

Appendix 3:
Agency Correspondence



Joint Permit Application Package
Albany Port District Commission

**Port of Albany
Expansion Project**

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Date: April 21, 2021

Attn: Patrick K. Jordan, Esq.
General Counsel
Albany Port District Commission
106 Smith Blvd.
Albany, NY 12202

Re: Right of Entry for Albany Port District Commission ("APDC") to Survey a Portion of Niagara Mohawk Power Corporation fee-owned property, as shown on Exhibit A, located off of South Port Road, Town of Bethlehem, County of Albany, New York, tax Parcel #98.02-10-23 (the "Property").

Pursuant to APDC's request for immediate occupancy and use of the Property, Niagara Mohawk Power Corporation (hereinafter referred to as the "Corporation"), insofar as it lawfully may and without covenant or warranty of any kind, express or implied, does hereby grant to APDC, its agents employees, contractors and subcontractors of same the permission to enter upon the Property for the sole purposes of surveying the Property in connection with APDC's planned development of its adjacent property.

This Right of Entry shall expire on the earlier of June 1, 2021 or the date upon which the survey work is completed and shall be subject to the following terms and conditions. If additional time is needed an extension will be granted with a written request prior to expiration.

- 1) APDC hereby assumes all risk of all loss, damage or injury to persons or property, occasioned by negligence or otherwise, and arising out of or in any way connected with its use of the Property, except to the extent due to the Corporation's negligence or willful acts, and APDC hereby expressly agrees to indemnify, defend and save harmless the Corporation, its officers, agents and employees from and against all such loss, damage or injury, whether resulting or accruing to the Corporation, its officers, contractors, agents or employees, or to any other person or persons, and from all claims arising out of such loss, damage or injury, and from all costs and expenses connected therewith, except to the extent due to the Corporation's negligence or willful acts. APDC shall be responsible for all costs, expenses or damages as provided herein arising out of, or in connection with, any injuries to persons or damages to property caused by the exercise of the permission herein granted. In the event that any part of this agreement is determined to be invalid, illegal, or unenforceable, such determination shall not affect the validity, legality or enforceability of any other part of this instrument and the remaining parts of this instrument shall be enforced as if such invalid, illegal or unenforceable part were not contained in the instrument.
- 2) APDC hereby agrees that it and any contractor working on the Property shall have in force the required insurance as outlined in the attached Exhibit B.
- 3) All activities conducted by APDC, its contractor and any of contractor's subcontractor(s) shall comply with all applicable Federal, state and local laws, statutes, regulations and codes. In particular, the requirements of the following statutes, regulations and safety codes and guidelines must be met, to the extent they are applicable:
 - National Electrical Safety Code
 - In New York, Part 57 of the New York State Industrial Code Rules (also known as the "High Voltage Proximity Act"). <http://www.labor.state.ny.us/workerprotection/safetyhealth/sh57.htm>
 - OSHA regulations governing working clearances from energized lines. OSHA Standard 29 CFR 1926.550 Subpart N is specific to cranes, derricks, hoists, elevators and conveyors. However, all personnel, vehicles, equipment and loads shall maintain the minimum clearances from energized wires that are specified in this Standard unless a more restrictive standard applies.

- All rules and regulations, included in but not limited to the N.Y.S. Department of Public Service Code 16NYCRR Part 753 as amended 1/4/12, for the safety and protection of personnel and gas facilities shall be adhered to while work is being performed in the vicinity of gas facilities.
- 4) If applicable, APDC shall, at all times, protect gas and electric transmission facilities from damage. In addition to compliance with safety codes in paragraph above, protection of transmission facilities shall as a minimum include the following;
- APDC shall operate a vehicle (pick up truck) or place any equipment at least 50 feet horizontally away from any transmission line poles, tower, guy wire, or guy anchor.
 - There will be no excavation upon the Property.
 - Random travel across gas pipelines in grass areas with heavy equipment and loaded trucks will not be allowed. These areas will be restricted from travel by means of temporary fencing or similar. If travel across the facilities or work above the facilities is required, it shall be confined to an area protected by temporary air bridging that is inspected and accepted by the Corporation.

Kindly indicate APDC's acceptance of the terms and conditions of the foregoing by signing and returning a pdf. copy to me at katie.greco@nationalgrid.com.

Sincerely,

Katie Greco, Esq.

ACCEPTED this 21st day of April, 2021.

Albany Port District Commission

By: 

Title: General Counsel

Print Name: Patrick K. Jordan



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

August 18, 2020

Upstate New York Section

SUBJECT: Permit Application No. NAN-2020-00811-UDA
by Albany Port District Commission
Beacon Island, Town of Bethlehem, Albany County, New York

Cheyenne J. Denshaw, P.E.
Atlantic Testing Laboratories
22 Corporate Drive
Clifton Park, New York 12065

Dear Ms. Denshaw:

This office has reviewed your Joint Application for Permit dated July 30, 2020, and the attached information which describes a proposal that would consist of the following:

The collection of 4-inch diameter sediment samples using Vibracore equipment at 10 locations within the Hudson River for subsequent analysis.

Based upon the information provided, it appears that your proposed work may be authorized under Department of the Army nationwide general permit number: 6. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1860).

The work may be performed without further authorization from this office provided the activity complies with the terms and conditions of the Nationwide Permits (NWP) and the permit conditions listed in Section B, No. 6, Section C, any applicable New York District regional conditions, and any applicable regional conditions added by the State of New York. Please note that NWP General Condition No. 12 requires the installation and maintenance of proper soil erosion and sediment controls during construction.

The 2017 Nationwide Permits, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

<http://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>

Please review and familiarize yourself with all relevant terms and conditions of the nationwide permit prior to proceeding with your project, and subsequently ensure you adhere to all conditions through the duration of the project. If you do not have internet access and require a specific paper copy, please contact the undersigned to

request one be mailed to you. Please be sure to have your permit application number readily available when you call.

This verification is valid until March 18, 2022, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2022, if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

Please note that this determination does not eliminate the need to obtain any other Federal, State, or local authorizations required by law for the above described work, including any required permit from the NYSDEC.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

Any inquiries can be directed to the undersigned at (518) 266-6356.

Sincerely,

Andrew C. Dangler

Andrew Dangler
Project Manager
Upstate New York Section

Enclosure

Cf: N. Baker - NYSDEC Region 4, Schenectady (4-0122-00322-00001)
D. Newman – NYSDOS (F-2020-0538)
R. Hendrick – Albany Port Commission
S. Boisvert – McFarland Johnson
Town of Bethlehem

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

August 4, 2020

Cheyenne Dashnaw
Atlantic Testing Laboratories
6431 US Highway 11
Canton, NY 13617

Re: F-2020-0538
U.S. Army Corps of Engineers/New York District
Permit Application – Albany Port District
Commission – Collect 10 sediment samples using
4”tubes advanced to a depth of 10-25 feet per
submitted sampling plan dated July, 21, 2020.
Hudson River along Beacon Island Shoreline
Town of Bethlehem, Albany County
General Concurrence

Dear Ms. Dashnaw:

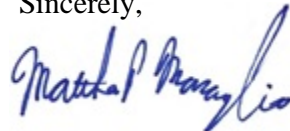
The Department of State (DOS) received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on August 3, 2020.

The Department of State has determined that this proposal meets the Department’s general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State and the Department’s concurrence with an individual consistency certification for the proposed activity are not required.

This determination is restricted to the proposed sediment sampling and is separate from any other review for proposed at future work at the Beacon Island site. Further this determination is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, and other forms of authorizations or approvals which may be required pursuant to existing New York State statutes.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F2020-0538.

Sincerely,



Matthew P. Maraglio
Supervisor, Consistency Review Unit
Office of Planning, Development and
Community Infrastructure

MM/dn

ecc: COE/ New York District – Andy Dangler
DEC Region 4 – Nancy Baker
McFarland-Johnson – Georgie Nugent, Steve Boisvert, David Rosa
Albany Port District – Megan Daly



**Department
of State**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

www.dec.ny.gov

August 29, 2020

Steve Boisvert, Director
Civil/Facilities Division
McFarland Johnson
60 Railroad Place, Suite 402
Saratoga Springs, NY 12866

**Re: Beacon Island Parcel
SAV and Mussel Surveys
DEC #4-0122-00322/00001
Town of Bethlehem, Albany County**

Dear Mr. Boisvert:

The Department has reviewed the Submerged Aquatic Vegetation (SAV) and Mussel Surveys submitted on August 10, 2020 for the proposed Port of Albany Expansion, and offers the following comments:

Mussels

Essentially, if the Port of Albany can redesign the project to avoid impact or harm to the S2S3 freshwater mussels located in the survey, then relocation would not be necessary. If avoidance is not possible, then a relocation plan will need to be designed and submitted for review should the project involve disturbance to these resources. This is based on the presence of Fragile papershell (*L. fragilis*), which is identified as SGCN S2S3 in the mussel guidance and would mean a relocation is required before work can be conducted. The surveyor also found "old relic" shells of alewife floater (*Anodonta implicata*), a S1S2 ranked species, which would be required to be relocated.

The license that the license holder (Ethan Nadeau) applied for did not include a relocation plan, however, the license holder can apply for a license amendment to include the relocation plan with the Department's Central Office. The applicant would need to submit the relocation plan and relocation site for review and approval. Ultimately, the relocation would need to occur within the same year that in water construction begins.

