

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

---

Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties.

---

Case 24-T-0446

**INCORPORATED VILLAGE OF SEA CLIFF  
STATEMENT IN OPPOSITION TO JOINT PROPOSAL**

Bruce Kennedy  
Village Administrator  
Inc. Village of Sea Cliff  
300 Sea Cliff Avenue  
Sea Cliff, NY 11579  
Tel: (516) 671-0080  
Email: [bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

---

Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties.

---

Case 24-T-0446

**STATEMENT OF THE INCORPORATED VILLAGE OF SEA CLIFF  
IN OPPOSITION TO THE JOINT PROPOSAL**

The Incorporated Village of Sea Cliff (“Village”) respectfully submits this statement in opposition to the Joint Proposal (“JP”) filed in this proceeding.

The Village does not oppose the development of electric transmission infrastructure in principle. However, the Village does not accept that the Project should be approved merely because it was originally advanced under earlier State clean-energy planning assumptions. Since the submission of this case, the State's energy-policy emphasis has shifted materially toward affordability, reliability, ratepayer protection, resource diversity, and an all-of-the-above approach to meeting energy needs. Those changed circumstances require renewed scrutiny of whether this specific Project, along this specific route, remains necessary and in the public interest.

The Joint Proposal leaves critical elements of the Project undefined, defers material decisions to post-certification processes, and fails to incorporate reasonable and enforceable protections for navigation, environmental resources, existing harbor uses, lands under water property interests, municipal rights, and ratepayers. These deficiencies are especially significant because the Project would pass through Hempstead Harbor, an active, environmentally sensitive, and heavily used public waterway.

The Village has consistently identified areas of concern and sought information necessary to evaluate the Project’s impacts within Hempstead Harbor. Those concerns remain unresolved.

The Joint Proposal does not provide sufficient detail, analysis, or enforceable standards to allow for a complete and informed assessment of the Project's effects.

For the reasons set forth below, the Village respectfully submits that the Joint Proposal should not be approved in its current form.

## **I. APPLICABLE STANDARD**

The Commission may not approve a Joint Proposal merely because certain parties have agreed to it. The Commission must determine, based on the record, that the statutory findings required by Public Service Law § 126 can be made.

Among other things, PSL § 126 requires the Commission to determine the basis of the need for the facility, the nature of the probable environmental impact, whether the facility represents the minimum adverse environmental impact considering available technology and alternatives, whether the facility conforms to long-range electric system planning, whether it conforms to applicable State and local laws except where properly waived, and whether the facility will serve the public interest, convenience, and necessity.

A Joint Proposal cannot satisfy that standard where key impacts remain unresolved, material project details are deferred to later phases, and enforceable protections are absent. Nor can the record be deemed sufficient where affected municipalities and other parties have sought basic information necessary to evaluate the Project, but that information has not been provided in a meaningful, non-confidential, decision-grade form.

## **II. THE JOINT PROPOSAL DOES NOT REFLECT BROAD CONSENSUS AMONG AFFECTED PARTIES**

The Commission should also consider the limited level of support for the Joint Proposal. This is not a broadly supported settlement among affected local governments and community stakeholders. According to the Joint Proposal's signature materials, only 10 of 42 settlement participants, or approximately 24%, signed the Joint Proposal (**Exhibit A**). Thus, more than three-quarters of settlement participants did not sign.

That fact does not, by itself, determine the outcome, but it confirms that significant issues remain unresolved, including issues relating to Hempstead Harbor, routing, schools, traffic, construction impacts, property rights, and public need.

### III. THE JOINT PROPOSAL DOES NOT PROVIDE AN ADEQUATE EVIDENTIARY RECORD FOR THE REQUIRED PSL § 126 FINDINGS

The current record does not support the findings required under PSL § 126 as they relate to Hempstead Harbor.

Critical issues remain unresolved, including the final cable alignment, enforceable burial depth, the basis for the change in target burial depth, the potential creation of new no-anchorage areas, impacts to existing harbor uses, sediment disturbance, benthic and shellfish resources, lands under water ownership, grants of lands under water, and the continuing need for the Project under current circumstances.

Following the filing of the Joint Proposal, the Village served discovery requests directed to these unresolved issues (**Exhibit B**). The Applicant's responses did not cure the deficiencies. In several instances, the Applicant referred back to the Joint Proposal, deferred matters to future Environmental Management and Construction Plan ("EM&CP") filings, or invoked settlement confidentiality rather than providing a substantive, non-confidential explanation sufficient for the Commission, the Village, and the public to evaluate the basis for material Project decisions (**Exhibit C**).

This issue is particularly significant with respect to the change in target burial depth within Hempstead Harbor. The Joint Proposal reflects a material change from the prior six-foot target burial depth to a nine-foot target burial depth. The Village does not object to deeper burial in principle; indeed, deeper burial may be necessary to reduce anchoring and navigation conflicts. However, the Applicant has not provided a complete public explanation of the analysis, rationale, or conditions supporting that change. Without that information, the Village cannot meaningfully evaluate whether the proposed burial depth is sufficient, whether it is achievable, whether it avoids anchoring conflicts, or whether additional design or mitigation measures are necessary.

The Village also raised objections (**Exhibit D**)<sup>1</sup> to the Applicant's reliance on settlement confidentiality and to communications that characterized the Village's good-faith efforts to identify record deficiencies as potential sanctionable conduct. Those objections were not resolved

---

<sup>1</sup> Redacted language reflects material Applicant has asserted to be settlement-confidential. The Village does not concede confidentiality as to the underlying factual or technical issues, and redacts solely to avoid a collateral dispute.

before the deadline for comments on the Joint Proposal. As a result, the Village is required to comment on a Joint Proposal that contains material unresolved issues while the Applicant continues to withhold the rationale for those issues from the public record.

The procedural prejudice to the Village has been compounded by the Applicant's subsequent communications (**Exhibit E**) regarding the Village's good-faith effort to identify deficiencies in the Applicant's discovery responses and the resulting gaps in the public record. As reflected in the attached correspondence, the Applicant characterized the Village's efforts as a violation of the Settlement Guidelines and 16 NYCRR § 3.9 and suggested that sanctions could be imposed. The Village disputed that characterization and advised that it would avoid relying on the disputed quoted language absent direction from the Administrative Law Judges or agreement of the parties.

To date, however, the Administrative Law Judges have not issued a ruling or otherwise provided direction resolving the Village's objections, the Applicant's confidentiality assertions, or the Applicant's threatened sanctions position. That lack of resolution places the Village at a procedural disadvantage. The Village must submit comments on the Joint Proposal without a ruling on whether the Applicant may continue to withhold the rationale for material Project terms, and without guidance on how the Village may address disputed factual and technical matters that bear directly on established lawful public use of the harbor, burial depth, anchorage impacts, and the adequacy of the public record.

The Village does not seek to create a collateral dispute regarding settlement confidentiality. Rather, the Village raises this issue because the Applicant's use of confidentiality assertions and threatened sanctions has impaired the Village's ability to develop and present a complete record on issues central to the Commission's PSL § 126 findings. The Commission should not approve the Joint Proposal until these unresolved issues are addressed through full, non-confidential responses and a meaningful opportunity for affected parties to respond.

#### **IV. THE JOINT PROPOSAL FAILS TO DEFINE CRITICAL PROJECT ELEMENTS**

##### **A. Burial Depth Is Not Established as a Clear, Enforceable Requirement**

The Joint Proposal does not establish a clear and enforceable burial depth standard for the submarine cable within Hempstead Harbor. Instead, it contemplates that the cable may be installed

at less than a target burial depth in certain locations and relies on post-installation identification of those areas and future protection measures<sup>2</sup>.

That approach is not sufficient. Burial depth is not a minor construction detail. In Hempstead Harbor, burial depth is a fundamental design parameter directly affecting navigation, anchoring, harbor use, safety, environmental disturbance, and the potential need for future restrictions on existing maritime activities.

The Joint Proposal's reliance on post-installation identification of insufficient burial areas does not provide the Commission with a basis to determine, before certification, that the Project will avoid or minimize adverse impacts. Nor does the Joint Proposal establish a clear obligation to correct or remediate insufficient burial where target burial depth is not achieved.

For a project located within an active harbor, the absence of an enforceable burial-depth requirement is a material deficiency.

## **B. The Final Project Alignment Is Not Fixed**

The Joint Proposal defines a broad Project Corridor and expressly defers the exact placement of the transmission facilities to later phases. The marine corridor is approximately 1,300 feet wide, allowing significant flexibility in the ultimate siting of the submarine cable.

As a result, the precise location of the cable within Hempstead Harbor has not been established. The mapping provided reflects corridor boundaries rather than a fixed, decision-grade alignment. Without a final alignment, site-specific impacts cannot be meaningfully evaluated.

This is especially problematic in Hempstead Harbor, where small shifts in alignment may affect navigation, anchorage, existing underwater infrastructure, environmental resources, lands underwater ownership, grants of lands under water, riparian rights, and other existing harbor uses.

## **C. Core Decisions Are Improperly Deferred to EM&CP Phases**

The Joint Proposal relies extensively on future EM&CP filings<sup>3</sup>, which will be submitted, reviewed, and approved in phases. Those future phases include critical elements of submarine construction and installation.

---

<sup>2</sup> Appendix D — Certificate Conditions, Condition 77

<sup>3</sup> Appendix C and Appendix D, Certificate Condition 6

The Village recognizes that EM&CP processes often provide construction-level detail. However, the EM&CP process should not be used to defer threshold siting, design, environmental, navigational, and property-rights issues that are necessary for the Commission to make the required findings under PSL § 126.

Here, the Joint Proposal defers core decisions regarding routing, burial outcomes, construction methods, environmental mitigation, and protection of existing harbor uses until after certification. That deprives the Commission and affected municipalities of the ability to evaluate the Project in its entirety before approval.

## **V. THE JOINT PROPOSAL FAILS TO ADEQUATELY ADDRESS NAVIGATION AND EXISTING HARBOR USES**

### **A. Risk of New No-Anchorage Areas**

A primary concern for the Village is the potential creation of new no-anchorage areas within Hempstead Harbor.

Hempstead Harbor is an active maritime resource. It supports recreational boating, sailing, commercial and municipal uses, waterfront access, anchoring, mooring, navigation, and other water dependent activities. Anchoring is a longstanding and important use of the Harbor.

The Village understands that anchorage restrictions may ultimately be implemented or reflected by federal agencies, including the National Oceanic and Atmospheric Administration and the United States Coast Guard. However, the need for such restrictions would be directly driven by Project design, particularly burial depth and cable protection measures.

The Joint Proposal acknowledges the possibility that cables may be installed at less than target burial depth and relies on post-construction identification and future protection measures<sup>4</sup>. That approach increases the risk that anchoring restrictions may be imposed after the fact. The Joint Proposal does not demonstrate that the Project has been designed to avoid anchoring conflicts, does not require burial depths sufficient to avoid such conflicts, and does not define the extent, duration, or permanence of any resulting anchorage restrictions.

---

<sup>4</sup> Appendix D, Certificate Conditions, Condition 77, and is reinforced by Appendix H, Table H.1, Item 8.

The loss or restriction of anchorage areas would be a significant impact on existing harbor use. The Joint Proposal does not adequately address that impact.

### **B. Reliance on Notification Rather Than Mitigation**

The Joint Proposal emphasizes notices to mariners and coordination during construction<sup>5</sup>. Notice is important, but notice is not mitigation.

Informing mariners of construction activity, shallow burial, or future cable protection measures does not prevent impacts to navigation. Nor does it resolve the underlying question of whether the Project has been designed to avoid or minimize conflicts with existing harbor uses.

The Joint Proposal should include enforceable outcomes, not merely notice procedures. At minimum, it should require the Applicant to demonstrate that cable burial and protection measures will avoid the need for new anchorage restrictions to the maximum extent practicable and that any unavoidable restrictions have been fully identified, justified, and minimized before certification.

### **C. Hempstead Harbor Is a Working and Recreational Harbor, and Any New Limitation on Lawful Harbor Uses Is a Significant Impact**

Hempstead Harbor is not an unused waterbody or merely a corridor for utility infrastructure. It is a working and recreational harbor that supports yacht clubs, marinas, boat launches, sailing programs, commercial and municipal activities, recreational boating, anchoring, mooring, tourism, waterfront access, and other lawful water dependent uses.

Sea Cliff and the adjoining communities have long relied on Hempstead Harbor as both an economic and recreational resource. Countless pleasure boaters visit the Harbor to anchor, sail, launch, and enjoy the scenic, bucolic, and tranquil character of the area. Local businesses, marinas, yacht clubs, waterfront institutions, and the broader community benefit from those existing uses.

Any new restriction on lawful harbor use - including anchoring restrictions, exclusion areas, construction-related limitations, or permanent operational limitations - would be a significant adverse impact. Such impacts cannot be dismissed as minor or addressed only through

---

<sup>5</sup> Joint Proposal Appendix H — Mariner Notification and Public Input Process Plan.

notice to mariners. A change that limits how the Harbor may lawfully be used can discourage boating, reduce visitation, impair tourism, and harm businesses that depend on the Harbor.

The Joint Proposal does not adequately identify, evaluate, or mitigate these impacts. It does not demonstrate that the Project has been designed to avoid new restrictions on existing harbor uses. Nor does it establish that any unavoidable restrictions would be temporary, narrowly tailored, or fully mitigated.

For Hempstead Harbor, preservation of existing lawful uses should be treated as a threshold requirement, not a post-certification detail.

## **VI. THE JOINT PROPOSAL DOES NOT REQUIRE COMPREHENSIVE HARBOR-SPECIFIC ENVIRONMENTAL SURVEYS**

The Village has concerns regarding the scope of environmental surveys required for Hempstead Harbor.

Hempstead Harbor is not completely excluded from survey work. However, the Joint Proposal appears to limit required benthic sampling to discrete, corridor-based stations rather than requiring a comprehensive Harbor-specific baseline and post-construction survey program.

Condition 133 requires one additional pre-cable installation benthic sampling survey and two post-cable installation benthic sampling surveys<sup>6</sup>. The sampling is limited to specified locations along the trenched portion of the submarine cable corridor and at HDD exit locations. Within Hempstead Harbor, sampling is required at intervals of 1,000 feet, rather than through a broader Harbor-wide assessment.

That is not a comprehensive baseline study of Hempstead Harbor. It is a limited, project-corridor sampling program.

The Joint Proposal also does not establish sufficient, enforceable standards for post-construction recovery, restoration of benthic habitat, or protection of shellfish resources. These issues are largely deferred to future phases.

Given the environmental sensitivity of Hempstead Harbor and ongoing restoration efforts in and around the Harbor, the Village submits that more comprehensive, Harbor-specific

---

<sup>6</sup> Joint Proposal, Appendix D, Proposed Certificate Conditions, Condition 133, “Benthic Sampling Plan.”

environmental review and enforceable mitigation standards are required before the Commission can determine that the Project represents the minimum adverse environmental impact.

## **VII. THE JOINT PROPOSAL FAILS TO INCORPORATE REASONABLE ENVIRONMENTAL PROTECTIONS**

### **A. Sediment Disturbance and Water Quality**

The Joint Proposal does not incorporate reasonable and widely accepted measures to minimize sediment disturbance during in-water construction.

The Village identified practical mitigation measures, including the use of silt curtains or turbidity curtains where feasible, reduced jet-plow operating speeds, continuous real-time turbidity monitoring with enforceable thresholds and stop-work triggers, and appropriate seasonal work windows. These were not merely Village concerns. The Hempstead Harbor Protection Committee, an inter-municipal committee representing the local governments surrounding Hempstead Harbor, submitted similar requests to the Commission on May 12, 2025, including requests for the cable-laying vessel and jet plow to operate at the slowest possible speed within Hempstead Harbor, for jet pressure to be set at the minimum level necessary, for continuous real-time turbidity monitoring with enforceable thresholds and shutdown triggers, for turbidity curtains around oyster beds, and for work to be performed in the off-season. **(Exhibit F)**.

The HHPC further requested that post-trenching surveys replicate prior harbor-wide shellfish-density and sediment-analysis surveys because sediment disturbed by trenching could be transported beyond the trench footprint by tidal currents, and that laboratory testing be used to determine whether disturbed contaminants had been deposited on sensitive areas such as shellfish beds.

The Joint Proposal does not require these measures in a clear and enforceable manner, nor does it provide a sufficient explanation for their omission.

The Village recognizes that the feasibility of particular sediment-control measures may depend on site-specific conditions. However, the Joint Proposal should require the Applicant to evaluate and implement the lowest-impact practicable construction methods and sediment controls for Hempstead Harbor, rather than deferring those issues without enforceable standards.

## **B. Benthic Habitat and Shellfish Resources**

The Joint Proposal does not establish clear and enforceable standards for restoration of the harbor bed, protection of shellfish resources, or measurable post-construction recovery.

Hempstead Harbor has been the subject of long-term environmental restoration efforts. Disturbance of bottom sediments, benthic habitat, and shellfish resources should not be treated as a routine construction issue to be addressed later. The Commission should require enforceable pre-construction baseline documentation, construction-period protections, post-construction monitoring, and measurable restoration standards.

The current Joint Proposal does not provide those protections.

## **C. Avoidance of Sediment Disturbance Must Be Prioritized Over After-the-Fact Restoration**

The Village is also concerned that the Joint Proposal relies too heavily on monitoring and restoration after disturbance occurs, rather than requiring avoidance and minimization of sediment disturbance in the first instance.

Hempstead Harbor sediments are not pristine. The Harbor has a long industrial and maritime history, and the Applicant's own sediment modeling and analysis identifies contaminants of concern, including mercury, copper, and arsenic (**Exhibit G**). This is precisely why avoidance and minimization of sediment disturbance must be prioritized over after-the-fact monitoring or restoration. If contaminated sediments are disturbed, resuspended, transported by tidal currents, or redeposited in sensitive areas such as shellfish beds, the resulting impacts may not be fully reversible.

In a March 11, 2025, presentation to the Coalition to Save Hempstead Harbor regarding Applicant's most recent findings to date, the Applicant presented images of anthropogenic debris on the bottom of Hempstead Harbor, including discarded tires and abandoned fishing pots/traps (Exhibit H). During that presentation, Applicant representatives were asked whether such debris could be removed during construction. Applicant representatives indicated that removal could present risks because disturbing the debris could suspend toxins or contaminants. That response underscores the Village's concern: if disturbing discarded tires, abandoned fishing gear, or other debris presents a contamination risk, then trenching, jet plowing, and other seabed-disturbing activities within the Harbor require far more careful scrutiny. The Village is not satisfied with an

approach that disturbs the Harbor bottom first and then relies on limited monitoring or restoration afterward. That is not meaningful avoidance. Once contaminated sediment is disturbed and resuspended, the impact may not be fully reversible.

The Joint Proposal does not adequately explain why enforceable sediment-control measures, including turbidity curtains where feasible, reduced jet-plow speeds, real-time turbidity monitoring with stop-work thresholds, contaminant-specific protocols, and seasonal work windows, are not required as conditions of approval. Given the Applicant's own identification of contaminants of concern in Hempstead Harbor sediments, the Commission should not approve a construction approach that relies primarily on monitoring and restoration after disturbance occurs.

Accordingly, the Joint Proposal should require enforceable measures to avoid and minimize sediment disturbance before construction occurs, including evaluation and use of turbidity curtains or other sediment-containment measures where feasible, reduced jet-plow speeds, real-time turbidity monitoring, contaminant-specific sediment protocols, defined stop-work thresholds, and clear corrective-action requirements.

#### **VIII. THE JOINT PROPOSAL DOES NOT PROVIDE SUFFICIENT MAPPING OR INFORMATION TO EVALUATE CUMULATIVE HARBOR IMPACTS**

The Joint Proposal does not provide unified, decision-grade mapping of existing conditions within Hempstead Harbor.

The mapping provided does not sufficiently integrate final cable alignment, anchorage areas, navigation channels, mooring fields, underwater infrastructure, environmental resources, shellfish resources, sediment conditions, lands underwater ownership, grants of lands under water, riparian rights, and other existing harbor uses.

Without such information, the Commission cannot fully evaluate cumulative impacts or conflicts with existing uses. Nor can the Village or other affected parties determine whether the Project has been designed to avoid or minimize impacts to the Harbor.

The Commission should not approve the Joint Proposal based on broad corridor mapping and later alignment decisions. Before certification, the Applicant should be required to provide a unified GIS-based map and supporting analysis sufficient to evaluate the Project's actual impacts within Hempstead Harbor.

## **IX. THE JOINT PROPOSAL FAILS TO IDENTIFY AND ADDRESS LANDS UNDER WATER PROPERTY RIGHTS**

### **A. Unresolved Ownership of Lands Under Water**

The Joint Proposal does not provide a comprehensive identification of ownership of lands underwater within the Project Corridor. Instead, it defines a broad Project Corridor, defers exact placement to later phases, and contemplates that easements, licenses, permits, or other land-use agreements may be obtained as necessary<sup>7</sup>.

That is not sufficient. Lands under water ownership and related property interests are not minor details. They affect legal access, public trust uses, riparian rights, underwater grants, easements, municipal interests, and the rights of private or public holders of property interests within or adjacent to the Project alignment.

### **B. Failure to Identify and Notify Holders of Grants of Lands Under Water**

The Joint Proposal does not demonstrate that holders of grants of lands under water have been comprehensively identified or notified.

Such grants, often issued decades ago by the New York State Office of General Services, may remain valid property interests. In many cases, current holders may be unaware of the existence of such grants or unaware that the Project may conflict with them.

The failure to identify and notify these parties prevents meaningful participation and raises due process concerns. It also prevents the Commission from determining whether all necessary property rights have been identified, whether conflicts exist, and whether those conflicts can be resolved without adverse impacts.

The Applicant should not be permitted to defer these issues to later acquisition efforts after certification. The Commission should require a complete identification and mapping of lands under water property interests before approving the Joint Proposal.

---

<sup>7</sup> Joint Proposal, Appendix A, Project Description; Appendix D, Proposed Certificate Conditions, Conditions 2 and 38.

**X. STATE, LOCAL, MUNICIPAL CONSENT, AND PSL § 68 ISSUES REMAIN  
UNRESOLVED**

The Joint Proposal includes broad language addressing the preemption of State and local approvals, while also preserving certain exceptions<sup>8</sup>. Those exceptions include provisions of the Public Service Law, including PSL §§ 68, 69, and 70; permits issued under federally delegated or federally approved environmental permitting programs; federal Coastal Zone consistency review; items set forth in revised Exhibit 7; and certain municipal land-use, revocable-consent, and parkland-related requirements.

The Village does not contend that a PSL § 68 proceeding can never proceed concurrently with an Article VII proceeding. The Village's concern is narrower. Any approval of the Joint Proposal, and any related PSL § 68 approval, should not be used to bypass, prejudge, or render meaningless unresolved municipal consent, property-right, lands under water, parkland, revocable-consent, or public-convenience issues that remain material to the Project.

This concern is particularly important here because the Project implicates lands under water, potential grants of lands underwater, existing harbor uses, municipal interests, and other property-right and consent issues that have not been fully identified, mapped, or resolved in the public record. These issues should not be treated as ministerial or deferred matters where they bear directly on the Project's location, impacts, legal authority, and compatibility with existing public and private rights.

Nor should future proceedings or filings be used to obtain implementation authority before the Commission has a complete record concerning the Project's need, route, environmental impacts, property-right issues, municipal interests, and local impacts. To the extent the Applicant seeks or obtains separate relief under PSL § 68, such relief should be expressly limited so that it does not waive, resolve, or predetermine any unresolved municipal consent, land-use, revocable-consent, parkland, lands under water, property-right, or Article VII issue.

---

<sup>8</sup> Joint Proposal, Appendix D, Proposed Certificate Conditions, Condition 11

At minimum, the Commission should clarify that approval of the Joint Proposal would not constitute a determination that all required municipal consents, land-use agreements, revocable consents, lands under water rights, grants, easements, property interests, or PSL § 68 issues have been satisfied or resolved. Those issues must be addressed on a complete public record before any construction or operation affecting such rights is authorized.

## **XI. CHANGED STATE ENERGY POLICY, RELIABILITY, AFFORDABILITY, AND IMPLEMENTATION CONCERNS UNDERMINE ANY CLAIM OF AUTOMATIC NEED**

The asserted need for the Project rests on system-level assumptions identified through the New York Independent System Operator public-policy transmission planning process. The Village does not dispute that transmission planning, reliability, and long-range grid planning are legitimate concerns. However, the Joint Proposal does not sufficiently address whether the assumptions underlying the asserted need remain valid under current conditions.

Since this case was submitted, New York's energy planning framework and public-policy emphasis have evolved in material ways. The 2025 State Energy Plan, approved by the State Energy Planning Board on December 16, 2025<sup>9</sup>, continues to reference renewable-energy development, but it also describes a pragmatic approach focused on affordable, abundant, reliable, and clean energy; resource diversity; federal-policy uncertainty; and the potential need for advanced nuclear and natural gas to help meet New York's energy needs over the next 15 years. These developments undercut any suggestion that every transmission project premised on earlier clean-energy buildout assumptions should be treated as automatically urgent, necessary, or beyond serious review.

Governor Hochul's 2026 energy agenda<sup>10</sup> likewise emphasizes affordability, reliability, ratepayer protection, nuclear development, grid security, and an all-of-the-above energy approach. That policy emphasis is materially different from a narrow assumption that transmission projects tied to earlier offshore-wind and renewable-buildout schedules should proceed without updated analysis of need, timing, cost, and alternatives.

---

<sup>9</sup> NYSEERDA, State Energy Planning Board Approves State Energy Plan (Dec. 16, 2025)

<sup>10</sup> Hochul, Governor Hochul Unveils Ratepayer Protection Plan to Hold Energy Companies Accountable and Ensure a Strong and Reliable Grid (Jan. 13, 2026)

Offshore wind development has also become increasingly uncertain in timing, scale, cost, permitting, and federal support<sup>11</sup>. At the same time, the State has acknowledged affordability and reliability concerns and the need for a more diverse energy-resource portfolio. The Joint Proposal does not provide an updated analysis explaining why the Project remains necessary as proposed in light of these changed circumstances.

The Village is also concerned by statements indicating that the Project is intended to transmit renewable energy and not electricity from existing legacy generation resources. The record should clearly distinguish between the policy rationale originally used to select the Project and the actual operational characteristics of the facility once built. As a matter of electric transmission, once a transmission facility is placed into service as part of the grid, power flows according to dispatch, system conditions, congestion, system topology, reliability needs, and grid operations - not by fuel-source labeling. If the cables will be energy-source agnostic and capable of bi-directional operation, then the Project should not be characterized as a narrowly tailored renewable-energy delivery facility without a current and transparent explanation of how the original public-need finding continues to apply. If there are physical, contractual, tariff-based, operational, or other enforceable limitations restricting the Project to renewable generation only, those limitations should be clearly identified in the record. If no such limitations exist, then the Project should be evaluated as a general-purpose transmission asset, with an updated showing of need, timing, cost-effectiveness, alternatives, and local impacts under current conditions.

The Commission should therefore require an updated explanation of the Project's need under current conditions, including whether the Project remains necessary as proposed, whether the timing remains justified, whether the route through Hempstead Harbor remains necessary, and whether the public benefits continue to outweigh the local, environmental, navigational, economic, and ratepayer impacts.

---

<sup>11</sup> Presidential Memorandum, Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects (Jan. 20, 2025); NYSERDA, New York's Offshore Wind Projects; Reuters, U.S. States Sue Trump Administration Over Offshore Lease Cancellation (June 2, 2026)

## **XII. THE JOINT PROPOSAL DOES NOT DEMONSTRATE THAT THIS PROJECT IS NECESSARY AS PROPOSED**

The existence of a general system-level transmission need does not relieve the Applicant of its obligation to demonstrate that this specific Project, along this specific route, with these specific impacts, is in the public interest.

The Joint Proposal does not demonstrate that:

1. This specific routing through Hempstead Harbor is required;
2. The Project is necessary within the proposed timeframe;
3. The Project represents the least impactful means of addressing any remaining need;
4. The Project has been designed to avoid or minimize impacts to navigation and anchorage;
5. The final alignment will avoid conflicts with existing harbor uses and property interests; or
6. The Project's benefits remain justified in light of changed circumstances affecting offshore wind development, State energy policy, reliability planning, affordability, and ratepayer costs.

Without such a showing, the Commission cannot conclude that the Project represents the minimum adverse environmental impact or that it will serve the public interest, convenience, and necessity.

## **XIII. COST UNCERTAINTY AND RATEPAYER RISK REMAIN INADEQUATELY ADDRESSED**

The Joint Proposal does not provide sufficient certainty regarding the cost of the Project or its potential impact on ratepayers.

The Project was identified as a preferred solution based on cost assumptions and policy assumptions developed during the NYISO selection process. However, those assumptions were developed under conditions that have materially changed, including increased construction costs, increased financing costs, uncertainty in the timing and scale of offshore wind development, federal-policy uncertainty, and the State's own renewed emphasis on affordability, reliability, ratepayer protection, and resource diversity.

At the same time, the Joint Proposal leaves critical elements of the Project undefined or deferred, including final alignment, burial-depth outcomes, construction methodology, cable

protection measures, sediment controls, and property-rights acquisition. These uncertainties create a substantial risk that Project costs will increase beyond original estimates.

Because transmission infrastructure costs are typically recovered from ratepayers, these risks are borne by the public. The Joint Proposal does not demonstrate that:

1. Project costs remain consistent with prior assumptions;
2. Adequate protections exist to limit cost escalation;
3. Ratepayer impacts have been fully evaluated under current conditions; or
4. The Project remains cost-effective in light of changed assumptions regarding need and timing.

Where both the need for the Project and its final scope remain uncertain, approval would expose ratepayers to unnecessary financial risk.

#### **XIV. THE VILLAGE'S REQUESTED RELIEF**

The Village respectfully submits that the Joint Proposal should not be approved in its current form.

At minimum, before acting on the Joint Proposal, the Commission should require the Applicant to supplement the public record with full, non-confidential analysis and supporting documentation addressing:

1. The basis for the change in target burial depth within Hempstead Harbor;
2. Whether the proposed burial depth is sufficient and achievable;
3. Whether the Project can be designed to avoid new no-anchorage areas or other restrictions on existing harbor uses;
4. Whether the Project can be designed to avoid any new limitation on lawful working, recreational, tourism, marina, yacht-club, boating, anchoring, mooring, or other water dependent uses of Hempstead Harbor;
5. The final cable alignment within Hempstead Harbor;
6. A unified GIS-based map showing the final alignment together with anchorage areas, navigation features, underwater infrastructure, environmental resources, lands underwater ownership, grants of lands under water, riparian rights, and other relevant existing uses;
7. Harbor-specific sediment-disturbance analysis and required sediment-control measures;

8. Contaminant-specific sediment protocols addressing known or reasonably suspected contaminants, including mercury, copper, arsenic, and other contaminants that may be resuspended or redistributed by trenching, jet plowing, or seabed disturbance;
9. Pre-construction and post-construction benthic, shellfish, and habitat surveys sufficient to evaluate actual impacts and recovery;
10. Enforceable restoration and mitigation standards;
11. Identification and notification of affected holders of lands underwater grants and other property interests;
12. Municipal consent, revocable consent, land-use, and PSL § 68 issues;
13. Updated analysis of public need under current conditions; and
14. Updated cost and ratepayer-impact analysis.

The Village further requests that affected parties be given a meaningful opportunity to review and respond to any supplemental information before the Commission determines whether the Joint Proposal satisfies PSL § 126.

## **XV. CONCLUSION**

The Joint Proposal does not provide the Commission with a sufficient basis to conclude that the Project is in the public interest.

Key elements—including burial depth, final alignment, navigation and anchorage impacts, Harbor-specific environmental protections, sediment controls, benthic and shellfish impacts, property rights, municipal consent issues, project need, and ratepayer risk—remain unresolved or are deferred to future phases.

For a project within an active and environmentally sensitive harbor, these are threshold issues that must be resolved before certification, not after.

The Village respectfully submits that the Commission cannot make the required findings under PSL § 126 on the present record. Accordingly, the Joint Proposal should not be approved in its current form. At minimum, the matter should be remanded or held in abeyance pending supplementation of the public record with full, non-confidential analysis and a meaningful opportunity for affected parties to respond.

Dated: June 5, 2026,

Respectfully submitted,

/s/ Bruce Kennedy  
Bruce Kennedy  
Inc. Village of Sea Cliff  
300 Sea Cliff Avenue  
Sea Cliff, New York 11579  
(516) 671-0080  
bkennedy@seacliff-ny.gov

# EXHIBIT A

## SUMMARY OF THE JOINT PROPOSAL

**Case 24-T-0446      Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties**

**SUMMARY OF THE JOINT PROPOSAL**

**Introduction**

On July 31, 2024, in accordance with Article VII of the New York Public Service Law (PSL) and the Department of Public Service’s rules and regulations promulgated thereunder, New York Transco LLC (NY Transco) and the New York Power Authority (NYPA, and together with NY Transco, the Certificate Holder or the Applicant) applied (the Application) to the New York State Public Service Commission (the NYSPSC) for a Certificate of Environmental Compatibility and Public Need (CECPN) to construct, operate, and maintain the Propel NY Energy Project (the Project). The Application was deemed in compliance with PSL § 122 as of February 5, 2025.

The parties to this proceeding include the Applicant, Staff of the Department of Public Service (DPS Staff), the Department of Environmental Conservation (NYSDEC), the Department of State (NYSDOS), the Department of Transportation (NYSDOT), the Department of Agriculture and Markets (NYSAGM), the Consolidated Edison Company of New York, Inc. (Con Edison), the Long Island Power Authority (LIPA), PSEG Long Island (PSEG), the City of New York, the Town of Oyster Bay, the Town of Hempstead, the Town of North Hempstead, the Village of Sea Cliff, the North Shore Central School District, the Roslyn Union Free School District, the Syosset Central School District, Iroquois Gas Transmission System, L.P., the Long Island Commercial Fishing Association (LICFA), the Gold Coast Business Association, the Greenvale Civic Association, the Glen Head–Glenwood Civic Council, Gladsky Commercial Marine, Inc., the Property Owners’ Association of North Shore Acres, the Sutton Manor Association, Protect Our Coast (POC) LINY Inc. (501(c)(3)), the Self-Consolidated Parties, Beth Costello, Cecelia McCann, Daniel McAree, Lori Ruggiero, C. Michael Monahan, Caren Riskin, Joan Matthews, Jennifer Mahoney, Karen Yanelli, Maryann Hojnowski, Michael Batel, Stacey Richardson, Linda and Andy Delgaudio, and R. McMahon.

