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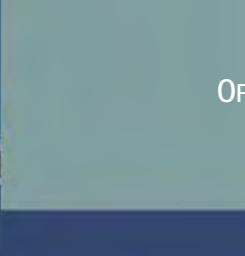
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# Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement

## Volume III: Appendix P Comment Response Document



U.S. DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY  
WASHINGTON, DC

August 2014



***FINAL***

**CHAMPLAIN HUDSON POWER EXPRESS  
TRANSMISSION LINE PROJECT  
ENVIRONMENTAL IMPACT STATEMENT**

**Volume III: Appendix P  
Comment Response Document**

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**U.S. DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY  
AND ENERGY RELIABILITY**



***COOPERATING AGENCIES***

**U.S. ENVIRONMENTAL PROTECTION AGENCY**

**U.S. ARMY CORPS OF ENGINEERS**

**U.S. FISH AND WILDLIFE SERVICE**

**U.S. COAST GUARD**

**NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**AUGUST 2014**





## APPENDIX P

### Comment Response Document





**APPENDIX P**

**COMMENT RESPONSE DOCUMENT**

**FOR THE**

**CHAMPLAIN HUDSON POWER EXPRESS**

**TRANSMISSION LINE PROJECT**

**DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**U.S. Department of Energy  
Office of Electricity Delivery and Energy Reliability  
Washington, DC**

**Cooperating Agencies:**  
**New York State Department of Environmental Conservation**  
**New York State Department of Public Service**  
**U.S. Army Corps of Engineers**  
**U.S. Coast Guard**  
**U.S. Environmental Protection Agency**  
**U.S. Fish and Wildlife Service**

**AUGUST 2014**



**COMMENT RESPONSE DOCUMENT FOR THE  
CHAMPLAIN HUDSON POWER EXPRESS TRANSMISSION LINE PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

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**ATTACHMENTS**

1. CHPE EIS NOA Published in the Federal Register
2. Example Newspaper NOA
3. Responses to All Comments on the Draft EIS

## ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius	ERRP	Emergency Repair and Response Plan
°F	degrees Fahrenheit	ESA	Endangered Species Act
AC	alternating current	FERC	Federal Energy Regulatory Commission
AIM	Algonquin Incremental Market	FWCA	Fish and Wildlife Coordination Act
BA	Biological Assessment	GWh	gigawatt hour
BFE	base flood elevation	HDD	horizontal directional drilling
BMP	best management practice	HVAC	high-voltage alternating current
CEQ	Council on Environmental Quality	HVDC	high-voltage direct current
CFR	Code of Federal Regulations	IBB	International Brotherhood of Boilermakers
CHPE	Champlain Hudson Power Express	IBEW	International Brotherhood of Electrical Workers
CHPEI	Champlain Hudson Power Express, Inc.	IPCC	Intergovernmental Panel on Climate Change
CMP	Coastal Management Program	IUOE	International Union of Operating Engineers
CP	Canadian Pacific	LEDPA	Least Environmentally Damaging Practicable Alternative
CRMP	Cultural Resources Management Plan	LIUNA	Laborers' International Union of North America
CSX	CSX Transportation	TBC	Maritime Association of the Port of New York and New Jersey – Tug & Barge Committee
CWA	Clean Water Act	km	kilometer
CZM	Coastal Zone Management	MAPNYNJ-	milligauss
CZMA	Coastal Zone Management Act	mg/L	milligrams per liter
DC	direct current	mm	millimeter
DOE	U.S. Department of Energy	MOA	Memorandum of Agreement
DOI	U.S. Department of the Interior	MPT	Maintenance and Protection of Traffic
EFH	essential fish habitat		
EIS	Environmental Impact Statement		
EM&CP	Environmental Management and Construction Plan		
EMF	electromagnetic field		
EO	Executive Order		

MSA	Magnuson-Stevens Fishery Conservation Management Act	NYSRC	New York State Reliability Council
MSL	mean sea level	PAH	polycyclic aromatic hydrocarbon
MW	megawatt	PCB	polychlorinated biphenyl
NEPA	National Environmental Policy Act	percent g	percentage of the force of gravity
NERC	North American Electric Reliability Corporation	POI	point of interconnection
NIEHS	National Institute of Environmental Health Sciences	ROI	region of influence
NMFS	National Marine Fisheries Service	ROW	right-of-way
NOA	Notice of Availability	SAV	submerged aquatic vegetation
NOAA	National Oceanic and Atmospheric Administration	SCFWH	Significant Coastal Fish and Wildlife Habitat
NRHP	National Register of Historic Places	SHPO	State Historic Preservation Office
NY AREA	New York Affordable Reliable Electricity Alliance	SMIA	Significant Maritime and Industrial Area
NYISO	New York Independent System Operator	SPACE	Stony Point Action Committee for the Environment
NYPA	New York Power Authority	SSAP	Sediment Sampling Analysis Plan
NYSAPA	New York State Adirondack Park Agency	TDI	Transmission Developers Inc.
NYSBPS	New York State Bulk Power System	TSS	total suspended solids
NYSDEC	New York State Department of Environmental Conservation	TUHC	TDI–USA Holdings Corporation
NYSDOS	New York State Department of State	U.S.C.	United States Code
NYSDOT	New York State Department of Transportation	USACE	U.S. Army Corps of Engineers
NYSDPS	New York State Department of Public Service	USCG	U.S. Coast Guard
NYSL	New York State Laborers	USEPA	U.S. Environmental Protection Agency
NYSPSC	New York State Public Service Commission	USFWS	U.S. Fish and Wildlife Service
		WRP	Waterfront Revitalization Program
		XLPE	cross-linked polyethylene

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## 1. Introduction

### 1.1 Overview

On January 25, 2010, Champlain Hudson Power Express, Inc. (CHPEI)<sup>1</sup> submitted an application to the U.S. Department of Energy (DOE) for a Presidential permit for the Champlain Hudson Power Express (CHPE) project (proposed CHPE Project)<sup>2</sup>. An application for a Presidential permit is evaluated in accordance with Executive Order (EO) 10485, as amended by EO 12038, and the regulations codified at 10 Code of Federal Regulations (CFR) 205.320 et seq. (2000), “Application for Presidential Permit Authorizing the Construction, Connection, Operation, and Maintenance of Facilities for Transmission of Electric Energy at International Boundaries.” The DOE Office of Electricity Delivery and Energy Reliability, National Electricity Delivery Division (OE-20) is responsible for issuing Presidential permits. The Presidential permit for CHPEI (OE Docket Number PP-362), if issued, would authorize CHPEI to construct, operate, maintain, and connect the U.S. portion of the proposed CHPE Project.

Pursuant to the National Environmental Policy Act of 1969 (NEPA), and in considering an application for a Presidential permit, the DOE must take into account potential environmental impacts of the proposed transmission line and associated facilities before making a final decision. DOE is using the NEPA process to involve Federal, state, and local agencies; tribal governments; and the public in the environmental review of the proposed CHPE Project and alternatives.

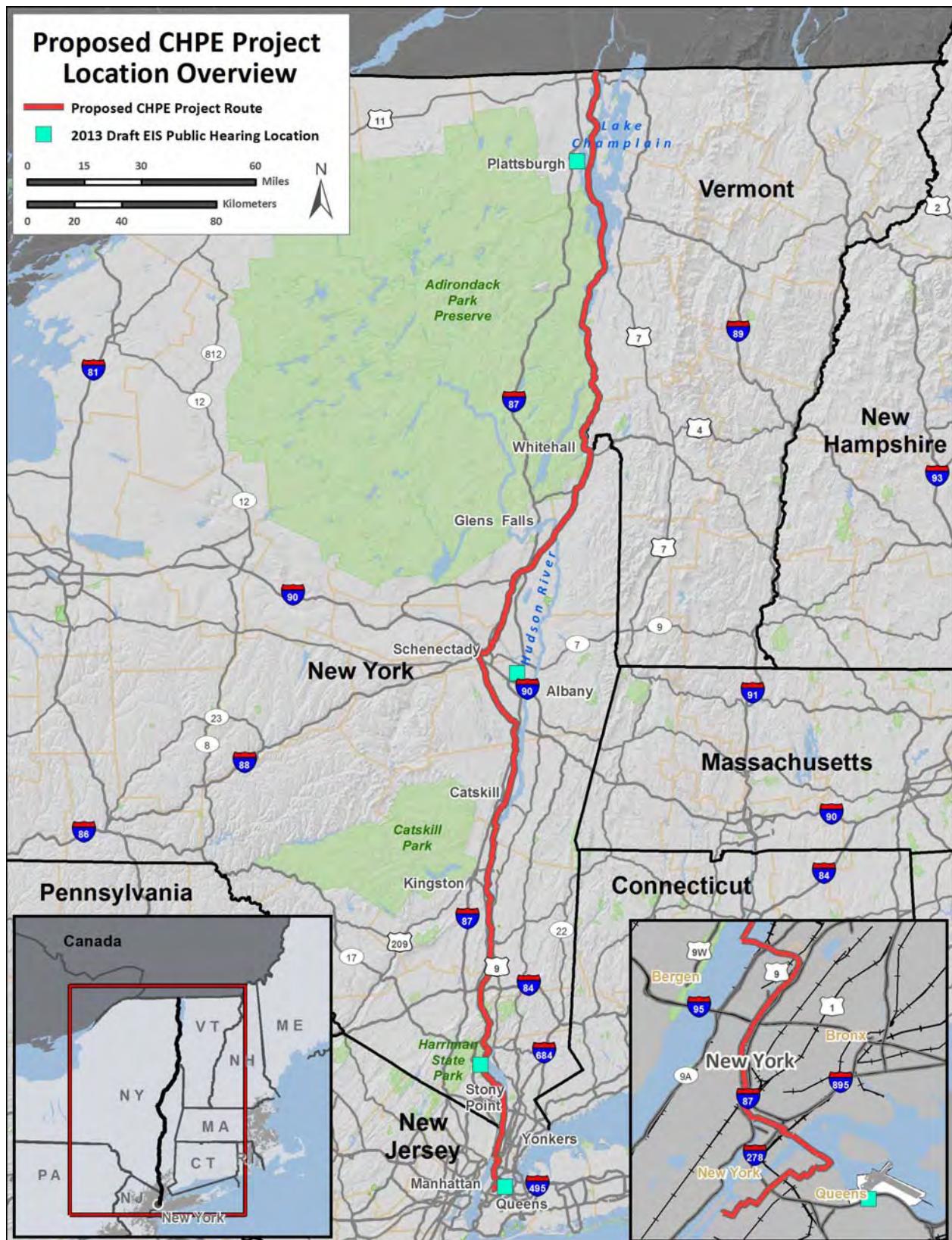
The proposed CHPE Project would include construction, operation, and maintenance of an approximately 336-mile (541-kilometer [km])-long, 1,000-megawatt (MW), high-voltage electric power transmission system that would have aquatic (underwater) and terrestrial (underground) portions (see **Figure P-1**). The underwater portions of the transmission line would be buried in the beds of Lake Champlain and the Hudson, Harlem, and East rivers, and the terrestrial portions of the transmission line would be buried underground, principally in road and railroad rights-of-way (ROWs). The presentation of the analysis in the Environmental Impact Statement (EIS) divided the transmission line route into four geographically logical segments: Lake Champlain Segment, Overland Segment, Hudson River Segment, and New York City Metropolitan Area Segment.

The transmission system would consist of one 1,000-MW, high-voltage direct current (HVDC) transmission line and ancillary aboveground facilities, including a direct current (DC) to alternating current (AC) converter station and cooling stations at selected locations where required. The transmission line would be a bipole consisting of two transmission cables, one positively charged and the other negatively charged. A new HVDC converter station would be constructed in Queens, New York, to convert the electrical power from DC to AC and then connect to two points of interconnection (POIs) within the New York City electrical grid. Cooling stations would be installed along the terrestrial portions of the transmission line route in certain locations to disperse accumulated heat in long cable segments installed by horizontal directional drilling (HDD).