SAV

Based on the concept plans, much of the *Vallisneria* would be impacted. Every effort should be made to avoid this area if possible. It is very difficult to transplant *Vallisneria* as it requires appropriate depths and sediment and procedures for transplant. Another option would be to protect one SAV bed with *Vallisneria* and take the *Vallisneria* that is planned to be impacted and design a transplant method to add to the protected SAV bed.

For both Mussels and SAV:

Alternatives that avoid and reduce impacts to any SAV communities and mussel communities must be fully developed, evaluated, and presented. The project sponsors should first determine if the project can be revised to avoid these resources. If they cannot, then relocation plans and transplant/mitigation plans must be developed.

The vallisneria and mussels are collocated in some areas so that may be an opportunity to adjust the designs to protect some areas rather than attempt the relocation of mussels or replanting of SAV beds.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Nancy M. Baker
Regional Permit Administrator

ecc: Rich Hendrick, Port District Commission
Trevor Brady, BEH
Natalie Sacco, DEC-CO
Heather Gierloff, DEC

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

www.dec.ny.gov

August 10, 2020

Cheyenne J. Denshaw, PE
Atlantic Testing Laboratories
22 Corporate Drive
Clifton Park, NY 12065

Re: Beacon Island Parcel Sampling Plan
DEC #4-0122-00322/00001
Town of Bethlehem, Albany County

Dear Ms Denshaw:

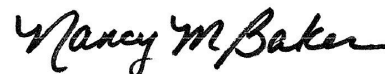
We received your application for a permit for sediment sampling in the Hudson River at Beacon Island. Sediment Sampling in the Hudson does not require a permit as long as you are using core extraction methods and aren't proposing to grout the cores.

According to our Technical Operational Guidance Series (TOGS 5.1.9 Chapter II, Section B.2.a.):

1. Core samples should not be homogenized if there are individual horizons that are significantly different in the core. Different horizons should be analyzed separately.
2. A segment representing the top six inches of the material to be exposed, after dredging, should be collected and archived for possible future analysis.

In addition, staff reviewed the results of the dioxin/furan analysis conducted in 2019. The results are Class A, and therefore, no further dioxin/furan analyses are necessary. If you have any questions or concerns, please feel free to contact me.

Sincerely,



Nancy M. Baker
Regional Permit Administrator

ecc: Rich Hendrick, Port District Commission
Steve Boisvert, McFarland Johnson

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
First Coast Guard District

One South Street
Battery Park Building
New York, NY 10004-1466
Staff Symbol: dpb
Phone: (347) 424-0194
Email: Dale.K.Lewis2@uscg.mil

August 2, 2021

McFarland Johnson Inc.
Attn: Mr. David Rosa
Senior Project Manager
Via e-mail: DRosa@mjinc.com

Re: NV-1105- Proposed Bridge over Normans Kill at mile 0.15

Dear Mr. Rosa,

This responds to your request regarding Coast Guard jurisdiction for the referenced bridge projects.

The project is located in or above Normans Kill, which is a navigable waterway under Coast Guard jurisdiction as set forth in 33 CFR 2.36 (a). We have determined that this reach of the waterway, at the site, is not actually navigated other than by logs, log rafts, rowboats, canoes, and small motorboats or has been listed as an Advance Approval Waterway for the Coast Guard Bridge Program in this area. As a result, we continue to consider this area an Advance Approval waterway as defined in 33 CFR 115.70. This Advance Approval determination is valid for three years from the date of this letter and if construction does not commence within this time period, you should contact this office for reaffirmation of this determination.

Please note that the Coast Guard's Advance Approval determination for this reach of Normans Kill applies only to the U.S. Coast Guard Bridge Program, and should not be construed to mean that other federal agencies will not assert jurisdiction over the proposed project, or the waterway itself. I strongly encourage you to contact other federal agencies that may require approvals before proceeding with the project. Additionally, this determination does not relieve the project proponent of the responsibility to comply with applicable state or local requirements for this project.

Although this project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following stipulations should be met:

- a. The lowest portion of the superstructure of the bridge across the waterway should clear high water pursuant to 33 CFR 115.70.
- b. We have determined that bridge navigational lighting or signals under 33 CFR Part 118 will not be required at this time, however, the Coast Guard reserves the right to require lighting or signals at any time in the future should nighttime navigation increase in the vicinity of, or through the bridge.
- c. To ensure the Coast Guard is aware of the construction activity on the waterway, you must contact this office at least 30 days prior to commencement of any work for review of construction plans and determination of other requirements for work in the area.

d. If this project will require waterborne equipment, waterway closures/restrictions or safety zones established, requests must be made a minimum of 90 days in advance. Please contact Mr. Jeffrey Yunker, USCG New York, via e-mail at Jeffrey.M.Yunker@uscg.mil, or by phone at 718-354-4195.

e. Any spillage of oil or oil-based products during construction must be promptly reported to the Coast Guard by calling 1-800-424-8802.

If you have any further questions, feel free to contact this office at the number above.

Sincerely,

D. A. Fisher
Bridge Program Manager
U.S. Coast Guard
By direction

E-Copy: 1) USCG Sector New York, Waterways
2) USACE-New York Division, Navigation Section



KATHY HOCHUL
Governor

November 4, 2021

Richard Hendrick
Albany Port District Commission
106 Smith Boulevard
Albany, NY 12202

Dear Mr. Hendrick:

**Re: Joint Application Form I-4767
Albany Port District Commission – Richard Hendrick
Beacon Harbor Parcel
Albany County, Town of Bethlehem**

After review of the proposed project, it appears that the proposed wharf would extend beyond the boundary line onto State owned lands formerly under water.

If the proposed wharf is planned to remain at its current configuration then a grant of land, now or formerly, under water would need to be applied for.

An application for a lands under water grant can be found at:

<https://ogs.ny.gov/system/files/documents/2019/12/grantapplication75-7a.pdf>

However, if the proposed wharf was to be moved onto the upland owner's property then no permits would be needed from OGS.

OGS has no concerns for the dredging as long as the spoils are disposed of in an approved spoil site and not sold.

Thank you for your interest in the Lands Underwater Program which is administered by the Office of General Services. Should you have any questions, please do not hesitate to contact this office at (518) 474-2195.

Sincerely,



Ralph Hill, L.S.

Real Estate Officer 1

State Asset & Land Management

ecc: Steve Boisvert – McFarland-Johnson, Inc.

USACE – Andrew Dangler (NAN-2021-00948-UDA)

DOS – David Newman (F-2021-0757)

DEC – Karen M. Gaidasz (DEC #4-0122-00322/00002)

Stockbridge-Munsee Tribal Historic Preservation

Arvid E. Miller Library Museum
N8510 Mohheconnuck Road
Bowler, WI 54416

Extension Office
86 Spring Street
Williamstown, MA 01267

March 3, 2022

Andrew Dangler
Biologist/Senior Project Manager
Upstate New York Section
DEPARTMENT OF THE ARMY
US Army Corps of Engineers, ATTN: CENAN-OP-RU
1 Buffington St., Bldg. 10, 3rd Fl. North
Watervliet, NY 12189
Via email only

**Re: Port of Albany Expansion Project, Town of Bethlehem, Albany Co., NY
SHPO #18PR07273 /21PR04693**

Dear Mr. Dangler:

I am writing regarding the aforementioned project as part of our continuing Government-to-Government Section 106 consultation.

In review of the project's designs and the additional visual and auidial assessments, Stockbridge-Munsee Community feels that its cultural resource concerns have now been satisfactorily addressed.

Our determination is that the Port of Albany project will have **No Adverse Effect** to Historic Properties. No further consultation is required unless the designs should change further.

If you have any questions, please feel free to contact our office.

Respectfully,



Bonney Hartley
Tribal Historic Preservation Manager
Stockbridge-Munsee Community

Cc: John Eddins, ACHP *Via email only*
Jessica Schreyer, NY SHPO *via email only*
David Witt, Charles Vandrei, NY DEC, *via email only*
Robert Leslie, Town of Bethlehem, *via email only*
Megan Daly, Port of Albany, *via email only*
Steve Boisfort, David Rosa, Jordan Tate- Mc Farland Johnson, *via email only*

(413) 884-6048

Email: thpo@mohican-nsn.gov



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

March 25, 2022

Jordan Tate
Environmental Analyst
McFarland Johnson
60 Railroad Place
Suite 402
Saratoga Springs, NY 12866

Re: USACE
Marmen/Welcon Offshore Wind Tower Manufacturing Plant
Town of Bethlehem, Albany County, NY
21PR04693

Dear Jordan Tate:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

SHPO has reviewed the Noise Assessment and updated Visual Simulations (provided via email, McFarland Johnson, Inc., 2/18/22) to evaluate the project's effects on the National Register eligible Papscaanee Island Historic District (08303.000130) and the Site Plan (McFarland Johnson, Inc., 3/18/22) showing the proposed 3.30-acre deed restricted area containing the vegetated area along the Hudson River shoreline. The vegetated area will provide a visual and acoustic buffer between the Papscaanee Island Historic District and the proposed manufacturing plant.

We note that the Stockbridge Munsee Community has issued their opinion (letter, dated 3/2/22) that this project will have No Adverse Effect on Historic Resources.

Based on this review, it is the opinion of the SHPO that no historic properties, including archaeological and/or historic resources, will be Adversely Affected by this undertaking with the condition that a Restrictive Deed Covenant is filed to protect and maintain the vegetated buffer along the Hudson River shoreline.