As described in more detail in Appendix A to the Joint Proposal, the Project consists of approximately 89.6 miles of new underground transmission lines (approximately 78.7 miles at 345 kilovolts [kV] and approximately 10.9 miles at 138 kV) and direct interconnection with nine existing and/or new substations located within Suffolk, Nassau, Queens, Bronx, and Westchester counties. The Project has four primary components: (i) the “Submarine Cable,” which includes an approximately 9.2-mile submarine crossing of the Long Island Sound (LIS) between the Town of Oyster Bay and the City of New Rochelle, inclusive of horizontal directional drill (HDD) and trenching elements; (ii) the “Terrestrial Cable,” which includes approximately 80.4 miles of new underground transmission lines primarily within existing roadway rights-of-way (ROW), including an approximately 0.9-mile land-to-land HDD crossing of the East River from Queens County to Bronx County and an approximately 0.2-mile land-to-land HDD crossing of the

Westchester Creek in Bronx County; (iii) three new “Substations:” the New Barrett Road Substation, the New Shore Road Substation, and the New Ruland Road Substation ; and (iv) the “Transition Station” in the City of New Rochelle. Together, the Submarine Cable and Terrestrial Cable are referred to as the Transmission Facility.

### **The Joint Proposal**

On March 28, 2025, the Certificate Holder filed a notice of impending settlement negotiations, noticing the first settlement meeting in this proceeding for April 10, 2025, which was subsequently rescheduled to May 1, 2025. After approximately 12 months of settlement meetings and various technical sessions, including 23 full settlement meetings primarily held between May and October 2025, multiple breakout settlement sessions, and an on-the-papers electronic exchange of positions among the Settlement Parties between November 2025 and April 2026, the Signatory Parties reached an agreement in principle on April 10, 2026, and thereafter agreed to the terms of this Joint Proposal dated April 29, 2026. The Joint Proposal, which includes 11 detailed appendices and 1 exhibit, resolves all issues among the Signatory Parties.<sup>1</sup>

The Joint Proposal, including the numerous proposed Certificate Conditions appended as Appendix D, contains safeguards that, taken together, avoid or minimize to the extent practicable significant adverse environmental impacts that may result from the Project’s construction and operation. Further, the Joint Proposal prescribes guidelines and requirements for an Environmental Management and Construction Plan (EM&CP) in Appendices D and E that are acceptable and appropriate for the Project and protective of the public interest and environmental resources.

### **Primary Changes to the Project Reflected in the Joint Proposal**

As an initial matter, the Joint Proposal does not significantly change the Project’s location or operation from that which was originally proposed. The changes that were made from the Application were discussed at length, reflect the input of parties and other stakeholders, and provide additional measures that are designed to, and will, minimize impacts to the environment, public health and safety, local residents, businesses, and commercial and recreational mariners. All of those changes are summarized in Application supplements or addendums that are or will be on the record in this proceeding and reflected in Exhibit 1 to the Joint Proposal. The most significant differences between the Application and the Joint Proposal are as follows:

- Elimination of the originally proposed above-ground transition station (referred to in the Application as the New NR Station) at 66 Echo Avenue in the City of New Rochelle and its replacement with underground gas-insulated transition bus (GITB) vaults located

---

<sup>1</sup> The following parties are signatories to the Joint Proposal filed in this proceeding: the Applicant, DPS Staff, NYSDEC, NYSDOS, NYSAGM, NYSDOT, the City of New York, LICFA, and Ms. Cecelia McCann. The Signatory Parties expect PSEG Long Island, for itself and on behalf of the Long Island Power Authority, to submit record confirmation of their support for the Joint Proposal following its filing. The Signatory Parties also expect Con Edison to submit record confirmation that they do not have any objections to the Joint Proposal.

## EXHIBIT B

# VILLAGE OF SEA CLIFF DISCOVERY REQUESTS

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

**CASE 24-T-0446**

**Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need, Pursuant to Article VII of the New York Public Service Law, to Construct, Operate, and Maintain an Approximately 89.7-Mile Underground Transmission Line through Suffolk, Nassau, Queens, Bronx, and Westchester Counties.**

**VILLAGE OF SEA CLIFF  
DISCOVERY REQUESTS TO APPLICANT**

Pursuant to the Administrative Law Judges' Ruling on Process and Schedule issued May 12, 2026, the Incorporated Village of Sea Cliff hereby submits the following discovery requests to New York Transco LLC and New York Power Authority, collectively referred to herein as "Applicant."

**I. HEMPSTEAD HARBOR – BURIAL DEPTHS, NAVIGATION, AND ANCHORAGE**

- 1. Request No. 1:** Identify the proposed burial depth for each transmission cable within Hempstead Harbor, including any minimum, target, proposed, anticipated, and expected as-built burial depths. If the proposed burial depth has changed from any prior depth, including but not limited to 6 feet, identify the prior depth, the revised depth, the date of the change, and the reason for the change, including whether the change was made in whole or in part to address concerns regarding potential anchorage restrictions, no-anchorage areas, vessel interaction risks, or limitations on existing harbor use.
- 2. Request No. 2:** Provide all documents, analyses, studies, memoranda, correspondence, consultation records, agency communications, or evaluations supporting the conclusion that the proposed or revised burial depths within Hempstead Harbor are sufficient to avoid anchorage restrictions, no-anchorage zones, navigational advisories, charted restrictions, cable-protection zones, vessel interaction risks, or limitations on current lawful recreational, commercial, industrial, municipal, or other existing harbor use. This request includes, but is not limited to, any analysis prepared in response to concerns raised by the Village of Sea Cliff regarding potential no-anchorage areas or restrictions on existing harbor use.
- 3. Request No. 3:** Identify and produce all communications with NOAA, the United States Coast Guard, the United States Army Corps of Engineers, NYSDEC, NYSDOS, DPS Staff, and any other federal, state, or local agency relating to anchorage areas, navigational safety, burial depths, vessel interaction risks, cable exposure, cable protection measures, charting, or potential future restrictions associated with the proposed submarine cables within Hempstead Harbor.
- 4. Request No. 4:** Identify and provide all documents, analyses, legal memoranda, agency communications, correspondence, guidance, rules, regulations, statutes, policies, permit materials, or other materials relating to any federal, New York State, or local

requirements governing the creation, designation, expansion, avoidance, charting, or prohibition of anchorage restrictions, no-anchorage areas, cable areas, cable-protection zones, navigational advisories, charted limitations, or other restrictions on anchoring, navigation, or existing recreational, commercial, industrial, municipal, or other harbor uses within Hempstead Harbor.

5. **Request No. 5:** Identify and provide all documents, analyses, memoranda, legal evaluations, agency communications, correspondence, guidance, rules, regulations, statutes, policies, coastal consistency materials, permit materials, or other materials relating to whether the proposed submarine cable installation within Hempstead Harbor would impair, restrict, materially alter, or otherwise affect existing public trust uses, navigational uses, recreational uses, commercial or industrial maritime uses, shellfishing, fishing, anchoring, waterfront access, or other existing lawful uses of Hempstead Harbor.
6. **Request No. 6:** Identify whether the Applicant contends that the proposed submarine cable installation, burial depth, cable-protection measures, charting, notices to mariners, navigational advisories, or any related restriction would be consistent with the Public Trust Doctrine, Environmental Conservation Law § 15-0505, 6 NYCRR Part 608, New York Coastal Management Program policies, 19 NYCRR Parts 600 and 603, and any other applicable federal, state, or local requirements protecting navigation, commerce, fishing, recreation, access, water-dependent uses, and existing harbor uses. Provide all documents supporting that contention.

## **II. CABLE CONFIGURATION, CORRIDOR WIDTH, AND INSTALLATION METHODS**

7. **Request No. 7:** State the total number of transmission cables proposed within Hempstead Harbor, including the number of circuits, the number of cables per circuit, and whether any communication, fiber optic, grounding, or ancillary cables are also proposed.
8. **Request No. 8:** Provide the proposed separation distance between individual cables within each circuit and between separate transmission circuits, and identify the total width of the proposed submarine cable configuration within Hempstead Harbor, including all cables, circuits, required separation distances, and any associated construction or maintenance offsets.
9. **Request No. 9:** Provide plan drawings, GIS mapping, shapefiles, KMZ/KML files, and other geospatial data identifying the exact cable location and alignment, anticipated width of the construction corridor, anticipated width of the permanent cable corridor, temporary and permanent disturbance areas, any proposed cable protection areas, and all associated work areas within Hempstead Harbor.
10. **Request No. 10:** Describe in detail the proposed jet plow and trenching methodologies, including, but not limited to, operating depths, anticipated trench dimensions, sediment disturbance expectations, operating speeds, number of installation passes, anticipated duration of in-water work, and all measures proposed to avoid, minimize, monitor, and mitigate sediment disturbance.

## **III. WATER QUALITY, SEDIMENT, AND MIXING ZONES**

- 11. Request No. 11:** Provide all studies, modeling, calculations, assumptions, technical memoranda, correspondence, agency comments, and other analyses supporting the proposed 500-foot mixing zone within Hempstead Harbor, including the basis for selecting 500 feet rather than a shorter distance. The response shall also explain whether the 500-foot mixing zone applies per cable, per trench, per circuit, per installation pass, to the overall project corridor, or cumulatively across multiple installation activities within Hempstead Harbor.
- 12. Request No. 12:** Provide all modeling, calculations, assumptions, studies, plan drawings, GIS mapping, and technical analyses showing the maximum cumulative lateral extent and duration of sediment plume impacts within Hempstead Harbor, including whether multiple cables, cable spacing, separate installation passes, staggered construction timing, and tidal/current direction could result in overlapping, sequential, or cumulative mixing zones affecting an area larger than 500 feet. The response shall also identify the total width, area, and duration of the harbor potentially affected and the anticipated impacts to shellfish, benthic habitat, fisheries, water quality, and aquatic resources.
- 13. Request No. 13:** Provide all documents relating to proposed sediment-control measures within Hempstead Harbor, including but not limited to the use, rejection, feasibility, effectiveness, or practicability of silt curtains, turbidity curtains, slowest practicable plow speeds, work windows, real-time turbidity monitoring, corrective-action thresholds, construction shutdown or modification protocols, and post-construction restoration or remediation measures.
- 14. Request No. 14:** Identify and provide all documents, correspondence, meeting notes, memoranda, or communications relating to commitments, assurances, proposed mitigation measures, or requested protections discussed with the Coalition to Save Hempstead Harbor, the Hempstead Harbor Protection Committee, or any member municipality regarding sediment controls, plow speed, silt curtains, turbidity controls, shellfish protection, benthic habitat, water quality, anchorage, navigation, or restoration within Hempstead Harbor. For each such commitment, assurance, proposed mitigation measure, or requested protection, identify whether it was accepted, rejected, modified, or incorporated into the Joint Proposal, Certificate Conditions, EM&CP requirements, or any other enforceable PSC filing.

#### **IV. GRANTS OF LANDS UNDER WATER (GLUW)**

- 15. Request No. 15:** Identify and provide copies of all Grants of Lands Under Water, easements, underwater rights, leases, licenses, title interests, riparian rights, municipal interests, private interests, or similar interests within or adjoining the proposed Hempstead Harbor alignment. The response shall not be limited to Grants of Lands Under Water previously identified or produced by the Applicant. The Applicant shall describe the search undertaken to identify such interests, including the records, repositories, title materials, maps, county records, state records, agency files, municipal records, consultants, title companies, or other sources reviewed. If the Applicant contends that no additional Grants of Lands Under Water or similar interests exist

beyond those already identified, state the basis for that conclusion and identify all records searched to reach that determination.

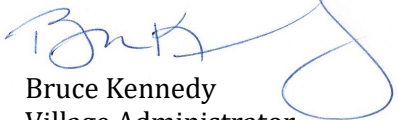
- 16. Request No. 16:** Provide all GIS layers, shapefiles, mapping, title reviews, surveys, analyses, memoranda, correspondence, and consultant work product relating to Grants of Lands Under Water, easements, underwater rights, leases, licenses, title interests, riparian rights, municipal interests, private interests, or similar underwater property interests within or adjoining the proposed Hempstead Harbor alignment.
- 17. Request No. 17:** Provide a single map, GIS layer, shapefile, KMZ/KML file, or equivalent geospatial product showing the proposed submarine cable alignment within Hempstead Harbor overlaid with all Grants of Lands Under Water, underwater property interests, easements, leases, rights-of-way, riparian interests, municipal boundaries, private property boundaries, and other relevant jurisdictional or ownership interests identified through the Applicant's search.

## **V. PROJECT PURPOSE AND PUBLIC POLICY NEED**

- 18. Request No. 18:** Provide all analyses, studies, memoranda, filings, and communications relating to the stated purpose of the project as "the New York State Public Service Commission declared Long Island offshore wind export public policy transmission need."
- 19. Request No. 19:** Provide all analyses evaluating how changes in offshore wind development, cancellations, delays, contract restructurings, procurement changes, interconnection changes, project economics, project viability, or market conditions may affect the underlying public-policy need for the project.
- 20. Request No. 20:** Identify whether the proposed transmission facilities are designed to transmit electricity from existing generation resources, proposed renewable generation resources, offshore wind resources, or some combination thereof, and provide all documents supporting that determination.
- 21. Request No. 21:** Identify the anticipated source or sources of electricity to be transmitted through the proposed submarine cables within Hempstead Harbor, including whether the cables are designed to transmit electricity from proposed offshore wind or other new renewable generation sources to New York City, Westchester County, or other downstate load centers.

Dated: May 20, 2026

Respectfully submitted,



Bruce Kennedy  
Village Administrator  
Incorporated Village of Sea Cliff

## EXHIBIT C

# NYT OBJECTIONS AND RESPONSE TO INTERROGATORY

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS AND RESPONSE TO  
INTERROGATORY/DOCUMENT REQUEST PNYE-VOSC-1**

Request No.:	PNYE-VOSC-1
Information Requested of:	New York Transco LLC and New York Power Authority
Date of Request:	May 20, 2026
Date of Response:	May 26, 2026
Name & Position of Respondent:	Katie Axt, Eric Karlsen, WSP
Subject:	Various Requests – Hempstead Harbor, Cable Configuration, Water Quality, Sediment, and Mixing Zones, Grants of Lands Under Water, Project Purpose and Public Policy

---

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S GENERAL  
DEFINITIONS**

1. "Applicant" shall mean NY Transco and NYPA.
2. "Application" shall mean the PSL Article VII application the Applicant filed in the above-referenced docket as deemed complete and as since supplemented.
3. "General Objections" shall mean the general objections listed in the Applicant's response to PNYE-VOSC-1 below.
4. "Joint Proposal" shall mean the Joint Proposal filed in this proceeding on April 30, 2026.
5. "NY Transco" shall mean New York Transco LLC.
6. "NYPA" shall mean the New York Power Authority.
7. "NYSDEC" shall mean the New York State Department of Environmental Conservation.
8. "NYSDOS" shall mean the New York State Department of State.
9. "NYSPSC" shall mean the New York State Public Service Commission.
10. "Project" shall mean the Propel NY Energy Project that is the subject of this proceeding.
11. "PSL" shall mean the New York Public Service Law.
12. "VOSC" shall mean Village of Sea Cliff.

\*\*\*

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**GENERAL OBJECTIONS**

The Applicant makes the following general objections (collectively, General Objections), which shall be incorporated by reference into the below specific responses, as if expressly restated therein, without limiting or waiving any other objections to the instant information requests (individually, the Request and collectively, the Request) proffered by the VOSC:

1. The Applicant objects to the Request to the extent it seeks information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, are protected under state or federal law or are proprietary or confidential, or constitute draft and/or non-final documents and/or communications containing or concerning same. The inadvertent disclosure of any information or production of any document that is confidential, privileged, was prepared in anticipation of litigation, or is otherwise irrelevant and/or immune from discovery, shall not constitute a waiver of any such privilege or of any ground for objection with respect to such information or document, the subject matter of the information or document, or of the Applicant's rights to the use of any such information or document in any regulatory proceeding or lawsuit. The Applicant reserves its right to request the return of any such documents or information in the event of any inadvertent disclosure.
2. The Applicant objects to the Request to the extent it is not tailored to this proceeding, is not commensurate with the importance of the issues to which each Request relates, and/or seeks information or documents that is or are not relevant to any matter within the NYSPSC's jurisdiction.
3. The Applicant objects to the Request to the extent it seeks documents or information regarding matters, or from entities, over which the VOSC and/or NYSPSC has no authority or jurisdiction under the PSL.
4. The Applicant objects to the Request to the extent it seeks information concerning matters that, due to federal preemption or preclusion, are not subject to regulation by the State of New York.
5. The Applicant objects to Request as overbroad or unduly burdensome to the extent that it: (a) is cumulative; (b) calls for the production of documents not in the Applicant's possession, custody, or control; (c) calls for the review, compilation or production of publicly-available documents that could be obtained by the requesting party in a less-burdensome manner, including on a public website; (d) calls for the review, compilation, and/or production of a voluminous number of documents at great expense to the Applicant; or (e) is duplicative of discovery requests already issued in this proceeding and responded to by the Applicant.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

6. The Applicant objects to the Request to the extent it seeks documents and information already known to or possessed by the requesting party, or which are available to those entities from documents in their own files or from public sources including, but not limited to, online sources.
7. The Applicant objects to the Request to the extent it seeks sensitive, proprietary and/or competitive information, trade secret information, confidential commercial information, work product, and/or material that is the subject of confidentiality agreements with third parties. To the extent the Applicant has elected to produce any confidential commercial information and/or trade secret information, such information is being produced solely for use in the above-captioned proceeding pursuant to the Protective Order issued in this proceeding.
8. The Applicant objects to the Request to the extent it seeks disclosure of confidential settlement communications. The NYSPSC's Settlement Guidelines issued in Case 90-M-0255 expressly protect settlement discussions, including information disclosed or discussed during settlement negotiations, from disclosure.
9. The Applicant objects to the Request to the extent it seeks information and documents that are not known or reasonably available to the Applicant. The Applicant further objects to the Request to the extent it seeks to compel the Applicant to generate or to create information and/or documents that do not already exist.
10. The Applicant objects to the Request to the extent it seeks CEII.
11. The Applicant's agreement to provide information or documents in response to the Request is not: (a) an acceptance of, or agreement with, any of the characterizations or purported descriptions of the transactions or events contained in the Request; (b) a concession or admission that the requested material is relevant to any matter within the jurisdiction of the State of New York or any of its agencies; (c) a waiver of the objections herein; (d) an admission that any such information or documents exist; or (e) an agreement to provide information or documents pursuant to any other Request.
12. Each response reflects the information or documents located by the Applicant given the scope and nature of the Request at issue and as evidenced by the sponsor(s) of such response, after a reasonable, diligent search in the response period in which VOSC has requested a response to be provided, particularly in light of the scope and breadth of the Request. The Applicant reserves its right to amend or supplement the responses, including the assertion of additional objections, and any production of information and documents as additional discovery and investigations continue, in the event that additional information is identified, or in the event of error, inadvertent mistake, or omission.

\*\*\*

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

*I. HEMSPTEAD HARBOR – BURIAL DEPTHS, NAVIGATION, AND ANCHORAGE*

**PNYE-VOSC -1.1**

Identify the proposed burial depth for each transmission cable within Hempstead Harbor, including any minimum, target, proposed, anticipated, and expected as-built burial depths. If the proposed burial depth has changed from any prior depth, including but not limited to 6 feet, identify the prior depth, the revised depth, the date of the change, and the reason for the change, including whether the change was made in whole or in part to address concerns regarding potential anchorage restrictions, no-anchorage areas, vessel interaction risks, or limitations on existing harbor use.

**Applicant's Response to PNYE-VOSC-1.1** The Applicant hereby incorporates the General Objections and further specifically objects to the portion of the Request that improperly seeks disclosure of confidential settlement communications. The NYSPSC's Settlement Guidelines issued in Case 90-M-0255 expressly protect such communications from disclosure, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

Joint Proposal, Appendix D, Condition 77 reflects the target burial depth for each of the Project's transmission cables within Hempstead Harbor. The target burial depth is 3 feet deeper than the target burial depth proposed in the Application. The reason(s) for the increase in target burial depth within Hempstead Harbor will not be disclosed as that decision was made in the context of confidential settlement negotiations. However, the Applicant notes that its originally proposed 6-foot burial depth is fully supported by the Project's Cable Burial Risk Assessment, which was provided to the Village of Sea Cliff and other settlement parties over a year ago on May 7, 2025. No party to this proceeding has provided any expert report to challenge the Project's Cable Burial Risk Assessment; the NYSDOS and NYSDEC, which have differing protective oversight roles over Hempstead Harbor, and New York State Department of Public Service (DPS) Staff have signed on in support of the Joint Proposal; the Project corridor within Hempstead Harbor does not cross any federal navigation channel that would require a deeper burial depth; and the lesser 6-foot burial has been accepted by the NYSPSC for other water-based major electric transmission projects as an acceptable target burial depth.

The proposed, anticipated, and as-built burial depths within Hempstead Harbor will be provided in each relevant phase of the Project's Environmental Management and Construction Plan (EM&CP) or after construction is complete. These future data points, which are not necessary for the NYSPSC to decide the Application, will comply with Appendix D of the Joint Proposal.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC-1.2**

Provide all documents, analyses, studies, memoranda, correspondence, consultation records, agency communications, or evaluations supporting the conclusion that the proposed or revised burial depths within Hempstead Harbor are sufficient to avoid anchorage restrictions, no-anchorage zones, navigational advisories, charted restrictions, cable-protection zones, vessel interaction risks, or limitations on current lawful recreational, commercial, industrial, municipal, or other existing harbor use. This request includes, but is not limited to, any analysis prepared in response to concerns raised by the Village of Sea Cliff regarding potential no-anchorage areas or restrictions on existing harbor use.

**Applicant's Response to PNYE-VOSC-1.2** The Applicant hereby incorporates the General Objections and further specifically objects to the portions of the Request that improperly seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. The Request improperly demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

As the VOSC is aware, the Project is required to chart the cable area on National Oceanic and Atmospheric Administration (NOAA) electronic navigation charts for the protection of the cable infrastructure and mariners transiting Hempstead Harbor and the Long Island Sound. The installation of submarine cables is under the jurisdiction of multiple State and federal agencies. How the cables are charted by NOAA, including applying features to the charts that communicate the presence of the cables and anchoring restrictions, is not up to the Applicant.

While the Project's Cable Burial Risk Assessment concluded that the risk of anchor strike is highly unlikely for all vessel types, Propel anticipates the NOAA-charted cable area will include a no-anchor restriction feature to inform primarily large commercial vessels and pleasure crafts to take special care when operating near the Project. We refer the VOSC back to the supplemental analysis the Applicant performed on the risk of anchor strikes from small recreational/pleasure crafts within the Project's submarine corridor, which was provided on November 11, 2025. That analysis concluded that burying the cable deeper to 9 feet within Hempstead Harbor reduces the already low risk of anchor strike even further for smaller recreational vessels because the cable infrastructure will be buried deeper than typical threatlines for those vessels' anchors.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.3**

Identify and produce all communications with NOAA, the United States Coast Guard, the United States Army Corps of Engineers, NYSDEC, NYSDOS, DPS Staff, and any other federal, state, or local agency relating to anchorage areas, navigational safety, burial depths, vessel interaction risks, cable exposure, cable protection measures, charting, or potential future restrictions associated with the proposed submarine cables within Hempstead Harbor.

**Applicant's Response to PNYE-VOSC-1.3** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The Applicant consolidated all relevant excerpts from communications had with federal, State, or local agencies relating to the topics identified outside of the settlement process in the enclosed attachment, entitled PNYE\_VOSC\_1.3\_Attachment (Attachments A through E). One of the sub-attachments (Attachment A) contains confidential CEII. The confidential attachment (PNYE\_VOSC\_1.3\_Attachment\_A) will be served in accordance with the governing Protective Order issued in this proceeding.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOOSC-1**

**PNYE-VOOSC-1 continued.**

---

**PNYE-VOOSC 1.4**

Identify and provide all documents, analyses, legal memoranda, agency communications, correspondence, guidance, rules, regulations, statutes, policies, permit materials, or other materials relating to any federal, New York State, or local requirements governing the creation, designation, expansion, avoidance, charting, or prohibition of anchorage restrictions, no-anchorage areas, cable areas, cable-protection zones, navigational advisories, charted limitations, or other restrictions on anchoring, navigation, or existing recreational, commercial, industrial, municipal, or other harbor uses within Hempstead Harbor.

**Applicant's Response to PNYE-VOOSC-1.4** The Applicant hereby incorporates the General Objections and further specifically objects to the portions of the Request that improperly seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. The Request improperly demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The Applicant does not have any internal documents or analysis on creation or designation of no anchorage zones because this is a well-established process under the governance of NOAA.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.5**

Identify and provide all documents, analyses, memoranda, legal evaluations, agency communications, correspondence, guidance, rules, regulations, statutes, policies, coastal consistency materials, permit materials, or other materials relating to whether the proposed submarine cable installation within Hempstead Harbor would impair, restrict, materially alter, or otherwise affect existing public trust uses, navigational uses, recreational uses, commercial or industrial maritime uses, shellfishing, fishing, anchoring, waterfront access, or other existing lawful uses of Hempstead Harbor.

**Applicant's Response to PNYE-VOSC-1.5** The Applicant hereby incorporates the General Objections and further specifically objects to the portions of the Request that improperly seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. The Request improperly demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The NYSDOS has completed its review of the consistency certification for the Project submitted by the Applicant in accordance with the federal Coastal Zone Management Act (CZMA) (16 USC 1451, et seq.). Pursuant to the review requirements under 15 CFR 930 Subpart D, NYSDOS concurred with the consistency certification, which has been modified to be consistent with the enforceable policies of the New York State Coastal Management Program (NYS CMP), the Long Island Sound Coastal Management Program (LISCMP), the Town of Mamaroneck/Village of Larchmont Local Waterfront Revitalization Program (LWRP), and the New York City Waterfront Revitalization Program (NYC WRP).

NYSDOS provided the Applicant with a Concurrence with Consistency Certification on May 15, 2026 (see Attachment PNYE\_VOSC\_1.5\_Attachment). The topics referenced in this Request are captured by the Concurrence with Consistency Certification issued to the Applicant by NYSDOS.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOOSC-1**

**PNYE-VOOSC-1 continued.**

---

**PNYE-VOOSC 1.6**

Identify whether the Applicant contends that the proposed submarine cable installation, burial depth, cable-protection measures, charting, notices to mariners, navigational advisories, or any related restriction would be consistent with the Public Trust Doctrine, Environmental Conservation Law § 15-0505, 6 NYCRR Part 608, New York Coastal Management Program policies, 19 NYCRR Parts 600 and 603, and any other applicable federal, state, or local requirements protecting navigation, commerce, fishing, recreation, access, water-dependent uses, and existing harbor uses. Provide all documents supporting that contention.

**Applicant's Response to PNYE-VOOSC-1.6** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

See Joint Proposal, Appendix D, Condition 10 (wherein the Applicant committed to comply with each “substantive federal, State, and local law, regulation, code, and ordinance applicable to the Project, except to the extent that the NYSPSC has expressly refused to apply any substantive local law or regulation[.]”). For supporting documentation, please see the Application, the Joint Proposal, and PNYE\_VOOSC\_1.5\_Attachment.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

*II. CABLE CONFIGURATION, CORRIDOR WIDTH, AND INSTALLATION METHODS*

**PNYE-VOSC 1.7**

State the total number of transmission cables proposed within Hempstead Harbor, including the number of circuits, the number of cables per circuit, and whether any communication, fiber optic, grounding, or ancillary cables are also proposed.

**Applicant's Response to PNYE-VOSC-1.7** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

See Application Exhibit E-1 (*Description of Proposed Transmission Line*), inclusive of Table E-1-3 (*Terrestrial and Submarine Cable Technology Design Criteria*) and Section E-1.3 (*Fiber Optic Cable*). This Exhibit has been available publicly in the docket since July 31, 2024.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.8**

Provide the proposed separation distance between individual cables within each circuit and between separate transmission circuits, and identify the total width of the proposed submarine cable configuration within Hempstead Harbor, including all cables, circuits, required separation distances, and any associated construction or maintenance offsets.

**Applicant's Response to PNYE-VOSC-1.8** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The final design of the submarine cables will not be complete until that phase of the EM&CP is submitted, but it is expected that 95% of the route will maintain an average of 50 feet separation between each of the four cables.

It is expected that the total width of the proposed submarine cable configuration within Hempstead Harbor will be 150 feet between outermost cables for 90% of the route within Hempstead Harbor. There is one localized area where the submarine cable configuration is 355 feet wide. The NOAA-charted cable area will bound the entire route from Hempstead Harbor to Echo Bay. The width of the charted cable area will be approximately twice the water depth at a given point and will vary along the route. Within Hempstead Harbor, the charted cable area is anticipated to be approximately 50 feet from the outermost cable, for a total NOAA-charted cable area of approximately 250 feet for the majority of the route.

In addition, see Application Exhibit E-1 (*Description of Proposed Transmission Line*). See also the following Application materials:

- Exhibit 2 (*Location of Facilities*), Revised February 2025, Section 2.2, General Description of Facility Location
- Exhibit 4 (*Environmental Impact*), Appendix B – Coastal Zone Consistency Assessment, July 2024, Section 2.2.2, Cable Landfalls
- Propel NY Energy Project, Revised Exhibit E-6: Effect on Transportation, Revised February 2025, Section E-6.7.2, Potential Construction Impacts and Proposed Mitigation

In addition, see:

- Case 24-T-0446 Joint Proposal, Appendix A – Description and Location of Project, April 2026, Segment 6, Shore Road to Sprain Brook
- Case 24-T-0446 Joint Proposal, Appendix D – Certificate Conditions, April 2026, Conditions 77–83 and 131–132

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.9**

Provide plan drawings, GIS mapping, shapefiles, KMZ/KML files, and other geospatial data identifying the exact cable location and alignment, anticipated width of the construction corridor, anticipated width of the permanent cable corridor, temporary and permanent disturbance areas, any proposed cable protection areas, and all associated work areas within Hempstead Harbor.

**Applicant's Response to PNYE-VOSC-1.9** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The Applicant does not have final plan drawings of the currently anticipated cable locations within Hempstead Harbor, nor is that necessary for this stage of the permitting process. As outlined in Joint Proposal, Appendix D, Condition 2, Joint Proposal Appendix B includes maps depicting the "Project Corridor," including the portion thereof within Hempstead Harbor, but it includes "for reference only" the Project's potential centerline throughout. The NYSPSC has regularly and recently issued Certificates of Environmental Compatibility and Public Need (CECPNs) for other major electric transmission projects—both terrestrial and submarine—with the same level of detail and accepted that final centerline information and plan drawings will be provided during the EM&CP process. The VOSC already has the plan and profile drawing for the Horizontal Directional Drilling (HDD) at Shore Road that will end in Hempstead Harbor, which was provided to the settlement parties on September 18, 2025.

As it relates to the Project's corridor within Hempstead Harbor, within which the submarine cables must be sited, please see PNYE\_VOSC\_1.9\_Attachment. PNYE\_VOSC\_1.9\_Attachment includes a standalone PDF figure and the supporting spatial data (in both .kmz [for Google Earth] and .lpx [for ArcPro or ArcMap] format) depicting the four individual submarine routes with the width of each of the four trenches (temporary seabed disturbance), the anticipated Cable Area that will be depicted on NOAA charts (permanent corridor), and the submarine cable construction corridor (temporary workspace). All workspaces within Hempstead Harbor are contained within the submarine cable construction corridor. All construction activity will occur within the Project Area, which will be defined in the EM&CP in accordance with Joint Proposal, Appendix D, Condition 2 (a). Although not final until the EM&CP is approved, the "Construction Corridor" shown on PNYE\_VOSC\_1.9\_Attachment and included in the geospatial files is reflective of the anticipated Project Area. The Applicant does not anticipate any cable protection area within Hempstead Harbor, but if such is necessary, it will be addressed in accordance with Joint Proposal, Appendix D, Conditions 50 (c), 83, and any other applicable Certificate Condition(s).

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.10**

Describe in detail the proposed jet plow and trenching methodologies, including, but not limited to, operating depths, anticipated trench dimensions, sediment disturbance expectations, operating speeds, number of installation passes, anticipated duration of in-water work, and all measures proposed to avoid, minimize, monitor, and mitigate sediment disturbance.

**Applicant's Response to PNYE-VOSC-1.10** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

Jet plowing, the industry-standard method for cable installation whereby high-powered water jets are used to create the trench, is suitable for sands and soft clays. Single pass or multiple passes are possible to achieve the required depth, and it can be used in both pre-lay and post-lay situations. In post-lay situations, jet plowing fluidizes the silt/sand allowing the cable to drop into the trench under its own weight. High-flow, low-pressure jetting is employed directed towards the lower section of jet legs to fluidize the seabed soil. Seabed soil swells as the openings between particles and the bearing strength reduce, allowing the cable to sink into the seabed. A depressor system may be used to assist the cable to reach the bottom of the fluidized zone. A high percentage of the affected zone will remain in place, although some material may be lost into the water column; larger particles typically settle out close to the construction zone, where finer particles may be transported farther away by currents. The areas affected by the jetting technique may be narrow if the sediments are more consolidated and less able to be fluidized.

See Application Exhibit 4 (*Environmental Impact*). See also Application Exhibit E-3 (*Underground Construction*), inclusive of Section E-3.3.1 (Submarine HVAC Cable Installation in the Long Island Sound Overview).