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<sup>1</sup> CHPEI is a joint venture of TDI–USA Holdings Corporation (TUHC), a Delaware corporation, and National Resources Energy, LLC. TUHC, the majority shareholder in CHPEI (75 percent), is a subsidiary of Transmission Developers Inc. (TDI), a Canadian Corporation. National Resources Energy is a wholly owned subsidiary of National RE/sources Group, a limited liability corporation duly organized under the laws of the State of Connecticut. TDI’s lead investor is the Blackstone Group, an energy investment company.

<sup>2</sup> TDI submitted amendments to the proposed route in its original application on August 5, 2010; July 7, 2011; and February 28, 2012.



**Figure P-1. Proposed CHPE Project Route**

This document constitutes the Final EIS Comment Response Document on the *Champlain Hudson Power Express Project Environmental Impact Statement*. The Draft EIS and all other documents associated with the EIS are available on the CHPE EIS Web site at <http://www.chpexpresseis.org>.

## 1.2 History of Public Outreach and Comment Process

On June 18, 2010, DOE issued the *Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement; Champlain Hudson Power Express, Inc.* (75 *Federal Register* 34720), and conducted public scoping from June 18, 2010, to August 2, 2010.

On February 28, 2012, TDI submitted an amendment to the Presidential permit application that reflected changes to the proposed transmission line route. The proposed changes were the result of settlement negotiations among New York State agencies, CHPEI, CHPE Properties, Inc., and other stakeholders as part of the project review under Article VII of the New York State Public Service Law. The amendment is referred to as the Joint Proposal. In response to submission of the Joint Proposal, DOE published an *Amended Notice of Intent to Modify the Scope of the Environmental Impact Statement for the Champlain Hudson Power Express Transmission Line Project in New York State* (77 *Federal Register* 25472) (Amended Notice of Intent) on April 30, 2012, and accepted public comments from April 30, 2012, to June 14, 2012. DOE also stated that it would consider comments submitted after June 14, 2012, to the extent practicable. In the Amended Notice of Intent, DOE stated that it did not intend to hold further public scoping meetings, but recognized that comments provided by the public during the New York State Public Service Commission's (NYSPSC) April 2012 public statement hearings might be relevant to the NEPA scoping process. Therefore, DOE explained that it "intends to review the Commission's April public hearing statement transcripts and consider them, to the extent matters relevant to the Federal environmental review process arise, as scoping comments for the purposes of the EIS."

On April 18, 2013, the NYSPSC issued an order granting the Certificate of Environmental Compatibility and Public Need (Certificate) for the proposed CHPE Project. DOE reviewed and this EIS analyzed the proposed CHPE Project as amended by the Joint Proposal and the Certificate.

DOE provided a 45-day public review period starting November 1, 2013, which was extended for an additional 30 days and ended on January 15, 2014, and held public hearings for the Draft EIS. The public review period was initiated through publication of a Notice of Availability (NOA) in the *Federal Register* by the U.S. Environmental Protection Agency (USEPA) (see **Attachment 1**). The NOA was also sent to interested parties, including Federal, state, and local officials; regulatory agency representatives; stakeholder organizations; and private individuals in the vicinity of the proposed transmission line. The NOA was published in 17 New York newspapers with distribution along the proposed transmission line (see **Table P-1**). Issuance of the NOA commenced a 45-day public comment period on the Draft EIS that was initially announced to end on December 16, 2013. The NOA noted that comments submitted after the deadline "would be considered to the extent practicable." Subsequently, in response to requests from members of the public, DOE announced that it would extend the public comment period on the Draft EIS an additional 30 days to January 15, 2014 (78 *Federal Register* 76140) (see **Attachment 1**). **Attachment 2** contains an example of the NOA published in the newspapers.

During the public comment period on the Draft EIS, DOE conducted four public hearings: one in Astoria, Queens, New York; two within the Hudson River Valley corridor; and one in the Lake Champlain region. **Figure P-1** provides an overview of the route of the proposed transmission line along with an identification of the locations where the public hearings were held. The hearings occurred between November 18 and November 20, 2013, as noted in **Table P-2**.

**Table P-1. Newspaper Publication Dates and Area of Distribution for the Draft EIS**

Newspaper	Area of Distribution	Publication Date(s)
<b>Lake Champlain Segment</b>		
<i>The Press Republican</i>	Clinton and Essex counties	November 5 and 6, 2013
<i>Lake Champlain Weekly</i>	Clinton, Essex, and Franklin counties	November 6, 2013
<b>Overland Segment</b>		
<i>Albany Times Union</i>	Albany, Rensselaer, Saratoga, and Schenectady counties	November 5 and 6, 2013
<i>The Chronicle</i>	Saratoga to North Creek (Washington and Warren counties)	November 7, 2013
<i>The Daily Gazette</i>	Albany, Fulton, Montgomery, Schenectady, Saratoga, Rensselaer, and Schoharie counties	November 5, 2013
<i>The Daily Mail</i>	Greene County and Catskills Region	November 5, 2013
<i>Register Star</i>	Columbia County and Hudson Valley	November 5, 2013
<i>The Saratogian</i>	Saratoga County	November 5, 2013
<i>The Post Star</i>	Adirondack Region	November 5, 2013
<b>Hudson River Segment</b>		
<i>The Journal News</i>	Westchester, Putnam, and Rockland counties	November 4, 2013
<i>Rockland County Times</i>	Rockland County	November 7, 2013
<i>Times Herald Record</i>	Orange and Ulster counties	November 4, 2013
<i>Rising Media Group</i>	Westchester County	November 4, 2013
<i>Kingston Times</i>	Dutchess and Ulster counties	November 4, 2013
<b>New York City Metropolitan Area Segment</b>		
<i>am New York</i>	Nassau and Suffolk counties, and New York City	November 4, 2013
<i>New York Post</i>	New York City	November 4, 2013
<i>New York Daily News</i>	New York City	November 4, 2013

**Table P-2. Dates and Locations of the Public Hearings on the Draft EIS**

Meeting Date	Location	Number of Attendees/Registered	Number of Commenters
November 18, 2013	LaGuardia Courtyard by Marriott, Astoria, Queens, NY	40/26	3
November 18, 2013	Stony Point Center, Stony Point, NY	215/197	27
November 19, 2013	Holiday Inn, Albany, NY	68/65	11
November 20, 2013	West Side Ballroom, Plattsburgh, NY	41/39	4

The hearings provided the public with the opportunity to provide verbal comments in-person at the hearings, and their comments were transcribed by a court stenographer. Transcripts of the public hearings are provided in **Attachment 3**. In addition, DOE received written comment letters or emails from private citizens, government agencies, and nongovernmental organizations. A copy of the comment letters received during the open comment period and written materials submitted for the record at the public hearings are also included in **Attachment 3**. The transcripts and comment letters are also available on the CHPE EIS Web site at <http://www.chpexpresseis.org>.

### **1.3 Cooperating Agencies**

DOE invited several Federal and state agencies to participate as cooperating agencies in the preparation of the EIS to ensure that the EIS meets the NEPA and other regulatory requirements of those agencies and to engage the agencies' specialized expertise. Region 2 of the USEPA, the New York District of the U.S. Army Corps of Engineers (USACE), and the New York Field Office (Region 5) of the U.S. Fish and Wildlife Service (USFWS) are Federal cooperating agencies. In addition, the New York State Department of Public Service (NYSDPS) and the New York State Department of Environmental Conservation (NYSDEC) are cooperating agencies in the development of the proposed CHPE Project EIS. The DOE has the authority to issue the Presidential permit for the international border crossing; the USACE issues Clean Water Act Section 404 permits; and the State of New York has the authority to approve siting, construction, and operation of transmission lines in the state. No local agencies or Native American tribes were invited or made a request to participate as cooperating agencies.

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## 2. Agency and Public Comments on the Draft EIS

A variety of issues and concerns were raised during the public review period. DOE considered all comments in preparing the Final EIS. This section presents the comment documents received during the public comment process, including transcripts of comments provided during the four public hearings on the Draft EIS. Each comment document has been assigned a numerical designation (e.g., 200), and each delineated (i.e., bracketed) comment within a comment document is marked by a bar in the margin and a unique comment number (e.g., 200-01). Responses to delineated comments are displayed to the right of the comment.

Comments are divided into separate categories, as follows:

- Transcripts from the November 2013 Draft EIS public hearings (100 series; 45 comment documents)
- Federal agencies (200 series; 5 comment documents)
- Federal and state elected officials (300 series; 6 comment documents)
- State agencies (400 series; 3 comment documents)
- Local elected officials (500 series; 4 comment documents)
- Local agencies (600 series; 2 comment documents)
- Stakeholder groups (700 series; 22 comment documents)
- Other groups and members of the public (800 series; 20 comment documents).

DOE responded to written and verbal comments from a total of 107 government officials, organizations, and individuals. DOE responded to those comments that are within the scope of and relevant to the analysis within this EIS.

**Table P-3** provides a list of commenters who provided verbal or written comments during the Draft EIS comment period.

**Table P-4** provides a list of examples of major representative issues and concerns submitted during the Draft EIS public comment period, catalogued by general topic. All comments received are presented in **Attachment 3** of this Comment Response Document, together with DOE's responses.

**Table P-5** identifies substantive revisions made from the Draft EIS to the Final EIS due to agency and public comments.

**Table P-3. Draft EIS Commenters**

<b>Commenter Number</b>	<b>Commenter Name</b>	<b>Commenter Agency or Organization</b>
<b>Public Hearing Commenters</b>		
<b>101</b>	Thomas Ryan	International Brotherhood of Boilermakers (IBB) – Local Lodge No. 5
<b>102</b>	Vincent Albanese	New York State Laborers (NYSL)
<b>103</b>	Richard Thomas	New York Affordable Reliable Electricity Alliance (NY AREA)
<b>104</b>	Douglas Jobson	Rockland County Legislature
<b>105</b>	Thomas Basile	Stony Point Town Council
<b>106</b>	Geoffrey Finn	Stony Point Town Supervisor
<b>107</b>	Annie Wilson	New York Environmental Law and Justice Project
<b>108</b>	Dean Tamburri	Laborers' International Union of North America (LIUNA) – Local 17
<b>109</b>	Susan Filgueras	Stony Point Action Committee for the Environment (SPACE)
<b>110</b>	Frank Collier	SPACE
<b>111</b>	Stephen Reich	LIUNA – Local 754
<b>112</b>	Wellington Casscles	Private Citizen
<b>113</b>	Rebecca Casscles	Private Citizen
<b>114</b>	Hayley Carlock	Scenic Hudson
<b>115</b>	Laurrie Cozza	Private Citizen
<b>116</b>	Katherine Redmond	Private Citizen
<b>117</b>	Steven Ludwigson	IBB – Local Lodge No. 5
<b>118</b>	Brian McPartland	International Brotherhood of Electrical Workers (IBEW) – Local Union 503
<b>119</b>	Mary Ellen Furlong	Private Citizen
<b>120</b>	Breda Beckerle	Private Citizen
<b>121</b>	Timothy Waldron	Private Citizen
<b>122</b>	Robert Knight	Private Citizen
<b>123</b>	Barry Brooks	Sons of the American Revolution
<b>124</b>	Richard Thomas	NY AREA
<b>125</b>	Stephen Beckerle	Private Citizen
<b>126</b>	Jacquelyn Drechsler	Sierra Club
<b>127</b>	Michael Diederich	Private Citizen
<b>128</b>	Alex Guarino	Town of Haverstraw