If you have any questions, I can be reached at Jessica.Schreyer@parks.ny.gov.

Sincerely,

Jessica Schreyer
Scientist Archaeology

David Rosa

From: Gaidasz, Karen M (DEC) <karen.gaidasz@dec.ny.gov>
Sent: Tuesday, November 23, 2021 11:43 AM
To: Steve Boisvert; David Rosa
Cc: Megan Daly; Richard Hendrick; Singer, Joshua; Sandrow, Cheryl A (DEC); Gierloff, Heather S (DEC); Edith Carson-Supino - NOAA Federal; Andrew.C.Dangler@nan02.usace.army.mil
Subject: RE: Port of Albany - Offshore Wind Beacon Island Project - Sturgeon Meeting #2

Steve and David,

Following up from last Thursday's meeting, I am reaching out to briefly summarize the discussion and next steps for the Part 182 Incidental Take application.

As discussed during the meeting, NYSDEC staff have determined that the Offshore Wind Beacon Island Project ("Project") will result in an adverse modification of habitat for sturgeon species since the dredged/wharf area will no longer be useful for foraging and rearing activities. According to 6 NYCRR Part 182.2(b), an adverse modification of habitat is *"any alteration of the occupied habitat of any species listed as endangered or threatened in this Part that, as determined by the department, is likely to negatively affect one or more essential behaviors of such species."* It is considered a "lesser act" per 6 NYCRR Part 182.2(l). The adverse modification of habitat necessitates the need for mitigation to replace the benthic habitat that is being disturbed by the Project.

NYSDEC staff received the Part 182 application package from the applicant on 11/11/21 and offered some preliminary comments on the application during the meeting on 11/18/21. Most notably, NYSDEC staff recommend that the application package be revised to fold in the details from the draft NMFS Biological Assessment, including the assessment of impacts, avoidance & minimization measures, BMPs (i.e., turbidity curtain, impact hammer soft start, bubble curtain, etc.), WQ/biological monitoring during construction, etc. Please update the Part 182 application and submit to NYSDEC staff by 11/30/21 COB so staff have an opportunity to review prior to the 12/6/21 meeting.

During the 11/18/21 meeting, NYSDEC staff also discussed that the application needs to include a mitigation framework which outlines potential mitigation projects and funding mechanisms (i.e., financial assurance). NYSDEC staff have committed to work on furthering the mitigation framework and this will be discussed in more detail during the meeting on 12/6/21.

Finally, during the meeting on 11/18/21, NYSDEC staff discussed the work windows for in-water construction activities associated with this Project. Traditionally, the work window is September 1 to October 31 to be protective of sturgeon species. Since there is no documentation of overwintering sturgeon in this location, NYSDEC is amenable to extending the work window further into winter. **As such, NYSDEC staff suggested that the work window for this Project could be September 1 through January 31 or ice-in, whichever comes first.** Please continue to work with the USACE and NOAA-NMFS regarding the information they requested to determine the appropriate start of the work window.

Please feel free to contact me with any questions.

Thank you,
Karen

Karen M. Gaidasz

she/her/hers

Offshore Wind and Hydroelectric Section Chief
Bureau of Energy Project Management



October 25, 2021

Ms. Karen M. Gaidasz, Chief
Offshore Wind & Hydroelectric Section
Energy Project Management Bureau
New York Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233-1750

Submitted via email

**Re: Notice of Incomplete Application
401 Water Quality Certification & Article 15 Protection of Waters Permits
DEC # 4-0122-00322/00002
Port of Albany Expansion Project
Beacon Island Parcel, Bethlehem NY, Albany County**

Dear Ms. Gaidasz:

Reference is made to the Notice of Incomplete Application (dated September 30, 2021) where the New York State Department of Environmental Conservation (NYSDEC) is requesting additional information for the above reference project. The following information is provided in response to NYSDEC's comments, necessary to continue the regulatory process and complete the evaluation of the Joint Permit Application submitted on August 06, 2021. The revised Joint Permit Application can be accessed and downloaded at <https://mjinc-my.sharepoint.com/:f:/p/drosa/EtHhrX0spIVJgtIERkTniwBIDiFq1aAB0J-JZPwYSF5Hg?e=m6QxWs>. The following is our responses to each comment:

General Comments:

Comments # 1. *As required in the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), owners or operators of construction activities that are required to obtain Uniform Procedures Act (UPA) permits must submit a preliminary Stormwater Pollution Prevention Plan (SWPPP) at the time all other necessary UPA permit applications are submitted. Please provide a SWPPP for the Project.*

Response # 1: See **Exhibit 1** (Revised Permit Set) which includes the latest SWPPP for the project.

Comments # 2. *It is NYSDEC staff's understanding that other UPA and NYSDEC permits and approvals are required for this Project, including but not limited to an Air Title V permit, SPDES permit for the on-site wastewater treatment plant and a Multi-Sector General Permit (MSGP). Pursuant to 6 NYCRR Part 621.3(a)(4), "[i]f a project requires more than one department permit, the applicant must simultaneously submit all the necessary applications, or demonstrate to the department's satisfaction that there is good cause not to do so." Please provide a list of all NYSDEC permits and approvals required for the Project;*

justification for not submitting the applications simultaneously; and a schedule for when the applications will be submitted.

Response # 2: According to 6 CRR-NY 621.3 (General Requirements for Applications), if a project requires more than one permit from NYSDEC, the applicant must simultaneously submit all the necessary applications, or demonstrate to the NYSDEC's satisfaction that there is good cause not to do so. Considering the committed schedule submitted by the Port of Albany in support to Equinor's proposal to NYSERDA to achieve the States renewable energy goals, it is not feasible to submit simultaneously to NYSDEC all necessary permit applications due to the following:

- A phased approach is required for the site preparation to allow building construction including implementation of a 3-month surcharge program to address poor soils and settlement concerns.
- Project construction and development activities are required to follow multiple timing restriction (e.g., tree clearing, dredging window).
- Some of the permits are related to the operational components (not construction) of the Manufacturing Plant and subject to selection of manufacturing and processing equipment that must follow the Port of Albany procurement process and therefore, not all information is available prior construction bid.

Due to the poor on site soils, coupled with the very heavy dead and live loads associated with the weights of the manufactured tower and transition pieces, the geotechnical engineering recommendation is such that pre-loading the native soils is required. The weights of these components are such that surface compaction utilizing industry standard compaction equipment and or the implementation of deep dynamic compaction techniques will not adequately compact the deep layers of clay that exists 30-35 feet below the surface. Therefore, the geotechnical engineering recommendation is to surcharge (pre-load) the site by importing fill material and stockpile (stack) material to a height of 6-7 feet above the final grade to establish a heavy dead weight load to allow gravity to compact the native soils and deep layer of clay. The geotechnical recommendation is that this process could take up to 3 months, and should occur before construction start. During our meeting with the DEC and other permitting agency's on October 21, the DEC agreed to allow the operational permits to be issued after the construction permits. Please refer to **Exhibit 2** for additional details, including a list of anticipated permits for this project and associated schedule.

Comments # 3. *Pursuant to 6 NYCRR Part 621.3(a)(8), the application will remain incomplete until the Office of Parks, Recreation and Historic Preservation has made a determination whether: (i) any historic, architectural, archeological or cultural resources present in the project impact area are significant (listed on or eligible for listing on the State or National Register of Historic Places); and (ii) the project may have any impacts on such significant resources. Please provide an effect determination letter from OPRHP.*

Response # 3: Please note that the project site has been subject to multiple reviews and consultations under Section 106 of NHPA resulting in "No Effect" determinations by SHPO. For your reference, previous "No Effect" determinations from SHPO are included as **Exhibit 3**.

- SHPO Case # 18PR07273: March 14, 2019 – "No properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic

Places will be adversely affected by this undertaking with the condition that final construction design not exceed the design specifications noted on Concept Plan A (enclosed).”

Considering that the Area of Potential Effect (APE) continues to be similar to what has been previously evaluated by SHPO, it is understood the proposed action will continue to result in No Adverse Effect to cultural resources or historic properties listed in or eligible for the New York State and National Registers of Historic Places.

At a meeting between SHPO on September 13, 2021, photo simulations of the Project were presented and SHPO requested additional visual simulations. The requested additional visual simulation will be submitted this week. The Project submitted to OPRHP for “No Effect” determination is under review.

Comments # 4. *The application should consider the future risk of climate change. As originally enacted, the Community Risk and Resiliency Act (CRRRA) requires applicants for permits in a number of specified programs to demonstrate that future physical climate risk due to sea-level rise, storm surge and flooding had been considered in project design, and that NYSDEC consider incorporating these factors into certain facility-siting regulations. The Climate Leadership and Community Protection Act (CLCPA) amended the CRRRA to include all permits subject to UPA. The CLCPA also expanded the scope of the CRRRA to require consideration of all climate hazards, not only sea-level rise, storm surge and flooding, in these permit programs. Please refer to NYSDEC’s website for further information: <https://www.dec.ny.gov/energy/102559.html>. NYSDEC staff are available to meet to discuss this in more detail.*

Response # 4: The Project consists of a marine terminal and manufacturing facility that requires waterfront access due to water dependent operations, similar to other port facilities along the Hudson River. The project has been sited, designed and will be constructed to prevent and minimize damage with future sea-level rise, storm surge and flooding.