As it relates to sediment disturbance, also see PNYE\_VOSC\_1.10\_Attachment (Sediment Transport Modeling and Analysis, Long Island Sound Crossing - Addendum 2 – 9-ft Cable Burial Analysis in Hempstead Harbor). More specifically, see:

- Section 1 (Introduction);
- Section 2.1 (Water Column Concentration), inclusive of Figure 2-1 and Table 2-1;
- Section 2.2 (Concentration Duration), inclusive of Table 2-2 and Figure 2-2; and
- Section 4 (Adaptive Management).

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

*III. WATER QUALITY, SEDIMENT, AND MIXING ZONES*

**PNYE-VOSC 1.11**

Provide all studies, modeling, calculations, assumptions, technical memoranda, correspondence, agency comments, and other analyses supporting the proposed 500-foot mixing zone within Hempstead Harbor, including the basis for selecting 500 feet rather than a shorter distance. The response shall also explain whether the 500-foot mixing zone applies per cable, per trench, per circuit, per installation pass, to the overall project corridor, or cumulatively across multiple installation activities within Hempstead Harbor.

**Applicant's Response to PNYE-VOSC-1.11** The Applicant hereby incorporates the General Objections and further specifically objects to the portion of the Request that improperly seeks disclosure of confidential settlement communications. The NYSPSC's Settlement Guidelines issued in Case 90-M-0255 expressly protect such communications from disclosure, and the Applicant will not produce information covered by those protections. In addition, the Applicant specifically objects to the portions of the Request that could be interpreted to seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. To the extent the Request demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, such demand is improper, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The purpose of the mixing zone is to allow temporary exceedances of water quality standards resulting from short-term disruptions to the water body caused by in-water construction activities. NYSDEC determines a project's mixing zone distance and has established a 500-foot mixing zone for Hempstead Harbor. NYSDEC can speak more directly about its practices and protocols, but the Applicant understands that the NYSDEC uses its Technical & Operational Guidance Series 5.1.9 (TOGS 5.1.9) to inform its decision. TOGS 5.1.9 states that 500 feet is the allowable mixing zone extent along shorelines. The 500-foot mixing zone applies to each cable's installation and is measured 500 feet from the point of disturbance.

All signatory parties to the Joint Proposal, including the NYSDEC, agreed that this is the appropriate mixing zone for Hempstead Harbor, and the Applicant has committed to comply with it (see Joint Proposal, Appendix D, Table 1).

Also, see PNYE\_VOSC\_1.10\_Attachment for the most recent modeling results and mixing zone analysis, which models the agreed upon 9-foot burial depth within Hempstead Harbor. Earlier iterations of the Sediment Transport Modeling, which VOSC already has access to, captured a 6-foot burial within Hempstead Harbor.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.12**

Provide all modeling, calculations, assumptions, studies, plan drawings, GIS mapping, and technical analyses showing the maximum cumulative lateral extent and duration of sediment plume impacts within Hempstead Harbor, including whether multiple cables, cable spacing, separate installation passes, staggered construction timing, and tidal/current direction could result in overlapping, sequential, or cumulative mixing zones affecting an area larger than 500 feet. The response shall also identify the total width, area, and duration of the harbor potentially affected and the anticipated impacts to shellfish, benthic habitat, fisheries, water quality, and aquatic resources.

**Applicant's Response to PNYE-VOSC-1.12** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

Please see PNYE\_VOSC\_1.10\_Attachment for the most recent modeling results and mixing zone analysis.

The sediment transport model was developed to help assess potential environmental impacts resulting from resuspension of sediment due to the Project's submarine cable installation. A set of simulations was run to assess the resulting water column concentrations, sediment footprint, duration of resuspended sediments, and thickness of resettled sediments for a 9-foot target burial depth. The Joint Proposal reflects the signatory parties agreement—most notably, including the NYSDEC—to have the Project comply with a total suspended solids (TSS) water quality limit of 100 mg/L above background levels (see Joint Proposal, Appendix D, Table 1).

The model simulations incorporate a set of assumptions that help inform potential environmental impacts and whether adaptive management strategies may be needed in the field during construction to comply with water quality standards. For PNYE\_VOSC\_1.10\_Attachment, the model assumed:

- Trenching activities for one cable route at a time
- A 9-foot target burial depth
- A 500-foot mixing zone in Hempstead Harbor from MP 6-0.5 to MP 6-4.3 and a 1,500-foot mixing zone in the Long Island Sound (MP 6-4.3 to MP 6-9.0)
- A dual-advance rate for the jet plow trencher: between MP 6-0.5 to MP 6-2.8, the model assumed a trenching rate of 50 meters per hour, and between MP 6-2.8 and 6-4.3, the model assumed a trenching rate of 100 meters per hour

PNYE\_VOSC\_1.10\_Attachment includes results on lateral extent and area coverage (Table 2-1), duration of sediment plume (Table 2-2), sediment thickness for one cable (Table 2-3), and cumulative sediment thickness from four cables (Table 2-4). The model results are conservative and demonstrate that the sediment plume generated from jet plow trenching activities is small,

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

temporary, and locally limited in the Hempstead Harbor. The Applicant expects to meet Table 1 water quality limits at the mixing zone. Adaptive management strategies will be applied in the field if real-time monitoring shows exceedance in accordance with the Certificate Conditions in the Joint Proposal.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.13**

Provide all documents relating to proposed sediment-control measures within Hempstead Harbor, including but not limited to the use, rejection, feasibility, effectiveness, or practicability of silt curtains, turbidity curtains, slowest practicable plow speeds, work windows, real-time turbidity monitoring, corrective-action thresholds, construction shutdown or modification protocols, and post-construction restoration or remediation measures.

**Applicant's Response to PNYE-VOSC-1.13** The Applicant hereby incorporates the General Objections and further specifically objects to the portions of the Request that could be interpreted to seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. To the extent the Request demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, such demand is improper, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The Applicant refers the VOSC to the following relevant Certificate Conditions (Joint Proposal, Appendix D) to address this request:

**Jet Trenching Rates**

- **Certificate Condition 190:** Requirement for pre-construction jet trenching trials to ensure compliance with water quality standards
- **Certificate Condition 191:** Requirement for jet trenching operations to maintain the resuspension of sediments within water quality limits, and adaptive strategies to jet trenching operations including changing the rate of advancement

**Work Windows**

- **Certificate Condition 73:** Establishment of the Hempstead Harbor Significant Coastal Fish and Wildlife Habitat work window
- **Certificate Condition 7:** Establishment of species-related work windows

**Water Quality Monitoring, Including Real-Time Turbidity Monitoring**

- **Certificate Condition 177:** Establishment of suspended sediment and water quality monitoring plan requirements
- **Certificate Condition 178:** Requirements to minimize the resuspension of sediment
- **Certificate Condition 180:** Requirements for pre-activity water quality calibration of monitoring equipment to ensure compliance with water quality standards
- **Certificate Condition 181:** Establishment of applicable mixing zones and requirements to achieve water quality standards and limits for TSS, turbidity, and chemical constituents at the edge of the applicable mixing zone

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

- **Certificate Condition 182:** Requirements for real-time TSS monitoring during in-water construction activities
- **Certificate Condition 183:** Requirements for visual observations of turbidity during in-water construction activities

Corrective Action

- **Certificate Condition 184 and 185 (Table 1):** Establishment of water quality standards and limits to be complied with at applicable mixing zones
- **Certificate Condition 189:** Procedures in instances where TSS limit or any water quality standard is exceeded, and the requirement to immediately implement practicable corrective actions

Construction Shutdown or Modification Protocols

- **Certificate Condition 36:** Procedures on any proposed change or modification to an EM&CP that has been approved by the NYSPSC
- **Certificate Condition 70:** Procedures to modify a construction work window
- **Certificate Condition 119:** Authorizing stop work authority to the environmental monitor over aspects of the Project
- **Certificate Condition 123:** Authorizing stop work authority to DPS Staff representatives in the event of an emergency

Post-Construction Restoration or Remediation

- **Certificate Condition 74:** Establishing potential mitigation for winter flounder and shellfish
- **Certificate Condition 131:** Establishing a post-construction submarine maintenance plan, including remediation of cable exposure

Turbidity Curtains

In the Sediment Transport Modeling and Analysis, Long Island Sound Crossing - Addendum 1 (previously provided to VOSC as part of a technical breakout settlement session on August 20, 2025), the Applicant assessed whether installation of a turbidity curtain in discrete natural resource areas would substantially minimize the impacts of suspended sediment transport in Hempstead Harbor. The assessment found that turbidity curtains would not significantly affect sediment transport or deposition, but would add construction complexity, oversight, and cost. To reiterate previously conveyed points, turbidity curtains are best used in calm, nearshore water conditions that are not subjected to strong winds, waves, and currents and are more suited to static and localized in-water construction activities, in which the curtain is attached to floats that are weighted to the seabed and anchored in place. By contrast, the Project's construction activities will occur along the central axis of Hempstead Harbor in open water and an exposed marine environment, with jet trenching equipment moving continuously along the cable route at speeds between 50 and 100 meters per hour. The continuous relocating and resetting of turbidity curtain anchors would result in greater impacts on the local environment and extend the in-water construction schedule.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

Accordingly, installing a turbidity curtain, or equivalent sediment engineering control, is impracticable and ineffective for this environment and construction approach.

As further documented in the Applicant's April 3, 2025 letter to the VOSC and presented in the aforementioned technical settlement breakout session, for these reasons, the Applicant does not propose to use a turbidity curtain for in-water construction activities. As described in that same letter, the minimal resuspended sediments generated from the Project are not expected to impact Sea Cliff Village Beach or any recreational mooring fields. The expected plume is small, temporary, moves primarily north-south, and sediment particles predominantly resettle close to the cable installation trench. Construction activity for each cable route in Hempstead Harbor is expected to occur for approximately 1 to 3 days outside of prime boating and beach season.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.14**

Identify and provide all documents, correspondence, meeting notes, memoranda, or communications relating to commitments, assurances, proposed mitigation measures, or requested protections discussed with the Coalition to Save Hempstead Harbor, the Hempstead Harbor Protection Committee, or any member municipality regarding sediment controls, plow speed, silt curtains, turbidity controls, shellfish protection, benthic habitat, water quality, anchorage, navigation, or restoration within Hempstead Harbor. For each such commitment, assurance, proposed mitigation measure, or requested protection, identify whether it was accepted, rejected, modified, or incorporated into the Joint Proposal, Certificate Conditions, EM&CP requirements, or any other enforceable PSC filing.

**Applicant's Response to PNYE-VOSC-1.14** The Applicant hereby incorporates the General Objections and further specifically objects to the portions of the Request that could be interpreted to seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. To the extent the Request demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, such demand is improper, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The Propel NY project team has conducted extensive engagement with local stakeholders and municipalities, including the entities referenced in the request, since the Project's inception in 2023. Through these interactions, the team shared information regarding the Project's purpose as well as key processes such as permitting, public engagement, project design, and anticipated construction methods. During these engagements, stakeholders raised questions on topics such as those outlined in the request, which were addressed to the best of the team's knowledge and ability to respond given the year-long settlement process, during which several of these topics were further examined and protected by the legal parameters of the settlement process.

These engagements included meetings, email correspondence, and comments submitted to the NYSPSC in this docket. See PNYE\_VOSC\_1.14\_Attachments A-F for a list of these correspondences and associated requested details. Two of the sub-attachments (D and E) contain confidential cultural information. Those confidential sub-attachments (PNYE\_VOSC\_1.3\_Attachment\_D and E) will be served in accordance with the governing Protective Order issued in this proceeding.

The organizations and municipalities listed below also submitted comments to the NYSPSC with requests that reflect the topics listed in the request:

City of Glen Cove (submitted 5/20/25)

Village of Roslyn Harbor (submitted 5/14/25)

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

Hempstead Harbor Protection Committee (submitted 5/12/25)

Coalition to Save Hempstead Harbor (submitted 5/8/25)

Village of Sea Cliff (submitted 3/12/25)

The Applicant refers VOSC to the following Certificate Conditions (Joint Proposal, Appendix D) that address the requests outlined in those public comments:

Turbidity Controls and Water Quality

- **Certificate Condition 177:** The Suspended Sediment and Water Quality Monitoring Plan
- **Certificate Condition 178:** Minimization measures for sediment released into the water column during Submarine Cable installation
- **Certificate Condition 179:** Procedure for sampling along the Submarine Cable
- **Certificate Condition 180:** Pre-activity water quality calibration
- **Certificate Condition 181:** Applicable Mixing Zone
- **Certificate Condition 183:** Compliance with the narrative water quality standard in 6 NYCRR §703.2
- **Certificate Condition 185:** Propel water quality standards and limits

Jet Plow Speed

- **Certificate Condition 190:** Jet trenching technology

Species Impact Mitigation

- **Certificate Condition 53:** Fisheries Compensation Plan
- **Certificate Condition 73:** Hempstead Harbor Significant Coastal Fish and Wildlife Habitat (SCFWH) Restrictions
- **Certificate Condition 74:** Species-related work restrictions
- **Certificate Condition 133:** Benthic Sampling Plan

Anchorage

- **Certificate Condition 79:** Anchoring Plan

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

*IV. GRANTS OF LANDS UNDER WATER (GLUW)*

**PNYE-VOSC 1.15**

Identify and provide copies of all Grants of Lands Under Water, easements, underwater rights, leases, licenses, title interests, riparian rights, municipal interests, private interests, or similar interests within or adjoining the proposed Hempstead Harbor alignment. The response shall not be limited to Grants of Lands Under Water previously identified or produced by the Applicant. The Applicant shall describe the search undertaken to identify such interests, including the records, repositories, title materials, maps, county records, state records, agency files, municipal records, consultants, title companies, or other sources reviewed. If the Applicant contends that no additional Grants of Lands Under Water or similar interests exist beyond those already identified, state the basis for that conclusion and identify all records searched to reach that determination.

**Applicant's Response to PNYE-VOSC-1.15** The Applicant hereby incorporates the General Objections and further specifically objects to the portion of the Request that seeks information about real property rights outside of the Project's corridor within the Hempstead Harbor on the grounds that it is not tailored to this proceeding and/or seeks information or documents that is or are not relevant to any matter within the NYSPSC's jurisdiction. Subject to and without waiving any of those objections, the Applicant provides the following response:

Per Public Lands Law Chapter 46, Article 2 § 4, title of the bed of numerous waterbodies is held in trust for the people of the State of New York under the jurisdiction of the Office of General Services (NYSOGS). Therefore, the Applicant engaged with NYSOGS beginning in 2024 to request records demonstrating ownership of lands underwater along the Project's submarine route. NYSOGS has provided the Applicant with a series of maps depicting Grants of Lands Under Water, which show the discrete areas that have been granted away by NYS and which lands underwater are still owned by NYS.

The Applicant has compared the Project corridor against the maps depicting Grants of Lands Under Water, and confirmed that the lands underwater within the Project's submarine corridor are owned by the State of New York and National Grid.

These Grants of Lands Under Water maps were previously provided to VOSC on October 21, 2025, and outline ownership along the Project's submarine route in Hempstead Harbor, the Long Island Sound, and Echo Bay. No records have been produced contradicting the Applicant's determination of ownership of lands underwater along the Project corridor.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.16**

Provide all GIS layers, shapefiles, mapping, title reviews, surveys, analyses, memoranda, correspondence, and consultant work product relating to Grants of Lands Under Water, easements, underwater rights, leases, licenses, title interests, riparian rights, municipal interests, private interests, or similar underwater property interests within or adjoining the proposed Hempstead Harbor alignment.

**Applicant's Response to PNYE-VOSC-1.16** The Applicant hereby incorporates the General Objections and further specifically objects to the portion of the Request that seeks information about real property rights outside of the Project's corridor within the Hempstead Harbor on the grounds that it is not tailored to this proceeding and/or seeks information or documents that is or are not relevant to any matter within the NYS PSC's jurisdiction. The Applicant also specifically objects to the portions of the Request that improperly seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. The Request improperly demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The following were previously provided to VOSC on October 21, 2025, and October 30, 2025:

- NYSOGS Grants of Lands Under Water
  - Georeferenced images of maps provided by NYSOGS (map images provided by NYSOGS that the Applicant added coordinates to based on key geographic landmarks such that the map image will project into GIS software [i.e., ArcPro or ArcMap]). To provide this in any other format would require the Applicant to reinterpret the NYSOGS map images and create an original spatial file.
  
- Project Features as shapefiles (can be viewed in ArcPro, ArcMap, or Google Earth)
  - Submarine Cable Routes
  - Submarine Cable Area
  - HDD Exit Points
  
- Publicly available data as shapefiles (can be viewed in ArcPro, ArcMap, or Google Earth)
  - National Oceanic and Atmospheric Administration (NOAA) Submarine Cable Areas
  - NOAA Anchorage Areas
  - NOAA Pipeline Areas

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

The Applicant directs VOSC to the list of publicly available spatial data below to address the following:

- Easements
  - Conservation Easements | NYS GIS Clearinghouse Data
  - Environmental Easements | NYS GIS Clearinghouse Data
  - USFWS Conservation Easements | NYS GIS Clearinghouse Data
- Underwater Rights
  - NYS Tax Parcel Centroid Points | NYS GIS Clearinghouse Data
  - Nassau Parcel Viewer: <https://lrv.nassaucountyny.gov/map/>
  - Pipeline Areas | Marine Cadastre Hub
  - Submarine Cables | Marine Cadastre Hub
  - Anchorage | Marine Cadastre Hub
  - National Channel Framework | GeoSpatial
  - NOAA ENC: U.S. Office of Coast Survey
- Leases
  - NYS Tax Parcel Centroid Points | NYS GIS Clearinghouse Data
  - Nassau Parcel Viewer: <https://lrv.nassaucountyny.gov/map/>
- Licenses
  - NYS Tax Parcel Centroid Points | NYS GIS Clearinghouse Data
  - Nassau Parcel Viewer: <https://lrv.nassaucountyny.gov/map/>
- Title Interests
  - NYS Tax Parcel Centroid Points | NYS GIS Clearinghouse Data
  - Nassau Parcel Viewer: <https://lrv.nassaucountyny.gov/map/>
- Riparian Rights
  - Riparian Areas, New York State | Data Basin
  - NYS Tax Parcel Centroid Points | NYS GIS Clearinghouse Data
  - Nassau Parcel Viewer: <https://lrv.nassaucountyny.gov/map/>
- Municipal Interests
  - NYS Civil Boundaries | NYS GIS Clearinghouse Data
- Private Interests
  - NYS Tax Parcel Centroid Points | NYS GIS Clearinghouse Data
  - Nassau Parcel Viewer: <https://lrv.nassaucountyny.gov/map/>

The spatial files previously provided to VOSC in October 2025, the spatial files included in PNYE\_VOSC-1.9\_Attachment, and the publicly available spatial data linked above can all be pulled into ArcPro, ArcMap, or Google Earth software to view at the same time as a consolidated reference as the VOSC seems to desire to do. The Applicant needs to do the same in order to view all the requested layers on a consolidated basis. Stated differently, the Applicant has fully complied with this request by providing all of the requested spatial data in its standard formats and directed the VOSC to the software it should utilize to view and interpret the materials it has requested.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC 1.17**

Provide a single map, GIS layer, shapefile, KMZ/KML file, or equivalent geospatial product showing the proposed submarine cable alignment within Hempstead Harbor overlaid with all Grants of Lands Under Water, underwater property interests, easements, leases, rights-of-way, riparian interests, municipal boundaries, private property boundaries, and other relevant jurisdictional or ownership interests identified through the Applicant's search.

**Applicant's Response to PNYE-VOSC-1.17** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

In addition to the spatial data previously provided to VOSC on October 21, 2025, and October 30, 2025, see PNYE\_VOSC\_1.9\_Attachment (described in response to PNYE-VOSC 1.9), which includes a single PDF figure of the Project's submarine cable within Hempstead Harbor and the supporting Project-specific spatial data in two formats: as a single layer package (.lpx, for use in ArcPro or ArcMap) and .kmz file (for use in Google Earth).

The remainder of the data requested by VOSC is publicly available and can be found at the linked locations identified in response to PNYE-VOSC-1.16.

.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

*V. PROJECT PURPOSE AND PUBLIC POLICY NEED*

**PNYE-VOSC-1.18**

Provide all analyses, studies, memoranda, filings, and communications relating to the stated purpose of the project as “the New York State Public Service Commission declared Long Island offshore wind export public policy transmission need.”

**Applicant's Response to PNYE-VOSC-1.18** The Applicant hereby incorporates the General Objections and further specifically objects to the portions of the Request that improperly seek the disclosure of information or production of documents that is or are subject to the attorney-client privilege, constitute attorney work product, or constitute draft and/or non-final documents and/or communications containing or concerning same. The Request improperly demands communications made in confidence between the Applicant and its counsel for the purpose of seeking or rendering legal advice, and the Applicant will not produce information covered by those protections. Subject to and without waiving any of those objections, the Applicant provides the following response:

See Joint Proposal Narrative, on file with the NYSPSC in this docket, at Section IV (A) and (D) for the Applicant and other signatory parties' summary of the Project's need from the NYSPSC's original declaration of need through present day. The Joint Proposal Narrative includes citations to all of the supporting analyses, studies, etc., which are also publicly available.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC-1.19**

Provide all analyses evaluating how changes in offshore wind development, cancellations, delays, contract restructurings, procurement changes, interconnection changes, project economics, project viability, or market conditions may affect the underlying public-policy need for the project.

**Applicant's Response to PNYE-VOSC-1.19** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

See response to PNYE-VOSC-1.18 above, which includes citations and summaries of the conclusions of the New York Independent System Operator, Inc. (NYISO) demonstrating that the need for the Project has only increased since the NYISO Board of Directors selected it to satisfy a NYSPPSC-declared need for new bulk electric transmission infrastructure between Long Island and the rest of New York State.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC-1.20**

Identify whether the proposed transmission facilities are designed to transmit electricity from existing generation resources, proposed renewable generation resources, offshore wind resources, or some combination thereof, and provide all documents supporting that determination.

**Applicant's Response to PNYE-VOSC-1.20** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

As an initial matter and to be clear, the Project is *not* an intertie for any specific generation, nor is it designed to serve in that capacity. Instead, the Project will be a bulk electric transmission asset operated by the NYISO. The Project is solely designed to provide bulk electric transmission capabilities on Long Island and between Long Island and the rest of the New York State transmission system. The Project is entirely generation agnostic.

The VOSC may review any number of publicly available resources to learn more about the State's transmission system, including bulk transmission and the NYISO's operation of the same (see e.g., <https://ferc.gov/introductory-guide-participation-new-york-iso-processes>), but by way of brief overview, the State's bulk transmission system is a network of high-voltage power lines (generally 100 kilovolts and above), substations, and related equipment that spans the entire State. The State's bulk transmission system serves as a shared, neutral highway that moves electricity that has already been injected into the grid and delivers that pooled electricity to load centers across the State. Because of the high-voltage nature of bulk transmission, the electricity transported via the bulk system to load centers cannot be delivered directly to end users. It must first be "stepped down" to lower voltages before travelling through the local utility transmission system and then ultimately to the local distribution system—prior to delivery to end-use customers by the State's distribution utilities (e.g., the Long Island Power Authority). Stated differently, bulk transmission can be thought of as the interstate highway network for electricity in the State. Just as the State's highways move traffic between cities and regions without being dedicated to any one driver or cargo type or vehicle make/model, bulk electric transmission moves electricity that has been injected into the grid to wherever it is needed, without being tied to any specific power plant or fuel source.

The NYISO, under its FERC-approved Open Access Transmission Tariff (OATT), operates the State's bulk transmission system in a non-discriminatory manner to ensure that the correct amount of electricity arrives at each load center for distribution to end-use customers as it is demanded. That critical operational role is why the NYISO's conclusion about the need for additional bulk transmission to successfully supply end-use customers with electricity is so informative—the NYISO's sole job is to run the State's electric grid reliably and impartially, regardless of who is moving the power or who originally generated the electrons.

**NEW YORK TRANSCO LLC'S AND NEW YORK POWER AUTHORITY'S  
OBJECTIONS & RESPONSES TO INTERROGATORY/DOCUMENT REQUEST  
PNYE-VOSC-1**

**PNYE-VOSC-1 continued.**

---

**PNYE-VOSC-1.21**

Identify the anticipated source or sources of electricity to be transmitted through the proposed submarine cables within Hempstead Harbor, including whether the cables are designed to transmit electricity from proposed offshore wind or other new renewable generation sources to New York City, Westchester County, or other downstate load centers.

**Applicant's Response to PNYE-VOSC-1.21** The Applicant hereby incorporates the General Objections. Subject to and without waiving any of those objections, the Applicant provides the following response:

The Project is bi-directional. In other words, for example, power will be able to flow on the Project's cables from Westchester County to Long Island, or the reverse. In addition, see response PNYE-VOSC-1.20 and note that, once generated, electrons are physically identical whether they come from natural gas, nuclear, solar, or wind. The coordination of what generation sources are producing power and how the bulk transmission system is utilized to transmit that power to the load centers is the responsibility of the NYISO.

## EXHIBIT D

# VSC LETTER OF DEFICIENCIES TO APPLICANT'S RESPONSES

# INCORPORATED VILLAGE OF SEA CLIFF

**Mayor**

Elena Villafane, Esq.

**Trustees**

Nicholas Pinto  
Mark Sobel  
James Versocki  
George Williams



**Village Administrator**

Bruce P. Kennedy

**Village Clerk**

Sarah Beaudin

**Village Justice**

Robin S. Maynard

**Counsel**

Brian S. Stolar, Esq.

May 27, 2026

VIA ELECTRONIC MAIL

Aubrey A. Roman, Esq.  
Harris Beach Murtha Cullina PLLC  
677 Broadway, Suite 1101  
Albany, New York 12207

*Re: Case 24-T-0446 — Propel NY Energy Project  
Village of Sea Cliff Discovery Request PNYE-VOSC-1 - Deficiencies in Applicant's Responses and Production*

Dear Ms. Roman:

The Incorporated Village of Sea Cliff has reviewed Applicant's May 26, 2026 Objections and Response to Interrogatory/Document Request PNYE-VOSC-1, together with the attachments produced in response. Several responses remain incomplete, non-responsive, or insufficiently specific, particularly given that the issues identified below have been raised repeatedly during this proceeding. The Village therefore requests prompt supplementation as set forth below.

The Administrative Law Judges are copied because of the compressed procedural schedule established in the May 12, 2026 Ruling on Process and Schedule, including the June 5, 2026 deadline for Initial Statements on the Joint Proposal. The Village is not, by this letter, requesting immediate ALJ intervention. Rather, the Village is first seeking prompt supplementation from Applicant. However, if the deficiencies identified below are not promptly resolved, the Village reserves the right to seek direction or relief from the ALJs.

As a general matter, to the extent Applicant relies on settlement confidentiality as a basis for withholding responsive information, the Village objects. The Village was a party to the settlement process, actively participated in the vast majority of settlement discussions, and was subject to the same settlement confidentiality obligations as the other settlement parties. The Village is not seeking protected bargaining positions, compromise proposals, drafts, or confidential negotiation communications. Rather, the Village seeks the underlying factual and technical information responsive to its discovery requests. Settlement confidentiality should not be used to withhold factual or technical information from a settlement party where that information forms the basis for a material project change, proposed Certificate Condition, claimed mitigation measure, or asserted lack of project impact.

**I. PNYE-VOSC-1.1 — Burial Depths and Basis for the Change in Hempstead Harbor**

Applicant's response acknowledges that the proposed burial depth within Hempstead Harbor changed from the originally proposed depth. However, the response does not adequately identify the factual or technical reason for that change. To the extent Applicant relies on settlement confidentiality to avoid identifying the reason for the change in proposed burial depth, the Village objects for the reasons stated above. The Village is not seeking settlement bargaining positions; it is seeking the factual and technical basis for a material project change.

The Village is in possession of the “*Propel NY Energy Project Cable Burial Risk Assessment — Long Island Sound Crossing, Final Report*,” prepared by WSP USA Inc., dated April 22, 2025. Applicant appears to rely on that Cable Burial Risk Assessment as support for the originally proposed burial depth. However, the Cable Burial Risk Assessment does not appear to recommend a burial depth. It states that it investigates potential external threats and determines “threatlines,” but expressly states that it does not provide recommendations for burial depth and is intended to quantify risk to inform burial-depth decisions.

Applicant’s reliance on the Cable Burial Risk Assessment therefore does not resolve the deficiency. The Cable Burial Risk Assessment states that the 6-foot burial depth provides only a marginal reduction in risk relative to a surface-laid condition, and that deeper burial would be required to achieve higher risk mitigation. It also identifies Hempstead Harbor-specific concerns, including fixed moorings, tugs and barges anchoring outside fixed moorings, and the possibility that this risk has not been fully accounted for in the emergency-anchor model. The Cable Burial Risk Assessment further assumes that the cable corridor will be marked on navigation charts and that vessels will respect the charted cable corridor and not anchor over it.

That assumption directly implicates the Village’s request for information regarding future charting, no-anchor restrictions, anchorage restrictions, navigational advisories, cable-protection zones, and impacts on existing harbor use. If the risk analysis depends on the cable corridor being charted and vessels avoiding anchoring over it, then the Village is entitled to understand whether the change in burial depth was intended to avoid, reduce, or otherwise affect any such charted restriction or limitation on existing harbor use.

*Please supplement the response to PNYE-VOSC-1.1 by:*

1. Identifying the prior proposed burial depth and the current proposed, target, minimum, anticipated, and expected as-built burial depths for each cable within Hempstead Harbor;
2. Identifying the date on which the proposed Hempstead Harbor burial depth changed;
3. Identifying the factual and technical reasons for the change;
4. Stating whether the change was made, in whole or in part, to address potential anchorage restrictions, no-anchorage areas, vessel interaction risks, cable exposure risks, navigational safety, environmental impacts, or limitations on existing harbor use; and
5. Producing any non-privileged documents, technical analyses, agency communications, or correspondence relating to the reason for the change.

If Applicant contends that a specific settlement communication, bargaining position, compromise proposal, or draft is protected, Applicant should redact or withhold only that protected material and provide a privilege/protection log sufficient for the Village to evaluate the claim. Applicant should still provide the underlying factual and technical information explaining the change in burial depth and its relationship, if any, to anchorage, navigation, cable exposure, environmental impacts, or existing harbor use.

## **II. PNYE-VOSC-1.2 and 1.4 — Anchorage Restrictions, NOAA Charting, and Existing Harbor Use**

Applicant’s responses to PNYE-VOSC-1.2 and 1.4 do not adequately address whether the Project will result in a NOAA-charted no-anchor feature, anchorage restriction, cable-protection zone, navigational advisory, charted limitation, or other practical or legal limitation on existing harbor use within Hempstead Harbor.

The Village recognizes that the Project is required to chart the cable area on National Oceanic and Atmospheric Administration electronic navigation charts for the protection of cable infrastructure and mariners transiting Hempstead Harbor and Long Island Sound. The Village also recognizes that submarine cable installation is subject to the jurisdiction and review of multiple State and federal agencies, and that the manner in which the cables are ultimately charted by NOAA, including any features communicating the presence of cables or anchoring restrictions, is not decided solely by Applicant.

That is not the Village’s point. The Village’s concern is that the Project should be designed, sited, buried, protected, and conditioned in a manner that eliminates, to the greatest extent possible, the need for any federal or State agency to impose

Post Office Box 340 • 300 Sea Cliff Avenue • Sea Cliff, NY 11579

(516) 671-0080 phone • (516) 671-6508 fax • [info@seacliff-ny.gov](mailto:info@seacliff-ny.gov) email • [www.seacliff-ny.gov](http://www.seacliff-ny.gov) website

new no-anchoring areas, anchorage restrictions, cable-protection zones, navigational advisories, charted limitations, or other restrictions to protect Applicant's infrastructure within Hempstead Harbor.

Applicant's response to PNYE-VOSC-1.4 states that Applicant "does not have any internal documents or analysis on creation or designation of no anchorage zones because this is a well-established process under the governance of NOAA." That statement does not resolve the deficiency. If Applicant has no internal documents or analysis on the creation or designation of no-anchorage zones, then Applicant should expressly state whether it has analyzed, in any form, whether the Project can be designed, buried, routed, protected, or conditioned to avoid the need for a new no-anchor zone or other restriction on existing harbor use.

Further, Applicant's statement that NOAA governs the process does not eliminate Applicant's obligation to produce responsive agency communications, consultation records, maps, analyses, assumptions, or correspondence concerning NOAA charting, USCG coordination, USACE permitting, cable areas, or anticipated no-anchor restrictions. Applicant's own produced materials reflect agency discussions with NOAA and USCG concerning Aids to Navigation and the Cable Burial Risk Assessment, including discussion of anchoring and the process by which a no-anchor zone would need to be reflected. Therefore, a response stating that Applicant has no internal analysis is not a complete answer to PNYE-VOSC-1.2 or PNYE-VOSC-1.4.

Applicant's response to PNYE-VOSC-1.2 also states that the Project is required to chart the cable area on NOAA electronic navigation charts, that NOAA controls how the cables are charted, and that Propel anticipates the NOAA-charted cable area will include a no-anchor restriction feature. That admission confirms the Village's concern. The Village's principal concern is not whether the target burial depth is 6 feet, 9 feet, 10 feet, or some other depth in the abstract. The Village's concern is whether the Project will result in any new or expanded anchorage restriction, no-anchorage area, cable-protection zone, navigational advisory, charted limitation, or other practical or legal limitation on existing lawful uses of Hempstead Harbor.

Prior correspondence from Applicant's counsel further confirms that Applicant believed a no-anchor zone would be implemented. In an email dated November 11, 2025, Applicant's counsel stated:

[REDACTED]

That statement is significant. Applicant cannot credibly suggest that the Project avoids impacts to existing harbor use while also acknowledging that it believes a no-anchor zone will be implemented because of commercial vessel traffic within Hempstead Harbor. The Village requested documents and analyses addressing exactly that issue.

Applicant's response is also misleading and, in the Village's view, disingenuous to the extent it relies on the statement that the Project's Cable Burial Risk Assessment concluded that the risk of anchor strike is *highly* unlikely for all vessel types. That is not a fair characterization of the Cable Burial Risk Assessment. The Cable Burial Risk Assessment characterizes the modeled risk as "very unlikely," but that conclusion is subject to important limitations. It acknowledges that risk values may be underestimated due to underrepresentation of smaller vessels in AIS data. It identifies anchor threatlines that exceed the originally proposed 6-foot burial depth, including an 8.7-foot threatline for the most common vessel size category in soft sediments and a maximum emergency anchoring threatline of 23 feet. Most importantly for Hempstead Harbor, the Cable Burial Risk Assessment expressly recognizes that tugs and barges anchoring in Hempstead Harbor outside fixed moorings present a risk that was not fully accounted for in the emergency-anchor model.

