



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Steve Cole-Hatchard
New York Transco, LLC

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**New York District
Permit Application No. NAN-2024-00408-MMI**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Steve Cole-Hatchard
New York Transco, LLC
800 Westchester Avenue
Suite 601N
Rye Brook, New York 10573

AGENT: Brian Breissinger
WSP USA, Inc.
1100 Boulders Parkway
Suite 503
Richmond, Virginia 23225

WATERWAY AND LOCATION:

The terrestrial segments of the proposed transmission line are located in the following municipalities: Town of Hempstead, Village of Rockville Centre, Village of Hempstead, Village of Garden City, Village of Mineola, Village of Williston Park, Village of Roslyn, Town of North Hempstead, Village of Westbury, Village of Old Westbury, Village of East Hills, Village of Roslyn Harbor, Village of Old Brookville, Town of Oyster Bay, Town of Huntington, Village of Brookville, Village of Upper Brookville, Village of Muttontown, City of New Rochelle, Village of Pelham, City of Mount Vernon, Village of Bronxville, Village of Tuckahoe, Town of Eastchester, City of Yonkers, and New York City.

The two submarine segments of the proposed transmission line are located in the waters of the State of New York, which are managed by the New York State Office of General Services: (1) an approximately 9.1-mile crossing of the Long Island Sound between the Town of Oyster Bay and the City of New Rochelle, and (2) an approximately 0.7-mile crossing of the East River and an approximately 0.3-mile crossing of the Westchester Creek in Bronx County.

Counties: Bronx, Nassau, Suffolk, Queens, and Westchester.

EXISTING CONDITIONS: Terrestrial Existing Conditions primarily involves developed urban areas with small percentages of barren land, forest, wetlands, and other wooded areas. Submarine crossings include crossing of tidal water bodies within New York City, Long Island, and Westchester, New York.

PROJECT PURPOSE:

Overall: The purpose of the proposed Project is to satisfy the New York State Public Service Commission (NYSPSC)-declared Long Island Offshore Wind Export Public Policy Transmission Need (LI PPTN) to increase transmission capability from Long Island into southeastern New York.

PROPOSED WORK: The applicant requests authorization to construct a total of approximately 89.6 miles of new underground electric transmission lines (approximately 78.5 miles at 345 kilovolts (kV) and 11.2 miles at 138 kV) and direct interconnection with nine existing and/or new substations located within Suffolk, Nassau, Queens, Bronx, and Westchester Counties referred to as the Propel NY Energy Project (Propel NY). The project has been divided into six (6) segments, with only two segments containing USACE regulated work:

Segment 1: Barrett to Uniondale Hub – No USACE regulated work

Construct an approximately 8.6 mile underground transmission line between the new 345 kV Uniondale Hub Substation in Uniondale, New York. The new 345 kV substation will be adjacent to the existing E.F. Barrett Generating Station in Oceanside, New York within wetland areas determined to be non-jurisdictional under the current definition of Water of the United States.

Segment 2: Uniondale Hub to Tremont

Construct an approximately 23.5 mile underground transmission line between the 345 kV Uniondale Hub Substation and the Consolidated Edison Company of New York, Inc.'s (ConEd's) existing 345 kV Tremont Substation in The Bronx. The regulated work within this segment includes the installation of approximately 0.5 miles of cable beneath Alley Creek and associated wetlands between an upland area within Alley Pond Park, the installation of approximately 0.7 miles of cables beneath the East River via Horizontally Directionally Drilling (HDD) between Francis Lewis Park in Queens and Ferry Point Park in The Bronx. Additionally regulated is the installation of approximately 0.3 miles of cables beneath Westchester Creek via HDD between Ferry Point Park and a vacant industrial lot along Zerega Avenue. The remainder of the cable would be installed within existing roadways.

The cables installed beneath Alley Creek are proposed to be to a minimum depth of 15 feet below the existing grade. The cables beneath the East River and Westchester Creek will be installed to a minimum depth of 15 feet below the existing grade or below

the authorized depth of the federal navigation channels (East River – 35 feet below Mean Lower Low Water (MLLW); Westchester Creek – 12 feet below MLLW).