Sea Level Rise

All building structures will be constructed at a finished floor of at least elevation 21.0 feet (NAVD 88). This elevation places the buildings 3/0 feet above the current FEMA 100-year Base Flood Elevation (BFE), and 2.0 feet above the FEMA 100-year BFE modified for the Low-Projection of sea level rise for the year 2100.

Given the definitions in the Draft NYS Flood Risk Management Guidance for Implementation of the CRRRA, the project is considered to be a non-critical facility; it is located within a tidal area of the Hudson River; and the project’s anticipated useful life is 50 years. This would make the medium projection of sea level rise 25 inches, or 2.1 feet over the life of the project. Assuming a BFE of 18, the resulting Finished Floor Elevation (FFE) of the building would be 22.1 feet (18’ + medium sea level rise of the project life + 2’). The project’s current FFE is 21.0 feet, which was established to keep the project safely above the BFE, account for sea level rise, and balance the earthwork of the Project Site to the greatest extent practicable.

The risk associated with using the “low” vs the “medium” projection of sea rise is that the medium projected sea rise would potentially flood a portion of the Project Site, the lowest points nearest to the river used for vehicle parking, to up to 6.1 feet; and that the building could potentially experience floodwaters to a depth of roughly 1.9 feet. The Project Site will be occupied by largely mobile assets (materials, trucks, cars, etc.) that can be evacuated from the flood prone areas in

the case of an emergency. The building will be privately owned, operated, and insured. The building construction will incorporate wet and dry floodproofing techniques, as applicable.

Storm Surge and Flooding

According to the FEMA Map (Panel 36001C0307D), the project site must be elevated and the placement of fill within the within the 100-year floodplain is required. In accordance with FEMA's National Flood Insurance Program (NFIP) the lowest floor of structures built in Special Flood Hazard Areas (SFHAs), including Zone AE, will be greater than 1-foot above the BFE.

The project has been designed such that all building lowest floor elevations and bridge lowest surface elevation will be at a minimum elevation of 21.0 feet (NAVD 88), which is 3.0 feet above the BFE or 2.0 feet above the FEMA required floor elevation.

In addition, the wastewater treatment plant will be constructed to meet *NYSDEC DRAFT New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act June 20, 2018*. This Act states the following: *Section 3.3.2.4.1, Non-Critical Water Infrastructure*:

- Applicants in projects involving non-critical water treatment and supply equipment in both tidal and nontidal areas should demonstrate consideration of the following guideline, considering practicality, costs, risk tolerance and environmental effects:
 - The vertical flood elevation and corresponding horizontal floodplain that result from adding two (2) feet of freeboard to the BFE [100-yr storm even water elevation] and extending this level (transversely to the direction of flow in riverine situations) to its intersection with the ground

The Resiliency Act suggests that the wastewater treatment plant will be constructed such that it will not allow a release of raw sewage for a storm event two (2) feet above the 100 year flood elevation. Two (2) feet above the 100 year storm event is elevation of approximately 20.0 (100 year BFE of 18 feet plus 2 feet). The design project's wastewater treatment plant will be designed and constructed to be resilient and operable at flood elevation of 22.1 feet (BFE of 18 feet, plus the 50 year-medium projection sea level rise of 2.1 feet, plus 2 feet of freeboard).

Comments # 5. *Supplement D-2 (Application for Permit for the Construction, Reconstruction or Expansion of Docking and Mooring (Including Platforms and Breakwaters)) does not provide details on vessels under Item #2. Please provide information on the vessels docking and mooring including how many will be docked and moored (including the maximum amount at any given time), size and type of vessel(s), and the duration for which these vessels will be docked and moored.*

Response # 5: Anticipated vessels that will dock and moor at the proposed wharf include a variety of high-capacity deck barges. The "minimum" anticipated barge size is an ABS Ocean Deck Barge (250' length, 72' width, 16' depth); the "maximum" anticipated barge size is a Crowley Series 455, or equal (400' length, 105' width, 25' depth). In addition, in the future a variety of ocean-going heavy transport vessels may call at the wharf, the largest of which is anticipated as Spliethoff S2L-Type, or equal (608.3' length overall, 83' beam, 34.8' (maximum) summer draft).

The wharf provides space for docking/mooring one vessel at any given time. Any additional vessels associated with the wharf operations (e.g., tugs) would be docked and moored at the existing Port of Albany facility that is located upriver of the site.

The vessels will be docked and moored at the wharf for a duration required for loading Offshore Wind components; once load-out is complete the vessels will depart for downriver transport. The current concept of operation indicates that a maximum of 3 barges could be loaded per week, which means each barge would be at berth for approximately 2 days each.

Comments # 6. *The WQC-1 form and Section 2.1 contains an inaccurate statement, “[t]he Final GEIS (FGEIS) received State Environmental Quality Review Act (SEQRA) approval by the New York State Department of Environmental Conservation (NYSDEC)...” This is incorrect, NYSDEC did not “approve” the FGEIS, the Town of Bethlehem as Lead Agency accepted the FGEIS as complete on the referenced May 5, 2020 date. Please correct.*

Response # 6: See **Exhibit 4** for revised WQC-1 Form.

Comments # 7. *The Federal Coastal Assessment Form (FCAF) contains errors. 2.a. is incorrect, there are no state designated wetlands within the Project site. 2.c. is incorrect, the section of the Normans Kill within the project area is significant fish and wildlife habitat (19 NYCRR Part 600.5(b)(1)).*

Response # 7: See **Exhibit 4** for revised FCAF.

Section 3.2.2 Hudson River and Normans Kill (Surface Waters)

Comments # 8. *The statement, “[t]he shoreline along the Project Site is heavily modified (“armored shoreline”)” is misleading. The application should instead reflect that there is remnant timber retaining walls in large portions of the shoreline and in these areas, the shoreline has naturally revegetated with mature trees. The mature trees assist in stabilizing the shoreline and provide shade and cover along the edge of the Hudson. Please revise.*

Response # 8: Section 3.2.2 has been revised accordingly and is presented below.

“Hudson River: The shoreline along the Hudson River does not remain in its natural state and was previously altered (engineered). However, the shoreline has naturally revegetated with mature trees, which assist in stabilizing the shoreline and provide shade and cover along the edge of the Hudson. An degraded and remnant timber runs nearly the entire length of the study area, and there are various types of shoreline armoring (e.g., stone, concrete) (Biodiversity, 2020). The timber revetment was constructed with a single row of timber piles joined by horizontal timber cribbing, and backed by compacted earth, gravel, and stone. Based on other historical documentation, it appears that portions of the revetment may have undergone periodic repairs or improvements, including placement of concrete slabs in lieu of stone surfacing; however, the exact locations and extents of such repair measures cannot be ascertained.”

Comments # 9. *The application should be amended to indicate that current conditions include potential shortnose sturgeon spawning habitat.*

Response # 9: Please note that information was included and addressed in the Joint Permit Application (dated August 2021) under third paragraph in Section 3.2.2.

“According to the Endangered Species Act (ESA) Section 7 Mapper2 from the National Oceanic and Atmospheric Administration (NOAA) Fisheries Greater Atlantic Region, the Hudson River is identified as spawning and foraging grounds for the Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) and Shortnose sturgeon (*Acipenser brevirostrum*).”

Comments # 10. *As currently designed, the Project will impact the entire shoreline adjacent to the site. The existing shoreline slope and vegetative cover should be protected to the maximum extent practicable. It is recommended that the applicant consider an alternative layout for materials to provide for a wider buffer to the Hudson River which will result in a sustainable shoreline that is more resilient to large storm events.*

Response # 10: The site layout has been revised to provide riparian buffer area along the Hudson River. See **Exhibit 1** for revised plans (Permit Set).

Section 4.1.2 Stormwater Management System:

Comments # 11. *Cross-sections of the outfalls on the Normans Kill and Hudson River shorelines should be included in the site plans.*

Response # 11: See **Exhibit 1** for revised plans (Permit Set).

Comments # 12. *Please describe measures proposed to protect the shorelines of the Normans Kill and Hudson River from erosion resulting from the discharge of stormwater through the outfalls.*

Response # 12: See **Exhibit 1** for revised plans (Permit Set).

Section 4.2.1 Management of Water Flows and Fill within Floodway

Comments # 13. *Please provide details on how sea-level rise was accounted for. Pursuant to 6 NYCRR 490.4, the application must demonstrate consideration for sea-level rise with reference to projections of that part.*

Response # 13: As shown in the submitted Joint Permit Application (August 2021), Appendix 1 – Permit Sketches (Bridge Profile) and discussed in Section 4.2.1 , sea level rise was accounted for in the low chord elevation of the bridge within the limits of the Normans Kill floodway. The low chord elevation occurs near the piers on each side of the waterway. The elevation of the proposed bridge low chord will be not lower than the 100 year storm plus 19” of sea level rise per CRRA for the “high-medium” design scenario. The 100 year regulatory flood is at El. 18.6 + 19” = El. 20.2 ft.

Comments # 14. *Please clarify if the proposed concrete caps and bridge will be pre-cast or pour in place. Note that if proposing to pour in place, the work area will need to be isolated to prevent concrete leachate from entering into the Normans Kill.*

Response # 14: The method of construction for the proposed concrete caps is anticipated to be cast in place concrete. The superstructure slab is also proposed as cast in place. Stay in place forms will be used. Notes will be included in the construction plans indicate the area need to be isolated to prevent concrete leachate from entering the Normans Kill.