The Cable Burial Risk Assessment also assumes that the cable corridor will be marked on navigation charts and that vessels will respect the charted cable corridor and not anchor over it. That assumption goes directly to the Village's concern. If the risk analysis depends on future charting and mariners avoiding anchoring over the cable corridor, then Applicant cannot dismiss the Village's request for documents and analysis concerning whether the Project will result in a

no-anchor zone, anchorage restriction, cable-protection zone, navigational advisory, charted limitation, or other practical limitation on existing harbor use.

Applicant's November 11, 2025 correspondence also appears to characterize its recreational-vessel anchor-penetration analysis as a basis for minimizing concern over recreational anchoring. However, that analysis does not answer the Village's request. The Village's concern is not limited to whether a recreational vessel anchor would physically penetrate deeply enough to strike a cable. The Village's concern is whether the Project will result in new charted restrictions, no-anchor areas, anchorage limitations, cable-protection zones, or practical limitations on existing lawful harbor uses. A future no-anchor zone would itself be an impact to existing harbor use, regardless of whether Applicant believes the physical risk from a recreational vessel anchor is negligible.

Nor is the issue resolved by stating that recreational boaters will continue to have general access to waterways, marinas, yacht clubs, special anchorage areas, or mooring fields. The relevant question is whether any portion of Hempstead Harbor that is currently lawfully available for anchoring, navigation, commercial maritime activity, recreational use, municipal use, or other harbor use will become restricted, discouraged, or practically unavailable because Applicant's infrastructure requires charting, avoidance, or no-anchoring measures.

*Please supplement the responses to PNYE-VOOSC-1.2 and 1.4 by:*

1. Identifying all communications with NOAA, the United States Coast Guard, USACE, NYSDOS, NYSDEC, DPS Staff, or any other agency concerning whether the Project will result in any no-anchor restriction feature, anchorage restriction, cable area, cable-protection zone, navigational advisory, charted limitation, or other limitation on anchoring, navigation, or existing harbor use within Hempstead Harbor;
2. Producing all documents, correspondence, meeting notes, memoranda, emails, consultation records, maps, drawings, or other materials relating to the same;
3. Confirming whether the GIS materials produced in response to PNYE-VOOSC-1 include the map or geospatial layer referenced in Applicant counsel's November 11, 2025 email showing the outer bounds of what Applicant believed would be a conservative no-anchor zone;
4. If included, identifying the specific GIS file, layer name, map, attachment, or dataset where that no-anchor zone information appears;
5. Stating whether that map or geospatial layer remains Applicant's current understanding of the potential no-anchor area within Hempstead Harbor;
6. If it does not remain current, producing any revised map, GIS file, analysis, agency correspondence, or other document reflecting Applicant's current understanding of the potential no-anchor area, cable area, cable-protection zone, or related charted limitation;
7. Identifying the anticipated geographic extent of any NOAA-charted cable area, no-anchor restriction feature, cable-protection zone, or related charted limitation within Hempstead Harbor;
8. Stating whether Applicant contends that the currently proposed burial depth and cable-protection design will avoid any new anchorage restriction, no-anchorage area, cable-protection zone, navigational advisory, charted limitation, or other limitation on existing harbor use;
9. Stating whether Applicant still believes that a no-anchor zone will be implemented because of commercial vessel traffic within Hempstead Harbor, as stated in the November 11, 2025 email;
10. If Applicant contends that recreational anchoring within the corridor presents negligible physical risk to the cable, explaining why any no-anchor zone or anchoring restriction is nevertheless expected, required, requested, or anticipated;
11. If Applicant contends that it has no internal documents or analysis concerning no-anchor zones, explaining how Applicant concluded that a no-anchor zone is anticipated and how Applicant evaluated whether the Project can be designed to avoid such a restriction;
12. If Applicant does not know whether such restrictions or limitations will result, stating that clearly and identifying what role Applicant expects to play in the NOAA, Coast Guard, USACE, or other agency review process concerning any no-anchor restriction, cable area, cable-protection zone, navigational advisory, charted limitation, or related restriction;

13. Stating whether Applicant will advocate, support, or accept any no-anchor restriction or other charted limitation to protect the Project's infrastructure, or whether Applicant will affirmatively seek to avoid such restrictions through project design, burial depth, routing, cable protection, or other modifications;
14. Stating whether Applicant will modify the Project, including burial depth, routing, cable protection, corridor width, installation method, or other design elements, if NOAA, the Coast Guard, USACE, or any other agency indicates that the Project as proposed would require a new no-anchor restriction, cable-protection zone, navigational advisory, charted limitation, or other restriction on existing harbor use.
15. If Applicant is withholding responsive materials on privilege, settlement confidentiality, CEII, or other grounds, identifying the materials withheld and providing a privilege/protection log sufficient for the Village to evaluate the claim.

### **III. PNYE-VOSC-1.5 — Public Trust Uses, Existing Harbor Uses, and Grants of Lands Under Water**

Applicant's response to PNYE-VOSC-1.5 appears to rely substantially on the NYSDOS coastal consistency concurrence. However, the attachment produced in response does not appear to address Grants of Lands Under Water, underwater property interests, riparian rights, municipal interests, private interests, or the relationship between those interests and existing public trust uses, navigation, anchoring, waterfront access, shellfishing, fishing, or other lawful harbor uses.

This is a material deficiency. Grants of Lands Under Water are directly relevant to the Village's public trust, property, riparian, access, navigation, anchoring, and harbor-use concerns. A general coastal consistency concurrence does not substitute for an analysis of whether the proposed submarine alignment, cable corridor, construction corridor, permanent corridor, charted cable area, or any future no-anchor restriction would affect underwater property interests or related public trust uses within Hempstead Harbor.

Upon information and belief, there are Grants of Lands Under Water to or associated with the Village of Sea Cliff dating from 1851, 1924, 1938, 1970, and 1975. Some of these interests may extend substantial distances into Hempstead Harbor. Applicant's response does not confirm whether those specific grants were reviewed, mapped, incorporated into Applicant's GIS materials, or analyzed in relation to the proposed cable alignment, construction corridor, permanent cable corridor, charted cable area, or potential harbor-use restrictions.

*Please supplement the response to PNYE-VOSC-1.5 by:*

1. Confirming whether Applicant contends that the NYSDOS concurrence is fully responsive to PNYE-VOSC-1.5;
2. Confirming whether Applicant's GLUW maps, GIS layers, title review, route analysis, or other mapping materials include the Grants of Lands Under Water which, upon information and belief, were granted to, held by, or are otherwise associated with the Village of Sea Cliff in or around 1851, 1924, 1938, 1970, and 1975;
3. If those specific Village-related GLUW are included, identifying where they appear in Applicant's production, including the specific map, GIS layer, shapefile, KMZ/KML file, attachment, page, or dataset;
4. If those specific Village-related GLUW are not included, explaining why they were omitted and whether Applicant contends they are outside the Project corridor, irrelevant to the proposed alignment, or otherwise not required to be analyzed;
5. Producing all documents, analyses, correspondence, memoranda, title materials, mapping, agency communications, or consultant materials evaluating Grants of Lands Under Water, underwater property interests, riparian rights, municipal interests, private interests, or similar interests in relation to public trust uses, navigation, anchoring, waterfront access, shellfishing, fishing, or other lawful uses of Hempstead Harbor;
6. Stating whether Applicant evaluated whether the proposed submarine alignment, construction corridor, permanent cable corridor, charted cable area, or any potential no-anchor restriction overlaps, crosses, burdens, impairs, restricts, or otherwise affects any Grants of Lands Under Water which, upon information and belief, were granted to, held by, or are otherwise associated with the Village of Sea Cliff in or around 1851, 1924, 1938, 1970, or 1975;
7. Stating whether those interests were incorporated into any GIS analysis, route analysis, title review, public trust analysis, coastal consistency analysis, or Article VII analysis; and
8. If no such analysis exists, stating that clearly.

Post Office Box 340 • 300 Sea Cliff Avenue • Sea Cliff, NY 11579

(516) 671-0080 phone • (516) 671-6508 fax • [info@seacliff-ny.gov](mailto:info@seacliff-ny.gov) email • [www.seacliff-ny.gov](http://www.seacliff-ny.gov) website

#### **IV. PNYE-VOSC-1.14 — CSHH, HHPC, and Member Municipality Communications**

Applicant's response to PNYE-VOSC-1.14 is incomplete. The request sought all documents, correspondence, meeting notes, memoranda, or communications relating to commitments, assurances, proposed mitigation measures, or requested protections discussed with the Coalition to Save Hempstead Harbor, the Hempstead Harbor Protection Committee, or any member municipality regarding sediment controls, plow speed, silt curtains, turbidity controls, shellfish protection, benthic habitat, water quality, anchorage, navigation, or restoration within Hempstead Harbor.

Applicant's production appears to consist largely of formal presentation materials and references to public comments and Certificate Conditions. Presentation materials alone are not fully responsive to a request for all documents, correspondence, meeting notes, memoranda, or communications. This request was intended to include letters, emails, meeting notes, follow-up correspondence, and other communications, not merely slide presentations.

Nor do the materials produced appear to identify, on a request-by-request basis, whether each commitment, assurance, requested protection, or proposed mitigation measure was accepted, rejected, modified, or incorporated into an enforceable PSC filing.

*Please supplement the response to PNYE-VOSC-1.14 by:*

1. Confirming whether Applicant has produced all responsive emails, letters, meeting notes, memoranda, calendar invitations, summaries, follow-up correspondence, internal or external communications, and other documents relating to discussions with CSHH, HHPC, or any member municipality concerning Hempstead Harbor;
2. Producing all responsive communications not yet produced, including letters and emails;
3. Identifying each commitment, assurance, proposed mitigation measure, or requested protection discussed with CSHH, HHPC, or any member municipality concerning sediment controls, plow speed, silt curtains, turbidity controls, shellfish protection, benthic habitat, water quality, anchorage, navigation, or restoration within Hempstead Harbor;
4. For each such item, stating whether it was accepted, rejected, modified, or incorporated into the Joint Proposal, Certificate Conditions, EM&CP requirements, or any other enforceable PSC filing;
5. Identifying the specific Certificate Condition, EM&CP requirement, Joint Proposal provision, or other enforceable filing where each accepted or modified item is reflected; and
6. If responsive materials are being withheld on the basis of privilege, settlement confidentiality, CEII, or any other protection, providing a privilege/protection log sufficient to evaluate the claim.

#### **V. PNYE-VOSC-1.15, 1.16, and 1.17 — Grants of Lands Under Water and Unified Mapping**

The Village is currently reviewing and evaluating Applicant's mapping and GIS production in response to PNYE-VOSC-1.15, 1.16, and 1.17.

To the extent Applicant's production does not include all Grants of Lands Under Water, underwater property interests, easements, leases, rights-of-way, riparian interests, municipal boundaries, private property boundaries, or other relevant jurisdictional or ownership interests within or adjoining the proposed Hempstead Harbor alignment, Applicant should supplement its production accordingly.

In particular, to the extent Applicant is aware of additional GLUW or related underwater property interests not included in the materials produced to date, including any interests granted to, held by, or otherwise associated with the Village of Sea Cliff, the Village requests that Applicant identify and produce those materials and update any related mapping or GIS files.

The Village reserves the right to identify additional deficiencies after completing its review of the GIS and mapping production.

(continued)

**VI. PNYE-VOSC-1.11, 1.12, and 1.13 — Mixing Zone, Cumulative Impacts, and Sediment Controls**

Applicant produced sediment modeling materials in response to PNYE-VOSC-1.11, 1.12, and 1.13, but the response does not appear to provide a direct, request-specific answer on whether the 500-foot mixing zone applies per cable, per trench, per circuit, per installation pass, to the overall project corridor, or cumulatively.

The Village's concern is that a nominal 500-foot mixing zone may not reflect the cumulative or sequential effect of four separate trenches, separate installation passes, cable spacing, tidal movement, and timing between cable installations. The response also does not clearly identify whether silt curtains or turbidity curtains were evaluated, rejected, deemed infeasible, or simply not proposed for Hempstead Harbor.

*Please supplement the responses to PNYE-VOSC-1.11, 1.12, and 1.13 by:*

1. Stating whether the 500-foot mixing zone applies per cable, per trench, per circuit, per installation pass, to the overall project corridor, or cumulatively across multiple installation activities within Hempstead Harbor;
2. Identifying the maximum cumulative lateral extent, total area, and duration of sediment plume impacts within Hempstead Harbor, including the effects of multiple cables, separate trenches, cable spacing, separate installation passes, staggered construction timing, and tidal/current direction;
3. Stating whether the modeling accounts for overlapping, sequential, or cumulative mixing zones from the four submarine cable trenches;
4. Identifying all assumptions used in the modeling regarding installation speed, trench dimensions, burial depth, number of passes, sequencing, timing between cables, tidal stage, and adaptive management;
5. Producing all documents evaluating the use, rejection, feasibility, effectiveness, or practicability of silt curtains or turbidity curtains in Hempstead Harbor;
6. Stating whether Applicant has evaluated use of the slowest practicable plow speed within Hempstead Harbor and whether any enforceable minimum or maximum plow speed is proposed; and
7. Identifying all corrective-action thresholds, construction shutdown or modification protocols, and post-construction restoration or remediation measures applicable to Hempstead Harbor.

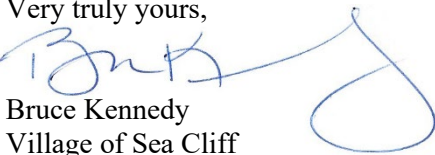
**VII. Requested Timing and Reservation of Rights**

Given the current procedural schedule, including the June 5, 2026 deadline for Initial Statements on the Joint Proposal, the Village requests supplemental responses and any additional responsive documents as promptly as possible and, in any event, within five days of this letter, consistent with the discovery response timeframe established in the May 12, 2026 Ruling on Process and Schedule.

If Applicant contends that any of the above requests are fully satisfied by the existing response or production, please identify the specific response, attachment, page, map, GIS file, GIS layer, Certificate Condition, Joint Proposal provision, or other document that Applicant contends is responsive.

Nothing in this letter should be construed as limiting the Village's rights to pursue additional discovery, object to Applicant's responses, seek relief from the ALJs, or raise these issues in testimony, statements, exhibits, briefing, comments, or any other submission in this proceeding.

Very truly yours,



Bruce Kennedy  
Village of Sea Cliff

cc: Hon. Nicholas Planty, Administrative Law Judge  
Hon. Erika Bergen, Administrative Law Judge  
Hon. Anthony Belsito, Administrative Law Judge  
Mayor Elena Villafane  
Party List

Post Office Box 340 • 300 Sea Cliff Avenue • Sea Cliff, NY 11579

(516) 671-0080 phone • (516) 671-6508 fax • [info@seacliff-ny.gov](mailto:info@seacliff-ny.gov) email • [www.seacliff-ny.gov](http://www.seacliff-ny.gov) website

## EXHIBIT E

# CORRESPONDENCE REGARDING SETTLEMENT CONFIDENTIALITY, DISCOVERY DEFICIENCIES

**Bruce Kennedy**

---

**From:** Bruce Kennedy  
**Sent:** Wednesday, June 3, 2026 8:53 AM  
**To:** Aubrey A. Roman; Nicholas Planty; Erika Bergen; anthony.belsito@dps.ny.gov  
**Cc:** alicia.mcnally@dot.ny.gov; adevito@couchwhite.com; amajkrzak@lipower.org; msports111@hotmail.com; acascione@cullenllp.com; bew@bewlawfirm.com; wildoilsli@gmail.com; bmooney@cullenllp.com; Bridget@otoolelaw.group; Christian.MMonahan@gmail.com; carenriskin@gmail.com; ctondo@ingermansmith.com; cmccann63@hotmail.com; cheryl.sandrow@dec.ny.gov; cdurant@ingermansmith.com; Colleen.Alderson@parks.nyc.gov; dmcaree@ewhowell.com; duthie@strategicpower.com; D.Evers@bhpp.com; david.appelbaum@nytransco.com; dmetcalfe@cullenllp.com; goldcoastbusinessassociationli@gmail.com; deborgelgordon@gmail.com; dgoodric@law.nyc.gov; draugenth@gmail.com; Elena Villafane; gpombar@optonline.net; HWHpropelinfo@yahoo.com; Heather.Behnke@nypa.gov; hmbenzie@gmail.com; Irene.Papadopoulos@parks.nyc.gov; FREITASI@coned.com; propelupdates2025@yahoo.com; jenniferokeefe77@yahoo.com; thpo@mohican-nsn.gov; Jennifer@heathotoole.com; jessie.shaw@dec.ny.gov; greenvalecivica@aol.com; John T. McManus; J.macy@bhpp.com; kara.krueger@pseg.com; karen.gaidasz@dec.ny.gov; kyanelli@gmail.com; kathyre12@gmail.com; klang@couchwhite.com; kasaladino@icloud.com; kimberly\_pritchard@iroquois.com; laurel.bohl@dos.ny.gov; linneydel@yahoo.com; lzafonte@lipower.org; lorirugg23@hotmail.com; parentsagainstpropel@gmail.com; Marissa.Fabricant@parks.nyc.gov; b2bespoke@gmail.com; meldred@hselaw.com; mfranco@couchwhite.com; michaelbatel@gmail.com; michael.morris@dos.ny.gov; mkoblentz@westermanllp.com; nicholas.forst@dps.ny.gov; suttonmanor.nr@gmail.com; Peter.Hilerio@dps.ny.gov; theroseannmcmahon@gmail.com; poansa1@outlook.com; richard.swatek@dot.ny.gov; bogler@northhempsteadny.gov; Sarmili.Saha@psegliny.com; sherri.rosenberg@parks.nyc.gov; rosenblatts@coned.com; eskerrets@coned.com; sita.crouse@dec.ny.gov; garcias@coned.com; staceyrichardson45@gmail.com; slefevre@bartonandloguidice.com; Tara.Wells@agriculture.ny.gov; GalloV@coned.com  
**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Aubrey,

Although the Village strongly disagrees with Applicant's position, the Village now understands the specific language Applicant takes issue with.

The Village does not agree that the May 27 letter constituted a disclosure of protected settlement bargaining positions, compromise proposals, drafts, or negotiation strategy. The letter was directed to deficiencies in Applicant's formal discovery response to PNYE-VO SC-1 and **addressed material that Applicant itself placed at issue by expressly referencing the November 11, 2025 supplemental analysis in that response**. The Village reasonably understood that material Applicant cited in support of its formal discovery response could be referenced for the limited purpose of evaluating the completeness and accuracy of that response.

Applicant's position would allow Applicant to rely on and characterize specific correspondence or analysis in a formal discovery response, while preventing the Village from providing the context

necessary to explain why that response is incomplete or inaccurate. That is not a fair or workable approach to resolving discovery deficiencies.

The Village also does not understand Applicant's characterization that the November 11 correspondence was sent "to settlement parties alone." The distribution list on that correspondence appears to include more than 130 recipients. The Village is not in a position to determine which recipients Applicant contends were settlement participants, representatives, principals, consultants, or otherwise authorized recipients.

The Village also does not accept Applicant's characterization of "continuing breaches" or any "admitted inability" to comply with the Settlement Guidelines. The Village has sought in good faith to participate in this proceeding, comply with applicable requirements, and obtain complete responses to its discovery requests. Applicant's continued reference to sanctions does not resolve the underlying discovery deficiencies or the substantive issues before the Commission.

That said, the Village has no interest in creating a collateral dispute over the November 11 correspondence. While the Village does not concede that the underlying factual and technical subject matter is protected from discovery or Commission review, the Village will not rely on the quoted November 11, 2025 email language or attached maps in its Initial Statement or further submissions unless and until the Administrative Law Judges provide direction or the parties otherwise agree.

The Village reserves all rights to rely on Applicant's formal discovery responses, the filed Joint Proposal, proposed Certificate Conditions, public or filed materials, and non-confidential technical documents, including the redacted Cable Burial Risk Assessment.

The Village does not retract its substantive position that Applicant's responses remain incomplete.

Regards,

## **BRUCE KENNEDY**

**Administrator** 516.671.0080 X 3  
**Village of Sea Cliff** bkennedy@seacliff-ny.gov  
300 Sea Cliff Ave • Sea Cliff, NY 11579

**From:** Aubrey A. Roman <aroman@harrisbeachmurtha.com>

**Sent:** Tuesday, June 2, 2026 5:07 PM

**To:** Bruce Kennedy <bkennedy@seacliff-ny.gov>; Nicholas Planty <nicholas.planty@dps.ny.gov>; Erika Bergen <Erika.Bergen@dps.ny.gov>; anthony.belsito@dps.ny.gov

**Cc:** alicia.mcnally@dot.ny.gov; adevito@couchwhite.com; amajkrzak@lipower.org; msports111@hotmail.com; acascione@cullenllp.com; bew@bewlawfirm.com; wildoilsl@gmail.com; bmooney@cullenllp.com; Bridget@otoolelaw.group; Christian.MMonahan@gmail.com; carenriskin@gmail.com; ctondo@ingermansmith.com; cmccann63@hotmail.com; cheryl.sandrow@dec.ny.gov; cdurant@ingermansmith.com; Colleen.Alderson@parks.nyc.gov; dmcaree@ewhowell.com; duthie@strategicpower.com; D.Evers@bhpp.com; david.appelbaum@nytransco.com; dmetcalfe@cullenllp.com; goldcoastbusinessassociationli@gmail.com; deborgelgordon@gmail.com; dgoodric@law.nyc.gov; draugenth@gmail.com; Elena Villafane <evillafane@seacliff-ny.gov>; gpombar@optonline.net; HWHpropelinfo@yahoo.com; Heather.Behnke@nypa.gov; hmbenzie@gmail.com; Irene.Papadopoulos@parks.nyc.gov; FREITAS@coned.com; propelupdates2025@yahoo.com; jenniferokeefe77@yahoo.com; thpo@mohican-nsn.gov; Jennifer@heathotoole.com; jessie.shaw@dec.ny.gov; greenvalecivica@aol.com; John T. McManus <jmcmamus@harrisbeachmurtha.com>; J.macy@bhpp.com;

kara.krueger@pseg.com; karen.gaidasz@dec.ny.gov; kyanelli@gmail.com; kathyre12@gmail.com;  
klang@couchwhite.com; kasaladino@icloud.com; kimberly\_pritchard@iroquois.com; laurel.bohl@dos.ny.gov;  
linneydel@yahoo.com; lzafonte@lipower.org; lorirugg23@hotmail.com; parentsagainstpropel@gmail.com;  
Marissa.Fabricant@parks.nyc.gov; b2bespoke@gmail.com; meldred@hselaw.com; mfranco@couchwhite.com;  
michaelbatel@gmail.com; michael.morris@dos.ny.gov; mkoblenz@westermanllp.com; nicholas.forst@dps.ny.gov;  
suttonmanor.nr@gmail.com; Peter.Hilerio@dps.ny.gov; theroseannmcmahon@gmail.com; poansa1@outlook.com;  
richard.swatek@dot.ny.gov; bogler@northhempsteadny.gov; Sarmili.Saha@psegliny.com;  
sherri.rosenberg@parks.nyc.gov; rosenblatts@coned.com; eskerrets@coned.com; sita.crouse@dec.ny.gov;  
garcias@coned.com; staceyrichardson45@gmail.com; slefevre@bartonandloguidice.com;  
Tara.Wells@agriculture.ny.gov; GalloV@coned.com

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

[Report This Email](#)

Bruce,

As you are well aware generally and specifically from ALJ Costello's recent admonishment, the PSC's Settlement Guidelines state: "No discussion, admission, concession or offer to stipulate or settle, whether oral or written, made during any negotiation session concerning a stipulation or settlement shall be subject to discovery, or admissible in any evidentiary hearing against any participant who objects to its admission. Participating parties, their representatives and other persons attending settlement negotiations shall hold confidential such discussions, admissions, concessions, and offers to settle and shall not disclose them outside the negotiations except to their principals, who shall also be bound by the confidentiality requirement, without the consent of the parties participating in the negotiations." That has been codified in 16 NYCRR § 3.9 (d).

Page 3 of your May 27<sup>th</sup> letter quotes from an email I sent on November 11, 2025, during settlement, to settlement parties alone, with an "RE" line that begins with the flag "\*\*CONFIDENTIAL\*" and an in-line text header that reads "CONTAINS CONFIDENTIAL SETTLEMENT INFORMATION," which you blatantly ignored when copying and pasting information from that correspondence directly into a letter you then sent to all parties to this proceeding (including non-settlement parties) and the procedural ALJs (who did not participate in settlement).

For the avoidance of doubt, the VOSC did *not* contact my office to seek the Applicant's consent before quoting directly from our written materials conveyed confidentially during settlement. That lack of consent renders your actions in direct violation of the Settlement Guidelines and governing regulation.

In contrast, the Applicant has and will continue to honor the Settlement Guidelines and governing regulation by refusing to provide information/positions/materials, etc. provided to it during the settlement process from parties interested in the project's burial depth within the Hempstead Harbor because it lacks the consent to do so. Notably, the VOSC has all of that information already since it received it at the same times the Applicant did during the settlement process.

In light of your continuing breaches of the Settlement Guidelines and 16 NYCRR § 3.9 (d), and admitted inability to self-identify those breaches before or after the fact, the Applicant notes again that the ALJs "may impose appropriate sanctions" *sua sponte*.

Thank you.

**Aubrey A. Roman** | Partner

Direct: 518.701.2720 | Cell: 315.751.0762 | Email: [aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)



[HARRISBEACHMURTHA.COM](http://HARRISBEACHMURTHA.COM)



**From:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>

**Sent:** Tuesday, June 2, 2026 12:36 PM

**To:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

**Cc:** [alicia.mcnally@dot.ny.gov](mailto:alicia.mcnally@dot.ny.gov); [adevito@couchwhite.com](mailto:adevito@couchwhite.com); [amajkrzak@lipower.org](mailto:amajkrzak@lipower.org); [msports111@hotmail.com](mailto:msports111@hotmail.com); [acascione@cullenllp.com](mailto:acascione@cullenllp.com); [bew@bewlawfirm.com](mailto:bew@bewlawfirm.com); [wildoilsli@gmail.com](mailto:wildoilsli@gmail.com); [bmooney@cullenllp.com](mailto:bmooney@cullenllp.com); [Bridget@OTooleLaw.Group](mailto:Bridget@OTooleLaw.Group); [Christian.MMonahan@gmail.com](mailto:Christian.MMonahan@gmail.com); [carenriskin@gmail.com](mailto:carenriskin@gmail.com); [ctondo@ingermansmith.com](mailto:ctondo@ingermansmith.com); [cmccann63@hotmail.com](mailto:cmccann63@hotmail.com); [cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com); [Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov); [dmcaree@ewhowell.com](mailto:dmcaree@ewhowell.com); [duthie@strategicpower.com](mailto:duthie@strategicpower.com); [D.Evers@BHPP.com](mailto:D.Evers@BHPP.com); [david.appelbaum@nytransco.com](mailto:david.appelbaum@nytransco.com); [dmetcalfe@cullenllp.com](mailto:dmetcalfe@cullenllp.com); [goldcoastbusinessassociationli@gmail.com](mailto:goldcoastbusinessassociationli@gmail.com); [deborgelgordon@gmail.com](mailto:deborgelgordon@gmail.com); [dgoodric@law.nyc.gov](mailto:dgoodric@law.nyc.gov); [draugenth@gmail.com](mailto:draugenth@gmail.com); Elena Villafane <[evillafane@seacliff-ny.gov](mailto:evillafane@seacliff-ny.gov)>; [gpombar@optonline.net](mailto:gpombar@optonline.net); [HWHpropelinfo@yahoo.com](mailto:HWHpropelinfo@yahoo.com); [Heather.Behnke@nypa.gov](mailto:Heather.Behnke@nypa.gov); [hmbenzie@gmail.com](mailto:hmbenzie@gmail.com); [Irene.Papadopoulos@parks.nyc.gov](mailto:Irene.Papadopoulos@parks.nyc.gov); [FREITASI@coned.com](mailto:FREITASI@coned.com); [propelupdates2025@yahoo.com](mailto:propelupdates2025@yahoo.com); [jenniferokeefe77@yahoo.com](mailto:jenniferokeefe77@yahoo.com); [thpo@mohican-nsn.gov](mailto:thpo@mohican-nsn.gov); [Jennifer@heathotoole.com](mailto:Jennifer@heathotoole.com); [jessie.shaw@dec.ny.gov](mailto:jessie.shaw@dec.ny.gov); [greenvalecivica@aol.com](mailto:greenvalecivica@aol.com); John T. McManus <[jmcmanus@harrisbeachmurtha.com](mailto:jmcmanus@harrisbeachmurtha.com)>; [J.macy@bhpp.com](mailto:J.macy@bhpp.com); [kara.krueger@pseg.com](mailto:kara.krueger@pseg.com); [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); [kyanelli@gmail.com](mailto:kyanelli@gmail.com); [kathyre12@gmail.com](mailto:kathyre12@gmail.com); [klang@couchwhite.com](mailto:klang@couchwhite.com); [kasaladino@icloud.com](mailto:kasaladino@icloud.com); [kimberly\\_pritchard@iroquois.com](mailto:kimberly_pritchard@iroquois.com); [laurel.bohl@dos.ny.gov](mailto:laurel.bohl@dos.ny.gov); [linneydel@yahoo.com](mailto:linneydel@yahoo.com); [lzafonte@lipower.org](mailto:lzafonte@lipower.org); [lorirugg23@hotmail.com](mailto:lorirugg23@hotmail.com); [parentsagainstpropel@gmail.com](mailto:parentsagainstpropel@gmail.com); [Marissa.Fabricant@parks.nyc.gov](mailto:Marissa.Fabricant@parks.nyc.gov); [b2bespoke@gmail.com](mailto:b2bespoke@gmail.com); [meldred@hselaw.com](mailto:meldred@hselaw.com); [mfranco@couchwhite.com](mailto:mfranco@couchwhite.com); [michaelbatel@gmail.com](mailto:michaelbatel@gmail.com); [michael.morris@dos.ny.gov](mailto:michael.morris@dos.ny.gov); [mkoblenz@westermanllp.com](mailto:mkoblenz@westermanllp.com); [nicholas.forst@dps.ny.gov](mailto:nicholas.forst@dps.ny.gov); [suttonmanor.nr@gmail.com](mailto:suttonmanor.nr@gmail.com); [Peter.Hilerio@dps.ny.gov](mailto:Peter.Hilerio@dps.ny.gov); [theroseannmcmahon@gmail.com](mailto:theroseannmcmahon@gmail.com); [poansa1@outlook.com](mailto:poansa1@outlook.com); [richard.swatek@dot.ny.gov](mailto:richard.swatek@dot.ny.gov); [bogler@northhempsteadny.gov](mailto:bogler@northhempsteadny.gov); [Sarmili.Saha@psegliny.com](mailto:Sarmili.Saha@psegliny.com); [sherri.rosenberg@parks.nyc.gov](mailto:sherri.rosenberg@parks.nyc.gov); [rosenblatts@coned.com](mailto:rosenblatts@coned.com); [eskerrets@coned.com](mailto:eskerrets@coned.com); [sita.crounse@dec.ny.gov](mailto:sita.crounse@dec.ny.gov); [garcias@coned.com](mailto:garcias@coned.com); [staceyrichardson45@gmail.com](mailto:staceyrichardson45@gmail.com); [slefevre@bartonandloguidice.com](mailto:slefevre@bartonandloguidice.com); [Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov); [GalloV@coned.com](mailto:GalloV@coned.com)

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Aubrey and Your Honors,

The Village does not agree with Applicant's characterization of the May 27, 2026 deficiency letter or Applicant's demand that it be retracted.

The May 27 letter was not intended as a new discovery request. It was intended to identify deficiencies in Applicant's response to PNYE-VOSC-1 and to request complete responses to the Village's original discovery request.

The Village also does not understand the basis for Applicant's assertion that the May 27 letter breached settlement confidentiality. The Village replied to the distribution list used by Applicant in serving its objections and response to PNYE-VOSC-1. The Village's letter addressed matters Applicant referenced, relied upon, or produced in its formal discovery response, as well as the filed Joint Proposal and associated Certificate Conditions.

Applicant should not be permitted to rely on specific correspondence or analysis as a basis for its discovery response while simultaneously claiming that the Village may not identify or discuss that same referenced material for the limited purpose of challenging the completeness and accuracy of the response.

To the extent Applicant contends that specific language in the May 27 letter disclosed information protected by the Settlement Procedures and Guidelines, please identify the specific language at issue and explain the basis for Applicant's position. The Village will review any specific identification in good faith.

The Village reserves all rights.