Commenter Number	Commenter Name	Commenter Agency or Organization
<b>Public Hearing Commenters (continued)</b>		
129	Jim McDonnell	Town of Stony Point
130	Luanne Konopka	Town of Stony Point
131	Anthony Fresina	LIUNA – Local Union 190
132	Carol Tansey	Private Citizen
133	Tom Ellis	Citizens' Environmental Coalition
134	Paul Capel	Hudson River Pilots Association
135	Sandy Steubing	Private Citizen
136	Jessica Semon	Private Citizen
137	Steven Ludwigson	IBB – Local Lodge No. 5
138	Lavar Smith	IBB – Local Lodge No. 5
139	Jürgen Wekerle	Sierra Club
140	Susan Lawrence	Sierra Club
141	Phil Wilcox	IBEW – Local Union 97
142	Bill Wellman	New York State Council of Trout Unlimited
143	Jeffery Kellogg	International Union of Operating Engineers (IUOE) – Local No. 158
144	John Donoghue	LIUNA – Local 196
145	Ben Mainville	LIUNA
<b>Federal Agency Commenters</b>		
201	Andrew Raddant	U.S. Department of the Interior (DOI)/USFWS
202	Judy-Ann Mitchell	USEPA
203	W.A. Muilenburg	U.S. Coast Guard (USCG)
204	John Bullard	National Marine Fisheries Service (NMFS)
205	Stephen Ryba	USACE
<b>Federal and State Elected Officials</b>		
301	Nita Lowey	U.S. Congress – New York's 17 <sup>th</sup> District
302	Annie Rabbit	New York State Assembly – District 98
303	David Carlucci	New York State Senate – 38 <sup>th</sup> Senate District
304	William J. Larkin, Jr.	New York State Senate – 39 <sup>th</sup> Senate District
305	James Skoufis	New York State Assembly – District 99
306	Kenneth Zebrowski	New York State Assembly – District 96
<b>State Agency Commenters</b>		
401	Brian Yates	New York State Historic Preservation Office (SHPO)
402	Javier Bucobo	New York Power Authority (NYPA)

Commenter Number	Commenter Name	Commenter Agency or Organization
<b>State Agency Commenters (continued)</b>		
<b>403</b>	Jay Goodman	Couch-White, LLC, on behalf of NYSDPS, New York State Adirondack Park Agency (NYSAPA), and City of New York City
<b>Locally Elected Officials</b>		
<b>501</b>	Thomas Basile	Stony Point Town Council
<b>502</b>	Edwin Day	Rockland County Legislature
<b>503</b>	Howard T. Phillips, Jr.	Town of Haverstraw
<b>504</b>	Douglas Jobson	Rockland County Legislature
<b>Local Agency Commenters</b>		
<b>601</b>	Wesley O'Brien	City of New York
<b>602</b>	Kevin Maher  Six other comment letters only transmitting the 2012 Rockland County Legislature resolution regarding the proposed CHPE Project that was attached to the letter from this commenter were provided by the following private citizens: Frank Collyer Breda Beckerle (two different times) “Jillian and Sean” Jennifer Lima Stephen Beckerle	Stony Point Town Engineer  Private Citizens
<b>Stakeholder Group Commenters</b>		
<b>701</b>	Eric Johansson	Maritime Association of the Port of New York and New Jersey – Tug & Barge Committee (MAPNYNJ-TBC)
<b>702</b>	Stephen Reich	LIUNA – Local 754
<b>703</b>	Thomas Ryan	IBB – Local Lodge No. 5
<b>704</b>	Steven Ludwigson	IBB – Local Lodge No. 5
<b>705</b>	Joe Mirabile	NYSL
<b>706</b>	Vincent Albanese	NYSL
<b>707</b>	Paul Steidler	NY AREA
<b>708</b>	Arthur Kremer	NY AREA
<b>709</b>	Steven Ludwigson	IBB – Local Lodge No. 5
<b>710</b>	Albany Laborers’ Union	Albany Laborers’ Union
<b>711</b>	Tom Ellis	Citizens’ Environmental Coalition
<b>712</b>	Jürgen Wekerle	Sierra Club

<b>Commenter Number</b>	<b>Commenter Name</b>	<b>Commenter Agency or Organization</b>
<b>Stakeholder Group Commenters (continued)</b>		
<b>713</b>	Timothy R. Muller	IUOE – Local 825
<b>714</b>	Garry Douglas	Plattsburgh North Chamber of Commerce
<b>715</b>	Brian Buel	IBEW
<b>716</b>	Eric Johansson	MAPNYNJ-TBC
<b>717</b>	Edward Kelly	MAPNYNJ
<b>718</b>	Tim Waldron	Ba-Mar Community
<b>719</b>	James Slevin	Utility Workers Union
<b>720</b>	Mike Winslow	Lake Champlain Committee
<b>721</b>	Haley Carlock and Phillip Musegaas	Scenic Hudson
<b>722</b>	John Harms	American Waterways Operators
<b>Other Groups and Members of the Public</b>		
<b>801</b>	Roger Jennings	R. Jennings Manufacturing
<b>802</b>	Kathi Ellick	Private Citizen
<b>803</b>	Susan Filgueras	SPACE
<b>804</b>	Rebecca Casscles	Private Citizen
<b>805</b>	Stephen Beckerle	Private Citizen
<b>806</b>	Sandy Steubing	Private Citizen
<b>807</b>	Jim Fitzgerald	Private Citizen
<b>808</b>	Carolyn Stuetzle	Private Citizen
<b>809</b>	Diane Reichert A similar form letter was provided by 14 other commenters: Jeanette Strassburg Carolyn Stuetzle Paul Tirc Felipa Watts Lilly Ann Wilson Celia Velez Joe Velez Jean Bellon Ann Sheridan Marguerite Rogers Elsie Nissen Anna Crispino Joyce Robinson Thomas Robinson	Private Citizens

<b>Commenter Number</b>	<b>Commenter Name</b>	<b>Commenter Agency or Organization</b>
<b>Other Groups and Members of the Public (continued)</b>		
<b>810</b>	Wellington and Rebecca Casscles	Private Citizens
<b>811</b>	Nicolas Graver	Private Citizen
<b>812</b>	Jason Wisneski	Dann Marine Towing
<b>813</b>	Bryan LaVigne	Private Citizen
<b>814</b>	Todd Jones	Private Citizen
<b>815</b>	Sylvain Clermont	HydroQuebec
<b>816</b>	Wellington Casscles	Private Citizen
<b>817</b>	Lael J. Paulson	American Sugar Refining
<b>818</b>	Laurrie Cozza	Private Citizen
<b>819</b>	Susan Filgueras	Private Citizen
<b>820</b>	William Hurst	Entergy

**Table P-4. Summary of Agency and Public Comments on the Draft EIS**

Subject Area	Comment Summary
NEPA Process	<p><b>Public Involvement.</b> Several comments requested an extension of the public comment period on the Draft EIS due to the length of the EIS and potentially complicated issues addressed in the document. Comments also expressed concern that notification and outreach were not provided to local Hispanic communities, nor were materials provided in Spanish. Comments also noted that property owners along the proposed CHPE Project route were not notified of the CHPE Project or the public hearings.</p> <p><b>Public Hearings.</b> Some comments indicated the commenters were unable to confirm the hearing at the Stony Point Center, and other comments questioned the appropriateness of public hearing venues in Queens and Stony Point.</p>
Proposed Project	<p><b>Burial Depths.</b> Burial depth of the proposed CHPE Project should be revised to match those identified in the USACE Public Notice.</p> <p><b>Additional Information.</b> Comments requested additional information and analysis of impacts from blasting, use of concrete mats, backfilling, construction schedule timing, and construction vessel speed and draft in aquatic portions of the proposed CHPE Project route.</p> <p><b>Project Route Alternatives.</b> Many comments, especially from those in Stony Point, New York, questioned why the proposed CHPE Project route was removed from the Hudson River and moved onto land in the Hudson River Segment, and suggested moving the terrestrial portion of the proposed CHPE Project route in this segment back into the Hudson River. Some comments stated that the impacts of the terrestrial route in the Hudson River Segment were not analyzed in the EIS. Other comments stated that the proposed CHPE Project route changed and these portions of the route were not analyzed in the EIS.</p> <p><b>Other Alternatives.</b> Several comments stated that instead of the proposed CHPE Project, energy conservation and efficiency measures should be implemented and the power should be produced locally in New York State through renewable energy projects, distributed generation, existing power plants in upstate New York or in the Hudson Valley Region, or by constructing new power plants in New York State. Another comment suggested an alternative to keep the proposed CHPE Project outside of the Federal navigation channel in the Hudson River.</p> <p><b>Elimination of Alternatives.</b> One comment stated that previously proposed alternatives to the proposed CHPE Project were eliminated due primarily to cost as compared to other merit-based factors.</p> <p><b>Discrepancy with Previous Information Provided by the Applicant.</b> Several comments noted that information presented in the EIS was different from information previously provided by the Applicant.</p> <p><b>General Opposition/Adverse Effects.</b> Many comments were generally opposed to the proposed CHPE Project. Many of these comments expressed specific opposition to the terrestrial portion of the proposed CHPE Project in the Hudson River Segment, and thought it would have adverse environmental effects. Other comments in opposition to the proposed CHPE Project stated that it would not be beneficial to the New York State energy grid/infrastructure or consumers.</p> <p><b>General Support/Beneficial Effects.</b> Some comments expressed support for the proposed CHPE Project, primarily due to jobs created in New York State during construction and operation of the transmission line.</p>

Subject Area	Comment Summary
<b>Land Use</b>	<p><b>Encroachment Outside of Right-of-Way.</b> Comments expressed concern that portions of the proposed CHPE Project route would be outside of the existing road and railroad ROWs in deviation areas, which would require the taking of private property, including residential and commercial properties, through eminent domain. Some comments also expressed concern that the presence of the transmission line could limit use of some private property.</p> <p><b>Forever Wild Clause.</b> One comment stated that the proposed CHPE Project would violate the “Forever Wild” clause by crossing through Adirondack Park and other New York State parks.</p>
<b>Transportation and Traffic</b>	<p><b>Navigation.</b> Several comments expressed concern that the proposed transmission line would be installed within the Federal navigation channel in various locations, which could prevent some vessels from deploying anchors due to risk of anchor damage, or could result in anchor snags on the transmission cables or concrete mats used to cover portions of the transmission line that cannot be installed underground.</p> <p><b>Anchorage Prohibitions.</b> Comments noted that vessel anchorage prohibitions over the aquatic transmission line ROW should not be part of the proposed CHPE Project and should be removed from the EIS.</p> <p><b>Effect on Dredging.</b> Comment expressed concern that the presence of the transmission line would prevent dredging of the Federal navigation channel or other locations along the Hudson River, such as a new port or industrial facility.</p>
<b>Water Resources and Quality</b>	<p><b>Water Resources.</b> One comment noted that after 2.5 years of study, it found the proposed CHPE Project would have minimal impact on lakes, rivers, and waters.</p> <p><b>Water Quality.</b> One comment expressed concern that installation of the proposed transmission line would resuspend polychlorinated biphenyls (PCBs) in the Hudson River.</p>
<b>Aquatic and Terrestrial Habitats and Species</b>	<p><b>Aquatic Resources.</b> One comment stated that beneficial effects on aquatic resources would result by avoiding Haverstraw Bay. Additional impacts would be avoided by complying with construction windows and exclusion zones.</p> <p><b>Concrete Mats.</b> A few comments requested discussion of potential impacts from concrete mats on Significant Coastal Fish and Wildlife Habitats (SCFWHs) and invasive species.</p>
<b>Aquatic and Terrestrial Protected and Sensitive Species</b>	<p><b>Species Proposed for Listing.</b> One comment stated that it would be beneficial to add species proposed for listing under the Endangered Species Act (e.g., northern long-eared bat) in the EIS.</p>
<b>Wetlands</b>	<p><b>Wetlands.</b> Comments expressed concerns for wetlands along the proposed CHPE Project route, particularly in the terrestrial portion of the Hudson River Segment, and stated that impacts on wetlands were not sufficiently analyzed.</p>
<b>Geology and Soils</b>	<p><b>Seismicity.</b> Comments questioned the impacts of a potential seismic event on the proposed CHPE Project, and noted that the transmission line would cross the Ramapo Fault.</p>
<b>Cultural Resources</b>	<p><b>Cultural Resources.</b> Several comments were concerned that the proposed CHPE Project route would cross and disrupt the Waldron Cemetery and Stony Point Battlefield Historic Park.</p>