Comments # 15. *Temporary access will need to be designed to minimize impacts. Pile supported work trestles are the preferred method to minimize impacts.*

Response # 15: As discussed in Section 4.2.1 of Joint Permit Application (August 2021). Temporary construction access would be required to construct the foundations, erect the steel girders, and place the concrete bridge deck. The temporary construction access is anticipated to include earthen causeway and/or pile supported work trestles. Pile supported work trestles may be considered due to the poor soil strengths and high-water table. By rearranging the bridge span configuration and relocating the piers, the temporary construction access would occur outside or above the MHHW line and is not anticipated to result in environmental impacts. See Appendix 1 for Permit Sketches. The construction access concept shown provides area to mobilize drilled shaft installation equipment, deliver and erect structural steel girders, and deliver and place the concrete bridge deck. Additional temporary impacts between the pier and abutment on the north approach may be considered to provide flexibility for contractor means and methods. The temporary impact areas associated with construction are above MHHW line, outside the floodway, and would be returned to pre-construction upon completion of the Project.

Additionally, notes requiring pile supported work trestles as opposed to a causeway system will be included on the construction plans. Driving of piles or sheet piles is discarded. Vibratory or rotary methods is proposed. Additionally, the use of nets, tarps, and/or pans during construction of the bridge deck will be implemented to prevent debris falling into the water into the water. Temporary access is a contractor means and methods item, so we will be providing notes to indicate preferred alternatives that meet permit requirements.

Section 4.3 Proposed Wharf and Dredging

Comments # 16. *The proposed wharf dredge depth is significantly deeper than current conditions. Please describe what mitigation is proposed to offset potential impacts to shortnose sturgeon habitat.*

Response # 16: Proposed dredge depth is required to match current navigational depth of Hudson River (federal navigational channel) providing adequate separation and safe draft to vessels at the proposed wharf, and ability to the species to potentially swim under the vessels. Proposed depth is approximately 32 feet below the MLLW line, plus approximately two (2) feet of allowable overdredge.

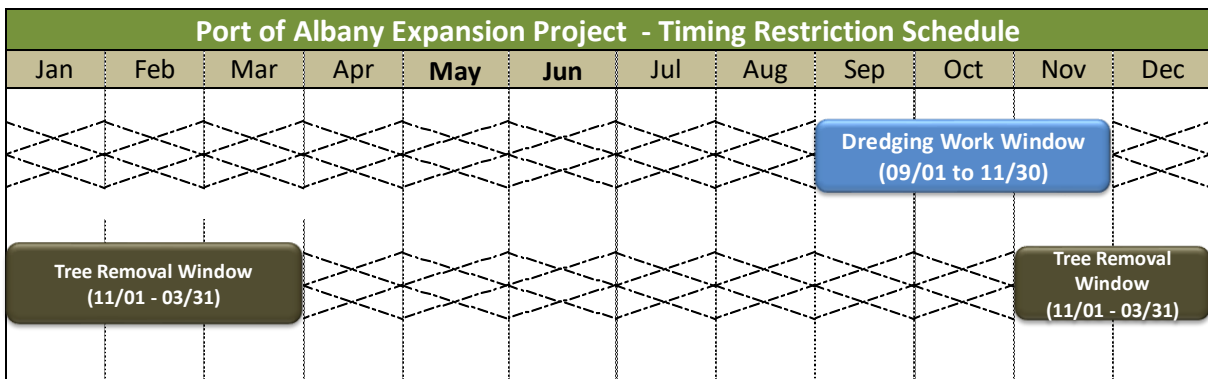
According to the Sediment Sampling Analysis, the proposed dredging will occur over a substrate consisting of silty clay, sand and some trace of gravel, including Class C sediments. The proposed mechanical dredging would remove of approximately 105,000 cubic yards containing concentrations of pesticides and PCBs contributing to the cleanup and improving the quality of the Hudson River.

Overall, the habitat to be affected by the Project is expected to be small compared to existing available habitat along the Hudson River. The area of the Project would be temporarily

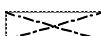
unavailable for foraging in the substrate during construction of the new wharf and dredging activities. However, foraging habitat would be reinstated when the wharf and dredging is complete. Aquatic organisms are expected to quickly recolonize such areas, as similar habitat is present and would remain in the surrounding area not to be unaffected by the project activities and would serve as the source of colonizing invertebrates.

Comments # 17. *The in-water work window for sturgeon species is September 1 to October 31 (not July 1 to November 30 as indicated in the application). The September 1 to October 31 in- water work window applies for any Project activities that might impact sturgeon. Additional mitigation and permitting requirements, such as a 6 NYCRR Part 182 permit, may be required if certain Project activities are conducted outside of this in-water work window. Further consultation with NYSDEC staff regarding the timing, duration and type of in-water work is recommended.*

Response # 17: Timing restriction schedule (graphic) presented in Section 4.4 has been revised accordingly. Please note that dredging work window (September 1st to November 30th) is as per approved FGEIS and NYSDEC written comments received on August 30, 2019 and September 30, 2019, during the SEQR regulatory review process.



Legend:

 Time Restriction - No Dredging / No Tree Clearing

The project intends to follow established dredging timing restrictions from NYSDEC and NMFS. Please note that timing restrictions (no dredging) from NMFS goes from March 15th to September 30th. Any dredging activity outside the dredging window will be coordinated first with NYSDEC. All in-water work areas for both dredging and wharf construction will be completed within the confines of a weighted turbidity curtain, which will isolate work areas from other areas of the river. The turbidity curtain is also anticipated to serve as a barrier that excludes potential entry of fish and other marine species into the work area during the time it is deployed.

Section 4.3.2 Wharf / Quay Structure Description and Fill Material Quantities

Comments # 18. *The datum elevations are currently stated at NAVD29 datum and the standard at this time is NAVD88. All elevations will need to be updated to NAVD88 for consistent review.*

Response # 18: Project datum elevations has been revised to NAVD88 for all elements (e.g., wharf and dredging).

Comments # 19. *The application states, “[t]he design also takes into consideration sea level rise.” Explain specifically what design measures were considered to address sea level rise.*

Response # 19: At the Beacon Island site, the Hudson River is both tidal, and experiences natural variations in water surface elevation due to changes in flow and conveyance volume (i.e., lower volumes during periods of drought, higher volumes during periods of snowmelt and extreme precipitation). Water surface elevations in the river can also be influenced, particularly in winter and early spring, by backwater conditions created by the formation of ice dams that are created at obstructions of the waterway, such as bridge piers. Sea Level Rise is also a consideration, as climate change could introduce variations to these processes.

The top surface elevation of the structure at its riverside edge is proposed as +15.50 NAVD88. This elevation is slightly higher (by ~0.5') than the outboard fascia of APDC's main terminal at the Port of Albany. The primary considerations in establishing this elevation include the following:

1. Accommodating variable elevations of cargo decks/holds of the various vessels that will frequent the berth, including elevations under low water, high water, loaded (low freeboard) and light (large freeboard) conditions, and the ability to efficiently transfer cargo across the face of berth under a wide range of conditions.
2. Providing a surface elevation high enough to avoid frequent overtopping by extreme event flood conditions, including those that may be impacted by Sea Level Rise; the Highest Recorded Water Level for the Period of Record occurred on 1/20/96, at Elevation +14.71 NAVD88.
3. Providing a structure with a geometric section that will prevent low freeboard vessels (i.e., loaded barges), during low water conditions, from entering the space landward of the face of the structure, and potentially contacting and damaging structures and foundations. Similarly, a barge wedged under the wharf could present a significant safety concern.
4. Affording landward slopes and grades that allow for effective collection (for pre-treatment) of stormwater prior to discharge.
5. Providing for landward slopes and grades that accommodate efficient movement of equipment and manufactured products, from higher “floodproofed” elevation to the working riverfront.
6. Recognition that the wharf contains no utilities or any other at-risk items, will not support buildings of any type, and acknowledgement that the sole purpose of the wharf is to provide a platform for the shore-to-vessel transfer of large, manufactured components.

The type of structure, a drilled shaft-supported open-type marginal wharf, configured as a low-level ballasted deck system, consisting of cast-in-place concrete bent caps, precast concrete panels and composite cast-in-place concrete deck slab closure and fascia, is very robust, and can withstand virtually any possible extreme flood event with very little to no anticipated damage to the structure.

Under an extreme flood event scenario, including any reasonably conceived contributing influence of Sea Level Rise where the structure is overtopped, restoration activities needed to

return the structure to service would likely be limited to removal of accumulated silt, mud, and other debris from the working surface of the wharf. Depending on flow velocity and patterns there could be some displacement of the dense graded aggregate surfacing during an overtopping flood event, but this material is anticipated to be included in the items where routine maintenance and grading is required, so no special operations or requirements are anticipated for repair.

This very rare overtopping scenario is considered both acceptable and necessary, to provide a working wharf surface elevation required to support operations, and also minimize impacts to the waterway.