Regards,

**BRUCE KENNEDY**

**Administrator** 516.671.0080 X 3  
**Village of Sea Cliff** [bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)  
300 Sea Cliff Ave • Sea Cliff, NY 11579

**From:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>  
**Sent:** Monday, June 1, 2026 9:35 PM  
**To:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)  
**Cc:** [alicia.mcnally@dot.ny.gov](mailto:alicia.mcnally@dot.ny.gov); [adevito@couchwhite.com](mailto:adevito@couchwhite.com); [amajkrzak@lipower.org](mailto:amajkrzak@lipower.org); [msports111@hotmail.com](mailto:msports111@hotmail.com); [acascione@cullenllp.com](mailto:acascione@cullenllp.com); [bew@bewlawfirm.com](mailto:bew@bewlawfirm.com); [wildoilsli@gmail.com](mailto:wildoilsli@gmail.com); [bmooney@cullenllp.com](mailto:bmooney@cullenllp.com); [Bridget@OTooleLaw.Group](mailto:Bridget@OTooleLaw.Group); [Christian.MMonahan@gmail.com](mailto:Christian.MMonahan@gmail.com); [caenriskin@gmail.com](mailto:caenriskin@gmail.com); [ctondo@ingermansmith.com](mailto:ctondo@ingermansmith.com); [cmccann63@hotmail.com](mailto:cmccann63@hotmail.com); [cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com); [Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov); [dmcaree@ewhowell.com](mailto:dmcaree@ewhowell.com); [duthie@strategicpower.com](mailto:duthie@strategicpower.com); [D.Evers@BHPP.com](mailto:D.Evers@BHPP.com); [david.appelbaum@nytransco.com](mailto:david.appelbaum@nytransco.com); [dmetcalfe@cullenllp.com](mailto:dmetcalfe@cullenllp.com); [goldcoastbusinessassociationli@gmail.com](mailto:goldcoastbusinessassociationli@gmail.com); [deborgelgordon@gmail.com](mailto:deborgelgordon@gmail.com); [dgoodric@law.nyc.gov](mailto:dgoodric@law.nyc.gov); [draugenth@gmail.com](mailto:draugenth@gmail.com); **Elena Villafane** <[evillafane@seacliff-ny.gov](mailto:evillafane@seacliff-ny.gov)>; [gpombar@optonline.net](mailto:gpombar@optonline.net); [HWHpropelinfo@yahoo.com](mailto:HWHpropelinfo@yahoo.com); [Heather.Behnke@nypa.gov](mailto:Heather.Behnke@nypa.gov); [hmbenzie@gmail.com](mailto:hmbenzie@gmail.com); [Irene.Papadopoulos@parks.nyc.gov](mailto:Irene.Papadopoulos@parks.nyc.gov); [FREITAS@coned.com](mailto:FREITAS@coned.com); [propelupdates2025@yahoo.com](mailto:propelupdates2025@yahoo.com); [jenniferokeefe77@yahoo.com](mailto:jenniferokeefe77@yahoo.com); [thpo@mohican-nsn.gov](mailto:thpo@mohican-nsn.gov); [Jennifer@heathotoole.com](mailto:Jennifer@heathotoole.com); [jessie.shaw@dec.ny.gov](mailto:jessie.shaw@dec.ny.gov); [greenvalecivica@aol.com](mailto:greenvalecivica@aol.com); **John T. McManus** <[jmcm Manus@harrisbeachmurtha.com](mailto:jmcm Manus@harrisbeachmurtha.com)>; [J.macy@bhpp.com](mailto:J.macy@bhpp.com); [kara.krueger@pseg.com](mailto:kara.krueger@pseg.com); [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); [kyanelli@gmail.com](mailto:kyanelli@gmail.com); [kathyre12@gmail.com](mailto:kathyre12@gmail.com); [klang@couchwhite.com](mailto:klang@couchwhite.com); [kasaladino@icloud.com](mailto:kasaladino@icloud.com); [kimberly\\_pritchard@iroyuquois.com](mailto:kimberly_pritchard@iroyuquois.com); [laurel.bohl@dos.ny.gov](mailto:laurel.bohl@dos.ny.gov); [linneydel@yahoo.com](mailto:linneydel@yahoo.com); [lzafonte@lipower.org](mailto:lzafonte@lipower.org); [lorirugg23@hotmail.com](mailto:lorirugg23@hotmail.com); [parentsagainstpropel@gmail.com](mailto:parentsagainstpropel@gmail.com); [Marissa.Fabricant@parks.nyc.gov](mailto:Marissa.Fabricant@parks.nyc.gov); [b2bespoke@gmail.com](mailto:b2bespoke@gmail.com); [meldred@hselaw.com](mailto:meldred@hselaw.com); [mfranco@couchwhite.com](mailto:mfranco@couchwhite.com); [michaelbatel@gmail.com](mailto:michaelbatel@gmail.com); [michael.morris@dos.ny.gov](mailto:michael.morris@dos.ny.gov); [mkoblentz@westermanllp.com](mailto:mkoblentz@westermanllp.com); [nicholas.forst@dps.ny.gov](mailto:nicholas.forst@dps.ny.gov); [suttonmanor.nr@gmail.com](mailto:suttonmanor.nr@gmail.com); [Peter.Hilerio@dps.ny.gov](mailto:Peter.Hilerio@dps.ny.gov); [theroseannmcmahon@gmail.com](mailto:theroseannmcmahon@gmail.com); [poansa1@outlook.com](mailto:poansa1@outlook.com); [richard.swatek@dot.ny.gov](mailto:richard.swatek@dot.ny.gov); [bogler@northhempsteadny.gov](mailto:bogler@northhempsteadny.gov); [Sarmili.Saha@psegliny.com](mailto:Sarmili.Saha@psegliny.com); [sherri.rosenberg@parks.nyc.gov](mailto:sherri.rosenberg@parks.nyc.gov); [rosenblatts@coned.com](mailto:rosenblatts@coned.com); [eskerrets@coned.com](mailto:eskerrets@coned.com); [sita.crounse@dec.ny.gov](mailto:sita.crounse@dec.ny.gov); [garcias@coned.com](mailto:garcias@coned.com); [staceyrichardson45@gmail.com](mailto:staceyrichardson45@gmail.com); [slefevre@bartonandloguidice.com](mailto:slefevre@bartonandloguidice.com); [Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov); [GalloV@coned.com](mailto:GalloV@coned.com)  
**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Bruce,

Please see our attached reply to your May 27, 2026 correspondence.

Thank you.

**Aubrey A. Roman** | Partner  
Direct: 518.701.2720 | Cell: 315.751.0762 | Email: [aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)



[HARRISBEACHMURTHA.COM](http://HARRISBEACHMURTHA.COM)



**From:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>

**Sent:** Wednesday, May 27, 2026 3:47 PM

**To:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

**Cc:** [alicia.mcnally@dot.ny.gov](mailto:alicia.mcnally@dot.ny.gov); [adevito@couchwhite.com](mailto:adevito@couchwhite.com); [amajkrzak@lipower.org](mailto:amajkrzak@lipower.org); [msports111@hotmail.com](mailto:msports111@hotmail.com); [acascione@cullenllp.com](mailto:acascione@cullenllp.com); [bew@bewlawfirm.com](mailto:bew@bewlawfirm.com); [wildoisli@gmail.com](mailto:wildoisli@gmail.com); [bmooney@cullenllp.com](mailto:bmooney@cullenllp.com); [Bridget@OTooleLaw.Group](mailto:Bridget@OTooleLaw.Group); [Christian.MMonahan@gmail.com](mailto:Christian.MMonahan@gmail.com); [carenriskin@gmail.com](mailto:carenriskin@gmail.com); [ctondo@ingermansmith.com](mailto:ctondo@ingermansmith.com); [cmccann63@hotmail.com](mailto:cmccann63@hotmail.com); [cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com); [Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov); [dmcaree@ewhowell.com](mailto:dmcaree@ewhowell.com); [duthie@strategicpower.com](mailto:duthie@strategicpower.com); [D.Evers@BHPP.com](mailto:D.Evers@BHPP.com); [david.appelbaum@nytransco.com](mailto:david.appelbaum@nytransco.com); [dmetcalfe@cullenllp.com](mailto:dmetcalfe@cullenllp.com); [goldcoastbusinessassociationli@gmail.com](mailto:goldcoastbusinessassociationli@gmail.com); [deborgelgordon@gmail.com](mailto:deborgelgordon@gmail.com); [dgoodric@law.nyc.gov](mailto:dgoodric@law.nyc.gov); [draugenth@gmail.com](mailto:draugenth@gmail.com); Elena Villafane <[evillafane@seacliff-ny.gov](mailto:evillafane@seacliff-ny.gov)>; [gpombar@optonline.net](mailto:gpombar@optonline.net); [HWHpropelinfo@yahoo.com](mailto:HWHpropelinfo@yahoo.com); [Heather.Behnke@nypa.gov](mailto:Heather.Behnke@nypa.gov); [hmbenzie@gmail.com](mailto:hmbenzie@gmail.com); [Irene.Papadopoulos@parks.nyc.gov](mailto:Irene.Papadopoulos@parks.nyc.gov); [FREITAS@coned.com](mailto:FREITAS@coned.com); [propelupdates2025@yahoo.com](mailto:propelupdates2025@yahoo.com); [jenniferokeefe77@yahoo.com](mailto:jenniferokeefe77@yahoo.com); [thpo@mohican-nsn.gov](mailto:thpo@mohican-nsn.gov); [Jennifer@heathotoole.com](mailto:Jennifer@heathotoole.com); [jessie.shaw@dec.ny.gov](mailto:jessie.shaw@dec.ny.gov); [greenvalcivica@aol.com](mailto:greenvalcivica@aol.com); John T. McManus <[jmcmamus@harrisbeachmurtha.com](mailto:jmcmamus@harrisbeachmurtha.com)>; [J.macy@bhpp.com](mailto:J.macy@bhpp.com); [kara.krueger@pseg.com](mailto:kara.krueger@pseg.com); [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); [kyanelli@gmail.com](mailto:kyanelli@gmail.com); [kathyre12@gmail.com](mailto:kathyre12@gmail.com); [klang@couchwhite.com](mailto:klang@couchwhite.com); [kasaladino@icloud.com](mailto:kasaladino@icloud.com); [kimberly\\_pritchard@iroquois.com](mailto:kimberly_pritchard@iroquois.com); [laurel.bohl@dos.ny.gov](mailto:laurel.bohl@dos.ny.gov); [linneydel@yahoo.com](mailto:linneydel@yahoo.com); [lzafonte@lipower.org](mailto:lzafonte@lipower.org); [lorirugg23@hotmail.com](mailto:lorirugg23@hotmail.com); [parentsagainstopel@gmail.com](mailto:parentsagainstopel@gmail.com); [Marissa.Fabricant@parks.nyc.gov](mailto:Marissa.Fabricant@parks.nyc.gov); [b2bespoke@gmail.com](mailto:b2bespoke@gmail.com); [meldred@hselaw.com](mailto:meldred@hselaw.com); [mfranco@couchwhite.com](mailto:mfranco@couchwhite.com); [michaelbatel@gmail.com](mailto:michaelbatel@gmail.com); [michael.morris@dos.ny.gov](mailto:michael.morris@dos.ny.gov); [mkoblentz@westermanllp.com](mailto:mkoblentz@westermanllp.com); [nicholas.forst@dps.ny.gov](mailto:nicholas.forst@dps.ny.gov); [suttonmanor.nr@gmail.com](mailto:suttonmanor.nr@gmail.com); [Peter.Hilerio@dps.ny.gov](mailto:Peter.Hilerio@dps.ny.gov); [theroseannmcmahon@gmail.com](mailto:theroseannmcmahon@gmail.com); [poansa1@outlook.com](mailto:poansa1@outlook.com); [richard.swatek@dot.ny.gov](mailto:richard.swatek@dot.ny.gov); [bogler@northhempsteadny.gov](mailto:bogler@northhempsteadny.gov); [Sarmili.Saha@psegliny.com](mailto:Sarmili.Saha@psegliny.com); [sherri.rosenberg@parks.nyc.gov](mailto:sherri.rosenberg@parks.nyc.gov); [rosenblatts@coned.com](mailto:rosenblatts@coned.com); [eskerrets@coned.com](mailto:eskerrets@coned.com); [sita.crouse@dec.ny.gov](mailto:sita.crouse@dec.ny.gov); [garcias@coned.com](mailto:garcias@coned.com); [staceyrichardson45@gmail.com](mailto:staceyrichardson45@gmail.com); [slefevre@bartonandloguidice.com](mailto:slefevre@bartonandloguidice.com); [Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov); [GalloV@coned.com](mailto:GalloV@coned.com)

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Aubrey,

Attached please find the Village of Sea Cliff's deficiency letter regarding Applicant's May 26, 2026 Objections and Response to Interrogatory/Document Request PNYE-VOsc-1.

The Administrative Law Judges and party list are copied because of the compressed procedural schedule established in the May 12, 2026 Ruling on Process and Schedule, including the June 5 deadline for Initial Statements on the Joint Proposal. The Village is not requesting immediate ALJ intervention by this correspondence but is first seeking prompt supplementation from Applicant.

Thank you.

## **BRUCE KENNEDY**

**Administrator** 516.671.0080 X 3

**Village of Sea Cliff** [bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)

300 Sea Cliff Ave • Sea Cliff, NY 11579

**From:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>

**Sent:** Tuesday, May 26, 2026 10:04 PM

**To:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

**Cc:** [alicia.mcnally@dot.ny.gov](mailto:alicia.mcnally@dot.ny.gov); [adevito@couchwhite.com](mailto:adevito@couchwhite.com); [amajkrzak@lipower.org](mailto:amajkrzak@lipower.org); [msports111@hotmail.com](mailto:msports111@hotmail.com); [acascione@cullenllp.com](mailto:acascione@cullenllp.com); [bew@bewlawfirm.com](mailto:bew@bewlawfirm.com); [wildoilsl@gmail.com](mailto:wildoilsl@gmail.com); [bmooney@cullenllp.com](mailto:bmooney@cullenllp.com); [Bridget@OTooleLaw.Group](mailto:Bridget@OTooleLaw.Group); [Christian.MMonahan@gmail.com](mailto:Christian.MMonahan@gmail.com); [carenriskin@gmail.com](mailto:carenriskin@gmail.com); [ctondo@ingermansmith.com](mailto:ctondo@ingermansmith.com); [cmccann63@hotmail.com](mailto:cmccann63@hotmail.com); [cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com); [Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov); [dmcaree@ewhowell.com](mailto:dmcaree@ewhowell.com); [duthie@strategicpower.com](mailto:duthie@strategicpower.com); [D.Evers@BHPP.com](mailto:D.Evers@BHPP.com); [david.appelbaum@nytransco.com](mailto:david.appelbaum@nytransco.com); [dmetcalfe@cullenllp.com](mailto:dmetcalfe@cullenllp.com); [goldcoastbusinessassociationli@gmail.com](mailto:goldcoastbusinessassociationli@gmail.com); [deborgelgordon@gmail.com](mailto:deborgelgordon@gmail.com); [dgoodric@law.nyc.gov](mailto:dgoodric@law.nyc.gov); [draugenth@gmail.com](mailto:draugenth@gmail.com); [Elena Villafane <evillafane@seacliff-ny.gov>](mailto:Elena.Villafane@seacliff-ny.gov); [gpombar@optonline.net](mailto:gpombar@optonline.net); [HWHpropelinfo@yahoo.com](mailto:HWHpropelinfo@yahoo.com); [Heather.Behnke@nypa.gov](mailto:Heather.Behnke@nypa.gov); [hmbenzie@gmail.com](mailto:hmbenzie@gmail.com); [Irene.Papadopoulos@parks.nyc.gov](mailto:Irene.Papadopoulos@parks.nyc.gov); [FREITASI@coned.com](mailto:FREITASI@coned.com); [propelupdates2025@yahoo.com](mailto:propelupdates2025@yahoo.com); [jenniferokeefe77@yahoo.com](mailto:jenniferokeefe77@yahoo.com); [thpo@mohican-nsn.gov](mailto:thpo@mohican-nsn.gov); [Jennifer@heathotoole.com](mailto:Jennifer@heathotoole.com); [jessie.shaw@dec.ny.gov](mailto:jessie.shaw@dec.ny.gov); [greenvalcivica@aol.com](mailto:greenvalcivica@aol.com); [John T. McManus <jmcmamus@harrisbeachmurtha.com>](mailto:John.T.McManus@harrisbeachmurtha.com); [J.macy@bhpp.com](mailto:J.macy@bhpp.com); [kara.krueger@pseg.com](mailto:kara.krueger@pseg.com); [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); [kyanelli@gmail.com](mailto:kyanelli@gmail.com); [kathyre12@gmail.com](mailto:kathyre12@gmail.com); [klang@couchwhite.com](mailto:klang@couchwhite.com); [kasaladino@icloud.com](mailto:kasaladino@icloud.com); [kimberly\\_pritchard@iroquois.com](mailto:kimberly_pritchard@iroquois.com); [laurel.bohl@dos.ny.gov](mailto:laurel.bohl@dos.ny.gov); [linneydel@yahoo.com](mailto:linneydel@yahoo.com); [lzafonte@lipower.org](mailto:lzafonte@lipower.org); [lorirugg23@hotmail.com](mailto:lorirugg23@hotmail.com); [parentsagainstpropel@gmail.com](mailto:parentsagainstpropel@gmail.com); [Marissa.Fabricant@parks.nyc.gov](mailto:Marissa.Fabricant@parks.nyc.gov); [b2bespoke@gmail.com](mailto:b2bespoke@gmail.com); [meldred@hselaw.com](mailto:meldred@hselaw.com); [mfranco@couchwhite.com](mailto:mfranco@couchwhite.com); [michaelbatel@gmail.com](mailto:michaelbatel@gmail.com); [michael.morris@dos.ny.gov](mailto:michael.morris@dos.ny.gov); [mkoblenz@westermanllp.com](mailto:mkoblenz@westermanllp.com); [nicholas.forst@dps.ny.gov](mailto:nicholas.forst@dps.ny.gov); [suttonmanor.nr@gmail.com](mailto:suttonmanor.nr@gmail.com); [Peter.Hilerio@dps.ny.gov](mailto:Peter.Hilerio@dps.ny.gov); [theroseannmcmahon@gmail.com](mailto:theroseannmcmahon@gmail.com); [poansa1@outlook.com](mailto:poansa1@outlook.com); [richard.swatek@dot.ny.gov](mailto:richard.swatek@dot.ny.gov); [bogler@northhempsteadny.gov](mailto:bogler@northhempsteadny.gov); [Sarmili.Saha@psegliny.com](mailto:Sarmili.Saha@psegliny.com); [sherri.rosenberg@parks.nyc.gov](mailto:sherri.rosenberg@parks.nyc.gov); [rosenbiatts@coned.com](mailto:rosenbiatts@coned.com); [eskerrets@coned.com](mailto:eskerrets@coned.com); [sita.crouse@dec.ny.gov](mailto:sita.crouse@dec.ny.gov); [garcias@coned.com](mailto:garcias@coned.com); [staceyrichardson45@gmail.com](mailto:staceyrichardson45@gmail.com); [slefevre@bartonandloguidice.com](mailto:slefevre@bartonandloguidice.com); [Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov); [GalloV@coned.com](mailto:GalloV@coned.com)

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Bruce,

Attached please find the Applicant's narrative response to PNYE-VOSC-1. Due to their size, the attachments referenced in the narrative response and the associated request for protection can be downloaded using this ShareFile link: <https://harrisbeach.sharefile.com/d-s5d93ef5bfcc049bc80be4a9cef85aabe>

Thank you.

**Aubrey A. Roman** | Partner

Direct: 518.701.2720 | Cell: 315.751.0762 | Email: [aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)



[HARRISBEACHMURTHA.COM](http://HARRISBEACHMURTHA.COM)

Albany Office | 677 Broadway, Suite 1101, Albany, NY 12207  
518.427.9700 | Fax: 518.427.0235



**From:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>

**Sent:** Friday, May 22, 2026 4:09 PM

**To:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>; Bergen, Erika (DPS) <[Erika.Bergen@dps.ny.gov](mailto:Erika.Bergen@dps.ny.gov)>; [anthony.belsito@dps.ny.gov](mailto:anthony.belsito@dps.ny.gov)

**Cc:** [alicia.mcnally@dot.ny.gov](mailto:alicia.mcnally@dot.ny.gov); [adevito@couchwhite.com](mailto:adevito@couchwhite.com); [amajkrzak@lipower.org](mailto:amajkrzak@lipower.org); [msports111@hotmail.com](mailto:msports111@hotmail.com); [acascione@cullenllp.com](mailto:acascione@cullenllp.com); [bew@bewlawfirm.com](mailto:bew@bewlawfirm.com); [wildoilsl@gmail.com](mailto:wildoilsl@gmail.com); [bmooney@cullenllp.com](mailto:bmooney@cullenllp.com); [Bridget@OTooleLaw.Group](mailto:Bridget@OTooleLaw.Group); [Christian.MMonahan@gmail.com](mailto:Christian.MMonahan@gmail.com); [carenriskin@gmail.com](mailto:carenriskin@gmail.com); [ctondo@ingermansmith.com](mailto:ctondo@ingermansmith.com);

[cmccann63@hotmail.com](mailto:cmccann63@hotmail.com); [cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com);  
[Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov); [dmcaree@ewhowell.com](mailto:dmcaree@ewhowell.com); [duthie@strategicpower.com](mailto:duthie@strategicpower.com); [D.Evers@BHPP.com](mailto:D.Evers@BHPP.com);  
[david.appelbaum@nytransco.com](mailto:david.appelbaum@nytransco.com); [dmetcalfe@cullenllp.com](mailto:dmetcalfe@cullenllp.com); [goldcoastbusinessassociationli@gmail.com](mailto:goldcoastbusinessassociationli@gmail.com);  
[deborgelgordon@gmail.com](mailto:deborgelgordon@gmail.com); [dgoodric@law.nyc.gov](mailto:dgoodric@law.nyc.gov); [draugenth@gmail.com](mailto:draugenth@gmail.com); Elena Villafane <[evillafane@seacliff-ny.gov](mailto:evillafane@seacliff-ny.gov)>; [gpombar@optonline.net](mailto:gpombar@optonline.net); [HWHpropelinfo@yahoo.com](mailto:HWHpropelinfo@yahoo.com); [Heather.Behnke@nypa.gov](mailto:Heather.Behnke@nypa.gov); [hmbenzie@gmail.com](mailto:hmbenzie@gmail.com);  
[Irene.Papadopoulos@parks.nyc.gov](mailto:Irene.Papadopoulos@parks.nyc.gov); [FREITASI@coned.com](mailto:FREITASI@coned.com); [propelupdates2025@yahoo.com](mailto:propelupdates2025@yahoo.com);  
[jenniferokeefe77@yahoo.com](mailto:jenniferokeefe77@yahoo.com); [thpo@mohican-nsn.gov](mailto:thpo@mohican-nsn.gov); [Jennifer@heathotoole.com](mailto:Jennifer@heathotoole.com); [jessie.shaw@dec.ny.gov](mailto:jessie.shaw@dec.ny.gov);  
[greenvalecivica@aol.com](mailto:greenvalecivica@aol.com); John T. McManus <[jmcmanus@harrisbeachmurtha.com](mailto:jmcmanus@harrisbeachmurtha.com)>; [J.macy@bhpp.com](mailto:J.macy@bhpp.com);  
[kara.krueger@pseg.com](mailto:kara.krueger@pseg.com); [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); [kyanelli@gmail.com](mailto:kyanelli@gmail.com); [kathyre12@gmail.com](mailto:kathyre12@gmail.com);  
[klang@couchwhite.com](mailto:klang@couchwhite.com); [kasaladino@icloud.com](mailto:kasaladino@icloud.com); [kimberly\\_pritchard@iroquois.com](mailto:kimberly_pritchard@iroquois.com); [laurel.bohl@dos.ny.gov](mailto:laurel.bohl@dos.ny.gov);  
[linneydel@yahoo.com](mailto:linneydel@yahoo.com); [lzafonte@lipower.org](mailto:lzafonte@lipower.org); [lorirugg23@hotmail.com](mailto:lorirugg23@hotmail.com); [parentsagainstpropel@gmail.com](mailto:parentsagainstpropel@gmail.com);  
[Marissa.Fabricant@parks.nyc.gov](mailto:Marissa.Fabricant@parks.nyc.gov); [b2bespoke@gmail.com](mailto:b2bespoke@gmail.com); [meldred@hselaw.com](mailto:meldred@hselaw.com); [mfranco@couchwhite.com](mailto:mfranco@couchwhite.com);  
[michaelbatel@gmail.com](mailto:michaelbatel@gmail.com); [michael.morris@dos.ny.gov](mailto:michael.morris@dos.ny.gov); [mkoblenz@westermanllp.com](mailto:mkoblenz@westermanllp.com); [nicholas.forst@dps.ny.gov](mailto:nicholas.forst@dps.ny.gov);  
[suttonmanor.nr@gmail.com](mailto:suttonmanor.nr@gmail.com); [Peter.Hilerio@dps.ny.gov](mailto:Peter.Hilerio@dps.ny.gov); [theroseannmcmahon@gmail.com](mailto:theroseannmcmahon@gmail.com); [poansa1@outlook.com](mailto:poansa1@outlook.com);  
[richard.swatek@dot.ny.gov](mailto:richard.swatek@dot.ny.gov); [bogler@northhempsteadny.gov](mailto:bogler@northhempsteadny.gov); [Sarmili.Saha@psegliny.com](mailto:Sarmili.Saha@psegliny.com);  
[sherri.rosenberg@parks.nyc.gov](mailto:sherri.rosenberg@parks.nyc.gov); [rosenblatts@coned.com](mailto:rosenblatts@coned.com); [eskerrets@coned.com](mailto:eskerrets@coned.com); [sita.crouse@dec.ny.gov](mailto:sita.crouse@dec.ny.gov);  
[garcias@coned.com](mailto:garcias@coned.com); [staceyrichardson45@gmail.com](mailto:staceyrichardson45@gmail.com); [slefevre@bartonandloguidice.com](mailto:slefevre@bartonandloguidice.com);  
[Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov); [GalloV@coned.com](mailto:GalloV@coned.com)

**Subject:** RE: Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Bruce and Your Honors,

Pursuant to 16 NYCRR Part 5 and the May 12, 2026 Ruling on Process and Schedule issued by Administrative Law Judges Planty, Bergen, and Belsito, attached for service is the Applicant's general and specific objections to the Village of Sea Cliff's May 20, 2026 discovery requests. As you will see, subject to those objections, the Applicant will timely serve substantive responses to each of the 21 requests next week.

Thank you.

**Aubrey A. Roman** | Partner

Direct: 518.701.2720 | Cell: 315.751.0762 | Email: [aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)



[HARRISBEACHMURTHA.COM](http://HARRISBEACHMURTHA.COM)

Albany Office | 677 Broadway, Suite 1101, Albany, NY 12207  
518.427.9700 | Fax: 518.427.0235



**From:** Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>

**Sent:** Wednesday, May 20, 2026 3:03 PM

**To:** Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>; Nicholas Planty <[nicholas.planty@dps.ny.gov](mailto:nicholas.planty@dps.ny.gov)>

**Cc:** [alicia.mcnally@dot.ny.gov](mailto:alicia.mcnally@dot.ny.gov); [adevito@couchwhite.com](mailto:adevito@couchwhite.com); [amajkrzak@lipower.org](mailto:amajkrzak@lipower.org); [msports111@hotmail.com](mailto:msports111@hotmail.com);  
[acascione@cullenllp.com](mailto:acascione@cullenllp.com); Aubrey A. Roman <[aroman@harrisbeachmurtha.com](mailto:aroman@harrisbeachmurtha.com)>; [bew@bewlawfirm.com](mailto:bew@bewlawfirm.com);  
[wildoilsl@gmail.com](mailto:wildoilsl@gmail.com); [bmooney@cullenllp.com](mailto:bmooney@cullenllp.com); [Bridget@OTooleLaw.Group](mailto:Bridget@OTooleLaw.Group); Bruce Kennedy <[bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)>; [Christian.MMonahan@gmail.com](mailto:Christian.MMonahan@gmail.com); [carenriskin@gmail.com](mailto:carenriskin@gmail.com); [ctondo@ingermansmith.com](mailto:ctondo@ingermansmith.com);  
[cmccann63@hotmail.com](mailto:cmccann63@hotmail.com); [cheryl.sandrow@dec.ny.gov](mailto:cheryl.sandrow@dec.ny.gov); [cdurant@ingermansmith.com](mailto:cdurant@ingermansmith.com);  
[Colleen.Alderson@parks.nyc.gov](mailto:Colleen.Alderson@parks.nyc.gov); [dmcaree@ewhowell.com](mailto:dmcaree@ewhowell.com); [duthie@strategicpower.com](mailto:duthie@strategicpower.com); [D.Evers@BHPP.com](mailto:D.Evers@BHPP.com);  
[david.appelbaum@nytransco.com](mailto:david.appelbaum@nytransco.com); [dmetcalfe@cullenllp.com](mailto:dmetcalfe@cullenllp.com); [goldcoastbusinessassociationli@gmail.com](mailto:goldcoastbusinessassociationli@gmail.com);  
[deborgelgordon@gmail.com](mailto:deborgelgordon@gmail.com); [dgoodric@law.nyc.gov](mailto:dgoodric@law.nyc.gov); [draugenth@gmail.com](mailto:draugenth@gmail.com); Elena Villafane <[Exhibit E - Page 008](mailto:evillafane@seacliff-</a></p></div><div data-bbox=)

[ny.gov](mailto:ny.gov)>; [gpombar@optonline.net](mailto:gpombar@optonline.net); [HWHpropelinfo@yahoo.com](mailto:HWHpropelinfo@yahoo.com); [Heather.Behnke@nypa.gov](mailto:Heather.Behnke@nypa.gov); [hmbenzie@gmail.com](mailto:hmbenzie@gmail.com); [irene.Papadopoulos@parks.nyc.gov](mailto:irene.Papadopoulos@parks.nyc.gov); [FREITAS@coned.com](mailto:FREITAS@coned.com); [propelupdates2025@yahoo.com](mailto:propelupdates2025@yahoo.com); [jenniferokeefe77@yahoo.com](mailto:jenniferokeefe77@yahoo.com); [thpo@mohican-nsn.gov](mailto:thpo@mohican-nsn.gov); [Jennifer@heathotoole.com](mailto:Jennifer@heathotoole.com); [jessie.shaw@dec.ny.gov](mailto:jessie.shaw@dec.ny.gov); [greenvalecivica@aol.com](mailto:greenvalecivica@aol.com); [John T. McManus <jmcm Manus@harrisbeachmurtha.com>](mailto:John T. McManus <jmcm Manus@harrisbeachmurtha.com>); [J.macy@bhpp.com](mailto:J.macy@bhpp.com); [kara.krueger@pseg.com](mailto:kara.krueger@pseg.com); [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov); [kyanelli@gmail.com](mailto:kyanelli@gmail.com); [kathyre12@gmail.com](mailto:kathyre12@gmail.com); [klang@couchwhite.com](mailto:klang@couchwhite.com); [kasaladino@icloud.com](mailto:kasaladino@icloud.com); [kimberly\\_pritchard@iroyuquois.com](mailto:kimberly_pritchard@iroyuquois.com); [laurel.bohl@dos.ny.gov](mailto:laurel.bohl@dos.ny.gov); [linneydel@yahoo.com](mailto:linneydel@yahoo.com); [lzafonte@lipower.org](mailto:lzafonte@lipower.org); [lorirugg23@hotmail.com](mailto:lorirugg23@hotmail.com); [parentsagainstpropel@gmail.com](mailto:parentsagainstpropel@gmail.com); [Marissa.Fabricant@parks.nyc.gov](mailto:Marissa.Fabricant@parks.nyc.gov); [b2bespoke@gmail.com](mailto:b2bespoke@gmail.com); [meldred@hselaw.com](mailto:meldred@hselaw.com); [mfranco@couchwhite.com](mailto:mfranco@couchwhite.com); [michaelbatel@gmail.com](mailto:michaelbatel@gmail.com); [michael.morris@dos.ny.gov](mailto:michael.morris@dos.ny.gov); [mkoblenz@westermanllp.com](mailto:mkoblenz@westermanllp.com); [nicholas.forst@dps.ny.gov](mailto:nicholas.forst@dps.ny.gov); [suttonmanor.nr@gmail.com](mailto:suttonmanor.nr@gmail.com); [Peter.Hilerio@dps.ny.gov](mailto:Peter.Hilerio@dps.ny.gov); [theroseannmcmahon@gmail.com](mailto:theroseannmcmahon@gmail.com); [poansa1@outlook.com](mailto:poansa1@outlook.com); [richard.swatek@dot.ny.gov](mailto:richard.swatek@dot.ny.gov); [bogler@northhempsteadny.gov](mailto:bogler@northhempsteadny.gov); [Sarmili.Saha@segliny.com](mailto:Sarmili.Saha@segliny.com); [sherri.rosenberg@parks.nyc.gov](mailto:sherri.rosenberg@parks.nyc.gov); [rosenblatts@coned.com](mailto:rosenblatts@coned.com); [eskerrets@coned.com](mailto:eskerrets@coned.com); [sita.crounse@dec.ny.gov](mailto:sita.crounse@dec.ny.gov); [garcias@coned.com](mailto:garcias@coned.com); [staceyrichardson45@gmail.com](mailto:staceyrichardson45@gmail.com); [slefevre@bartonandloguidice.com](mailto:slefevre@bartonandloguidice.com); [Mayor@villageofthomastonny.gov](mailto:Mayor@villageofthomastonny.gov); [Tara.Wells@agriculture.ny.gov](mailto:Tara.Wells@agriculture.ny.gov); [GalioV@coned.com](mailto:GalioV@coned.com); [wplache@law.nyc.gov](mailto:wplache@law.nyc.gov)

**Subject:** Case 24-T-0446 — Village of Sea Cliff Discovery Requests to Applicant

Aubrey and John,

Attached please find the Incorporated Village of Sea Cliff's Discovery Requests to Applicant in Case 24-T-0446.

These requests are submitted pursuant to the Administrative Law Judges' Ruling on Process and Schedule issued May 12, 2026, which allows discovery to continue and provides shortened timeframes for objections and substantive responses.

Please confirm receipt.