Subject Area	Comment Summary
<b>Visual Resources</b>	<b>Visual Impacts.</b> Comments expressed concern about adverse visual impacts from the proposed CHPE Project, particularly in Stony Point, New York, and New York State parks, during construction and operation of aboveground facilities.
<b>Infrastructure</b>	<b>Utility Pipelines.</b> Comments expressed concern that installation of the proposed transmission line could damage existing wastewater or natural gas pipelines.
<b>Recreation</b>	<b>Recreation Impacts.</b> Comments expressed concern about adverse impacts on New York State parks from the proposed CHPE Project, and possibly recreational uses of waterways during CHPE Project installation activities.
<b>Public Health and Safety</b>	<p><b>Security.</b> Comments questioned the adverse security impacts from an increased risk of terrorism associated due to the presence of the proposed CHPE Project.</p> <p><b>Public Safety.</b> Comments expressed concern about the proposed CHPE Project being adjacent to railroads that transport hazardous materials, and where trains could derail and affect the transmission line.</p> <p><b>Magnetic Fields.</b> A few comments questioned the impacts of magnetic fields resulting from the proposed transmission line.</p>
<b>Hazardous Materials and Wastes</b>	<p><b>Hazardous Wastes.</b> One comment expressed concern about the proposed CHPE Project's proximity to the Kay-Fries National Priorities List Superfund site and brownfields and other industrial sites in Stony Point and Haverstraw.</p> <p><b>Contaminated Soil.</b> Comments expressed concern that installation of the proposed transmission line would encounter contaminated soil within terrestrial portions of the route.</p>
<b>Air Quality</b>	<p><b>Air Quality.</b> One comment stated the proposed CHPE Project would use clean, hydropower that would reduce air emissions; however, another comment stated that air quality impacts are unknown because impacts in Canada and the impacts of hydropower on climate change were not analyzed.</p> <p><b>Calculations.</b> One comment noted a possible error in calculation of emissions factors for proposed vessels and equipment.</p>
<b>Socioeconomics</b>	<p><b>Employment.</b> Some comments stated that the proposed CHPE Project would result in additional local employment and other economic benefits in New York State, while other commenters expressed concerns that the project would outsource jobs from New York State to a foreign country, lead to the reduction of in-state employment (including some due to closing of existing power plants), and increase the U.S. dependence on foreign energy. Comments stated there would be no long-term socioeconomic benefit from the proposed CHPE Project because minimal permanent jobs would be created.</p> <p><b>Property Value.</b> Comments expressed concern that the proposed CHPE Project would decrease property values, including residential and commercial properties, and reduce revenue from taxes to local jurisdictions.</p> <p><b>Utility Savings.</b> Comments stated that the proposed CHPE Project would not benefit rate payers and consumers, but would increase utility costs to consumers.</p>
<b>Mitigation/Best Management Practices</b>	<p><b>Aquatic Best Management Practices (BMPs).</b> One comment noted that pre- and post-installation monitoring would ensure aquatic resource protection. Another comment suggested use of mid-line buoys in instances where anchors are deployed by construction vessels to prevent anchor sweeps.</p> <p><b>Environmental Protection.</b> One comment noted that the environmental protections included in the proposed CHPE Project appear to be sufficient and comprehensive.</p>

Subject Area	Comment Summary
<b>Cumulative Impacts</b>	<p><b>Additional Cumulative Projects.</b> Comments suggested that the proposed CHPE Project would inhibit future economic development projects such as redevelopment of the Stony Point waterfront. Comments requested analysis of additional cumulative projects, including the redevelopment of the Stony Point, New York, waterfront, Spectra-Algonquin Incremental Market Natural Gas Pipeline project, New England Clean Power Link, and the U.S. Military Academy West Point Net Zero Initiative.</p> <p><b>Other.</b> One comment suggested that the proposed CHPE Project would be the precursor to other linear transmission projects using the same ROWs, which would result in the expansion of the ROW.</p>
<b>Other Issues</b>	<p><b>New York State Energy Grid.</b> Comments stated that the proposed CHPE Project would not be in the National Interest and would be detrimental to the existing energy grid in New York State because existing power plants and renewable energy projects would not be able to connect to the transmission line, and it would not strengthen the New York State transmission system. Existing energy capacity is not being effectively used, and addition of the proposed CHPE Project would not improve this situation. Instead of implementing the proposed CHPE Project, existing energy infrastructure should be upgraded and other projects developed. Comments expressed concern that the proposed CHPE Project would prevent proposed energy projects in New York State, such as renewable/green energy projects, projects at the Bowline and Lovett power plant sites, and the New York City Solar Roofs program.</p> <p><b>Energy Policy.</b> Comments stated the proposed CHPE Project should be analyzed within the context of state and regional energy policies, including the New York State Energy Highway Blueprint.</p> <p><b>Impacts in Canada.</b> Comments stated that impacts in Canada should be addressed in the EIS, and without this analysis the EIS does not address potential impacts of the entire proposed CHPE Project.</p>