Segment 3: Uniondale Hub to Shore Road – No USACE regulated work

Construct an approximately 10.4 mile underground transmission line between the Uniondale Hub Substation to a new 345 kV Shore Road Substation in the Town of Oyster Bay. The new Shore Road substation would be constructed within wetland areas determined to be non-jurisdictional under the current definition of Water of the United States.

Segment 4: Ruland Road to Shore Road – No USACE regulated work

Construct an approximately 17.8 mile underground transmission line between a newly constructed Ruland Road Substation in the Town of Huntington to the new Shore Road Substation in the Town of Oyster Bay.

Segment 5: Syosset to Shore Road – No USACE regulated work

Construct an approximately 11.2 mile underground transmission line between Long Island Power Authority's (LIPA) 138 kV Syosset Substation to the new Shore Road Substation in the Town of Oyster Bay.

Segment 6: Shore Road to Sprain Brook

Construct an approximately 18.2 mile underground transmission line between the Shore Road Substation in the Town of Oyster Bay to a new 345 kV substation in New Rochelle and then to the existing 345 kV Sprain Brook substation. The regulated work within this segment includes the installation of approximately 9.1 miles of cable in the Long Island Sound. The cables will be installed via trenching to a minimum depth of six-feet below the existing grade of the Long Island Sound. The cables will be installed via HDD into Hempstead Harbor and offshore of New Rochelle in the Long Island Sound at the entry and exit pits. The remainder of the cable will be installed via a jet plow. In areas where the proposed cable would cross an existing utility line, the applicant will install cable protection such as concrete mattresses, rockbags, or riprap. Approximately 576,576 square feet of bottom will be temporarily disturbed during cable lay installation. Prior to installation, pre-lay grapnel runs will be performed in addition to debris removal and boulder relocation. All debris will be removed and disposed of at a state approved upland facility. If encountered, boulders will be relocated within 65 feet of the planned centerline of the cable, and will be placed together, where possible, to reduce the overall area of obstruction. If Propel NY relocates a boulder 1 meter or more in diameter a distance of 2 meters or more from the location where it was initially encountered, it will provide notice to mariners, recreational fishermen, and NYSDEC-licensed fishermen.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

To avoid and minimize impacts to the aquatic environment including wetlands the applicant has proposed to primarily utilize existing roadways and other existing Rights of Way for installation of the transmission cables to avoid impacts to wetlands. Further the applicant will utilize Horizontal Directional Drilling beneath delineated wetland areas and beneath the East River and Westchester Creek to minimize impacts to these resources. For the Long Island Sound crossing, the applicant proposes to trench and lay the cable within a limited corridor to minimize turbidity and bottom habitat disturbance. Additional Best Management Practices and sediment and erosion control measures will be utilized to minimize impacts.

COMPENSATORY MITIGATION:

The applicant has provided the following explanation why compensatory mitigation should not be required:

The proposed project will not result in a permanent loss of federally jurisdictional wetlands or waters.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that: Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places), are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Greater Atlantic Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Status	Agency
Monarch Butterfly	<i>Danaus Plexippus</i>	Proposed Threatened	USFWS
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	USFWS
Piping Plover	<i>Charadrius melodus</i>	Endangered	USFWS
Roseate Tern	<i>Sterna dougallii dougallii</i>	Endangered	USFWS
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	USFWS
Sandplain Gerardia	<i>Agalinis acuta</i>	Endangered	USFWS
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	USFWS
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened	USFWS and NMFS
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered	USFWS and NMFS
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered	USFWS and NMFS
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened	USFWS and NMFS
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered	NMFS
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	NMFS

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: The proposed electric transmission cables would be installed beneath the East River, NY Federal Navigation Channel and the Westchester Creek, NY Federal Navigation Channel.

SECTION 408: Based on the burial depths of the electric transmission cables beneath the Federal Navigation Channels, the applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

COASTAL ZONE MANAGEMENT ACT: Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

OTHER AUTHORIZATIONS: In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Public Service Commission - Article VII Certificate
- New York State Office of General Services

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to

accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the end of the public notice comment period. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Christopher Minck at Christopher.W.Minck@usace.army.mil. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource

limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

FOR AND IN BEHALF OF

Stephan A. Ryba
Chief, Regulatory Branch