Comments # 20. *Please provide a plan demonstrating how concrete leachate will be isolated and not entered into the river during the construction of the wharf.*

Response # 20: Conventional stormwater BMPs will be implemented during construction phase to trap runoff and preventing concrete leachate enter into the river. Project Contract Documents (Plans and Specifications) will strictly prohibit concrete contaminated leachate from being discharged to the river. Included in the requirements are the following stipulations:

- The Contractor shall furnish, install, maintain and remove upon completion of the project all necessary environmental protection and water control devices, including but not limited to sediment control devices, turbidity curtains, booms, check dams, floats, staging, tarpaulins, and other devices necessary to prevent soils, sediments, leachate, and other construction-related material from entering the water and leaving the immediate vicinity of the site.
- During the course of construction, the Contractor shall conduct his operations in such a manner to prevent any damage to the waterway from pollution by debris, sediment, or other foreign material or from the manipulation of equipment and/or materials in or near the waterway.
- The Contractor shall not return directly to the adjacent waterway any effluent that has been used for wash purposes or other similar operations which cause this water to become polluted with sand, silt, cement, oil, or other impurities. If the Contractor uses water on site for construction purposes, he shall control the discharge of such water through the use of whatever devices necessary to protect and maintain water quality, to sustain fish life, and otherwise protect the environment.
- The Contractor shall bear full responsibility for cleanup of any materials deposited outside the work area.
- The requirements of NYSDOT Standard Specification Section 107-12 for water quality protection shall apply to this work.
- Materials for temporary soil erosion and sediment control measures shall meet the requirements of NYSDOT Standard Specifications Subsection 209-2 and all applicable and referenced paragraphs and sub-paragraphs.
- Submit proposed environmental protection and water control plan to the Project Engineer for approval before work is started. Plan shall include procedures for environmental protection and water control in relation to demolition and removal

activities, construction and installations, coordination with other work in progress, a description of methods and equipment to be used for each operation, and of sequence of operations. The Contractor shall identify the proposed procedure for stabilizing and protecting the existing embankments, controlling runoff, preventing discharge of concrete leachate, and all other environmental protection procedures.

- The Contractor shall abide by all environmental protection requirements and other stipulations and conditions stated in the project permitting including but not limited to those concerning interference with navigation, conformance with plans, turbidity curtain use, material disposal, material and equipment storage, spill reporting, precautions against contamination of waters, and all other special conditions.

Comments # 21. *Please provide details on shaft installation, including dimensions.*

Response # 21: Drilled shafts located on the river side of the cut-off wall are 48" diameter, constructed in a permanent steel casing. Permanent casing varies in length (~70' to ~90') due to variable rock elevation. Each 48" diameter shaft will have a reinforced concrete rock socket that is 42" diameter, with a minimum length of 15'.

Drilled shafts located on the land side of the cut-off wall are 30" diameter, constructed either in a permanent steel casing or by using displacement slurry methods. Permanent casing varies in length (~70' to ~90') due to variable rock elevation. Each 30" diameter shaft will have a reinforced concrete rock socket that is 24" diameter, with a minimum length of approximately 25'.

The actual installation methods for the drilled shafts will be determined by the Contractor performing their installation, subject to review and approval of the Contractor's Drilled Shaft Installation Plan. Generally, the installation process is anticipated to include the following sequence of events for both the demonstration (technique) shaft installation(s) and the production shaft install:

1. The Contractor shall consider the geological conditions of the site and at each drilled shaft and to select appropriate construction methods, procedures, and equipment to meet the specification requirements. The Contractor shall propose the Means and Methods in Drilled Shaft Installation Plan. This plan shall be subject to revision following completion of the technique drilled shafts.
2. Once the Plan is finalized, no changes or deviations from the plan shall be permitted without prior written notification to the Project Engineer, who shall maintain the right to review and comment on any proposed revisions.
3. Drilled Shaft Installation Plan:
 - The Contractor shall submit to the Project Engineer a Drilled Shaft Installation Plan in accordance with Section 01 33 00, "Submittals". The drilled shaft installation procedures as shown on the Contract Drawings, and within these specifications, should be used as a basis for preparation of the Drilled Shaft Installation Plan.
4. Successful completion of the technique and production drilled shafts will be based on the following anticipated criteria:
 - Provide permanent steel casing; the casing shall be seated into rock.

- Remove alluvium sediment and weathered rock within the pile/casing and to the elevations and dimensions as proposed in the Drilled Shaft Installation Plan.
- Install any proposed installation platform and/or template in accordance with the Drilled Shaft Installation Plan.
- Drill a drilled shaft socket with the proposed method and equipment, to a position, dimension, straightness, and plumbness that satisfy the specified requirements and tolerances.
- Clean the drilled hole with the proposed method and equipment, and verify the cleanliness of the hole.
- Examine the drilled hole, including the sidewall and bottom, with a remotely controlled device.
- Fabricate and assemble reinforcing cages, shear lug steel (as required), test access tubes, and load cells to the specified tolerances in accordance with the contract drawings and shop drawings.
- Place the reinforcing steel, shear lug, and load test devices in the drilled shaft socket to the specified tolerances.
- Place underwater (tremie) concrete in a continuous pour in accordance with Concreting Plan.
- A professional test organization shall conduct concrete integrity tests, using CSL. CSL tests shall be conducted among the 5 CSL access tubes.
- If the concrete quality is found to be acceptable, a professional test organization shall conduct an Osterberg Cell load test in each technique shaft.

Section 4.3.3 Dredging (Hudson River)

Comment # 22. *The application states, “[t]otal length of riverbank impacts is approximately 950 SF.” Is this intended to be linear feet?*

Response # 22: The approximate length of riverbank impacts is approximately 900 linear feet (LF) along the Hudson River and 1,025 LF along the Normanskill. Please note that the project layout incorporates a riparian buffer along the Hudson River, where the existing vegetation and linear feet not to be impacted will remain in its natural state. See **Exhibit 1** for revised Permit Set.

Comment # 23. *If possible, the practice of “dragging” of the post dredged area should be avoided, especially in areas of contaminated sediments. Should it be determined necessary, a drag beam should not be used in Class C sediments without first assuring that the material to be exposed does not contain PCB’s greater than 1 ppm.*

Response # 23: Drag beam is discarded. The dredging specifications will prohibit both dragging the dredge bucket along the sediment surface, and prohibit the use of a drag beam for profiling the dredged surface.

Comment # 24. *The post dredging “to be exposed” sediment in the Class C areas must be tested to determine if Class C PCB’s remain once dredging is complete. If samples representing the top 6” of “to be exposed” sediment have been archived, then they should be analyzed for PCB concentration in areas represented by the Class C PCB sample results.*

Response # 24: Please note that sediment samples have been discarded and are no longer archived; therefore, no further testing can be performed at this moment. Please note that dredging contemplates up to two (2) feet of allowable overdredge (varies depending on operational capabilities of dredge equipment); therefore, any pre-dredging sampling for the “top 6-inches to be exposed” may not provide the most accurate results of anticipated post dredging conditions. Once dredging is completed, a post dredging sediment sampling will be performed to inform NYSDEC if Class C PCB’s remains.

Comment # 25. *Please provide a dewatering plan and further details to ensure the dredging and dewatering is done in a way that minimizes suspension of sediment in the water column.*

Response # 25: Please note that the Dredging Contractor has not been selected and the dewatering plans is part of the means and methods to be established during the construction phase. The Dredging Contractor will be responsible and shall propose the Means and Methods. A dewatering plan will be developed by the Dredging Contractor; this plan is subject to review and approval. Basic requirements of the dewatering plan include the following minimum stipulations:

- a. Dredged sediments that are placed on a barge shall be dewatered in accordance to NYSDEC regulations.
- b. Dewatering shall be conducted in a manner that precludes adding substantial suspended solids, turbidity, or sheens of the receiving water body and in accordance with applicable permits.
- c. Dewatering operations shall be performed to avoid re-suspending or pumping previously settled sediment.
- d. All decant water shall be held in the decant holding scow a minimum of 24 hours after the last addition of water to the decant holding scow. Said water contained in the decant holding scow may only be discharged after this mandatory 24-hour retention time.
- e. Should the Contractor wish to reduce the required holding time, the contractor shall demonstrate that the reduced holding time is sufficient to meet a total suspended solids (TSS) background value of 30 mg/L. The total suspended solids shall be determined through gravimetric analysis.
- f. No discharge shall be permitted from the decant holding scow until the results of the gravimetric analysis have confirmed that the 30 mg/L background level has been achieved.
- g. No additional water shall be added to the decant holding scow between the time of sample acquisition and discharge. Upon successful demonstration that the reduced holding time is sufficient to meet the TSS background level of 30 mg/L, the monitoring of TSS may be suspended and the demonstrated settling time shall replace the 24-hour minimum. A successful demonstration of the reduced holding time efficiency shall be determined once three consecutive TSS analyses have confirmed that the 30 mg/L action level has been achieved by the reduced holding time.

- h. Should the contractor wish to demonstrate this reduced holding time, all records including the time of last addition of decant water into the scow, time of TSS sampling and the results of TSS sampling shall be submitted as soon as they become available, together with a request for a reduced holding time.
- i. Add section on PCB testing of water prior to discharge
- j. Add section on water treatment if PCBs are found
- k. During pumping of the decant water from the holding scow, great care shall be taken to avoid resuspending or pumping sediment which has settled in the decant holding scow.
- l. Decant water from this project shall be discharged within the dredge area from where the sediment originated, in proximity to the dredging contract area.