**Table P-5. Summary of Substantive Revisions to the Draft EIS**

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis</b>	
<b>Front Matter</b>	<ul style="list-style-type: none"> <li>Updated cover sheet and table of contents.</li> </ul>
<b>Summary</b>	<ul style="list-style-type: none"> <li>Updated the Summary to be consistent with the Final EIS, including updated information on the proposed CHPE Project, figures, and summary of impacts, including Table S-1.</li> </ul>
<b>1. Purpose of and Need for the Proposed Action</b>	<ul style="list-style-type: none"> <li>Added 2013 Draft EIS public hearing locations to Figure 1-1.</li> <li>Clarified the anticipated allocation of transmission capacity of the proposed CHPE Project between hydropower and other sources.</li> <li>Updated information on public participation and public involvement, primarily to include a description of the Draft EIS public review period and summarize comments received on the Draft EIS.</li> <li>Clarified roles of some cooperating agencies. Updated the potential permits, approvals, and authorizations needed for the proposed CHPE Project.</li> <li>Updated information regarding the Canadian environmental review process.</li> <li>Added new appendices.</li> </ul>
<b>2. Proposed Action and Alternatives</b>	<ul style="list-style-type: none"> <li>Made minor changes to legends in Figures 2-1 through 2-4.</li> <li>Clarified one of the conditions in the New York State Department of State (NYSDOS) conditional concurrence of the consistency certification for the New York State Coastal Management Program based on subsequently received information.</li> <li>Updated minimum transmission line burial depth information.</li> <li>Added description of blasting in the Harlem River.</li> <li>Clarified that installation of the proposed transmission line would occur via HDD under the East River.</li> <li>Added distance of concrete mats in each segment.</li> <li>Added description of transition, or splice, vaults.</li> <li>Added information regarding temperatures at which the proposed transmission line is designed to operate.</li> <li>Provided explanation of how and why underwater construction work schedule windows were developed.</li> <li>Updated some mileposts in Table 2-2.</li> <li>Provided description of vessel anchorage during installation activities.</li> <li>Clarified trench dimensions.</li> <li>Added information regarding typical drafts of installation barges.</li> <li>Added description of decommissioning of the proposed CHPE Project.</li> <li>Provided reasons why alternatives were eliminated from further consideration in the EIS.</li> <li>Similar revisions identified in Summary were also made in Section 2.6.</li> </ul>
<b>3. Affected Environment</b>	
<b>Land Use</b>	<ul style="list-style-type: none"> <li>Clarified that the proposed CHPE Project would comply with all local zoning ordinances in Section 3.1.1.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Transportation and Traffic</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Transportation and Traffic resource area (Sections 3.1.2, 3.2.2, 3.3.2, and 3.4.2).</li> </ul>
<b>Water Resources</b>	<ul style="list-style-type: none"> <li>Updated the acreage of Zone A floodplains the proposed CHPE Project would cross in the terrestrial portion of the Hudson River Segment in Section 3.3.3.</li> </ul>
<b>Aquatic Habitats and Species</b>	<ul style="list-style-type: none"> <li>Moved discussion of Catskill Creek SCFWH from Section 3.3.4 (Hudson River Segment) to Section 3.2.4 (Overland Segment).</li> <li>Added scup to Table 3.3.4-1.</li> <li>Added Haverstraw Bay SCFWH to list of SCFWHs that would be within 1 mile of the proposed CHPE Project in the Hudson River Segment in Section 3.3.4.</li> <li>Clarified that the proposed CHPE Project would cross the Lower Hudson Reach SCFWH in the New York City Metropolitan Area Segment in Section 3.4.4.</li> </ul>
<b>Aquatic Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>Clarified that the proposed transmission line would be installed under the East River via HDD in Section 3.4.5.</li> </ul>
<b>Terrestrial Habitats and Species</b>	<ul style="list-style-type: none"> <li>No changes were made to the Terrestrial Habitats and Species resource area (Sections 3.1.6, 3.2.6, 3.3.6, and 3.4.6).</li> </ul>
<b>Terrestrial Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>Added northern long-eared bat and associated background information to Sections 3.1.7, 3.2.7, 3.3.7, and 3.4.7.</li> <li>Updated information regarding small whorled pogonia in Sections 3.2.7 and 3.3.7.</li> <li>Added red knot and associated background information to Section 3.4.7.</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>Clarified that the proposed CHPE Project would not cross wetlands in the Esopus Estuary SCFWH in the Hudson River Segment in Section 3.3.8.</li> </ul>
<b>Geology and Soils</b>	<ul style="list-style-type: none"> <li>No changes were made to the Geology and Soils resource area (Sections 3.1.9, 3.2.9, 3.3.9, and 3.4.9).</li> </ul>
<b>Cultural Resources</b>	<ul style="list-style-type: none"> <li>Updated the milestone by which sites would be reexamined or formally surveyed by the Applicant in Sections 3.1.10, 3.2.10, 3.3.10, and 3.4.10.</li> <li>Updated the milestone by which sites would be determined eligible for listing in the NRHP in Section 3.4.10.</li> <li>Added discussion that the Applicant would conduct archaeological monitoring during construction for those portions of the proposed CHPE Project in existing surface streets in the New York City Metropolitan Area Segment where archaeological surveys might not be practicable or warranted prior to construction in Section 3.4.10.</li> </ul>
<b>Visual Resources</b>	<ul style="list-style-type: none"> <li>No changes were made to the Visual Resources resource area (Sections 3.1.11, 3.2.11, 3.3.11, and 3.4.11).</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>No changes were made to the Infrastructure resource area (Sections 3.1.12, 3.2.12, 3.3.12, and 3.4.12).</li> </ul>
<b>Recreation</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Recreation resource area (Sections 3.1.13, 3.2.13, 3.3.13, and 3.4.13).</li> </ul>
<b>Public Health and Safety</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Public Health and Safety resource area (Sections 3.1.14, 3.2.14, 3.3.14, and 3.4.14).</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Hazardous Materials and Wastes</b>	<ul style="list-style-type: none"> <li>No changes were made to the Hazardous Materials and Wastes resource area (Sections 3.1.15, 3.2.15, 3.3.15, and 3.4.15).</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>No changes were made to the Air Quality resource area (Sections 3.1.16, 3.2.16, 3.3.16, and 3.4.16).</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>No changes were made to the Noise resource area (Sections 3.1.17, 3.2.17, 3.3.17, and 3.4.17).</li> </ul>
<b>Socioeconomics</b>	<ul style="list-style-type: none"> <li>No changes were made to the Socioeconomics resource area (Sections 3.1.18, 3.2.18, 3.3.18, and 3.4.18).</li> </ul>
<b>Environmental Justice</b>	<ul style="list-style-type: none"> <li>No changes were made to the Environmental Justice resource area (Sections 3.1.19, 3.2.19, 3.3.19, and 3.4.19).</li> </ul>
<b>3.5 Incomplete or Unavailable Information</b>	<ul style="list-style-type: none"> <li>Deleted specific locations of concrete mats from the list of incomplete information sources and data gaps.</li> </ul>
<b>4. Environmental Consequences of the No Action Alternative</b>	<ul style="list-style-type: none"> <li>No changes were made to this section.</li> </ul>
<b>5. Environmental Consequences of the Proposed CHPE Project</b>	
<b>Land Use</b>	<ul style="list-style-type: none"> <li>Deleted text regarding prohibition of vessel anchorage in the aquatic transmission line ROW in Sections 5.1.1, 5.3.1, and 5.4.1.</li> <li>Clarified that the Applicant would not have exclusive control of the transmission line ROW, certain immediately adjacent areas, and deviation areas in Sections 5.2.1 and 5.3.1.</li> </ul>
<b>Transportation and Traffic</b>	<ul style="list-style-type: none"> <li>Updated discussion of impacts on commercial and recreational vessels from inconvenience and navigational obstacles in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Deleted text regarding prohibition of vessel anchorage in the aquatic transmission line ROW in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Added discussion of anchor snags and information regarding the Anchor Snag Manual and the associated Navigation Risk Assessment in Sections 5.1.2 and 5.3.2.</li> <li>Updated discussion of minimum burial depths in aquatic portions of the proposed CHPE Project route and use of concrete mats in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Added discussion of decommissioning of the proposed CHPE Project in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Added discussion of impacts from blasting in the Harlem River in Section 5.4.2.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Water Resources</b>	<ul style="list-style-type: none"> <li>Updated discussion of impacts from ambient temperature increase surrounding concrete mats that would result from operation of the proposed transmission line in Sections 5.1.3, 5.3.3, and 5.4.3.</li> <li>Added discussion of extrapolating water quality modeling results for a deeper burial depth in Section 5.3.3.</li> <li>Clarified that the proposed transmission line would be installed under the East River via HDD in Section 5.4.3.</li> <li>Added discussion of impacts from blasting in the Harlem River in Section 5.4.3.</li> </ul>
<b>Aquatic Habitats and Species</b>	<ul style="list-style-type: none"> <li>Added discussion of impacts from barge positioning, anchoring, anchor cable sweep, and the pontoons on the jet plow that would result in sediment disturbance in Section 5.1.4.</li> <li>Added discussion of impacts on benthic communities from use of concrete mats in Section 5.1.4.</li> <li>Updated discussion of impacts on fish from noise generated during installation activities, and supplemented discussion of impacts in Section 5.1.4. Deleted discussion of noise impacts that would result in injury to fish.</li> <li>Updated discussion of impacts on benthic communities and fish from the increase of ambient sediment, sediment surface, and water temperature, including those surrounding concrete mats, due to operation of the proposed transmission line in Sections 5.1.4 and 5.3.4.</li> <li>Added to discussion of impacts from magnetic fields on the American eel in Section 5.1.4.</li> <li>Added discussion of impacts from magnetic fields on fish life stages, including eggs and larvae, in Sections 5.1.4 and 5.3.4.</li> <li>Clarified discussion of SCFWHs in the Overland Segment to note that the proposed CHPE Project would cross the Catskill Creek SCFWH via bridge attachment in Section 5.2.4.</li> <li>Clarified the temporary area of disturbance due to installation activities, including anchoring, in the Hudson River and New York City Metropolitan Area segments in Sections 5.3.4 and 5.4.4, and added that midline buoys would be used to prevent anchor chain sweeps.</li> <li>Clarified the distance and area of concrete mats that would be used in the Hudson River and New York City Metropolitan Area segments in Sections 5.3.4 and 5.4.4, and the distance and area of concrete mats used in SCFWHs in the Hudson River Segment in Section 5.3.4.</li> <li>Added discussion of impacts from blasting in the Harlem River in Section 5.4.4.</li> <li>Updated discussion of SCFWHs in the New York City Metropolitan Area Segment in Section 5.4.4.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Aquatic Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>Clarified that impacts on fish from noise generated during installation activities would be behavioral, and supplemented discussion of impacts in Sections 5.1.5 and 5.3.5. Deleted discussion of noise impacts that would result in injury to fish.</li> <li>Added discussion of impacts from magnetic fields on fish life stages, including eggs and larvae, in Sections 5.1.5 and 5.3.5.</li> <li>Updated discussion of the increase of ambient sediment, sediment surface, and water temperature, including those surrounding concrete mats, due to operation of the proposed transmission line in Sections 5.1.5 and 5.3.5.</li> <li>Clarified the temporary area of disturbance due to installation activities, including anchoring, in the Hudson River and New York City Metropolitan Area segments in Sections 5.3.5 and 5.4.4, and added that midline buoys would be used to prevent anchor chain sweeps.</li> <li>Updated the number of SCFWHs that would be crossed by the proposed CHPE Project in the Hudson River Segment in Section 5.3.5.</li> <li>Updated discussion of impacts on fish from vessel traffic to note the typical draft and reduced speed of installation barges, and that installation activities would avoid spawning migration in the Hudson River Segment in Section 5.3.5.</li> <li>Added discussion of impacts from blasting in the Harlem River in Section 5.4.5.</li> </ul>
<b>Terrestrial Habitats and Species</b>	<ul style="list-style-type: none"> <li>Clarified information regarding ambient temperature increase at and below the sediment surface that would result from operation of the proposed transmission line in Section 5.2.6.</li> </ul>
<b>Terrestrial Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>Added discussion of impacts on northern long-eared bat in Sections 5.1.7, 5.2.7, 5.3.7, and 5.4.7, and discussion of impacts on red knot in Section 5.4.7.</li> <li>Added northern long-eared bat, red knot, and small whorled pogonia to Table 5.1.7-1.</li> <li>Updated discussion of impacts on the Indiana bat and Karner blue butterfly from proposed maintenance activities (i.e., mowing) in Section 5.2.7.</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>Clarified the total acreage of wetlands expected to be impacted along the proposed CHPE Project route in Section 5.1.8.</li> <li>Clarified that the proposed CHPE Project would not cross wetlands in the Esopus Estuary SCFWH in the Hudson River Segment in Section 5.3.8.</li> </ul>
<b>Geology and Soils</b>	<ul style="list-style-type: none"> <li>Updated discussion of impacts on the proposed CHPE Project from potential seismic events in Sections 5.1.9, 5.2.9, 5.3.9, and 5.4.9.</li> <li>Added discussion of impacts on geology from blasting in the Harlem River, and text regarding installation of the transmission line via HDD in the East River in Section 5.4.9.</li> <li>Deleted discussion of installation of the proposed transmission line in the side slopes of the Harlem and East rivers in Section 5.4.9.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Cultural Resources</b>	<ul style="list-style-type: none"> <li>Updated the milestone by which site boundaries would be reexamined or areas formally surveyed in Sections 5.1.10, 5.2.10, 5.3.10, and 5.4.10.</li> <li>Added information regarding ongoing Section 106 consultation and the Programmatic Agreement in Sections 5.1.10, 5.2.10, 5.3.10, and 5.4.10.</li> <li>Added discussion of vibration effects on historic properties from blasting in the Harlem River in Section 5.4.10.</li> </ul>
<b>Visual Resources</b>	<ul style="list-style-type: none"> <li>Added discussion of HDD staging areas and blasting in the Harlem River in Section 5.4.11.</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>Added text regarding NYSPSC Certificate conditions that would avoid or minimize impacts on water supply systems in Section 5.3.12.</li> <li>Updated volume of solid waste (i.e., excavated soils and drill cuttings) that would result from HDD and creation of a cofferdam in the New York City Metropolitan Area Segment in Section 5.4.12.</li> </ul>
<b>Recreation</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Recreation resource area (Sections 5.1.13, 5.2.13, 5.3.13, and 5.4.13).</li> </ul>
<b>Public Health and Safety</b>	<ul style="list-style-type: none"> <li>Added discussion of blasting in the Harlem River in Section 5.4.14.</li> </ul>
<b>Hazardous Materials and Wastes</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Hazardous Materials and Wastes resource area (Sections 5.1.15, 5.2.15, 5.3.15, and 5.4.15).</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>Updated air emissions resulting from installation activities in the Hudson River Segment in Tables 5.3.16-1 and 5.3.16-2 (in Section 5.3.16) and Tables 5.4.16-2 and 5.4.16-4 (in Section 5.4.16); and in the New York City Metropolitan Area Segment in Tables 5.4.16-1, 5.4.16-2, and 5.4.16-4 (in Section 5.4.16).</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>Added discussion of blasting in the Harlem River in Section 5.4.17.</li> </ul>
<b>Socioeconomics</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Socioeconomics resource area (Sections 5.1.18, 5.2.18, 5.3.18, and 5.4.18).</li> </ul>
<b>Environmental Justice</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Environmental Justice resource area (Sections 5.1.19, 5.2.19, 5.3.19, and 5.4.19).</li> </ul>
<b>6. Cumulative and Other Impacts</b>	<ul style="list-style-type: none"> <li>Added descriptions and associated impact discussion for the following present and reasonably foreseeable future actions: New England Clean Power Link, redevelopment of Stony Point waterfront, Spectra-Algonquin Incremental Market Natural Gas Pipeline, and West Point Net Zero Project.</li> <li>Updated schedule of the Hudson River Navigation Channel Dredging project.</li> <li>Deleted reference to harassment and possible take of wildlife or protected species.</li> </ul>
<b>7. Public Participation and Interagency Coordination</b>	<ul style="list-style-type: none"> <li>Added a description of the Draft EIS public review period and summarized comments received on the Draft EIS.</li> </ul>
<b>8. List of Preparers</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to this section.</li> </ul>
<b>9. References</b>	<ul style="list-style-type: none"> <li>Updated reference list based on revisions made to the Draft EIS and other changes made to prepare the Final EIS.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>10. Acronyms and Abbreviations</b>	<ul style="list-style-type: none"> <li>Updated acronyms and abbreviations based on revisions made to the Draft EIS and other changes made to prepare the Final EIS.</li> </ul>
<b>11. Glossary</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to this section.</li> </ul>
<b>12. Index</b>	<ul style="list-style-type: none"> <li>Updated index to reflect the Final EIS.</li> </ul>
<b>Volume II: Appendices A-O</b>	
<b>Appendix A</b>	<ul style="list-style-type: none"> <li>Updated Maps 61 and 62 to include updated floodplain data.</li> </ul>
<b>Appendix B</b>	<ul style="list-style-type: none"> <li>The Clean Water Act 404 Permit Application Alternatives Analysis Report for the proposed CHPE Project was removed and replaced with a page directing the reader to the CHPE EIS Web site for this appendix.</li> </ul>
<b>Appendix C</b>	<ul style="list-style-type: none"> <li>The NYSPSC Order granting the Certificate of Environmental Compatibility and Public Need for the proposed CHPE Project was removed and replaced with a page directing the reader to the CHPE EIS Web site for this appendix.</li> </ul>
<b>Appendix D</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix E</b>	<ul style="list-style-type: none"> <li>Updated the EIS distribution list based on data obtained during the Draft EIS public comment period.</li> </ul>
<b>Appendix F</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix G</b>	<ul style="list-style-type: none"> <li>Updated Applicant-proposed impact avoidance and minimization measures (i.e., BMPs) based on new information, and noted that the BMPs will be incorporated into the final Environmental Management and Construction Plan (EM&amp;CP) for the proposed CHPE Project.</li> </ul>
<b>Appendix H</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix I</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix J</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix K</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix L</b>	<ul style="list-style-type: none"> <li>Reorganized census tracts in Tables L-2 and L-3, and identified census tracts along the terrestrial portions of the proposed CHPE Project route with gray shading.</li> </ul>
<b>Appendix M</b>	<ul style="list-style-type: none"> <li>Updated data in Tables M-13, M-17, M-22, and M-25 based on correction to conversion of emissions factors for some vessels.</li> </ul>
<b>Appendix N</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix O</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Volume III: Appendix P</b>	
<b>Appendix P</b>	<ul style="list-style-type: none"> <li>Added Volume III, Appendix P, which includes comments received on the Draft EIS and responses to those comments.</li> </ul>
<b>Volume IV: Appendices Q-U</b>	
<b>Appendices Q-U</b>	<ul style="list-style-type: none"> <li>Added Volume IV, which includes the following appendices: Appendix Q (Biological Assessment), Appendix R (Essential Fish Habitat Assessment), Appendix S (Floodplain Statement of Findings), Appendix T (Programmatic Agreement), and Appendix U (Navigation Risk Assessment).</li> </ul>

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## **ATTACHMENT 1**

### **CHPE EIS NOA PUBLISHED IN THE FEDERAL REGISTER**

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65622

## Federal Register / Vol. 78, No. 212 / Friday, November 1, 2013 / Notices

Services. Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: October 29, 2013.