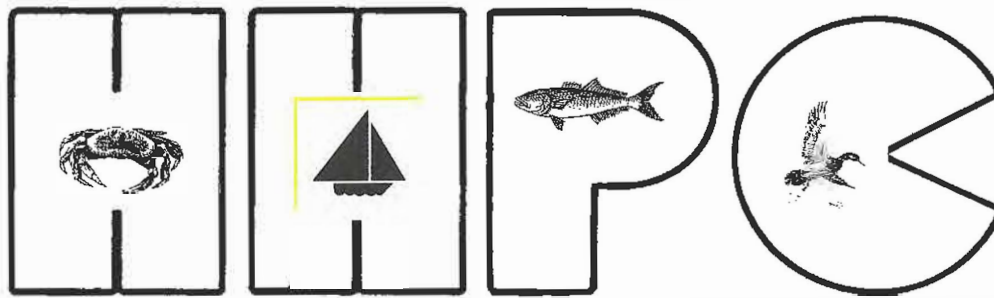
Regards,

**BRUCE KENNEDY**

**Administrator** 516.671.0080 X 3  
**Village of Sea Cliff** [bkennedy@seacliff-ny.gov](mailto:bkennedy@seacliff-ny.gov)  
300 Sea Cliff Ave • Sea Cliff, NY 11579

## EXHIBIT F

# HEMPSTEAD HARBOR PROTECTION COMMITTEE PUBLIC COMMENTS



**Hempstead  
Harbor  
Protection  
Committee**  
[www.HempsteadHarbor.org](http://www.HempsteadHarbor.org)

An Inter-municipal Watershed Protection Committee of the County of Nassau, the Towns of North Hempstead and Oyster Bay, the City of Glen Cove, and the Villages of Sea Cliff, Roslyn Harbor, Roslyn, Flower Hill and Sands Point

*"Alone we can do so little; together we can do so much." - Helen Keller*

May 12, 2025

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

RE: Case # 24-T-0446 – Submarine Cable Installation in Hempstead Harbor

Dear Ms. Phillips and Commissioner Members:

I am writing on behalf of our inter-municipal committee which is comprised of all nine local governments that surround Hempstead Harbor and where four submarine trenches are proposed to each carry three-core cables as part of the Propel NY Energy project.

For the past 30 years, our member municipalities along with the state, the federal government, local citizen groups, universities and others have invested millions of dollars and time into the restoration of this harbor. Together we have achieved many successes, including becoming the first major harbor in the state to re-open to shellfish harvesting in several decades.

We hereby request your help to ensure that adequate submarine construction methods are used and that any necessary restoration efforts are both timely and adequate.

Of particular concern is that last year the Hempstead Harbor Protection Committee and the Coalition to Save Hempstead Harbor 'planted' over 1 million oyster seeds in Hempstead Harbor as part of our joint restoration programs and we expect to do the same again this year. This is a major component of our current restoration efforts.

We fear that unless proper precautions are taken, sediment deposition from the trenching operation would threaten the survival of these oyster beds. Since each adult oyster can filter up to 50 gallons of water a day, these 2 million oysters at maturity could eventually filter up to 100 million gallons a day, and in the process remove excess nitrogen that could cause

29 Spring Street, Oyster Bay, NY 11771 Phone: (516) 677-5921 Fax: (516) 677-5730  
e-mail: [HempsteadHarbor@gmail.com](mailto:HempsteadHarbor@gmail.com)

harmful algal blooms, diminished wetland vegetation and loss of habitats. We note that Congressman Tom Suozzi, who procured funding for this project (through a FY 2022 Congressional Directed Spending appropriation), has a personal keen interest in seeing this program succeed. He personally helped us plant them last year.

While we have greatly appreciated the willingness of NY Transco's experts and NYPA to engage with us and for the benthic and sediment geochemistry surveys that were conducted along the proposed submarine routes through our harbor, it is imperative that the following measures be incorporated into any permits. I note that these requests have all been discussed with NY Transco's experts, and while they were receptive, we need to ensure that these measures are incorporated into the Article VII permit conditions. These should be codified as enforceable permit conditions pursuant to Article VII of the Public Service Law and the State Environmental Quality Review Act (SEQRA).

### **Construction**

- SAFEGUARDS DURING TRENCHING:
  - Jet Plow / Cable Vessel Speed - It is our understanding that NY Transco will have a boat following the jet plow and cable vessel to monitor turbidity levels during the trench excavation process and that when excess turbidity is found, the jet plow and cable vessel will be slowed down to minimize turbidity. While we support the monitoring of turbidity, this strategy in essence is closing the barn door after the horse got out as sediment would have been already dispersed, possibly smothering the oysters. Instead, we request that the cable-laying vessel and jet plow be required to operate at the slowest possible speed while trenching within Hempstead Harbor and that the pressure of the jets be set at the minimum level necessary to create the six-foot deep trenches. In addition, continuous real-time turbidity monitoring should be implemented, with enforceable thresholds and a shutdown trigger if thresholds are exceeded
  - Turbidity Curtains – since sediment from the trenching could smother and kill the millions of oysters that has been planted in the harbor, we request that turbidity curtains be installed around our oyster beds to prevent sediment from doing so. This would likely be far less expensive and time-consuming than having to grow and replace oysters already planted in these beds and to restore the sediment types in the harbor. We would be glad to provide the coordinates of these locations but request that the locations be redacted in public documents as their effectiveness and survival requires their locations not to be known by local harvesters.
  - Confirmation of Easements - we ask the Commission to confirm whether NY Transco has obtained easements from any municipalities with submerged land grants issued by the NYS Office of General Services (OGS), as required under Public Lands Law §75.
  - Timing – since the operation itself and any sediment could impact use and enjoyment of the harbor by sediment being taken up in boat engines; restricted access to the harbor; and sediment impacting bathing beaches, we request that this work be performed in the “off season” (i.e. fall and winter).

## Restoration

- RESTORATION FOLLOWING HARVESTING:
  - Replicating Cashin shellfish density survey / sediment analysis – while NY Transco has performed its own shellfish population and benthic surveys, these were confined solely to the area along the route of the proposed trenches and not the entire harbor. Since it is possible, if not likely, that the tidal currents could transport disturbed sediment beyond the footprint of the trenches, it is critical that the entire harbor be surveyed. Fortunately, we have performed such surveys of the entire harbor with the most recent one occurring in the Fall of 2021 and we plan to conduct another one this Fall. We have used the firm of Cashin Associates, P.C. (Hauppauge NY) who has much experience performing similar surveys in nearly all Long Island bays and harbors. We request that immediately following the completion of the trenching, that this survey be replicated by Cashin Associates or another firm using the same grid coordinates and methodology. While analyzing the bottom sediments, laboratory testing should also be included to detect if any disturbed contaminants have been deposited on sensitive areas such as shellfish beds. We can think of no better method that would provide as true a picture of the impact of the trenching as possible to determine the extent of restoration required.
  - Replacing affected shellfish – if oyster and/or clam populations are adversely impacted, we request that these populations be restored as soon as possible with the equivalent species, number, and size.
  - Restoring underwater habitats – if bottom sediments are adversely impacted (such as a hard or sandy bottom conducive to oyster growth being covered with silt or sediment), we request that the bottom conditions be restored to their former conditions. We further request that a restoration contingency plan be submitted and approved prior to commencement of construction.

We thank you for your consideration and reserve our right to offer further recommendations as the need arises. If you should have any questions, please feel free to contact me.

Sincerely,



Eric Swenson  
Executive Director

*Copies to:*

*Martin Gary, NYS DEC Division of Marine Resources  
Rep. Thomas R. Suozzi, U.S. House of Representatives  
Hon. Delia DeRiggi -Whitton, Nassau County Legislature  
Thomas Powell, Chair, Hempstead Harbor Protection Committee  
Carol DiPaolo, Coalition to Save Hempstead Harbor*

## EXHIBIT G

# PROPEL NY ENERGY PROJECT SEDIMENT TRANSPORT MODELING AND ANALYSIS



EXHIBIT G

Addendum

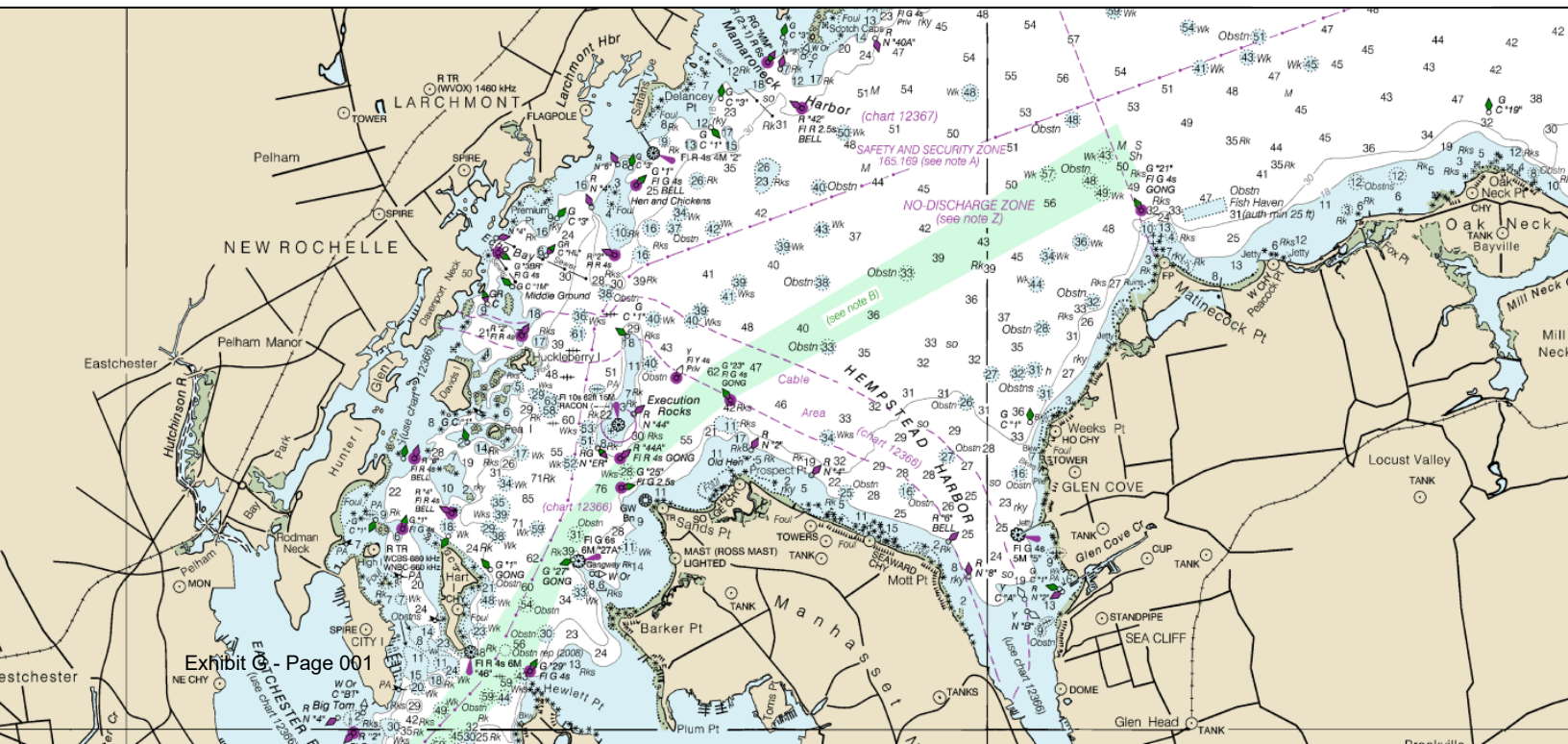
# Propel NY Energy Project Sediment Transport Modeling and Analysis, Long Island Sound Crossing Addendum 2 – 9 ft Cable Burial Analysis in Hempstead Harbor

Submitted to:  
**WSP**

Submitted by:

Innovative Environmental Science (IES)

23 April 2026 – Final Report – Rev 1



# **Propel NY Energy Project Sediment Transport Modeling Addendum 2 – 9 ft Cable Burial Analysis In Hempstead Harbor**

WSP USA  
100 Summer Street, 13th Floor  
Boston, MA 02110  
23 April 2026 – Final Report – Rev 1

Daniel L. Mendelsohn, Director  
Innovative Environmental Science, Inc.  
29 Marine Ave., Jamestown, RI 02835



# TABLE OF CONTENTS

---

<b>1</b>	<b>Introduction .....</b>	<b>1-5</b>
<b>2</b>	<b>Sediment Simulation Results .....</b>	<b>2-8</b>
2.1	Water Column Concentration.....	2-8
2.2	Concentration Duration .....	2-10
2.3	Sediment Deposition .....	2-11
2.4	NYSDEC Hempstead Harbor Segments Analysis for TSS.....	2-15
2.5	Mixing Zone Analysis for TSS.....	2-16
<b>3</b>	<b>Water Quality Assessment.....</b>	<b>3-18</b>
3.1	In-Situ Sediment Metals Concentrations.....	3-18
3.2	Water Column Concentrations of Metals.....	3-18
3.3	NYSDEC Hempstead Harbor Segments Analysis for the Water Quality Constituents.....	3-24
3.4	Mixing Zone Analysis for Water Quality Parameters .....	3-26
<b>4</b>	<b>Conclusions .....</b>	<b>4-1</b>
<b>5</b>	<b>References.....</b>	<b>5-1</b>

## LIST OF FIGURES

---

Figure 1-1. Schematic of Dual-Rate Trenching Scenario Reaches .....	1-6
Figure 1-2. Schematic of NYSDEC 1,000 ft Segments in Hempstead Harbor.....	1-7
Figure 2-1. Maximum Total Suspended Sediment Concentration in the Water Column Along the Transmission Corridor for the 9-ft Cable Burial Depth Scenario.....	2-9
Figure 2-2. Maximum Duration of Exposure to a Total Suspended Sediment Concentration of 100 mg/L or Greater in the Water Column Along the Cable Corridor for the 9-ft Burial Scenario.....	2-11
Figure 2-3. Maximum Sediment Thickness on the Seabed Along the Transmission Corridor for the 9-ft Cable Burial .....	2-13
Figure 2-4. Cumulative Four-Cable Burial Sediment Thickness for 9-ft Burial Scenario.....	2-14
Figure 3-1. Maximum Arsenic Water Column Concentration in Hempstead Harbor.....	3-19
Figure 3-2. Maximum Copper Water Column Concentration in Hempstead Harbor.....	3-21
Figure 3-3. Maximum Mercury Water Column Concentration in Hempstead Harbor.....	3-22
Figure 3-4. Maximum Dioxins/Furans Water Column Concentration in Hempstead Harbor.....	3-23

## LIST OF TABLES

---

Table 2-1. Maximum Area Coverage and Excursion Distances for a Range of TSS Concentrations .....	2-10
Table 2-2. Maximum Duration of the 100 mg/L Concentration for the 9-ft Burial .....	2-10
Table 2-3. Extent of Sedimentation Footprint Area Coverage at a Range of Thicknesses. ....	2-12
Table 2-4. Extent of Sedimentation Footprint Area Coverage for Burial of Four Cables.....	2-14
Table 2-5. Maximum Area Coverage for a Range of TSS Concentrations in Each NYSDEC Segment.....	2-15
Table 2-6. Maximum Duration for a range of TSS Concentrations in Each NYSDEC Segment.....	2-16
Table 2-7. Maximum Duration for a range of TSS Concentrations in Each NYSDEC Segment at the 500-ft Mixing Zone Limit.....	2-17
Table 3-1. List of NYSDEC Criteria and Limits for the Metals and Dioxins/Furans Constituents .....	3-18
Table 3-2. Maximum Area Coverage and Excursions Distance for a Range of Arsenic Concentrations .....	3-20
Table 3-3. Maximum Area Coverage and Excursions Distance for a Range of Copper Concentrations .....	3-21
Table 3-4. Maximum Area Coverage and Excursions Distance for a Range of Mercury Concentrations .....	3-22
Table 3-5. Maximum Area Coverage and Excursions Distance for a Range of Dioxins/Furans Concentrations .....	3-23
Table 3-6. Maximum Area coverage of the NYSDEC Water Quality Limit for the Four Constituents in Each Segment in Hempstead Harbor. ....	3-24
Table 3-7. Maximum Duration of the NYSDEC Water Quality Limit for the Four Constituents in Each NYSDEC Segment in Hempstead Harbor. ....	3-25
Table 3-8. Time for Constituent Concentrations to Return to Background. ....	3-26
Table 3-9. Maximum Duration of the NYSDEC Water Quality Limit for the Four Constituents in Each NYSDEC Segment at the 500-ft Mixing Zone limit. ....	3-27

# 1 INTRODUCTION

---

New York Transco LLC (NY Transco) and the New York Power Authority (NYPA), through their collaboration known as Propel NY Energy (Propel NY), propose to construct, operate, and maintain the Propel NY Energy Project (the Project). The Project includes an approximately 9.1-mile submarine crossing of the Long Island Sound (the Sound) between the Town of Oyster Bay and the City of New Rochelle. Through the Sound these cables are currently expected to be buried to a depth of 6 feet (ft) (1.8 meters [m]) to the top of each cable, pending final design, and 9 ft (2.7 m) through the Hempstead Harbor portion of the cable route.

The installation of the transmission cables may require a range of burial techniques (e.g., trenching by jet or hand jetting), each of which has the potential to produce seabed disturbances, form suspended sediment plumes, and impact benthic organisms due to sedimentation. Accordingly, hydrodynamic and sediment transport and dispersion simulations were developed to help assess potential environmental impacts of project-related activities. Innovative Environmental Science (IES) has previously used these models to evaluate the transport of resuspended sediments as a potential result of planned trenching activities. See the original IES report dated May 15, 2025, for a full description of the hydrodynamic and sediment transport modeling methodology and results (WSP 2025a). An additional study was performed subsequently to evaluate the various changes to impacts from three different cable burial depths (6 ft, 9 ft, and 15 ft) and the potential for sediment plume impacts mitigation through the use of silt curtains, documented in Addendum 1, (WSP, 2025b)

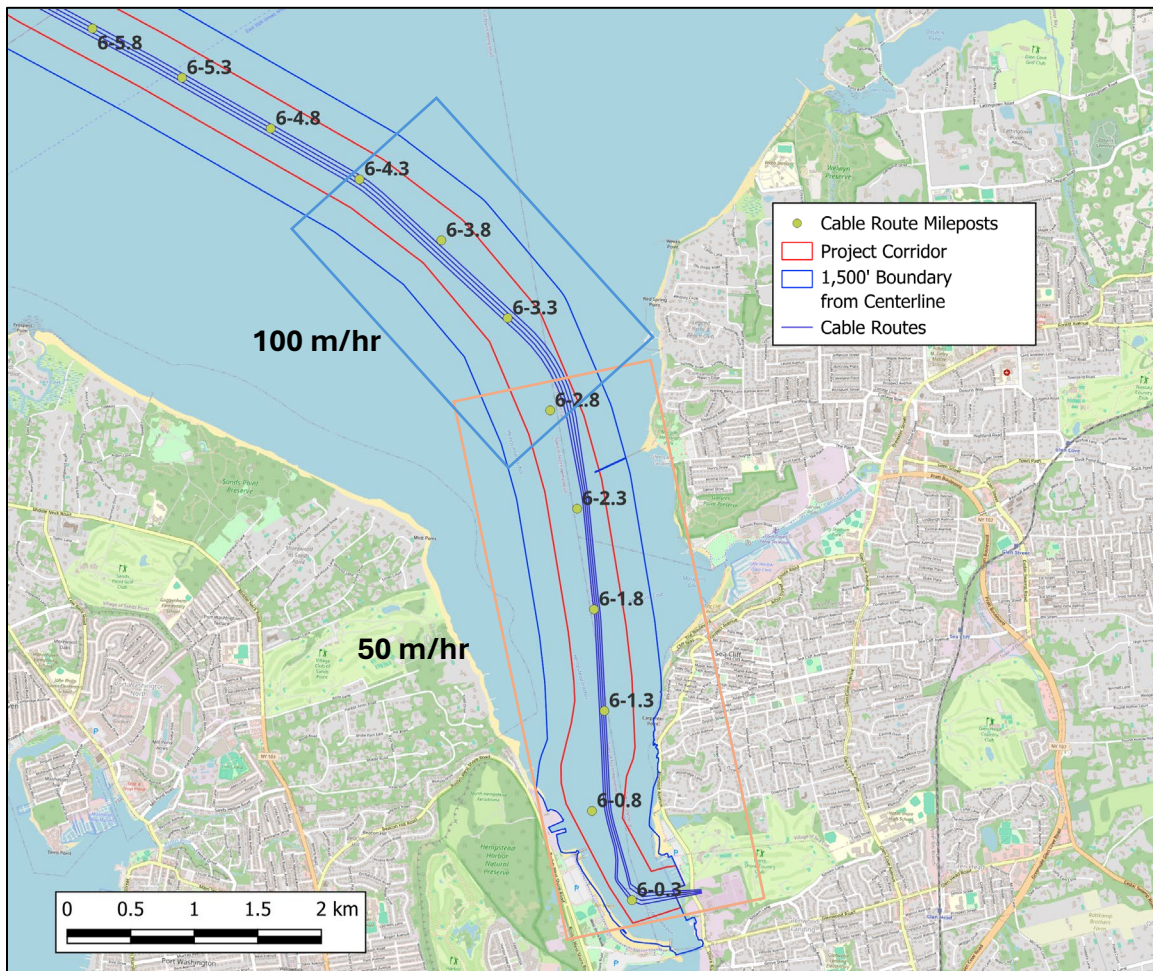
This second addendum explores an additional set of scenarios to evaluate the impacts of burying the cables to 9 ft (2.7 m) depths focusing on Hempstead Harbor between MP 6-0.3 and MP 6-4.3. A set of simulations was run to assess the resulting water column concentrations, sedimentation footprint, and duration of water column concentrations for the 9 ft (2.7 m) trench depth. In addition to the sediments that are resuspended any metals or chemicals that are contained in the sediments will also be suspended. An additional set of simulations was run to assess the resulting water column concentrations, and duration of water column concentrations of the resuspended constituents of concern, including arsenic, copper, mercury and chlorinated dibenzo-p-dioxins and chlorinated dibenzo furans (dioxins/furans).

The scenarios were simulated using a dual advance rate trenching scheme, where the forward motion was slower near the shorelines and faster in the more open sound area at the entrance of Hempstead Harbor. The dual-rate scenario is similar to the original multi-rate sediment modeling runs (WSP, 2025a) for the Hempstead Harbor area. The dual-advance rate scenario rates were 164 feet per hour (ft/hr) (50 meters per hour [m/hr]) between MP 6-0.3 and MP 6-2.8 and 328 ft/hr (100 m/hr) from there to MP 6-4.3, as presented in Figure 1-1. The selected rates reflect the trenching engineer's best estimate of the trenching activities based on the potential equipment and conditions.

The scenarios examined included:

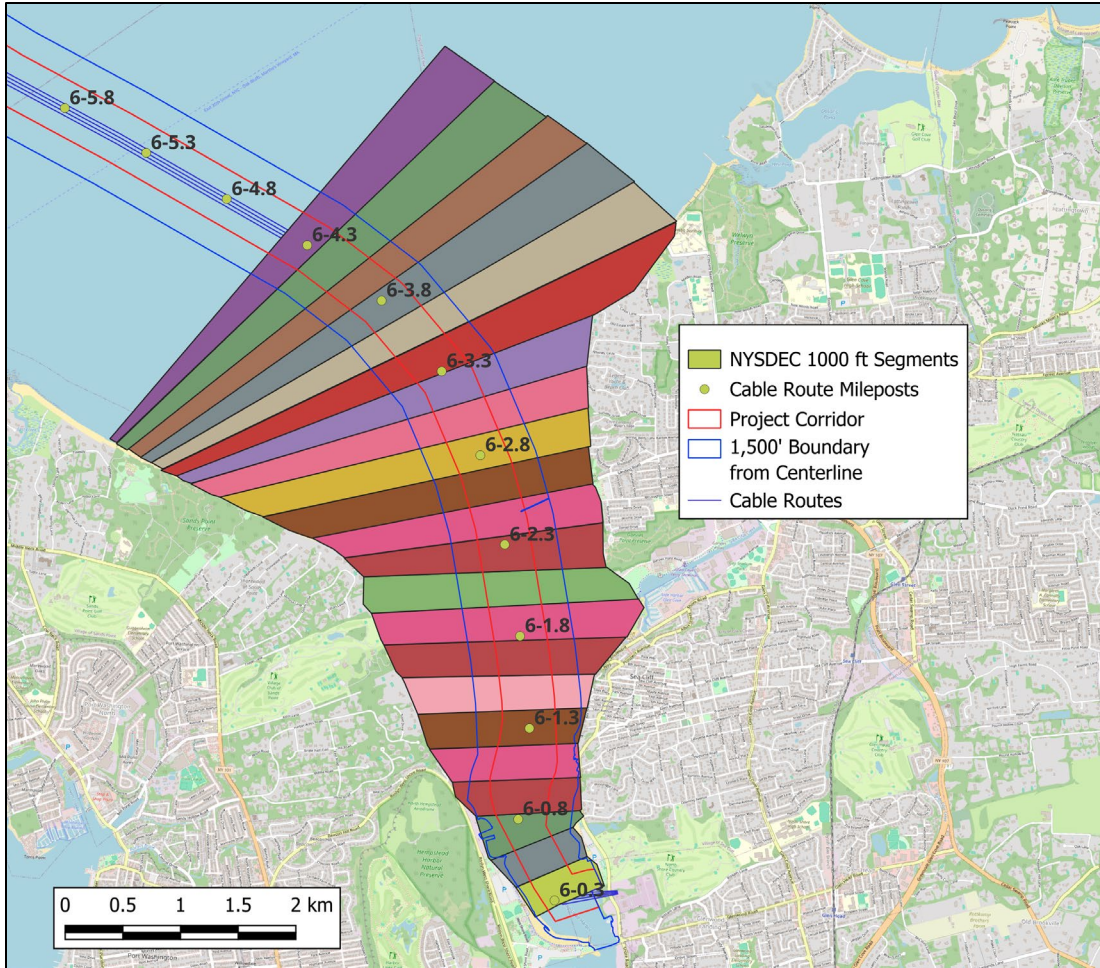
1. A 9-ft cable burial depth (10-ft trench depth)
  - a. Total Suspended Solids (TSS)
  - b. Arsenic
  - c. Copper
  - d. Mercury
  - e. Dioxins/furans

The additional foot added to the trench ensures that the top of the cable is buried to the nominal depth (e.g., 9-ft burial would need a 10-ft trench). The sediment loading to the water column was developed and implemented as described in the previous report, where similar conditions were prescribed (WSP 2025a). The loading was based on a 20% sediment loss to the water column (i.e., 20% of the trench volume would be resuspended). The trench was assumed to be 18 inches (0.457 m) wide. The model focused on “excess” sediment concentrations and excess constituent concentrations and did not incorporate natural background concentrations. The modeled concentrations are therefore considered in addition to any background levels.



**FIGURE 1-1. SCHEMATIC OF DUAL-RATE TRENCHING SCENARIO REACHES**

The results of the modeling were evaluated both Hempstead Harbor wide and by 1,000 ft (305 m) segments along the cable route through the harbor, as designated by the New York State Department of Environmental Conservation (NYSDEC). A map of the segments and their layout in Hempstead Harbor is presented in Figure 1-2. The cross-axis length of each segment is sufficient to cover the excursion of suspended materials.



**FIGURE 1-2. SCHEMATIC OF NYSDEC 1,000 FT SEGMENTS IN HEMPSTEAD HARBOR**

## 2 SEDIMENT SIMULATION RESULTS

---

The TSS scenario results were evaluated in terms of the area coverage and excursion of various water column sediment concentration levels, depth and area coverage of resettled sediments (sedimentation), and duration of the 100 milligrams per liter (mg/L) water column concentration. The 100 mg/L is often considered a threshold for potential impacts when considered in coordination with duration of exposure (Wilber and Clarke 2001). The focus of this study is on Hempstead Harbor, from the inner harbor at MP 6-0.3 to the entrance at MP 6-4.3 (see Figure 1-1 and Figure 1-2), so the results are presented for that area only.

### 2.1 WATER COLUMN CONCENTRATION

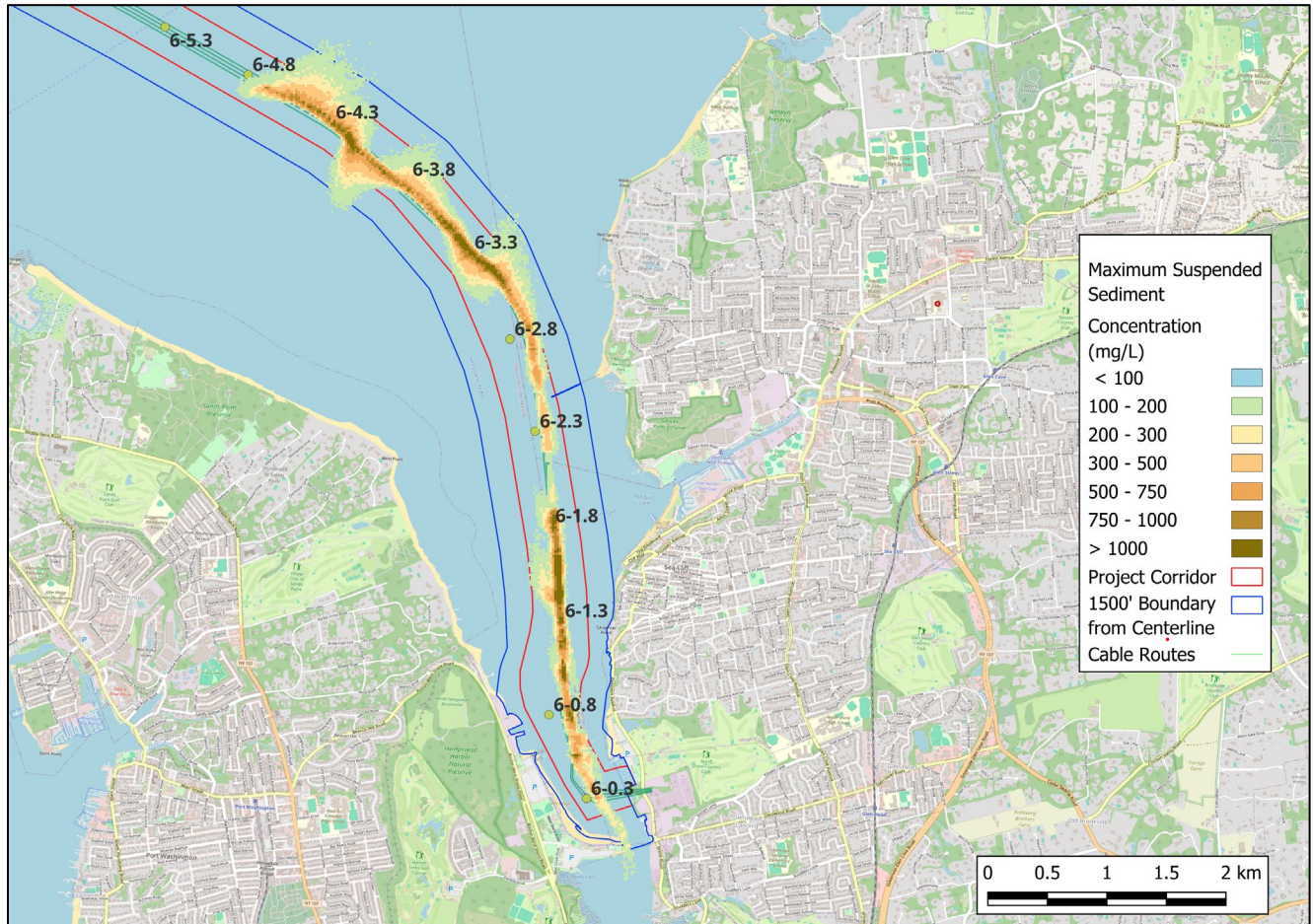
The model-predicted water column concentrations for the 9-ft cable burial simulation are presented in Figure 2-1 showing the predicted maximum TSS concentrations over the simulation. The water column concentrations presented are the maximum TSS concentration above background (excess) anywhere in the water column at each 20-m by 20-m (65-ft by 65-ft) concentration grid cell over the total duration of the cable installation. The concentrations do not necessarily occur simultaneously, but are the maximum concentration experienced in each grid cell at any time during the simulation. Note that Figure 2-1 (and other maps in the report) includes the boundary of the 1,500-ft (457 m) Long Island Sound mixing zone (from the cable routes centerline, which is the location of modeled sediment disturbance during trenching), and the 500-ft (152 m) Hempstead Harbor mixing zone just inside the project corridor. The 500-ft (152 m) mixing zone is relevant for regulatory compliance in the harbor area. The water column concentrations in the figures are presented as color-coded concentration contours where the blue background represents concentrations less than 100 mg/L and the light green to brown shades represent concentrations greater than 100 mg/L.

The sediment plume along the transmission corridor varies as a function of the local bathymetry, shoreline, current speeds, and the grain size distribution of the sediment particles resuspended to the water column. A map of the grain size distribution of the sediments along the cable corridor was presented in the full report (WSP 2025a). In general, the higher concentrations remain close to the trench line, the source of the resuspended sediments, for the entire simulation.

At the entrance of Hempstead Harbor, the TSS is transported by tidal currents moving both along the Long Island Sound coastline near the entrance and in and out of the harbor moving farther into the harbor. This causes the tidal excursion of the TSS in a northeast (ebb flow) and southwest (flood flow) as seen in Figure 2-1. As the trenching progresses at 328 ft/hr (100 m/hr) between MP 6-4.3 and MP 6-2.8 the TSS experiences three ebb tidal excursions and two flood tide excursions. From MP 6-2.8 into the harbor, the tidal excursion has a more north-south orientation, restricted by the shoreline, flowing in and out of the harbor area such that the TSS transport away from the trenching route is much less pronounced. Most of the TSS plume remains within the cable corridor, which is also aligned in the north-south direction in the harbor.

The distance from the centerline of the trenching route and the area covered were calculated for a series of TSS concentrations which are presented in Table 2-1. The farthest distance travelled by the 100 mg/L concentration was 2,481 ft (756 m) which occurred at the ebb tide excursion seen between MP 6-4.8 and MP 6-4.3 in the open sound area where the currents are strong. The maximum area covered by the 100 mg/L concentration was 507 acres (ac) [205 hectares (ha)]. That number accounts for the total area in the harbor that experienced 100 mg/L or greater over the jetting activity period and did not necessarily occur

simultaneously. The area coverage is a cumulative area of cells no matter the duration and could be for as little as a single model time step, for example. In addition, the areas that experience a 100 mg/L TSS concentration are part of the resuspended sediment plume that moves back and forth with the tidal currents, and the origin of which moves along the trench route with the forward motion of the jetting equipment and thus are transient in nature. The total area of Hempstead Harbor is approximately 4,000 ac (1620 ha), to put the potential impacts in perspective.



