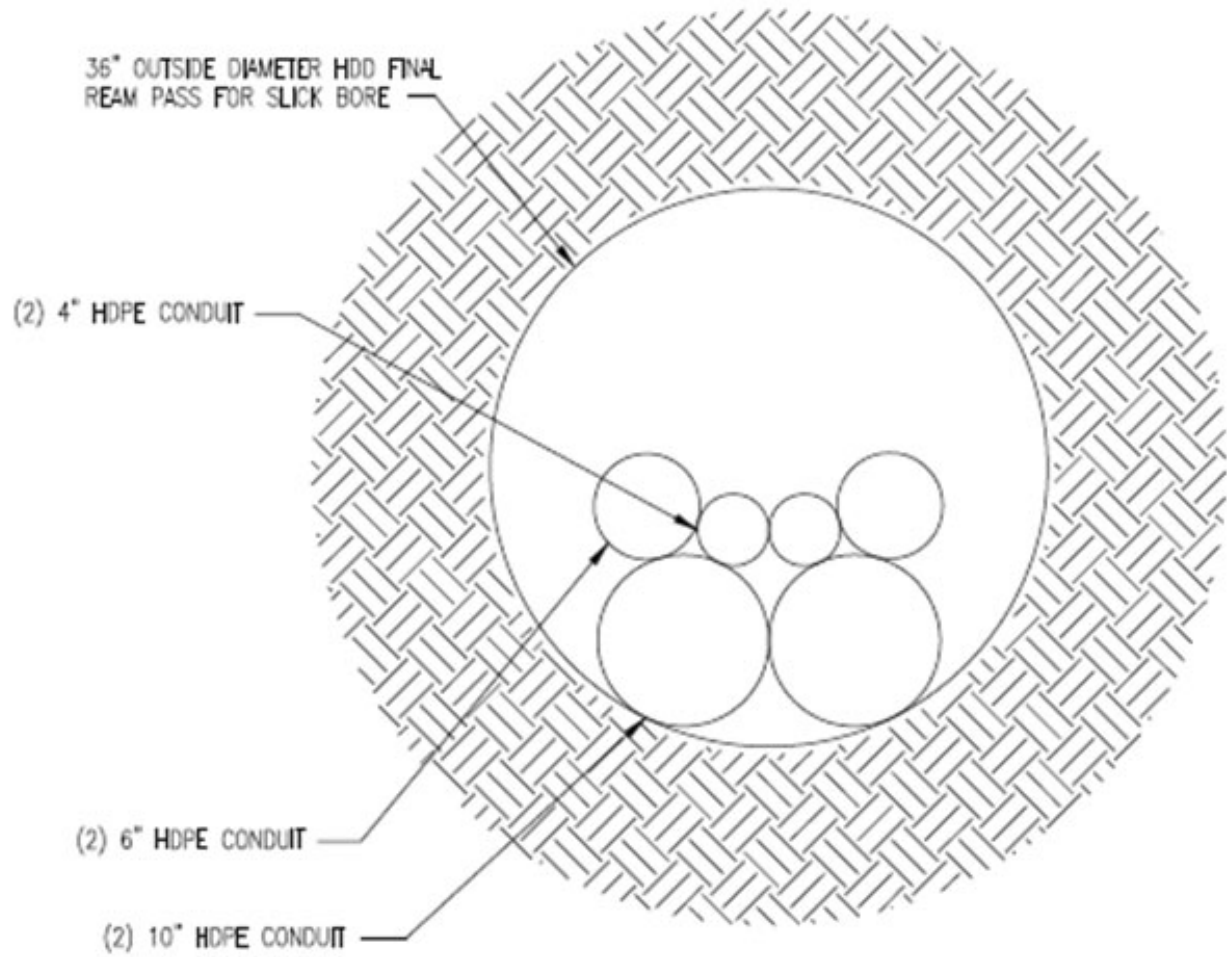


REVISIONS DURING CONSTRUCTION				
C	4/19/23	ISSUED FOR REVIEW - 70%	GAS	LIB
B	2/23/22	ISSUED FOR REVIEW - 70%	ERS	LIB
A	11/11/22	ISSUED FOR REVIEW - 30%	ERS	LIB

**EVERSOURCE
ENERGY**

SUNRISE WIND
±320kV UNDERGROUND TRANSMISSION LINE
TRENCHLESS DESIGN - INTRA-COASTAL HDD
BROOKHAVEN, SUFFOLK COUNTY, NEW YORK

DATE	BY	CHK	APP	DATE	BY	CHK	APP
1/11/2020	ERS			1/11/2020	DM		
N.T.S.				N.T.S.			
N.T.S.				N.T.S.			
171405							



TYPICAL HDD SLICK BORE DETAIL
DETAIL

SCALE N.T.S.

4
48001p001