Comment # 26. *Please describe how the side slopes of the dredge area will be stabilized.*

Response # 26: As shown and indicated in the typical section, a graded stone / rock / rip-rap revetment will be provided to stabilize both the front slope and side slopes of the dredge area. This includes the area beneath the open wharf, and the areas beyond the limits of the wharf. The height of stone protection is to the approximate elevation of wharf grade transition, +15.5 NAVD88. This information was presented in Section 4.3.3 and Appendix 1 (Permit Sketches) of Joint Permit Application (August 2021).

Section 4.3.3.1 Description of Dredging Material

Comment # 27. *For Class C material, an environmental bucket and no barge overflow will be required during dredging. Additional conditions will be applied to dredging the material with the high PCB concentrations of 8 ppm. Please revise this section accordingly.*

Response # 27: Section 4.3.3.1 has been revised accordingly. Best Management Practices (BMPs) for Contaminated Material Resuspension Control will include but are not limited to the following:

1. The Contractor shall place dredged material deliberately in the barge to prevent spillage of material overboard.
2. The closed clamshell environmental bucket shall be lifted slowly through the water, at a rate of 2 feet per second or less.
3. The discharge (i.e., overflow) of water from the barge/scow into which dredged material is placed is prohibited.
4. The Contractor shall not cause or allow any unreasonable interference with the free flow of regulated water by placing or dumping any materials, equipment, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the Contractor shall remove and dispose of in a lawful manner, all excess materials, debris and equipment from all regulated areas.
5. The Contractor shall control the “bite” of the bucket to: (a) minimize the total number of passes needed to dredge the required sediment volume; and (b) minimize the loss of sediment due to extrusion through the bucket’s vents openings or hinge area.

6. The dredge shall control the rate of descent of the bucket to maximize the vertical cut of the clamshell bucket while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e., overfilling the bucket). This will reduce the amount of free water in the dredged material, will avoid overfilling the bucket, and minimize the number of dredge bucket cycles needed to complete the dredging contract. The dredging contractor shall use appropriate software and sensors on the dredging equipment to ensure consistent compliance with this condition during the entire dredging season.
7. The independent dredging inspector shall monitor the operation of the software and sensors during the inspections as specified in the below conditions. Any malfunction of the software and sensors on the dredge at any time shall be immediately reported to the independent dredging inspector and the permittee by the dredging contractor and shall be immediately repaired to working order.
8. The Contractor shall not drag the dredge bucket along the sediment surface.

Section 4.3.3.2 Dredged Material Placement Site

Comment # 28. *The Class C PCB material cannot be disposed of at Houghtaling Island. Please provide an alternative dredged material management plan.*

Response # 28: It is anticipated that Houghtaling Island cannot be used for both impacted (PCB contaminated) and non-impacted dredge material disposal. Various options are being considered for the upland disposal of the dredged material at authorized facilities and in relatively close proximity to the Project Site. Potential CDFs preliminarily identified for sediments with contamination rates less than 50 mg/kg include:

- Casella – Ontario County Landfill, 1879 NY-5, Stanley, NY 14561
- Seneca Meadows Landfill, 1786 Salcman Rd, Waterloo, NY 13165

Other potential landfill sites include but are not limited to, Fairless Landfill at 1000 Bordentown Road, Morrisville, PA 19067 Clean Earth, Carteret, NJ.

The Dredge Material Management Plan will be developed and submitted by the dredging contractor for review. Submittal items for the dredging work will include but may not be limited to the following:

- A. Dredging Operation Plan including the following:
 1. Complete project team organization with duties, responsibilities, and authorities clearly defined.
 2. Names and specifications for all dredging and support plant to be used for each specific work element, including, but not limited to, the proposed dredging equipment and methods to meet performance requirements.
 3. Order of work.
 4. Schedule, indicating no in-river activities will take place within the migration and spawning period for anadromous fish.

5. Detailed anchoring and mooring plans.
 6. Plan for marking and lighting of floating plant and equipment.
 7. Debris removal plan, include procedures in event of inadvertent debris capture (i.e., bucket non-closure, clogged hydraulic pipeline).
 8. Survey Plan: Written plan presenting the job survey effort.
 9. Coordinates and land elevations of all control points for electronic positioning and vertical control.
 10. Certificates: Manufacturer's guarantee of accuracy of electronic positioning system for dredging surveys.
 11. Quality Control procedures.
 12. Plan for inspection, identification, handling, and disposal of munitions and other similar items of concern.
 13. Spill Containment Plan.
 14. Accident Prevention Program Plan: Written plan describing the Contractor's Accident Prevention Program.
- B. Dredged Material Management Plan including the following:
1. Method and equipment for transporting dredged material from the dredging site to other locations.
 2. Method and equipment for dewatering dredged material.
 3. Method and equipment for amending and mixing dredged material at the designated dredged material management facility.
 4. Method and equipment for offloading dredged material (either amended or not amended).
 5. Method and equipment for placing dredged material.
 6. Method and equipment to prevent spillage of dredged material.
 7. Fuel spill control plan.
 8. Schedule.
 9. Spill Containment Plan.
- C. Docking/Anchoring Plan including the following:
1. Methods to secure Project vessels during work in a way that will limit potential sediment resuspension. Identify steps to be taken to ensure methods do not pose a hazard to navigation.
 2. Describe docking and/or anchoring procedures to be used during storm events.
 3. Identify suitable and available dock space.
- D. Marine Equipment Safety Report including the following:

1. Marine survey report prepared by independent licensed marine surveyor for any vessel greater used by the Contractor.
 2. Include photographs and statement on vessels stability, seaworthiness, operation of installed equipment and instrumentation, conformance to applicable Federal regulations and requirements for its intended role and function as well as its ability to perform its intended project function.
 3. State any modification made to vessels and/or equipment as a result of deficiencies identified in marine survey.
- E. Contractor Qualifications: Company specializing in contaminated sediment dredging specified in this section with minimum three years documented experience on at least three projects of similar or larger scale.
- F. Independent Hydrographic Surveyor Qualifications: The Contractor shall be responsible for providing an independent surveyor to perform pre-dredge, progress, and post-dredge hydrographic surveys to determine the volume of all material removed for payment. The surveyor's equipment and workforce shall be independent from the Contractor's. The independent surveyor must be able to document in writing to the Company's Representative at least five (5) years of experience in hydrographic surveying of navigable channels and possess a current land surveyor's license valid in the State of New York. The Contractor shall submit the Independent Hydrographic Surveyor's qualifications for review and approval prior to performing any dredging.
- G. Independent Dredging Inspector: The Contractor shall employ the services of an independent dredging inspector to continuously monitor dredging activities. Contractor shall submit the resume of the dredging inspector for review and receive written approval prior to the initiation of dredging. The independent dredging inspector shall perform inspections of the dredging contract a daily using the attached WQC Field Inspector form. The Contractor shall submit the completed inspection forms for submission to the NYSDEC on at least a weekly basis.
- H. Pre-dredging survey.
- I. The Contractor shall provide copy of the necessary air permits and other permits from the dredged material processing facility.
- J. The Contractor shall obtain letters of commitment from sediment transport companies and from any treatment or disposal facility agreeing to handle and/or dispose of sediment from the Site. In the event that a facility is prohibited from issuing a letter of commitment without a sample of the waste, a conditional-type letter will be acceptable. Such a conditional letter shall specifically state what types and quantities of waste the facility will accept. A copy of each letter shall be maintained by the Contractor in its files.
- K. The letters of commitment from proposed dredged material treatment facility to be used shall include:
1. Name and EPA or State identification number of the facility.
 2. Facility address with name and responsible contact for the facility.
 3. Signature.
 4. A description of the proposed facility.

- 5. Any and all necessary permit authorizations for each type of waste stream (if applicable).
- L. Dredging Progress Plan: The Contractor shall prepare and maintain a daily progress plan of the dredging work. The plan shall have the same scale as that of the Drawings for the area being dredged and shall be marked to indicate the progress of the dredging work on a daily basis. Soundings shall be taken as the dredging progresses and they shall be plotted on the progress plan. These records shall be turned over to the Company at the end of work.
- M. Post-dredging survey.
- N. The Contractor shall complete and submit a Dewatering Form to the independent dredging contractor on a daily basis as part of the Quality Control Report provided to the Company's Representative. Said Dewatering Form shall be certified by the independent dredging inspector that they have witnessed the dewatering process during the preceding day.

Section 4.3.3.5 Recurrent Maintenance Dredging Program

Comment # 29. Periodic maintenance dredging is typically necessary. Please explain why maintenance dredging won't be required or provide an estimate of anticipated maintenance dredge time intervals.

Response # 29: Maintenance dredging is expected to be required periodically throughout the service life of the proposed facility. The frequency of and volumes of material removed during maintenance dredging are expected to be variable, based on both natural processes (i.e., river sediment load, flow velocities, flow patterns) and use of the facility. Currently, it is anticipated that maintenance dredging could be expected at approximate 5 to 7 -year intervals, which is the same approximate interval at which the Port of Albany turning basin (located upstream of the project site) undergoes maintenance dredging.

Section 4.4 Project Schedule, Construction Duration and Year Restrictions

Comment # 30. The dredging work window is September 1 to October 31, not July 1 to November 30 as indicated. Please correct.

Response # 30: Timing restriction schedule presented in Section 4.4 has been revised accordingly. Please note that dredging work window (September 1st to November 30th) is as per approved FGEIS and NYSDEC written comments received on August 30, 2019 and September 30, 2019. The project intends to follow established dredging timing restrictions from NYSDEC and NMFS. Please note that timing restrictions (no dredging) from NMFS go from March 15th to September 30th. Any dredging activity outside the dredging window will be coordinated first with NYSDEC. All in-water work areas for both dredging and wharf construction will be completed within the confines of a weighted turbidity curtain, which will isolate work areas from other areas of the river. The turbidity curtain is also anticipated to serve as a barrier that excludes potential entry of fish and other marine species into the work area during the time it is deployed.