**FIGURE 2-1. MAXIMUM TOTAL SUSPENDED SEDIMENT CONCENTRATION IN THE WATER COLUMN ALONG THE TRANSMISSION CORRIDOR FOR THE 9-FT CABLE BURIAL DEPTH SCENARIO**

**TABLE 2-1. MAXIMUM AREA COVERAGE AND EXCURSION DISTANCES FOR A RANGE OF TSS CONCENTRATIONS**

Area Coverage and Distance		
Conc (mg/L)	Area (ac)	Distance (ft)
10	2,555	11,889
50	918	3,922
100	507	2,481
150	358	1,905
200	280	1,701
250	229	1,644
500	109	504
1000	22	164

## 2.2 CONCENTRATION DURATION

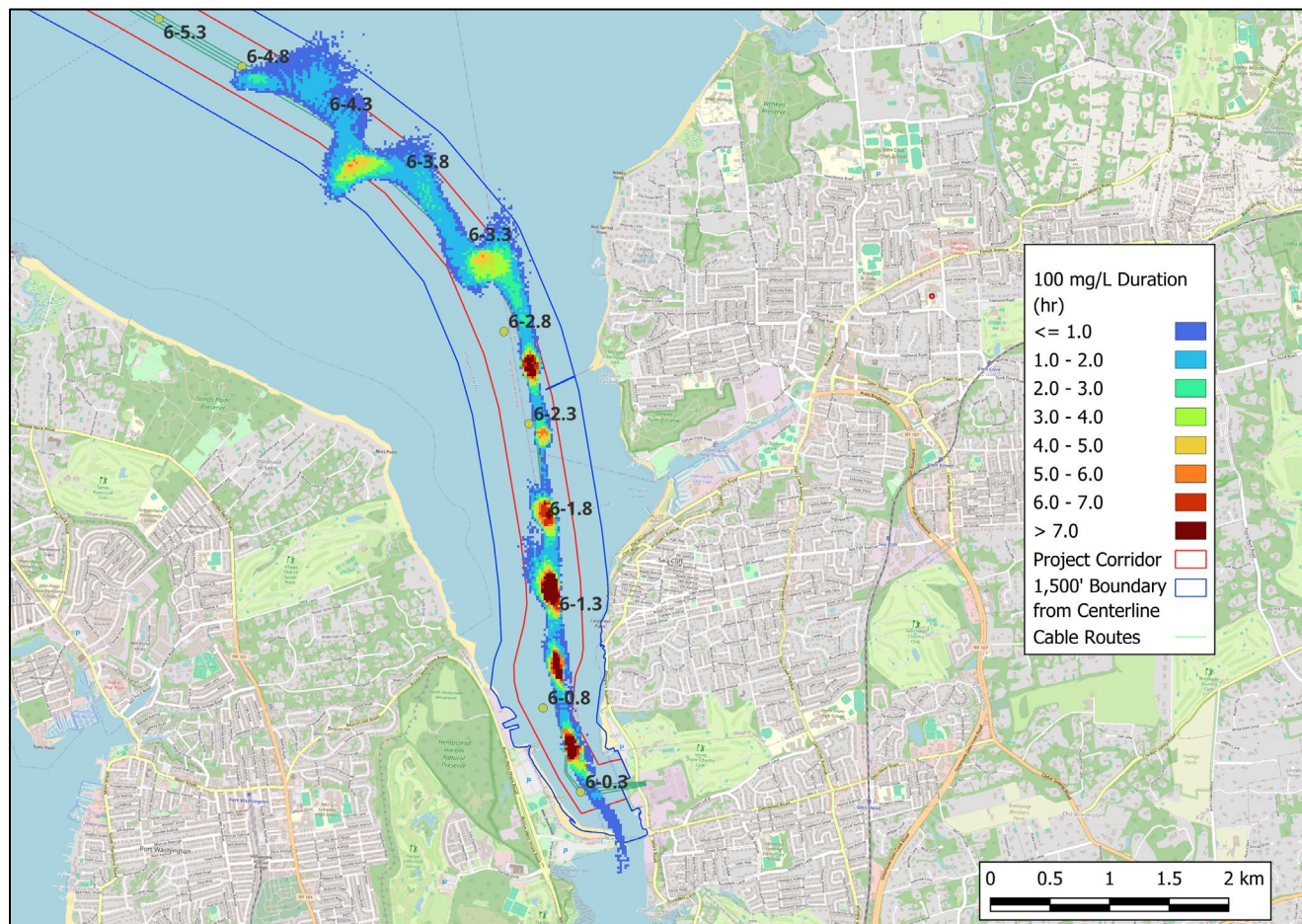
The duration in hours of the 100 mg/L concentration for the 9-ft cable burial scenario is presented in Figure 2-2. The duration of the 100 mg/L coverage was primarily 1 to 2 hours with a few areas exhibited longer durations. Tabulated values of a percentile distribution of the durations are presented in Table 2-2.

The longer concentration duration periods occur in Hempstead Harbor, inside MP 6-2.8. The longer durations in Hempstead Harbor are partially due to the slower trenching advance rate of 164 ft/hr (50 m/hr), and the concurrent slack tides that allow for concentration build-up in the water column locally around the trenching activities. In addition, the currents are low and directed in a north-south direction along the harbor axis. The channelized currents decrease the amount of material advected laterally away from the trench, which also causes higher local sediment build-up. Slack tides in the harbor contribute to longer periods with high water column concentrations, resulting in extended durations of 100 mg/L levels.

**TABLE 2-2. MAXIMUM DURATION OF THE 100 MG/L CONCENTRATION FOR THE 9-FT BURIAL**

Percentile (%)	9-ft Burial Duration (hr)
Max	11.5
99%	9.5
95%	6.5
90%	4.5
80%	3.0
75%	2.5
50%	1.5
25%	1.0
10%	0.5
5%	0.5

After trenching activities ceased, the time for the system to return to concentrations below the criteria level was also determined. The results for the 9 ft cable burial show that once the jetting stops the system returns to below critical levels in approximately 1.5 hr. Although the duration of the 100 mg/L concentration along the trench can be several hours during the trenching activities, the concentrations do not persist long after the trenching ceases.



**FIGURE 2-2. MAXIMUM DURATION OF EXPOSURE TO A TOTAL SUSPENDED SEDIMENT CONCENTRATION OF 100 MG/L OR GREATER IN THE WATER COLUMN ALONG THE CABLE CORRIDOR FOR THE 9-FT BURIAL SCENARIO**

## 2.3 SEDIMENT DEPOSITION

After resuspension, sediment particles quickly begin to settle back onto the seabed: larger grains (sand to gravel) fall within seconds to minutes, while fine grained particles (clay and silt) take minutes to hours. Low currents keep particles near their source, whereas stronger currents carry them farther from trenching activities, increasing the sedimentation footprint but reduce redeposited layer thickness with distance. Sediment thickness affects potential smothering of seabed organisms (epifauna and infauna). Analyses

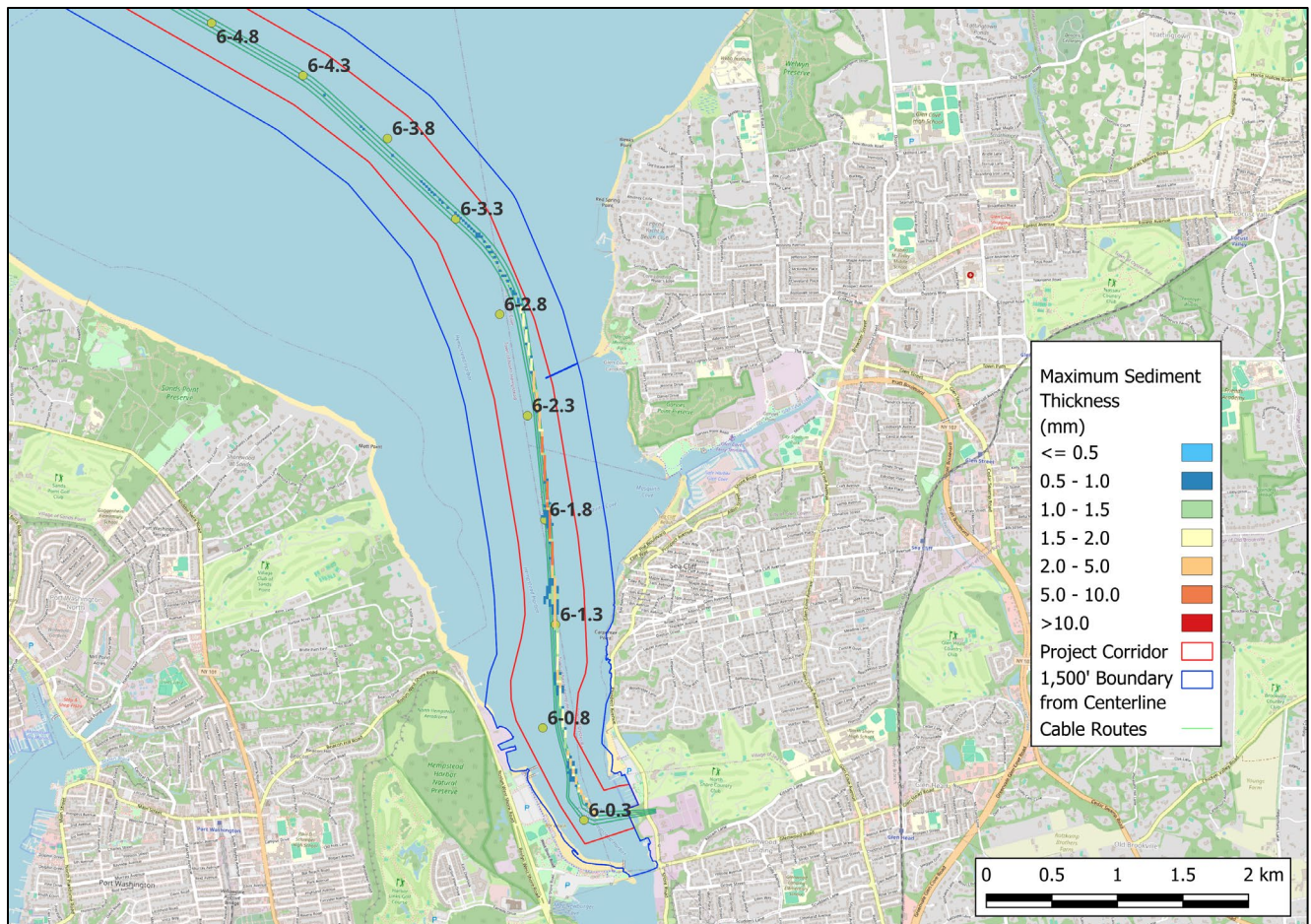
considered trench length, deposition depth, area covered, and distances at various sediment thicknesses, with a focus on 0.04 in (1 mm).

The accrued sedimentation along the trench in the Hempstead Harbor area is shown in Figure 2-3 and the areal coverage and maximum excursion distance for a matrix of thicknesses is presented in Table 2-3. The sedimentation footprint is small over the entire trench length reflecting the dispersion of the fine-grained particles predominant in the Harbor’s sediments. Fine-grained particles travel farther in the water column, which means that they do not settle thickly. The 0.04 in (1 mm) thickness contour remained well within the cable corridor (as represented by the red lines on the map) for the length of the trenching route, extending for a maximum distance of 124 ft (38 m) from the trench in Hempstead Harbor. The 0.04 in (1 mm) thickness area coverage totaled 23 ac (9.3 ha) intermittently over the Hempstead Harbor trench length. Thicknesses greater than 0.1 in (2.5 mm) were all contained within 33 ft (10 m) of the trench covering a total of 9 ac (4 ha). The maximum thickness experienced was 0.25 in (6.4 mm) and in close proximity to the trench itself.

Overall, the footprint of seabed sedimentation from trenching is small, and remains in the immediate proximity of the trench and well within the cable corridor, thus limiting the spatial extent of impacts to benthic resources.

**TABLE 2-3. EXTENT OF SEDIMENTATION FOOTPRINT AREA COVERAGE AT A RANGE OF THICKNESSES.**

	Thickness (mm)	Area (ac)	Distance (ft)
MP 6-0.3 – MP 6-4.3	0.5	37	261
	1.0	23	124
	1.5	19	58
	2.0	12	34
	2.5	9	33
	5.0	4	32
	10.0	0	0
	25.0	0	0



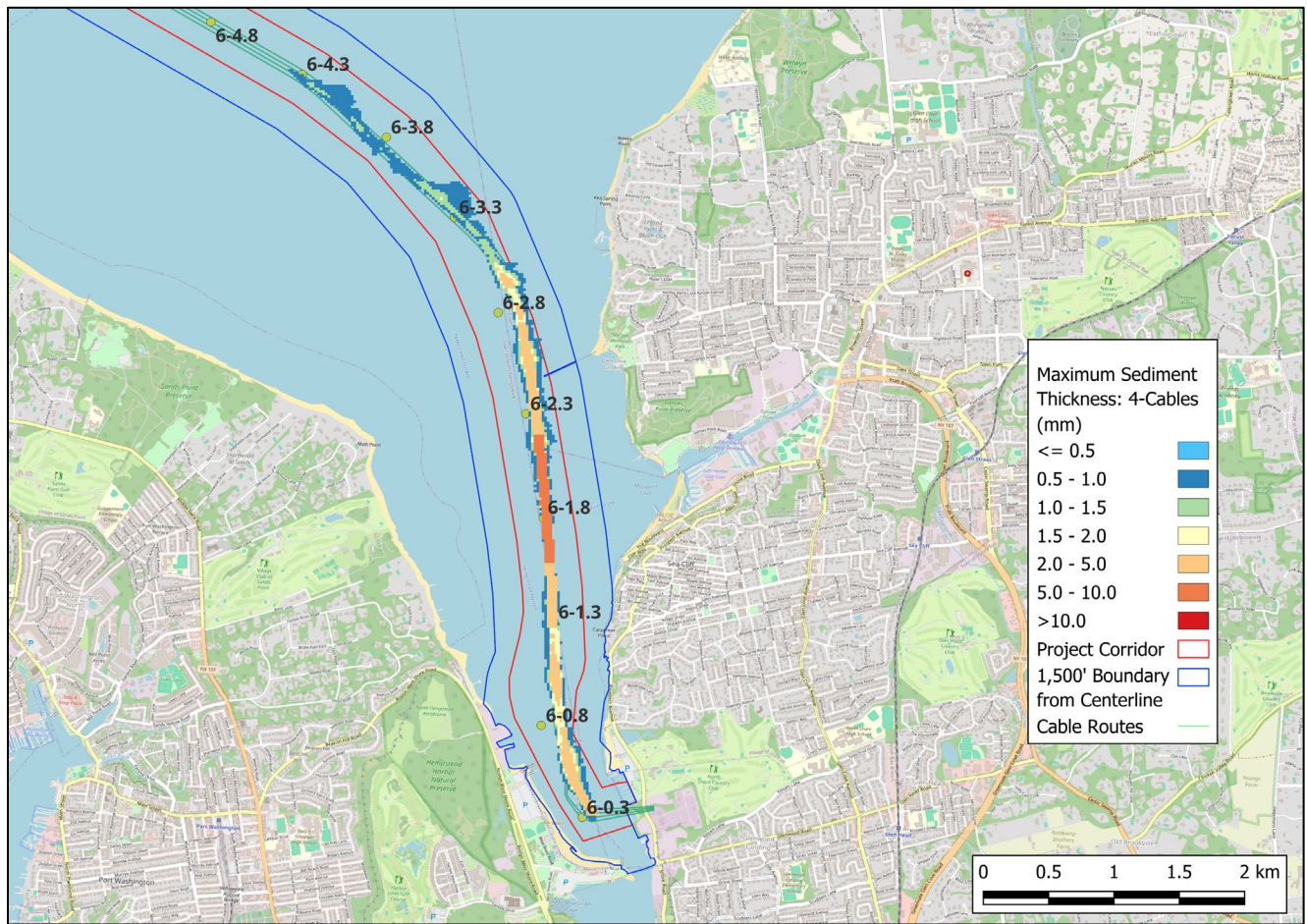
**FIGURE 2-3. MAXIMUM SEDIMENT THICKNESS ON THE SEABED ALONG THE TRANSMISSION CORRIDOR FOR THE 9-FT CABLE BURIAL**

The sedimentation footprint map shown above is for a single cable trench and burial. The final transmission system crossing the Sound will consist of four cables, with a separation of approximately 50 to 100 ft (15 to 30 m) between them along most of the corridor. Since the cable burial process will be performed separately for each cable at different times, there will be no build-up of water column concentrations but the sediment deposition on the seabed will be cumulative for the four cables.

Figure 2-4 shows the sediment deposition footprint as a result of the burial of all four cables. The sedimentation area in the Harbor is more pronounced than for the single cable burial, though deposition is still limited primarily to the immediate area of the trenches. Table 2-4 presents the area coverage and extent of the sedimentation footprint away from the trenches for the cumulative deposition. The area coverage of the 0.04 in (1 mm) thickness deposition layer was 116 ac (47 ha). Thicknesses greater than 0.1 in (2.5 mm) were all contained within 189 ft (58 m) of the trench covering a total of 57 ac (23 ha). The maximum cumulative thickness of the sedimentation for the four cables was 0.32 in (8.1 mm) for the burial scenario. To put this in perspective, assuming that the cables are 2 m apart, the area covered by the cables alone over the 4.5 mi length is approximately 107 ac.

**TABLE 2-4. EXTENT OF SEDIMENTATION FOOTPRINT AREA COVERAGE FOR BURIAL OF FOUR CABLES.**

	Thickness (mm)	Area (ac)	Distance (ft)
MP 6-0.3 – MP 6-4.3	0.5	206	727
	1.0	117	382
	1.5	90	258
	2.0	79	196
	2.5	57	189
	5.0	21	161
	10.0	0	0
	25.0	0	0



**FIGURE 2-4. CUMULATIVE FOUR-CABLE BURIAL SEDIMENT THICKNESS FOR 9-FT BURIAL SCENARIO.**

## 2.4 NYSDEC HEMPSTEAD HARBOR SEGMENTS ANALYSIS FOR TSS

In addition to the harbor wide assessment of the TSS water column concentration and duration of the 100 mg/L concentration, the NYSDEC has requested that an analysis of the potential impacts be performed at each of the 1,000 ft (305 m) segments along the length of Hempstead Harbor between MP 6-0.3 and MP 6-4.3 shown in Figure 1-2. The maximum area coverage for a range of TSS concentrations in each of the NYSDEC segments is presented in Table 2-5. The location of each segment can be identified by the mile post presented in the first column of the table, the segment beginning and end point (e.g. 1000-2000 ft) in the third column and the map in Figure 1-2. The second column of the table gives the trenching rate through each segment. The corresponding duration of the various concentrations in each segment is presented in Table 2-6.

**TABLE 2-5. MAXIMUM AREA COVERAGE FOR A RANGE OF TSS CONCENTRATIONS IN EACH NYSDEC SEGMENT**

MP	Trenching Rate (m/hr)	Area (ac) Segment	Conc (mg/L)							
			10	50	100	150	200	250	500	1000
MP 6-0.3	50	1000-2000 ft	35.2	17.6	9.9	6.9	5.8	4.8	1.4	0.2
	50	2000-3000 ft	40.7	20.2	14.2	11.5	10.7	9.4	3.0	0.2
MP 6-0.8	50	3000-4000 ft	35.9	13.5	8.5	6.4	5.6	4.9	2.8	0.4
	50	4000-5000 ft	54.2	15.7	11.5	7.0	5.9	5.7	3.9	0.5
	50	5000-6000 ft	65.9	21.1	14.2	11.3	8.4	7.2	4.1	1.2
MP 6-1.3	50	6000-7000 ft	80.0	24.6	12.1	9.5	8.9	7.4	5.2	1.2
	50	7000-8000 ft	91.7	29.2	21.6	17.4	14.8	11.3	6.9	4.1
	50	8000-9000 ft	84.4	31.2	18.7	11.3	8.9	7.8	5.4	1.8
MP 6-1.8	50	9000-10000 ft	70.2	31.2	15.8	10.3	8.1	6.4	3.9	1.2
	50	10000-11000 ft	71.5	26.8	5.0	2.8	0.8	0.1	0.0	0.0
MP 6-2.3	50	11000-12000 ft	69.3	22.7	10.5	6.9	5.4	4.3	0.1	0.0
	50	12000-13000 ft	64.2	14.3	8.6	6.5	5.2	4.5	0.3	0.0
	50	13000-14000 ft	52.3	19.4	12.8	10.1	8.0	6.9	2.7	0.0
MP 6-2.8	50	14000-15000 ft	61.7	16.8	11.5	9.2	8.2	6.9	3.6	0.0
	100	15000-16000 ft	96.1	38.0	22.2	15.6	12.2	10.4	4.1	0.0
	100	16000-17000 ft	124.3	61.7	45.6	35.0	26.2	20.8	9.4	3.2
MP 6-3.3	100	17000-18000 ft	165.1	64.3	26.5	15.3	13.4	12.1	8.5	3.1
	100	18000-19000 ft	214.2	46.3	16.0	12.9	11.3	9.7	5.6	0.8
MP 6-3.8	100	19000-20000 ft	222.1	48.2	29.9	22.3	16.9	14.1	5.5	0.1
	100	20000-21000 ft	157.4	87.5	43.6	27.7	18.8	14.5	6.2	0.3
	100	21000-22000 ft	160.0	61.1	35.0	27.8	22.7	19.1	10.5	2.3
MP 6-4.3	100	22000-23000 ft	154.0	64.1	35.9	25.2	20.0	16.5	7.8	1.1

Reviewing the area coverage and durations tables with a focus on the 100 mg/L concentration it can be seen that in the inner harbor, where the 164 ft/hr (50 m/hr) trenching rate was used and the tidal excursion is restricted by the shorelines, the area coverage is generally lower than in the more open entrance to the harbor and the 328 ft/hr (100 m/hr) trenching rate was used. Conversely, the durations in the inner harbor

were generally longer than in the entrance area. This is an indication that the tidal excursion is greater along the Sound portion of the trenching route increasing area coverage but simultaneously dispersing the plume more rapidly.

The uneven nature of the area coverages and durations moving through the segments is due to the different stages of the tide experienced as the trenching passes through each segment in addition to the local bathymetry. For example, the local concentrations and transport of the plume would be different for slack tide versus maximum ebb or flood tide. Note also that the area coverage and durations do not occur simultaneously but rather occur sequentially in the direction of the moving trenching activity.

**TABLE 2-6. MAXIMUM DURATION FOR A RANGE OF TSS CONCENTRATIONS IN EACH NYSDEC SEGMENT**

MP	Trenching Rate (m/hr)	Duration (hr)	Conc (mg/L)							
			Segment	10	50	100	150	200	250	500
MP 6-0.3	50	1000-2000 ft	23.5	10.5	6.0	3.0	2.5	2.0	1.0	0.5
	50	2000-3000 ft	25.5	13.0	11.5	8.0	5.5	4.5	3.5	1.5
MP 6-0.8	50	3000-4000 ft	22.0	9.0	6.0	5.0	3.5	3.0	1.0	0.5
	50	4000-5000 ft	24.0	11.0	10.5	9.5	8.0	6.0	2.5	1.0
	50	5000-6000 ft	26.0	11.0	10.0	9.0	8.0	7.5	3.5	1.5
MP 6-1.3	50	6000-7000 ft	27.0	11.5	10.5	10.0	8.5	7.0	3.0	1.0
	50	7000-8000 ft	26.0	12.0	11.0	10.5	9.5	8.5	4.5	2.0
	50	8000-9000 ft	27.5	8.5	7.0	5.0	4.0	4.0	2.5	1.0
MP 6-1.8	50	9000-10000 ft	28.0	10.5	8.0	7.0	6.0	5.0	3.0	1.5
	50	10000-11000 ft	23.0	6.5	1.5	1.0	0.5	0.5	0.0	0.0
MP 6-2.3	50	11000-12000 ft	23.0	7.5	6.0	4.5	3.0	2.5	0.5	0.0
	50	12000-13000 ft	18.0	9.0	5.5	2.5	2.0	1.5	0.5	0.0
	50	13000-14000 ft	18.5	10.0	8.0	7.5	6.0	4.5	1.5	0.0
MP 6-2.8	50	14000-15000 ft	17.0	5.5	2.5	2.5	2.0	2.0	1.0	0.0
	100	15000-16000 ft	14.0	5.0	4.0	3.0	2.5	2.5	1.5	0.0
	100	16000-17000 ft	14.0	6.5	5.5	4.5	4.0	3.5	1.5	1.0
MP 6-3.3	100	17000-18000 ft	15.0	3.0	2.0	2.0	2.0	1.5	1.5	1.0
	100	18000-19000 ft	14.0	3.5	2.5	2.0	2.0	1.5	1.0	0.5
MP 6-3.8	100	19000-20000 ft	14.0	3.5	3.0	2.5	2.5	2.0	1.0	0.5
	100	20000-21000 ft	17.0	8.0	6.0	4.0	3.5	3.0	1.5	0.5
	100	21000-22000 ft	16.0	8.0	4.0	2.5	2.0	2.0	1.5	1.0
MP 6-4.3	100	22000-23000 ft	12.0	2.5	2.0	2.0	1.5	1.5	1.0	0.5

## 2.5 MIXING ZONE ANALYSIS FOR TSS

Within the context of the NYSDEC's regulations, a mixing zone is a defined area around a point source discharge where certain water quality criteria can be exceeded, if acutely toxic conditions are prevented. NYSDEC's Division of Water Technical and Operational Guidance Series (TOGS) 5.1.9 provides guidelines for establishing and assessing mixing zones for aquatic, wildlife, and human protection criteria (NYSDEC 2004). The NYSDEC mixing zone guidelines allow some level of impact from point source discharges, while ensuring that the receiving waterbody is protected from acute toxic conditions and maintains designated uses.

The trenching scenario was assessed for compliance with a 500-ft (152 m) mixing zone for the 100 mg/L and other TSS concentrations. The approximate 500-ft (152 m) limit is shown on the sediment concentration and duration maps in Figure 2-1 and Figure 2-2 as the red lines on both sides of the central cable route. The maximum duration of various concentrations in each segment at the 500-ft (152 m) limit is presented in Table 2-7.

The maximum duration of the 100 mg/L concentration in the inner harbor (MP 6-0.3 to MP 6-2.8) at 500-ft (152 m) from the trenching was 9 hr but had an average of 2.9 hr and a minimum of less than 0.5 hr. The maximum duration of the 100 mg/L concentration in the outer harbor (MP 6-2.8 to MP 6-4.3) was 3.5 hr with an average of 1.4 hr and a minimum less than 0.5 hr.

**TABLE 2-7. MAXIMUM DURATION FOR A RANGE OF TSS CONCENTRATIONS IN EACH NYSDEC SEGMENT AT THE 500-FT MIXING ZONE LIMIT**

MP	Trenching Rate (m/hr)	Duration (hr) Segment	Conc (mg/L)							
			10	50	100	150	200	250	500	1000
MP 6-0.3	50	1000-2000 ft	17.0	1.5	0.5	0.0	0.0	0.0	0.0	0.0
	50	2000-3000 ft	22.0	11.0	9.0	7.5	5.0	3.5	1.0	0.0
MP 6-0.8	50	3000-4000 ft	11.5	0.5	0.0	0.0	0.0	0.0	0.0	0.0
	50	4000-5000 ft	22.5	11.0	9.0	6.0	3.0	2.0	0.0	0.0
	50	5000-6000 ft	24.0	6.5	2.0	0.5	0.5	0.5	0.0	0.0
MP 6-1.3	50	6000-7000 ft	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	50	7000-8000 ft	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	50	8000-9000 ft	20.5	4.5	2.0	1.5	1.5	1.5	1.0	0.5
MP 6-1.8	50	9000-10000 ft	22.0	5.5	2.0	0.0	0.0	0.0	0.0	0.0
	50	10000-11000 ft	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MP 6-2.3	50	11000-12000 ft	19.5	7.0	5.0	4.0	3.0	1.5	0.0	0.0
	50	12000-13000 ft	18.0	5.0	2.5	2.0	1.0	1.0	0.0	0.0
	50	13000-14000 ft	18.0	9.5	8.0	7.0	5.5	3.5	0.5	0.0
MP 6-2.8	50	14000-15000 ft	15.5	0.5	0.0	0.0	0.0	0.0	0.0	0.0
	100	15000-16000 ft	13.0	4.0	2.5	1.0	0.0	0.0	0.0	0.0
	100	16000-17000 ft	11.0	4.5	3.5	2.0	2.0	1.5	1.0	0.0
MP 6-3.3	100	17000-18000 ft	9.5	3.0	2.0	2.0	2.0	1.5	1.0	0.5
	100	18000-19000 ft	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
MP 6-3.8	100	19000-20000 ft	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	100	20000-21000 ft	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	100	21000-22000 ft	14.5	5.0	2.0	2.0	2.0	1.5	1.0	0.5
MP 6-4.3	100	22000-23000 ft	9.0	2.0	1.5	1.5	1.5	1.5	0.5	0.0

### 3 WATER QUALITY ASSESSMENT

This chapter assesses the potential water column concentrations of three metals and one organic compound that would be resuspended along with the sediment. The geochemistry survey (WSP 2025a) measured these constituents in some of the samples of the sediment column at concentrations within TOGS 5.1.9 Class B (NYSDEC 2004) therefore requiring analysis.

#### 3.1 IN-SITU SEDIMENT METALS CONCENTRATIONS

In addition to grain size sediment cores collected by WSP (2025a) during the geochemistry survey along the cable corridor were also analyzed for chemical constituents per TOGS 5.1.9 (NYSDEC 2004). Specifically, the analyzed metals consisted of arsenic, cadmium, copper, lead, and mercury. Analyzed organic compounds consisted of benzene, toluene, ethylbenzene, and xylenes (BTEX), polycyclic aromatic hydrocarbon (PAHs), pesticides, polychlorinated biphenyls (PCBs), and chlorinated dibenzo-p-dioxins and chlorinated dibenzo furans (dioxins/furans). Sediment quality criteria for four of the chemical constituents detected in the sediment column during the geochemistry survey were found to be within the lower end of TOGS 5.1.9 Class B in some of the samples:

- arsenic
- copper
- mercury
- dioxin/furans (2,3,7,8-TCDD [toxic equivalency])

The four constituents listed above were selected for modeling in more detail for the 9 ft cable burial scenario in Hempstead Harbor. Concentrations of all other analytes (if detected) were almost entirely within Class A. Table A-2 of Appendix A in WSP (2025a) presents the data with Class B concentrations highlighted. The constituent loads of the metals and dioxins/furans were developed based on these local sediment concentrations as described in the full report.

#### 3.2 WATER COLUMN CONCENTRATIONS OF METALS

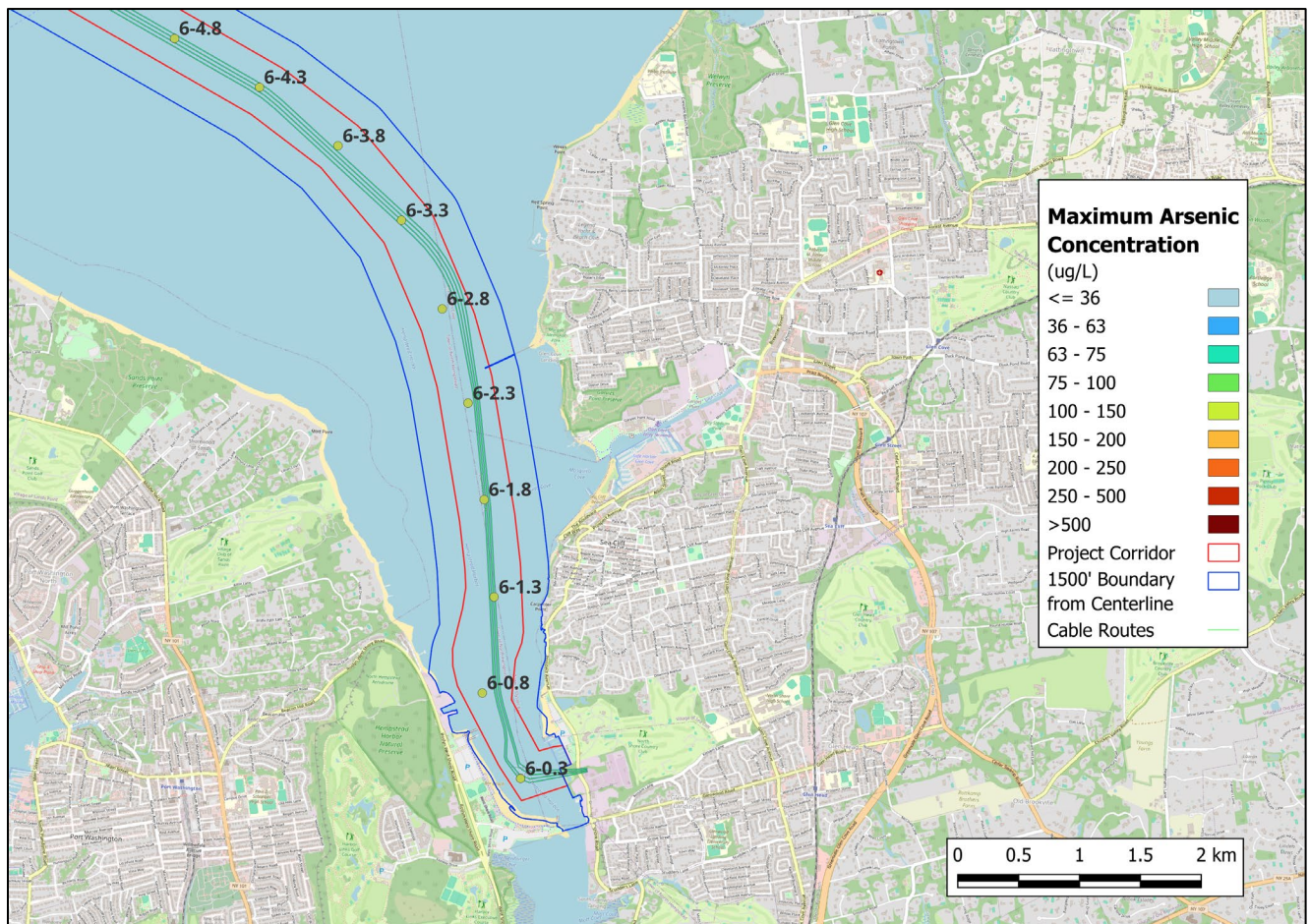
The model predicted water column concentrations were compared to NYSDEC regulations for each of the four selected constituents. A list of the NYSDEC regulatory limits used in the assessments and the harbor segments for which they apply is presented in Table 3-1.