**Tomakie Washington.**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2013-26111 Filed 10-31-13; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

[Docket No. ED-2013-ICCD-0100]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Professional Development Program: Grantee Performance Report**

**AGENCY:** Office of English Language Acquisition (OELA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before December 2, 2013.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting Docket ID number ED-2013-ICCD-0100 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E115, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For questions related to collection activities or burden, please call Tomakie Washington, 202-401-1097 or electronically mail [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please do not send comments here.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed,

revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* National Professional Development Program: Grantee Performance Report.

*OMB Control Number:* 1885-0555.

*Type of Review:* Extension without change of an existing collection of information.

*Respondents/Affected Public:* State, Local, or Tribal Governments.

*Total Estimated Number of Annual Responses:* 138.

*Total Estimated Number of Annual Burden Hours:* 6,900.

*Abstract:* The National Professional Development (NPD) program provides professional development activities intended to improve instruction for students with limited English proficiency and assists education personnel working with such children to meet high professional standards. The NPD program office is submitting this application to request approval to collect information from NPD grantees. This data collection serves two purposes: the data are necessary to assess the performance of the NPD program on Government Performance Results Act measures, also, budget information and data on project-specific performance measures are collected from NPD grantees for project-monitoring information.

Dated: October 29, 2013.

**Tomakie Washington.**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2013-26112 Filed 10-31-13; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

[OE Docket No. PP-362]

**Notice of Availability for the Draft Environmental Impact Statement and Announcement of Public Hearings for the Proposed Champlain Hudson Power Express Transmission Line Project**

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of availability and public hearings.

**SUMMARY:** The U.S. Department of Energy (DOE) announces the availability of the "Draft Environmental Impact Statement for the Champlain Hudson Power Express Transmission Line Project" (DOE/EIS-0447) for public review and comment. DOE is also announcing four public hearings to receive comments on the Draft EIS. The Draft EIS evaluates the environmental impacts of DOE's proposed Federal action of issuing a Presidential permit to the Applicant, Champlain Hudson Power Express, Inc. (CHPEI), to construct, operate, maintain, and connect a new electric transmission line across the U.S./Canada border in northeastern New York State.

**DATES:** DOE invites interested Members of Congress, state and local governments, other Federal agencies, American Indian tribal governments, organizations, and members of the public to provide comments on the Draft EIS during the 45-day public comment period. The public comment period started on October 11, 2013, with the publication in the **Federal Register** by the U.S. Environmental Protection Agency of its Notice of Availability of the Draft EIS, and will continue until November 25, 2013. Written and oral comments will be given equal weight and all comments received or postmarked by that date will be considered by DOE in preparing the Final EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Locations, dates, and start time for the public hearings are listed in the **SUPPLEMENTARY INFORMATION** section of this Notice of Availability (NOA).

**ADDRESSES:** Requests to provide oral comments at the public hearings may be made at the time of the hearing(s).

Written comments on the Draft EIS may be provided on the CHPE EIS Web site at <http://www.chpexpresseis.org> (preferred) or addressed to Mr. Brian

Mills, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; via email to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov); or by facsimile

to (202) 586-8008. Please mark envelopes and email subject lines as "CHPE Draft EIS Comments."

The locations, dates, and starting times of the public hearings are listed in the table below:

Location	Date and time	Address
Courtyard Marriott LaGuardia (Queens) .....	Monday, November 18, 2013, 12:00 p.m. ....	9010 Ditmars Blvd. East Elmhurst, NY 11369.
Stony Point Center .....	Monday, November 18, 2013, 6:00 p.m. ....	17 Cricketown Rd. Stony Point, NY 10580.
Holiday Inn Schenectady .....	Tuesday, November 19, 2013, 6:00 p.m. ....	100 Nott Terrace Schenectady, NY 12308.
West Side Ballroom (Plattsburgh) .....	Wednesday, November 20, 2013, 6:00 p.m. ....	253 New York Rd. Plattsburgh, NY 12903.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Mills at the addresses above, or at 202-586-8267.

**SUPPLEMENTARY INFORMATION:** The public hearings will consist of the formal taking of comments with transcription by a court stenographer. The hearings will provide interested parties the opportunity to make comments for consideration in the preparation of the Final EIS.

*Availability of the Draft EIS* Copies of the Draft EIS have been distributed to appropriate members of Congress, state and local government officials, American Indian tribal governments, and other Federal agencies, groups, and interested parties. Printed copies of the document may be obtained by contacting Mr. Mills at the above address. Copies of the Draft EIS and supporting documents are also available for inspection at the following locations:

- Queens Library—Steinway, 21–45 31 Street (Ditmars Boulevard), Long Island City, NY 11102
- Yonkers Public Library—Riverfront Library, 1 Larkin Center, Yonkers, New York 10701
- Rose Memorial Library, 79 East Main Street, Stony Point, NY 10980
- Kingston Public Library, 55 Franklin Street, Kingston, NY 12401
- Schenectady County Public Library, 99 Clinton Street, Schenectady, NY 12305
- Crandall Public Library, 251 Glen Street, Glens Falls, NY 12801
- Plattsburgh Public Library, 19 Oak Street, Plattsburgh, NY 12901

The Draft EIS is also available on the EIS Web site at <http://chpexpresseis.org> and on the DOE NEPA Web site at <http://nepa.energy.gov/>.

Issued in Washington, DC, on October 28, 2013.

**Patricia A. Hoffman,**

*Principal Deputy Assistant Secretary, Office of Electricity Delivery and Energy Reliability*, [FR Doc. 2013-26080 Filed 10-31-13; 8:45 am] BILING CODE 6450-01-P

#### DEPARTMENT OF ENERGY

##### Office of Energy Efficiency and Renewable Energy

[Case No. RF-032]

##### Decision and Order Granting a Waiver to Samsung From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedures

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Decision and Order.

**SUMMARY:** The U.S. Department of Energy (DOE) gives notice of its decision and order in Case No. RF-032 that grants to Samsung Electronics America, Inc. (Samsung) a waiver from the DOE electric refrigerator and refrigerator-freezer test procedures for specific basic models set forth in its petition for waiver. In its petition, Samsung provides an alternate test procedure that is identical to the test procedure DOE published in a final rule dated January 25, 2012 (77 FR 3559) that manufacturers will be required to use starting in 2014. Under today's decision and order, Samsung shall be required to test and rate these refrigerator-freezers using an alternate test procedure as adopted in that January 2012 final rule, which accounts for multiple defrost cycles when measuring energy consumption.

**DATES:** This Decision and Order is effective November 1, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, Mailstop EE-2J, 1000 Independence Avenue SW., Washington, DC 20585-0121, Telephone: (202) 586-0371. Email: [Bryan.Berringer@ee.doe.gov](mailto:Bryan.Berringer@ee.doe.gov)

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-71, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585-0103. Telephone: (202) 586-8145. Email: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov)

**SUPPLEMENTARY INFORMATION:** In accordance with Title 10 of the Code of Federal Regulations (10 CFR 430.27(l)), DOE gives notice of the issuance of its decision and order as set forth below. The decision and order grants Samsung with a waiver from the applicable residential refrigerator and refrigerator-freezer test procedures in 10 CFR part 430, subpart B, appendix A1 for certain basic models of refrigerator-freezers with multiple defrost cycles, provided that Samsung tests and rates such products using the alternate test procedure described in this notice. Today's decision prohibits Samsung from making representations concerning the energy efficiency of these products unless the product has been tested in a manner consistent with the provisions and restrictions in the alternate test procedure set forth in the decision and order below, and the representations fairly disclose the test results.

Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. 42 U.S.C. 6293(c).

pursue the Join SPP option. Comments submitted in response to this notice should include the following information:

1. Name and general description of the entity submitting the comment.
2. Name, mailing address, telephone number, and email address of the entity's primary contact.
3. Identification of any specific recommendation the comment references.

#### Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347), Council on Environmental Quality regulations (40 CFR parts 1500–1508), and DOE NEPA regulations (10 CFR part 1021), Western is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements. Further environmental review actions will be posted to <http://www.wapa.gov/ugp/Environment/default.htm>.

Dated: October 29, 2013.

**Mark A. Gabriel,**  
Administrator

[FR Doc. 2013-26079 Filed 10-31-13; 8:45 am]

BILLING CODE 6450-01-P

#### ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9011-7]

#### Environmental Impact Statements; Notice of Availability

**Responsible Agency:** Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements  
Filed 10/21/2013 Through 10/25/2013  
Pursuant to 40 CFR 1506.9.

#### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

**EIS No. 20130306, Second Final EIS, USCG, OO, Tiering FEIS—U.S. Coast Guard Rulemaking for Dry Cargo Residue Discharges in the Great Lakes, Review Period Ends: 12/02/2013, Contact: Timothy P. O'Brien 202-372-1539.**

**EIS No. 20130307, Final EIS, BLM, WY, Gas Hills In-Situ Recovery Uranium Project, Review Period Ends: 12/02/2013, Contact: Tom Sunderland 307-332-8400.**

**EIS No. 20130308, Draft EIS, USACE, NC, Morehead City Harbor Integrated Dredged Material Management Plan, Port of Morehead City, Comment Period Ends: 12/16/2013, Contact: Hugh Heine 910-251-4070.**

**EIS No. 20130309, Draft EIS, DOE, NY, Champlain Hudson Power Express Transmission Line Project, Comment Period Ends: 12/16/2013, Contact: Brian Mills 202-586-8267.**

**EIS No. 20130310, Draft EIS, BLM, UT, Utah Greater Sage-Grouse Draft Land Use Plan Amendment, Comment Period Ends: 01/29/2014, Contact: Quincy Bahri 801-539-4122.**

**EIS No. 20130311, Draft EIS, BLM, NV, Nevada and Northeastern California Greater Sage-Grouse Planning, Comment Period Ends: 01/29/2014, Contact: Joe Tague 775-861-6556.**

The U.S. Department of the Interior's Bureau of Land Management and the U.S. Department of Agriculture's Forest Service are Joint Lead Agencies for the above project.

**EIS No. 20130312, Draft EIS, BLM, ID, Idaho and Southwestern Montana Greater Sage-Grouse Draft Land Use Plan, Comment Period Ends: 01/29/2014, Contact: Brent Ralston 208-373-3812.**

**EIS No. 20130313, Draft EIS, USFS, ID, Lost Creek-Boulder Creek Landscape Restoration Project, Comment Period Ends: 12/16/2013, Contact: Holly Hutchinson 208-347-0325.**

**EIS No. 20130314, Final EIS, DOE, II, FutureGen 2.0 Project, Review Period Ends: 12/02/2013, Contact: Cliff Whyte 304-285-2098.**

**EIS No. 20130315, Draft EIS, FERC, AZ, Sierra Pipeline Project, Comment Period Ends: 12/16/2013, Contact: David Hanobic 202-502-8312.**

**EIS No. 20130316, Final EIS, NPS, CA, Restoration of the Mariposa Grove of Giant Sequoias, Review Period Ends: 12/02/2013, Contact: Kimball Koch 209-379-1364.**

**EIS No. 20130317, Draft Supplement, USACE, NC, NC-1409 (Military Cutoff Road) Extension and Proposed US 17 Hampstead Bypass, Comment Period Ends: 12/16/2013, Contact: Brad Shaver 910-251-4611.**

#### Amended Notices

**EIS No. 20130221, Draft Supplement, BLM, CA, Palen Solar Electrical Generating System, Comment Period Ends: 11/14/2013, Contact: Frank McMenimen 760-833-7150.**

Revision to FR Notice Published 07/26/2013; Extending Comment Period from 10/24/2013 to 11/14/2013.

**EIS No. 20130260, Draft EIS, BIA, NV, Moapa Solar Energy Center, Comment Period Ends: 11/12/2013, Contact: Amy Heuslein 602-379-6750.**

Revision to FR Notice Published 09/13/2013; Extending Comment Period from 10/21/2013 to 11/12/2013.