Comment # 31. *Please provide details on how work areas will be isolated, and turbidity minimized during work.*

Response # 31: See **Exhibit 1** for Permit Set (Wharf Dredging and Construction Plan – Proposed Temporary Environmental Protection). All in-water work areas for both dredging and wharf construction will be completed within the confines of a weighted turbidity curtain, which will isolate work areas from other areas of the river. The turbidity curtain is also anticipated to serve as a barrier that excludes potential entry of fish and other marine species into the work area during the time it is deployed. Turbidity in the work area will be minimized by enforcing Best Management Practices, including but not limited to:

- a. Placing dredged material deliberately in the barge to prevent spillage of material overboard.
- b. Requiring the closed clamshell environmental bucket be lifted slowly through the water, at a rate of 2 feet per second or less.
- c. Prohibiting the discharge (i.e., overflow) of water from the barge/scow into which dredged material is placed.
- d. Prohibit dragging the dredge bucket along the sediment surface

Section 5 BMPs and Environmental Protection

Comment # 32. *This section should describe any Best Management Practices (BMPs) that are proposed to minimize impacts to sturgeon, such as a bubble curtains.*

Response # 32: Section 5 of Joint Permit Application has been updated with the following information. The following BMPs and mitigation measures are proposed to minimize potential impacts to the Atlantic sturgeon and Shortnose sturgeon:

- All in-water work areas for both dredging and wharf construction will be completed within the confines of a weighted turbidity curtain, which will isolate work areas from other areas of the river. The turbidity curtain is also anticipated to serve as a barrier that excludes potential entry of fish and other marine species into the work area during the time it is deployed.
 - Turbidity curtains are proposed to avoid and minimize potential impacts to Atlantic sturgeon and Shortnose sturgeon. Additionally, floating turbidity curtains, staked turbidity barriers and/or silt-fence would be installed to protect SAV beds to remain.
 - Large portion of the channel will remain open for aquatic organism passage.
- The Project intends to avoid dredging during spawning periods of the Atlantic sturgeon and Shortnose sturgeon. Dredging schedule will follow timing restrictions as per NYSDEC (September 1st to November 30th) and NMFS (March 15th to September 30th) guidelines.
- Use of a clamshell (closed) bucket to minimize resuspended sediments.
 - The closed clamshell environmental bucket would be lifted slowly through the water, at a rate of approximately two (2) feet per second.
- For the wharf construction, the permanent steel casing for the drilled shaft foundations and the sheet pile wall components would be vibrated in, rather than utilizing an impact

hammer. An impact hammer would be used only to seat the steel casing within the first few inches in the top of rock. Other BMPs considered include:

- Use of pre-drilling prior to vibratory hammering
- Implement soft start (i.e., pile tapping) prior to full energy impact hammering
- If necessary, cushion blocks, air bubbles curtain or other noise attenuating tools would be implemented when impact hammering to avoid reaching noise levels that could cause injury or behavioral disturbance to these species.
- Use of nets, tarps, and/or pans during construction of the bridge deck over the Normans Kill and removal of any debris that falls into the water.
- A SWPPP will be implemented and maintained during the construction phase to be implemented and address potential water quality impacts.

Section 6.2.1 Option 1 – Purchase SAV Credits from Mitigation Bank and ILF

Comment # 33. *Please note that purchasing Submerged Aquatic Vegetation (SAV) mitigation credits is not available for the Hudson River SAV. Please propose an alternative mitigation plan for SAV.*

Response # 33: Information was provided under Section 6.2.2. In accordance with NYSDEC letter dated August 29, 2020 (DEC #4-0122-00322/00001), *V. americana* from SAV patch # 3 will be transplanted to SAV beds and adjoining areas outside the project limits. See response to Comment # 34 for additional details.

Section 6.2.2 Option 2 – Transplanting Plan for *V. americana* and Protection of SAV Beds

Comment # 34. *Please provide a SAV relocation plan for NYSDEC staff review.*

Response # 34: The relocation plan for *V. americana* was presented under Section 6.2.2. The mitigation plan consists of transplanting *V. americana* from SAV patch # 3 to SAV beds and adjoining areas (FSM Sections 1 to 7) outside the project limits, seeking to promote a continuous bed. SAV beds (patches 1 and 2) would be protected. SAV Transplanting Plan is also enclosed as **Exhibit 5**.

Section 6.2.5 SAV Removal and Transplant (*V. americana*)

Comment # 35. *The application states, “[t]he SAV transplanting efforts would be conducted in coordination with the mussel relocation.” Please clarify if the Mussel and SAV relocation are intended to occur at the same time in one effort.*

Response # 35: Please note that means and method would be subject to the qualified contractor to be selected; however, Mussel and SAV relocation is not expected to occur at the same time in one effort unless otherwise recommended by NYSDEC.

Section 6.3.3 Collection and Relocation of Mussels

Comment # 36. *Please note that water temperatures for mussel handling and relocation must exceed 55 degrees and air temperatures must exceed 50 degrees. Please revise accordingly.*

Response # 36: Section has been revised accordingly. Relocation activities would take place when the water temperature exceeds 55°F and air temperature exceeds 50°F.

Section 7 Alternative Analysis

Comments # 37. *Section 7.1 states, “[d]uring the planning process the APDC evaluated other potential sites.” Please provide a list and a map of the other potential sites that were evaluated.*

Response # 37: An attempt to assemble a collection of adjacent properties that comprised of approximately 160 acres along the east side of the Hudson River in East Greenbush was evaluated. The **Exhibit 6** illustrates the location and compilation of properties that were considered. For various reasons, including the fact that not all of the properties were available, this site was eliminated from consideration.

In addition, the applicant researched a 100 to 160 acres within the existing Port District boundary’s including vacant lands in the Town of Bethlehem. There are no available properties that met the needs of the project within the Port District boundary or in the adjacent City of Albany or Town of Bethlehem.

Comments # 38. *Section 7 describes various site layouts and alternative designs for the bridge and wharf that were considered for the Project. Please provide the conceptual drawings showing these various site layouts and alternative designs.*

Response # 38: See **Exhibit 7** for previous conceptual designs discarded.

Appendix 1 Permit Sketches

Comment # 39. *Cross-sections of key locations need to be included on the grading plans. Each cross-section should include MLLW, MHW, MHHW, Spring High Tide in NAVD88 datum with a statement as to how the elevations were determined. Currently the cross sections have MHT, MHHW and OHW datums on one line and they are in NGVD 29.*

Response # 39: See **Exhibit 1** for Revised Permit Set, including requested cross sections and labeling the requested datums.

Comment # 40. *Additional cross sections should include stormwater outfalls and the north-south section of the dredge area.*

Response # 40: See **Exhibit 1** for Revised Permit Set, including requested cross sections.

Section – Wharf and Dredging (sheet 4 of 4)

Comment # 41. *This plan appears to identify heavy stone slope protection as being installed below the MLLW. If so, please confirm and provide proposed fill totals.*

Response # 41. The proposed plan to stabilize slopes both above and below the MLLW elevation is to provide heavy stone (rip-rap) stone protection. Preparation for heavy stone placement will involve over-dredge and over-excavation to the required depth and thickness of the stabilizing stone layer, and then placing the graded stone to the required thickness to establish final lines and grades.

The heavy stone fill volume (which replaces over-dredge material removed) below MLLW is approximately 7,800 cubic yards. The total volume of heavy stone fill, including areas where stone is placed above the MLLW elevation, is approximately 9,700 cubic yards.

Appendix 12 Sediment Sampling and Analysis Report

Comments # 42. *There are no results listed for the top six inches to be exposed following dredging. This is especially important in the Class C PCB areas. Please provide.*

Response # 42. Sediment samples have been discarded and are no longer archived. Once dredging is completed, a post dredging sediment sampling will be performed to inform NYSDEC if Class C PCB's remains. Please note that dredging contemplates approximately two (2) feet of allowable overdredge; therefore, any pre-dredging sampling for the "top 6-inches" assumed to be exposed (post dredging) may not provide the most accurate results of post dredging conditions.

We respectfully submit our responses to your comments and hope our responses meet your approval so that this important project can continue moving forward. If you have any questions related to the enclosed information or if you require additional information, please contact me or David Rosa at (518) 580-9380 or via email at SBoisvert@mjinc.com and drosa@mjinc.com.

Sincerely,
McFarland-Johnson, Inc.



David R. Rosa
Environmental Project Manager

- c: Richard Hendrick, Port of Albany
- Megan Daly, Port of Albany
- Andrew Dangler, USACE
- Steve Boisvert, McFarland-Johnson

- Enclosures:
- Exhibit 1 - Revised Permit Set (drawings)
 - Exhibit 2 - List of Anticipated Permits and Permitting Schedule
 - Exhibit 3 - Previous SHPO No Effect Determination
 - Exhibit 4 - Revised WQC-1 and FAF Forms
 - Exhibit 5 - SAV Transplanting Plan
 - Exhibit 6 - Alternate Site (discarded)
 - Exhibit 7 - Previous Conceptual Layouts (discarded)

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