**TABLE 3-1. LIST OF NYSDEC CRITERIA AND LIMITS FOR THE METALS AND DIOXINS/FURANS CONSTITUENTS**

<u>Location/Activity</u>	<u>Parameter</u>	<u>Limit</u>	<u>Unit</u>	<u>Sample Type</u>
<b>Cable Burial</b> <b>MP 6-0.3 – 6-4.3</b>	Dissolved Arsenic	63	µg/L	grab
	Dissolved Copper	3.4	µg/L	grab
	Total Mercury	50	ng/L	grab
	Chlorinated dibenzo-p-dioxins and chlorinated dibenzo furans	6×10 <sup>-10</sup>	µg/L	grab

The maximum water column concentrations for arsenic through the 328 ft/hr (100 m/hr) and 164 ft/hr (50 m/hr) segments of Hempstead Harbor are presented in Figure 3-1. The water column concentrations are almost completely confined to the Hempstead Harbor area where the tidal currents are slower than in open Long Island Sound entrance area. The NYSDEC limit given for a water column arsenic concentration of 63 µg/L is never reached at any location in the Hempstead harbor area, where the highest concentration predicted in the harbor was 32 µg/L. Note that the concentration scale on the following maps was customized for each metal, breaking out the regulatory limit among other concentrations.

The maximum area coverage and excursion distance for a range of arsenic concentrations is presented in Table 3-2. For arsenic all of the areas and distances are zero as even the lower chronic limit of 36 µg/L were never exceeded.



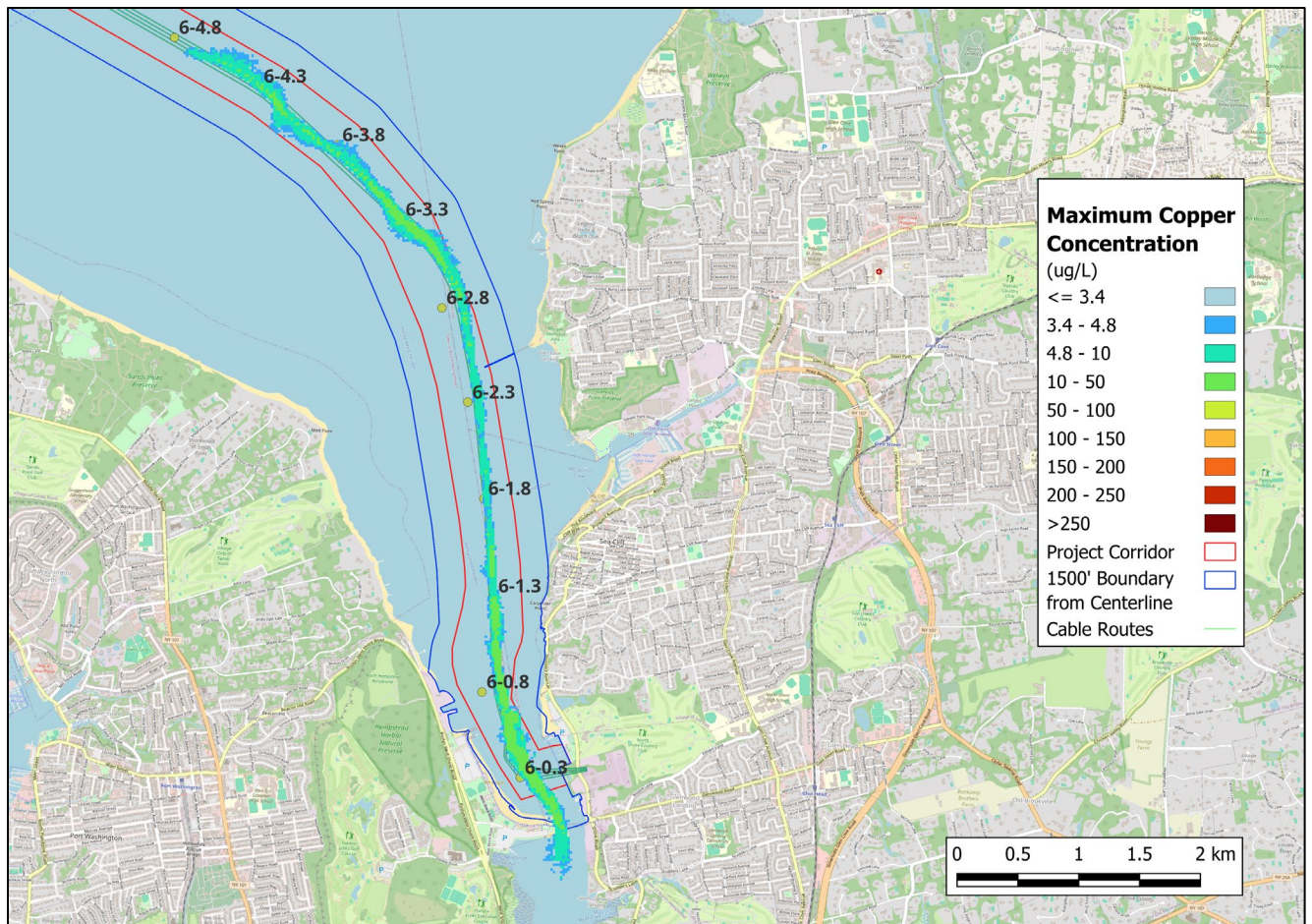
**FIGURE 3-1. MAXIMUM ARSENIC WATER COLUMN CONCENTRATION IN HEMPSTEAD HARBOR.**

**TABLE 3-2. MAXIMUM AREA COVERAGE AND EXCURSIONS DISTANCE FOR A RANGE OF ARSENIC CONCENTRATIONS**

	Concentration ( $\mu\text{g/L}$ )	Area (ac)	Distance (ft)
MP 6-0.3 – MP 6-4.3	36	0	0
	63	0	0
	75	0	0
	100	0	0
	150	0	0
	200	0	0
	250	0	0

The model-predicted copper water column concentration maximums are presented in Figure 3-2 for the Hempstead Harbor, 9 ft cable burial scenario. The water column concentration is consistent throughout the harbor area, reaching the NYSDEC limit of 3.4  $\mu\text{g/L}$  along a line following the trenching activities but remaining within the project corridor along the route apart from the southern end of the harbor. The suspended plume was carried by an incoming tide into the inner harbor area past Bar Beach point, extending the excursion beyond the project corridor. Copper concentrations in the inner harbor remain at or below 10  $\mu\text{g/L}$  and last less than 1.5 hours. The maximum area coverage and excursion distance for a range of copper concentrations is presented in Table 3-3.

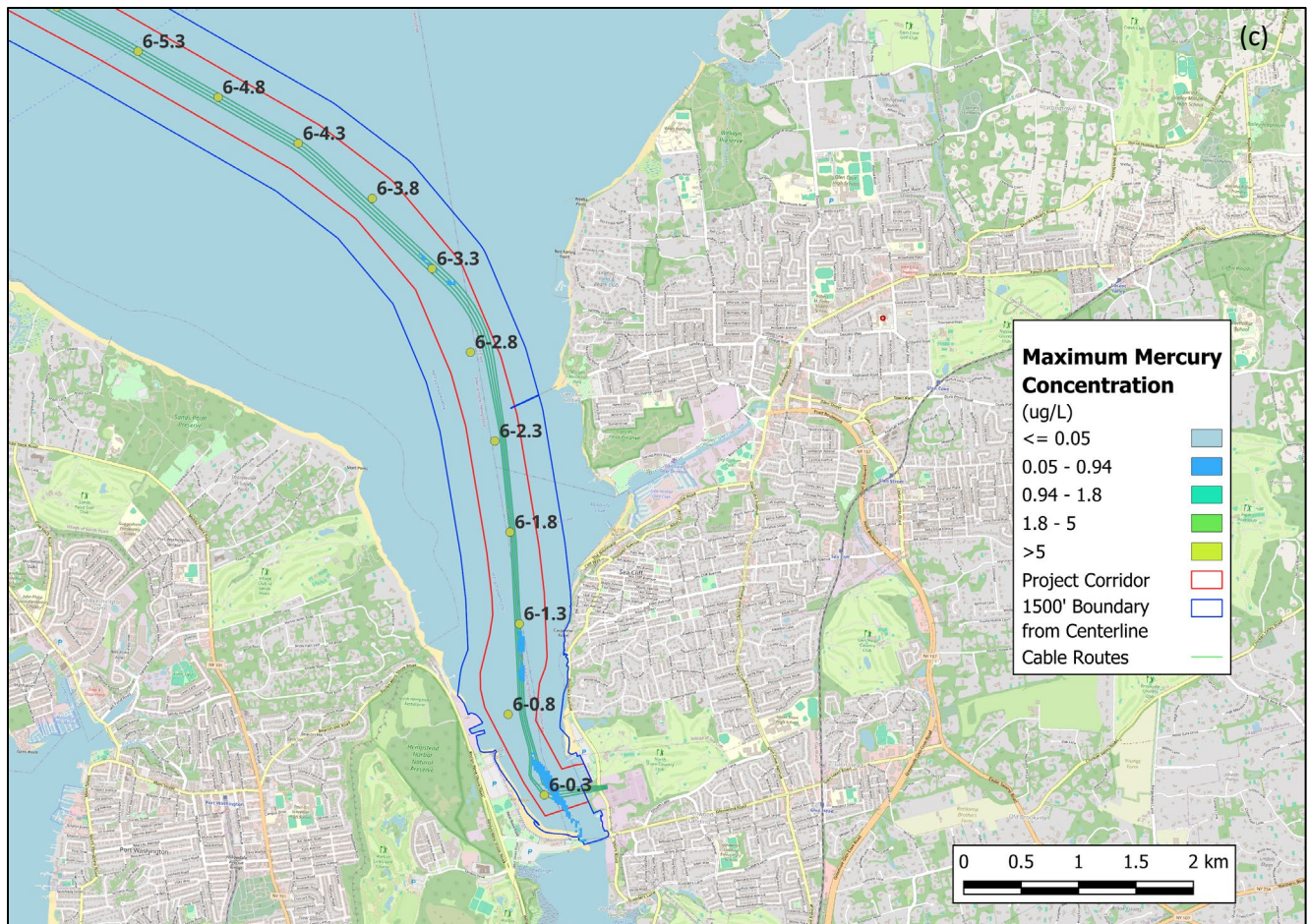
The model-predicted maximum mercury concentrations are presented in Figure 3-3. The area coverage and maximum excursion at various concentrations are given in Table 3-4. The NYSDEC concentration limit of 0.05  $\mu\text{g/L}$  (50  $\text{ng/L}$ ) is only reached at a few spots along the trenching route, primarily at the southern end of the main harbor, with a small patch around MP 6-3.3 based on the concentrations held within the local sediments. The 0.05  $\mu\text{g/L}$  exceedance is contained within the 500-ft (152 m) mixing zone, except at the southern end of the harbor where an incoming tide carried the mercury containing sediments past Bar Beach point. The maximum area coverage of the 0.05  $\mu\text{g/L}$  concentration was 24.9 ac (10.1 ha) but the acute concentration of 0.94  $\mu\text{g/L}$  is not reached anywhere along the cable route.



**FIGURE 3-2. MAXIMUM COPPER WATER COLUMN CONCENTRATION IN HEMPSTEAD HARBOR.**

**TABLE 3-3. MAXIMUM AREA COVERAGE AND EXCURSIONS DISTANCE FOR A RANGE OF COPPER CONCENTRATIONS**

	Concentration (ug/L)	Area (ac)	Distance (ft)
MP 6-0.3 – MP 6-4.3	3.4	242	2852
	4.1	209	2789
	5.78	152	2404
	10	64	1732
	50	0.3	89
	100	0.1	89
	150	0	0



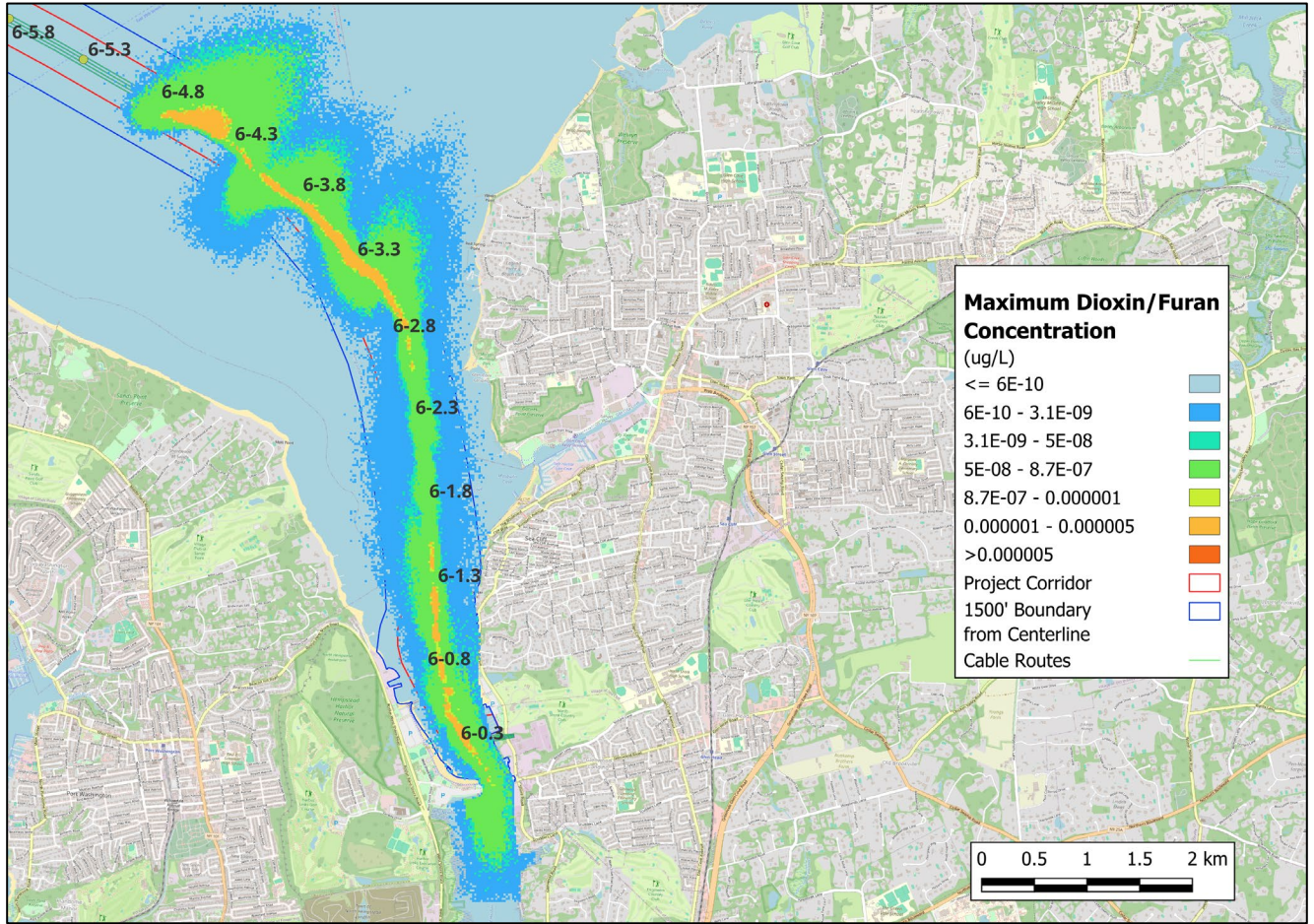
**FIGURE 3-3. MAXIMUM MERCURY WATER COLUMN CONCENTRATION IN HEMPSTEAD HARBOR.**

**TABLE 3-4. MAXIMUM AREA COVERAGE AND EXCURSIONS DISTANCE FOR A RANGE OF MERCURY CONCENTRATIONS**

	Concentration (ug/L)	Area (ac)	Distance (ft)
<b>MP 6-0.3 – MP 6-4.3</b>	0.05	24.9	1676
	0.1	4.6	156
	0.94	0	0
	1.8	0	0
	5	0	0

The model-predicted maximum dioxins/furans concentrations are presented in Figure 3-4. The area coverage and maximum excursion at various concentrations are given in Table 3-5. The NYSDEC concentration limit for the dioxins/furans is very low, at  $6 \times 10^{-10}$   $\mu\text{g/L}$ , thus the area coverage and distance travelled are larger than for the other constituents. The in-situ sediment concentrations (the basis of the source load) were consistently distributed along the route leading to a consistent plume signature through the harbor as seen in

the figure. The concentration plume extends into the inner harbor, past Bar Beach point as with the other constituents due to the flooding tide during that trenching time, but also had larger excursions in the more open waters at the Harbor entrance area where the tidal currents are perpendicular to the trenching route. The maximum area coverage of the  $6 \times 10^{-10}$   $\mu\text{g/L}$  concentration was 2350 ac and the maximum excursion was 5382 ft.



**FIGURE 3-4. MAXIMUM DIOXINS/FURANS WATER COLUMN CONCENTRATION IN HEMPSTEAD HARBOR.**

**TABLE 3-5. MAXIMUM AREA COVERAGE AND EXCURSIONS DISTANCE FOR A RANGE OF DIOXINS/FURANS CONCENTRATIONS**

	Concentration ( $\mu\text{g/L}$ )	Area (ac)	Distance (ft)
MP 6-0.3 – MP 6-4.3	$6\text{E-}10$	2350	5382
	$3.1\text{E-}09$	2284	5382
	$5\text{E-}08$	906	4348
	$8.7\text{E-}07$	110	1567
	0.000001	89.9	1349
	0.000005	0.2	89
	0.00001	0	0

### 3.3 NYSDEC HEMPSTEAD HARBOR SEGMENTS ANALYSIS FOR THE WATER QUALITY CONSTITUENTS

The three metals and the dioxins/furans were evaluated for impacts on each of the 23 segments outlined by the NYSDEC in Hempstead Harbor (Figure 1-2). The maximum area coverage for the NYSDEC concentration limit for each constituent in each segment of the harbor is presented in Table 3-6 and the duration of the concentrations in the water column at those limits is presented in Table 3-7.

**TABLE 3-6. MAXIMUM AREA COVERAGE OF THE NYSDEC WATER QUALITY LIMIT FOR THE FOUR CONSTITUENTS IN EACH SEGMENT IN HEMPSTEAD HARBOR.**

MP	Area (ac)		Conc (µg/L)			
	Trenching Rate (m/hr)	Segment	Arsenic	Copper	Mercury	Dioxins
			63	3.4	0.05	0.0006
MP 6-0.3	50	1000-2000 ft	0	10.87	5.7	37.8
	50	2000-3000 ft	0	13.54	2	41.5
MP 6-0.8	50	3000-4000 ft	0	6.42	0	35.3
	50	4000-5000 ft	0	7.41	0.6	52.4
MP 6-1.3	50	5000-6000 ft	0	8.9	2.6	56.2
	50	6000-7000 ft	0	7.51	1.2	65.8
MP 6-1.8	50	7000-8000 ft	0	7.02	0	72.6
	50	8000-9000 ft	0	4.74	0	73.5
MP 6-2.3	50	9000-10000 ft	0	5.83	0	70.5
	50	10000-11000 ft	0	4.65	0	77.6
MP 6-2.8	50	11000-12000 ft	0	6.72	0	74.2
	50	12000-13000 ft	0	5.63	0	65
MP 6-3.3	50	13000-14000 ft	0	6.82	0	63.2
	50	14000-15000 ft	0	7.22	0	67.2
MP 6-3.8	100	15000-16000 ft	0	11.07	0	93.6
	100	16000-17000 ft	0	16.51	0.7	117.6
MP 6-4.3	100	17000-18000 ft	0	10.77	0.7	128
	100	18000-19000 ft	0	8.99	0	135.3
MP 6-4.8	100	19000-20000 ft	0	11.76	0	143.6
	100	20000-21000 ft	0	10.18	0	136.4
MP 6-5.3	100	21000-22000 ft	0	14.04	0	149.9
	100	22000-23000 ft	0	12.45	0	138.1

The trend presented in the constituent simulations showed that the maximum area coverage at the NYSDEC concentration limits was generally larger in the open entrance area where the currents are perpendicular to the trench than in the more enclosed harbor where the currents run roughly parallel to the trench. For the same reasons, the durations were lower in the open area where concentrations were dispersed more rapidly over the larger area.

For arsenic and mercury, the area coverage of water column concentrations at the NYSDEC limits were zero or remained low, close to the trench area and were short-lived. The copper concentrations remained well within the 500-ft (152 m) mixing zone boundary for the most part and were of short duration, with a maximum of 10 hours in the lower harbor. As seen in the harbor wide analysis the dioxins/furans concentrations in the

segments were also more broadly distributed and persisted longer than the other constituents. The longest duration was seen in the southern part of the Harbor where the circulation and current speeds are the lowest.

**TABLE 3-7. MAXIMUM DURATION OF THE NYSDEC WATER QUALITY LIMIT FOR THE FOUR CONSTITUENTS IN EACH NYSDEC SEGMENT IN HEMPSTEAD HARBOR.**

MP	Duration (hr)		Conc (µg/L)			
	Trenching Rate (m/hr)	Segment	Arsenic	Copper	Mercury	Dioxins
			63	3.4	0.05	0.0006
MP 6-0.3	50	1000-2000 ft	0	4	2.5	54.5
	50	2000-3000 ft	0	10.5	2	58
MP 6-0.8	50	3000-4000 ft	0	5	0	47.5
	50	4000-5000 ft	0	8.5	2	43.5
	50	5000-6000 ft	0	8.5	2.5	47.5
MP 6-1.3	50	6000-7000 ft	0	3.5	1	47.5
	50	7000-8000 ft	0	5.5	0	50.5
	50	8000-9000 ft	0	2	0	39.5
MP 6-1.8	50	9000-10000 ft	0	3	0	42
	50	10000-11000 ft	0	2	0	38
MP 6-2.3	50	11000-12000 ft	0	3.5	0	41.5
	50	12000-13000 ft	0	2	0	37.5
	50	13000-14000 ft	0	4.5	0	39
MP 6-2.8	50	14000-15000 ft	0	2	0	29
	100	15000-16000 ft	0	2.5	0	22
	100	16000-17000 ft	0	3	1	16
MP 6-3.3	100	17000-18000 ft	0	1.5	0.5	12.5
	100	18000-19000 ft	0	1.5	0	11
MP 6-3.8	100	19000-20000 ft	0	2	0	10.5
	100	20000-21000 ft	0	2	0	16.5
	100	21000-22000 ft	0	1.5	0	16.5
MP 6-4.3	100	22000-23000 ft	0	1	0	9

The persistence of the metals and dioxins/furans in the water column was also analyzed to determine the length of time that the concentrations remained above the criteria concentrations after trenching ceased (Table 3-8). It is noted that the times calculated reflect a reduction to background levels everywhere in the model domain where the water column was affected by the plume. In essence, the resuspended constituents persist in the water column concentration for a short duration, returning to background levels within 1.5 hours or in less time for all but the dioxins/furans which have the very low limit, which took approximately 9 hours to settle out below that level.

The effect of trenching and the associated resuspension of sediment at any given location along the trench is short-term, in the range of one to a few hours as seen in Table 3-9 above. While the loading (resuspension of sediments and metals) is continuous over that time, the source location is moving along with the trenching equipment. Accordingly, the applicable water column thresholds for the three metals and dioxins/furans are the acute criteria as the loading does not rise to the level of chronic exposure and the water column concentrations also return to natural background conditions in a matter of hours. Chronic is defined by the

USEPA (2011) as repeated exposure for more than approximately 10% of the life span of the biota under consideration (more than approximately 90 days to 2 years in typically used laboratory animal species).

**TABLE 3-8. TIME FOR CONSTITUENT CONCENTRATIONS TO RETURN TO BACKGROUND.**

Constituent	Limit	Unit	Persistence (hr)
Arsenic	63	µg/L	0
Copper	3.4	µg/L	1.5
Mercury	0.05	µg/L	0
Dioxins/Furans	6x10 <sup>-10</sup>	µg/L	9

### 3.4 MIXING ZONE ANALYSIS FOR WATER QUALITY PARAMETERS

The water quality constituents released during the trenching activities were assessed for compliance with a 500-ft (152 m) mixing zone using the same NYSDEC mixing zone regulations defined for TSS, where certain water quality criteria can be exceeded if acutely toxic conditions are prevented. The maximum duration of the NYSDEC regulatory concentration limits for the three metals and the dioxins/furans were evaluated for each segment at the 500-ft (152 m) mixing zone distance and the results are presented in Table 3-9.

Both the maximum and the average arsenic durations at the NYSDEC limit were 0 hr in the Harbor in general and at the 500-ft (152 m) mixing zone limit.

The maximum duration of the 3.4 µg/L copper concentration limit in the lower harbor (MP 6-0.3 to MP 6-2.8) at 500-ft (152 m) was reduced from the overall duration of 10.5 hr to 9 hr but the average duration of 4.6 hr decreased to 1.8 hr at the mixing zone limit. The maximum duration in the outer harbor (MP 6-2.8 to MP 6-4.3) decreased from 3 hr and an average of 1.9 hr to 1.5 hr and an average of 0.7 hr, where the majority of the segments had a duration of 0 hr.

The maximum duration of mercury at the 0.05 µg/L concentration limit in the lower harbor decreased from the overall maximum of 2.5 hr with an average of 0.7 hr to 0 hr with an average of 0 hr at the 500-ft (152 m) mixing zone limit. Similarly, the outer harbor had a maximum duration of 1 hr with an average of 0.2 hr, both of which also decreased to 0 hr at the 500-ft mixing zone limit.

The maximum duration of the 6x10<sup>-10</sup> µg/L dioxins/furans concentration limit in the inner harbor was 50.5 hr with an average of 44 hr which decreased to 39.5 hr and an average of 26.6 hr at the 500-ft (152 m) mixing zone limit, where several of the segments registered 0 hr. In the outer harbor the maximum duration was 22 hr with an average of 14.3 hr which decreased to a maximum of 17.5 hr and an average of 8 hr.

**TABLE 3-9. MAXIMUM DURATION OF THE NYSDEC WATER QUALITY LIMIT FOR THE FOUR CONSTITUENTS IN EACH NYSDEC SEGMENT AT THE 500-FT MIXING ZONE LIMIT.**

Duration (hr) : 500-ft Mixing Zone			Conc (µg/L)			
MP	Trenching Rate (m/hr)	Segment	Arsenic	Copper	Mercury	Dioxins
			63	3.4	0.05	0.0006
MP 6-0.3	50	1000-2000 ft	0	0.5	0	38
	50	2000-3000 ft	0	9	0	49
MP 6-0.8	50	3000-4000 ft	0	0	0	24
	50	4000-5000 ft	0	5	0	37
MP 6-1.3	50	5000-6000 ft	0	0.5	0	39.5
	50	6000-7000 ft	0	0	0	0
	50	7000-8000 ft	0	0	0	0
MP 6-1.8	50	8000-9000 ft	0	1	0	32
	50	9000-10000 ft	0	0.5	0	32
MP 6-2.3	50	10000-11000 ft	0	0	0	0
	50	11000-12000 ft	0	3	0	36
MP 6-2.8	50	12000-13000 ft	0	1.5	0	33
	50	13000-14000 ft	0	3.5	0	33.5
	50	14000-15000 ft	0	0	0	18.5
MP 6-3.3	100	15000-16000 ft	0	0	0	17.5
	100	16000-17000 ft	0	1.5	0	14.5
	100	17000-18000 ft	0	1.5	0	10.5
MP 6-3.8	100	18000-19000 ft	0	0	0	0
	100	19000-20000 ft	0	0	0	0
MP 6-4.3	100	20000-21000 ft	0	0	0	0
	100	21000-22000 ft	0	1.5	0	14
	100	22000-23000 ft	0	1	0	7.5

Overall, the concentrations and excursion distances indicate the water column impacts from the analyzed metals are localized and short-term, returning to background in a matter of hours. The dioxins/furans have a larger impact but are relatively contained and overall short term with a maximum duration at the 500-ft (152 m) mixing zone of approximately 2 days at very low concentrations.

## 4 CONCLUSIONS

---

### **Trenching TSS Analysis**

An evaluation was conducted to assess a trenching depth of 9 ft for cable burial operations in Hempstead Harbor, where the trenching activities assumed two advance rates. The inner harbor trenching (MP 6-0.3 - 6-2.8) used a 164 ft/hr (50 m/hr) advance rate and the outer harbor (MP 6-2.8 - 6-4.3) used a 328 ft/hr (100 m/hr) advance rate. Results were compared to Hempstead Harbor generally and to a series of 1,000 ft (304 m) segments requested by NYSDEC. The focus was on the 100 mg/L water column TSS concentration and a 500-ft (152 m) regulatory mixing zone limit.

Hydrodynamic conditions differed significantly between entrance area on Long Island Sound and in Hempstead Harbor. The Sound is characterized by robust east–west oriented currents, which are generally perpendicular to the trench alignment, whereas the harbor exhibits comparatively weaker north–south currents, which are largely parallel to the trench. These contrasting flow regimes influence sediment dispersion: in the Harbor, the area covered by suspended sediments and their movement are more constrained laterally, which contributes to comparatively higher concentrations, deposition thickness, and duration of elevated sediment concentrations along the cable trench than in the Sound.

Results demonstrated that the 100 mg/L and greater concentrations remained within the 500-ft (152 m) mixing zone in the Harbor area to MP 6-3.3. Outside of MP 6-3.3, in the entrance area to the harbor, the 100 mg/L concentration contour was seen to extend past the 500-ft (152 m) mixing zone where the excursions away from the cable route were caused by tidal currents perpendicular to the cable route.

Evaluating the potential TSS impacts to the harbor for the 100 mg/L concentration in the NYSDEC 1,000 ft (304 m) segments in the lower Harbor showed significantly lower area coverage on average than the outer Harbor but experienced higher durations, with a 12.5 ac average coverage and 7.4 hr for the lower Harbor and 31.8 ac and 3.6 hr for the outer. Similarly at the 500-ft (152 m) mixing zone limit, the duration of the 100 mg/L concentration and greater on average was 2.9 hr in the lower Harbor and 1.4 hr in the outer Harbor.

### **Water Quality Analysis**

This water quality assessment evaluated potential water column concentrations associated with sediment resuspension during the 9-ft cable burial scenario in Hempstead Harbor for arsenic, copper, mercury, and dioxins/furans.

Model results indicate that arsenic did not reach the NYSDEC limit anywhere in the Harbor (maximum predicted 32 µg/L vs. 63 µg/L). Mercury exceedances of the 0.05 µg/L criterion were limited to small areas near the trench and were largely contained within the 500-ft (152 m) mixing zone.

Copper reached the 3.4 µg/L criterion along the trenching corridor, with limited excursion beyond the project corridor under flooding tide conditions in the lower/inner Harbor. Exceedances were short in duration and reduced, often significantly, when evaluated at the mixing-zone boundary.

Dioxins/furans exhibited the largest modeled area coverage and longest durations because the applicable criterion is very low (6×10<sup>-10</sup> µg/L). However, concentrations decreased to background conditions within approximately 9 hours after trenching ceased, and mixing-zone durations were reduced relative to harbor-wide results. Overall, the analyses indicate that water column impacts from trenching-related

resuspension are localized and short-term for metals, while dioxins/furans show broader but still temporary effects at very low concentrations.

### **Adaptive Management**

Adaptive management strategies may be applied to further minimize impacts and increase compliance with NYSDEC water quality standards at the 500-ft (152 m) mixing zone boundary. Strategies include:

- Adjust trenching speed and refined trenching equipment settings
- Managing trenching time and sequencing to reduce transport into low-energy inner harbor area
- Planning work windows to avoid prolonged trenching during flood tidal conditions and limit cumulative exposure in route segments with the lowest tidal circulation

## 5 REFERENCES

---

- NYSDEC. 2004. Technical and Operational Guidance Series (TOGS) 5.1.9, In-Water and Riparian Management of Sediment and Dredged Material. [https://extapps.dec.ny.gov/docs/water\\_pdf/togs519.pdf](https://extapps.dec.ny.gov/docs/water_pdf/togs519.pdf)
- Wilber, D.H. and D.G. Clarke. 2001. Biological Effects of Suspended Sediments: A Review of Suspended Sediment Impacts on Fish and Shellfish with Relation to Dredging Activities in Estuaries. North American Journal of Fisheries Management 21: 855–875.0
- WSP USA Inc. (WSP). 2025a. Propel NY Energy Project Sediment Transport Modeling and Analysis, Long Island Sound Crossing Final Report. Submitted to: WSP. Submitted by: Innovative Environmental Science (IES). WSP USA INC., One Penn Plaza, New York, NY 10119. May 14, 2025
- WSP USA Inc. (WSP). 2025b. Propel NY Energy Project Sediment Transport Modeling and Analysis, Long Island Sound Crossing Addendum 1 – Turbidity Curtain Analysis. Submitted to: WSP. Submitted by: Innovative Environmental Science (IES). WSP USA INC., One Penn Plaza, New York, NY 10119. July 18, 2025
- USEPA. 2011. Exposure Factors Handbook: 2011 Edition. National Center for Environmental Assessment, Washington, DC; EPA/600/R-09/052F. Available from the National Technical Information Service, Springfield, VA, and online at <http://www.epa.gov/ncea/efh>.

## EXHIBIT H

# COALITION TO SAVE HEMPSTEAD HARBOR PRESENTATION - IMAGES OF ANTHROPOGENIC DEBRIS

# Bottom Composition: Anthropogenic debris

Geophysical Survey (side-scan sonar)

## Exhibit H

- **Tires**

- Discards (dumping), fenders, etc.
- Dominant debris within HH

- **Fishing pots/traps**

- Highest at harbor mouth
- Status, age unknown

- Any removal needed for Project consistent with Action 60 of Ocean Action Plan

*(NYSDEC/NYSDOS 2017-2027)*