**EIS No. 20130261, Draft Supplement, NPS, CA, Golden Gate National Recreation Area Draft Dog Management Plan, Comment Period Ends: 01/13/2014, Contact: Michael B. Edwards 303-969-2694.**

Revision to FR Notice Published 09/06/2013; Extending Comment Period from 12/04/2013 to 01/11/2014.

**EIS No. 20130266, Draft EIS, USN, GU, The Mariana Islands Training and Testing, Comment Period Ends: 12/06/2013, Contact: John Van Name 808-471-1714.**

Revision to FR Notice Published 10/25/2013; Extending Comment Period from 11/12/2013 to 12/12/2013.

**EIS No. 20130269, Draft EIS, NRC, OO, Generic—Waste Confidence, Comment Period Ends: 12/20/2013, Contact: Sarah Lopas 301-287-0675.**

Revision to FR Notice Published 09/13/2013; Extending Comment Period from 11/27/2013 to 12/20/2013.

**EIS No. 20130277, Final Supplement, BLM, NV, Silver State Solar South Project Proposed Resource Management Plan Amendment, Review Period Ends: 11/06/2013, Contact: Nancy Christ 702-515-5136.**

Revision to FR Notice Published 09/20/2013; Extending Comment Period from 10/21/2013 to 11/06/2013.

**EIS No. 20130280, Draft EIS, BLM, NV, 3 Bars Ecosystem and Landscape Restoration Project, Comment Period Ends: 11/29/2013, Contact: Chad Lewis 775-635-4000.**

Revision to FR Notice Published 09/27/2013; Extending Comment Period from 11/12/2013 to 11/29/2013.

**EIS No. 20130284, Draft Supplement, GSA, CA, San Ysidro Land Port of Entry Improvements Project, Comment Period Ends: 11/29/2013, Contact: Osmahn Kadri 415-522-3617.**

Revision to the FR Notice Published 09/27/2013; Extending Comment Period from 11/12/2013 to 11/29/2013.

**EIS No. 20130290, Draft EIS, NPS, CA, Restoration of Native Species in High Elevation Aquatic Ecosystems Plan, Sequoia and Kings Canyon National Parks, Comment Period Ends: 12/17/**

Dated: November 1, 2013.  
**Donna S. Wieting,**  
*Director, Office of Protected Resources,  
 National Marine Fisheries Service.*  
 [FR Doc. 2013-26596 Filed 11-5-13; 8:45 am]  
 BILLING CODE 3510-22-P

#### DEPARTMENT OF ENERGY

[OE Docket No. PP-362]

**Notice of Availability for the Draft Environmental Impact Statement and Announcement of Public Hearings for the Proposed Champlain Hudson Power Express Transmission Line Project; Correction**

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of availability and public hearings; correction.

**SUMMARY:** The Department of Energy (DOE) published a document in the **Federal Register** of November 1, 2013, announcing the availability for the Draft Environmental Impact Statement and public hearings for the proposed Champlain Hudson Power Express transmission line project. This document corrects an error in that notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Brian Mills at [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov).

#### Correction

In the **Federal Register** of November 1, 2013 in FR Doc. 2013-26080, 78 FR 65622, please make the following correction:

On page 65622, third column, under the heading **DATES**, the second sentence is corrected to read: "The public comment period started on November 1, 2013, with the publication in the **Federal Register** by the U.S. Environmental Protection Agency of its Notice of Availability of the Draft EIS, and will continue until December 16, 2013."

Issued in Washington, DC, on November 1, 2013.

**Brian Mills,**

*NEPA Compliance Officer, Office of Electricity Delivery and Energy Reliability.*  
 [FR Doc. 2013-26573 Filed 11-5-13; 8:45 am]

BILLING CODE 6450-01-P

#### DEPARTMENT OF ENERGY

##### Western Area Power Administration

**Loveland Area Projects, Colorado River Storage Project, Pacific Northwest-Pacific Southwest Intertie Project, Central Arizona Project, and Parker-Davis Project—Rate Order No. WAPA-163**

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of Proposed Formula Rates for Western Area Power Administration (Western) Transmission Projects to Enter into WestConnect's Point-to-Point Regional Transmission Service Participation Agreement (PA).

**SUMMARY:** Western is proposing new formula rates to participate in WestConnect's PA. The proposed formula rates under Rate Schedule WC-8 would become effective June 1, 2014, and remain in effect through May 30, 2019. Western, along with other WestConnect participants (Participants), has participated in the WestConnect Pricing Experiment (Experiment) since its inception in June 2009. On June 28, 2013, the Federal Energy Regulatory Commission (FERC) issued an order (143 FERC ¶ 61,291) conditionally accepting the PA and regional tariffs. FERC ordered that the Participants in the filing submit separate compliance filings. Western has determined that no changes are necessary to Western's Open Access Transmission Tariff (Tariff) because Western will continue to offer this transmission service under the existing Tariff Schedule 8. For Western to implement the permanent arrangement, however, Western needs to adopt new formula rates. Publication of this **Federal Register** notice begins the formal process for the proposed formula rates.

**DATES:** The consultation and comment period will begin today and will end December 6, 2013. Western will accept written comments any time during the consultation and comment period. The proposed action constitutes a minor rate adjustment as defined by 10 CFR part 903. As such, Western has determined it is not necessary to hold a public information or public comment forum.

**ADDRESSES:** Send written comments to: Ms. Lynn C. Jeka, Colorado River Storage Project Manager, Colorado River Storage Project Management Center, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111-1580, fax (801) 524-5017, or email [WestConnect@wapa.gov](mailto:WestConnect@wapa.gov). Western will post information about the rate process on its Web site at <http://www.wapa.gov/dsw/>

[pwrmkt/WestConnect/Default.htm](http://www.wapa.gov/dsw/pwrmkt/WestConnect/Default.htm). Western will post official comments received to its Web site after the close of the comment period. Western must receive comments by the end of the consultation and comment period to ensure they are considered in Western's decision process.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Hackett, Rates Team Lead, Colorado River Storage Project Management Center, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111-1580, telephone (801) 524-5503, or email [hackett@wapa.gov](mailto:hackett@wapa.gov).

#### SUPPLEMENTARY INFORMATION:

WestConnect consists of a group of electric utilities currently providing transmission services in the Western Interconnection. Its members are a mixture of investor- and consumer-owned utilities and Western. The WestConnect membership encompasses an interconnected grid stretching from western Nebraska to southern California and from Wyoming to the United States-Mexico border. Western began participating in the Experiment in June 2009, which offered potential customers the option of scheduling a single transaction for hourly, non-firm, point-to-point transmission service over multiple transmission providers' systems at a single rate. The original term of the Experiment was 2 years and expired on June 30, 2011. In 2011, WestConnect filed with FERC to extend the term of the Experiment for 2 additional years, until June 30, 2013.

To participate in the Experiment during its total 4-year term, Western had to convert its "all-hours," non-firm, point-to-point transmission rates into on-peak and off-peak rates, similar to other Participants. Western's FERC-approved Tariff transmission rate designs for all regions yield an "all-hours" transmission rate. Western's transmission rates do not make a rate distinction between on-peak and off-peak, but rather spread the annual revenue requirements over all hours of the year. Western established these on-peak and off-peak rates using the authority granted to Western's Administrator in Delegation Order No. 00-037-00A to set rates for short-term sales.

On April 16, 2013, WestConnect submitted to FERC an Amended and Restated PA that, in essence, offers the coordinated hourly, non-firm, point-to-point transmission service at a single rate on a permanent basis, effective July 1, 2013. On June 28, 2013, FERC issued an order conditionally accepting the PA and regional tariffs. In its order, FERC stated it was approving the proposal.

**67348****Federal Register** / Vol. 78, No. 218/Tuesday, November 12, 2013/Notices

Issued in Washington, DC on November 6, 2013.

**Patricia A. Hoffman,**

*Assistant Secretary, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2013-26976 Filed 11-8-13; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY**

**Invitation for Public Comment on Draft Test Plan for the High Burnup Dry Storage Cask Research and Development Project (CDP)**

**AGENCY:** Fuel Cycle Technologies, Office of Nuclear Energy, Department of Energy.

**ACTION:** Notice; request for public comments.

**SUMMARY:** The U.S. Department of Energy (DOE) is providing notice of request for public comment on its draft test plan for the High Burnup Dry Storage Cask Research and Development Project (CDP). The test plan will guide the Department's activities, research, and development throughout the execution of the High Burnup Dry Storage Cask Research and Development Project. The draft test plan places its focus on "why" the project is being performed and "what" the Department plans to accomplish with the CDP. The details on "how" the test plan will be executed will be added when Dominion Virginia Power, who is part of the Electric Power Research Institute (EPRI) team, submits a License Amendment Request for the existing North Anna Generating Station Independent Spent Fuel Storage Installation (ISFSI). The License Amendment Request will be submitted to the NRC in the future. The public will be provided an opportunity to provide comments to the NRC on the CDP test plan at that time. The DOE's Office of Used Nuclear Fuel Disposition Research and Development has coordinated this effort in collaboration with its contractor EPRI and several DOE national laboratories. The DOE is seeking public stakeholder comment to ensure CDP resources are invested wisely to achieve measurable improvements in our Nation's data on High Burnup Casks.

**DATES:** Written comments should be submitted by December 12, 2013. Comments received after this date will be considered if it is practical to do so; however, the DOE is only able to ensure consideration of comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

**Electronic Form:** Go to <http://www.id.energy.gov/insideNEID/PublicInvolvement.htm>. Locate the area on the page that pertains to the draft test plan for the High Burnup Dry Storage Cask Research and Development Project (CDP). Click on the link for the electronic comment form. Populate the form and click on "Submit".

**E-Mail:** [CDP@id.doe.gov](mailto:CDP@id.doe.gov).

**Mail:** U.S. Department of Energy, C/O Melissa Bates, 1955 Fremont Ave., MS 1235, Idaho Falls, ID 83415.

**Hand Delivery or Courier:** U.S. Department of Energy, Willow Creek Building Ground Floor, Room 185B, 1955 Fremont Ave., Attn: Melissa Bates, Idaho Falls, ID, between 8 a.m. and 3:30 p.m. MT, Monday through Thursday, except Federal holidays.

**Fax:** 208-526-6249.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Melissa Bates, Contracting Officers Representative, High Burnup Dry Storage Cask Research and Development Project, U.S. Department of Energy—Idaho Operations Office, MS 1235, 1955 Fremont Ave., Idaho Falls, ID 83415, (208) 526-4652, [batesmc@id.doe.gov](mailto:batesmc@id.doe.gov).

**SUPPLEMENTARY INFORMATION:** The Department of Energy (DOE) has performed recent assessments focusing on long-term aging issues important to the performance of the structures, systems, and components of the dry cask storage systems for high burnup spent nuclear fuel. A number of technical issues and research and data needs have emerged from these assessments. DOE has determined that a large scale cask research and development project using various configurations of dry storage cask systems and experiments would be beneficial.

A draft test plan for the High Burnup Dry Storage Cask Research and Development Project (CDP) has been drafted by DOE's contractor the Electric Power Research Institute (EPRI) to document what is planned to be accomplished by the CDP. DOE is soliciting comments from the public to obtain feedback on what the Department plans to execute.

A copy of the draft test plan can be found at the following link: <http://www.id.energy.gov/insideNEID/PublicInvolvement.htm>. Locate the area on the page that pertains to the High Burnup Dry Storage Cask Research and Development Project (CDP). Click on the link for the draft test plan.

**Submitting Comments**

Stakeholder's comments should be aligned, if possible, with the goals and objectives of the CDP. All comments

will be considered that are received by the deadline that appears in the **DATES** section.

**Instructions:** Submit comments via any of the mechanisms set forth in the **ADDRESSES** section above. Identify your name, organization affiliation, comments on the draft test plan, email, and phone number. If an email or phone number is included, it will allow the DOE to contact the commenter if questions or clarifications arise. No responses will be provided to commenters in regards to the disposition of their comments. All comments will be officially recorded without change or edit, including any personal information provided.

**Privacy Act:** Data collected via the mechanisms listed above will not be protected from the public view in any way. DOE does not intend to publish the comments received externally; however, data collected will be seen by multiple entities while comments are resolved.

Dated: November 5, 2013.

**Jay Jones,**

*Office of Fuel Cycle Technologies, Office of Nuclear Energy.*

[FR Doc. 2013-26977 Filed 11-8-13; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY**

**[FO Docket No. PP-362]**

**Notice of Availability for the Draft Environmental Impact Statement and Announcement of Public Hearings for the Proposed Champlain Hudson Power Express Transmission Line Project; Correction**

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of availability and public hearings; correction.

**SUMMARY:** The Department of Energy (DOE) published a document in the **Federal Register** of November 1, 2013, announcing the availability for the Draft Environmental Impact Statement and public hearings for the proposed Champlain Hudson Power Express transmission line project. This document corrects an error in that notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Brian Mills at [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov).

**Correction**

In the **Federal Register** of November 1, 2013 in FR Doc. 2013-26080, 78 FR 65622, please make the following correction:

On page 65623, in the table, the third row is corrected to read:

Holiday Inn Albany Wolf Road .....	Tuesday, November 19, 2013, 6:00 p.m. ....	205 Wolf Rd., Albany, NY 12205.
------------------------------------	--	---------------------------------

Issued in Washington, DC, on November 5, 2013.

**Brian Mills,**  
NEPA Compliance Officer, Office of Electricity Delivery and Energy Reliability.  
[FR Doc. 2013-26983 Filed 11-8-13; 8:45 am]  
BILLING CODE 6450-01-P

#### DEPARTMENT OF ENERGY

##### Office of Energy Efficiency and Renewable Energy

##### Revision of a Currently Approved Collection

**AGENCY:** Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

**ACTION:** Notice and request for OMB review and comment.

**SUMMARY:** The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will be used to report the progress of participants in the DOE Better Buildings programs, including the Better Buildings Challenge, Better Buildings, Better Plants program, and the Better Buildings Alliance. These voluntary programs are intended to drive greater energy efficiency in the commercial and industrial marketplace to create cost savings and jobs. This will be accomplished by highlighting the ways participants overcome market barriers and persistent obstacles with replicable, marketplace solutions. These programs will showcase real solutions and partner with industry leaders to better understand policy and technical opportunities. Since the published 60-Day Notice and request for comments on April 11, 2013, Vol. 78, No. 70, page 21602, there are noted changes to the following supplemental information items: (6) Annual Estimated Number of Total Responses are reduced from 3,178 to 2,333; (7) Annual Estimated Number of Burden Hours are reduced from 5,077 to 4,651.89; and (8) Annual Estimated Reporting and Recordkeeping Cost Burden is reduced from \$194,926 to \$183,610.

**DATES:** Comments regarding this collection must be received on or before December 12, 2013. If you anticipate

that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202-395-4718.

**ADDRESSES:** Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503.

And to Nancy Gonzalez, EE-2F/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 or by fax at 202-586-5234 or by email at [nancy.gonzalez@ee.doe.gov](mailto:nancy.gonzalez@ee.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Nancy Gonzalez, EE-2F/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 or by fax at 202-586-5234 or by email at [nancy.gonzalez@ee.doe.gov](mailto:nancy.gonzalez@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** This information collection request contains: (1) *OMB No. 1910-5141*; (2) *Information Collection Request Title*: Better Buildings Challenge, Better Buildings Alliance and the Better Buildings, Better Plants Voluntary Pledge Program; (3) *Type of Request*: Amendment; (4) *Purpose*: The collected information is being amended to be used to report the progress of participants in the Better Buildings Alliance, as well as additional information for the Better Buildings, Better Plants program. The collection is being amended to account for an increase in the number of respondents; (5) *Annual Estimated Number of Total Respondents*: 550; (6) *Annual Estimated Number of Total Responses*: 2,333; (7) *Annual Estimated Number of Burden Hours*: 4,651.89; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden*: \$183,610.

**Statutory Authority:** Section 421 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081); Section 911 of the Energy Policy Act of 2005, as amended (42 U.S.C. 16191).

Issued in Washington, DC on November 1, 2013.

**Maria Vargas,**  
Director, Better Buildings Challenge,  
Buildings Technologies Office, Office of Energy Efficiency and Renewable Energy.  
[FR Doc. 2013-26984 Filed 11-8-13; 8:45 am]  
BILLING CODE 6450-01-P

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. CP00-401-001]

##### AltaGas Facilities (U.S.), Inc. (AltaGas); Notice of Application

Take notice that on October 21, 2013, AltaGas Facilities (U.S.), Inc. (AltaGas), 1700, 355 4th Avenue SW., Calgary, Alberta T2P 0J1, filed an application in Docket No. CP00-401-001, requesting authorization to terminate its Natural Gas Act section 3 authorization and its related Presidential Permit for its facilities extending from the international boundary in Toole County, Montana to Alberta, Canada. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

On July 31, 2001, AltaGas was authorized to construct, connect, operate, and maintain 60 feet of six-inch diameter natural gas pipeline extending from the international boundary with Canada in T37N, R3W, to an interconnection with the natural gas gathering facilities which AltaGas owns in Toole County, Montana. In addition with the request to terminate the section 3 authorization, AltaGas also requests waiver of the requirement to remove the pipeline, as required by Article 9 of its Presidential Permit. AltaGas proposes to abandon the 60 foot pipeline in-place. The pipeline would be treated, capped, and tagged underground prior to its abandonment. The records of the internal and external corrosion control programs would be maintained for two years.

that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

#### **V1. Award Administration Information**

**1. Award Notices:** If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

**2. Administrative and National Policy Requirements:** We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

**3. Reporting:** (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

**4. Performance Measures:** Under the Government Performance and Results Act of 1993 (GPRA), the Department developed the following performance measures to evaluate the overall effectiveness of the CAMP: (1) The percentage of CAMP participants completing the first academic year of their postsecondary program, and (2) the percentage of CAMP participants who, after completing the first academic year of college, continue their postsecondary education.

Applicants must propose annual targets for these measures in their applications. The national target for GPRA measure 1 for FY 2014 is that 86 percent of CAMP participants will complete the first academic year of their postsecondary program. The national target for GPRA measure 2 for FY 2014 is that 85 percent of CAMP participants continue their postsecondary education after completing the first academic year of college. The national targets for subsequent years may be adjusted based on additional baseline data. The panel readers will score related selection criteria on the basis of how well an applicant addresses these GPRA measures. Therefore, applicants will want to consider how to demonstrate a sound capacity to provide reliable data on GPRA measures, including the project's annual performance targets for addressing the GPRA performance measures, as is required by the Office of Management and Budget approved annual performance report that is included in the application package. All grantees will be required to submit, as part of their annual performance report, information with respect to these GPRA performance measures.

**5. Continuation Awards:** In making a continuation award, the Secretary considers, under 34 CFR 75.253, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

#### **VII. Agency Contact**

##### **FOR FURTHER INFORMATION CONTACT:**

Nathan Weiss, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue SW., Room 3E321, Washington, DC 20202-6135. Telephone Number: (202) 260-7406, or by email: [nathan.weiss@ed.gov](mailto:nathan.weiss@ed.gov).

If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

#### **VIII. Other Information**

**Accessible Format:** Individuals with disabilities can obtain this document

and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: December 11, 2013.

**Deborah S. Delisle,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2013-29821 Filed 12-13-13; 8:45 am]

BILLING CODE 4000-01-P

#### **DEPARTMENT OF ENERGY**

##### **Extension of Public Comment Period for the Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement**

**AGENCY:** Department of Energy.

**ACTION:** Extension of the public comment period.

**SUMMARY:** The U.S. Department of Energy (DOE) is extending the public comment period for the *Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement* (DOE/EIS-0447). The Draft EIS evaluates the environmental impacts of DOE's proposed Federal action of issuing a Presidential permit to the Applicant, Champlain Hudson Power Express, Inc. (CHPEI), to construct, operate, maintain, and connect a new electric transmission line across the U.S./Canada border in northeastern New York State.

**DATES:** The ongoing public comment period which opened on November 1, 2013, will remain open until January 15, 2014, an extension of 30 days.

**ADDRESSES:** Written comments on the Draft EIS may be provided on the CHPE EIS Web site at <http://www.chpexpresseis.org> (preferred) or addressed to Mr. Brian Mills, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; by electronic mail to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov); or by facsimile to 202-518-7781.

**Availability of the Draft EIS:** Copies of the Draft EIS have been distributed to appropriate members of Congress, state and local government officials, American Indian tribal governments, and other Federal agencies, groups, and interested parties. Printed copies of the document may be obtained by contacting Mr. Mills at the above address. Copies of the Draft EIS and supporting documents are also available for inspection at the following locations:

- Queens Library—Steinway, 21–45 31 Street (Ditmars Boulevard), Long Island City, NY 11102
- Yonkers Public Library—Riverfront Library, 1 Larkin Center, Yonkers, New York 10701
- Rose Memorial Library, 79 East Main Street, Stony Point, NY 10980
- Kingston Public Library, 55 Franklin Street, Kingston, NY 12401
- Schenectady County Public Library, 99 Clinton Street, Schenectady, NY 12305
- Crandall Public Library, 251 Glen Street, Glens Falls, NY 12801
- Plattsburgh Public Library, 19 Oak Street, Plattsburgh, NY 12901

The Draft EIS is also available on the EIS Web site at <http://chpexpresseis.org> and on the DOE NEPA Web site at <http://nepa.energy.gov/>.

Issued in Washington, DC, on December 11, 2013.

Brian Mills,

NEPA Compliance Officer, Office of Electricity Delivery and Energy Reliability. [FR Doc. 2013-29789 Filed 12-13-13; 8:45 am]

BILLING CODE 6450-01-P

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11-4027-003; ER11-4028-003.

Applicants: James River Genco, LLC, Portsmouth Genco, LLC.

Description: Notice of Non-Material Change in Status of James River Genco, LLC, et al.

Filed Date: 12/5/13.

Accession Number: 20131205-5177.

Comments Due: 5 p.m. ET 12/26/13.

Docket Numbers: ER14-318-001.

Applicants: The Connecticut Light and Power Company.

Description: LCRA with CMEEC

Amended to be effective 1/1/2014.

Filed Date: 12/6/13.

Accession Number: 20131206-5087.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14-319-001.

Applicants: Public Service Company of New Hampshire.

Description: Localized Cost

Responsibility Agreement with CTMEEC Amended to be effective 1/1/2014.

Filed Date: 12/6/13.

Accession Number: 20131206-5119.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14-320-001.

Applicants: Western Massachusetts Electric Company.

Description: Localized Cost

Responsibility Agreement with CTMEEC Amended to be effective 1/1/2014.

Filed Date: 12/6/13.

Accession Number: 20131206-5112.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14-538-000.

Applicants: Ameren Illinois Company.

Description: Sectionalizing Switch Replacement Letter Agreement with NEC to be effective 12/5/2013.

Filed Date: 12/5/13.

Accession Number: 20131206-5112.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14-538-000.

Applicants: Arizona Public Service Company.

Description: Cancellation—Service Agreement No. 327 between APS and the City of Azusa to be effective 12/31/2013.

Filed Date: 12/6/13.

Accession Number: 20131206-5075.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14-540-000.

Applicants: Arizona Public Service Company.

Description: APS Service Agreement No. 329—Azusa Simultaneous Exchange to be effective 2/5/2014.

Filed Date: 12/6/13.

Accession Number: 20131206-5078.

Comments Due: 5 p.m. ET 12/27/13

Docket Numbers: ER14-541-000.

Applicants: Public Service Company of New Mexico.

Description: Order No. 784

Compliance Filing to be effective 11/27/2013.

Filed Date: 12/6/13.

Accession Number: 20131206-5099.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14-542-000.

Applicants: Midcontinent Independent System Operator, Wolverine Power Supply Cooperative, Inc.

Description: 12-06-2013 SA 1316 Wolverine Grand Traverse IFA to be effective 11/8/2013.

Filed Date: 12/6/13.

Accession Number: 20131206-5120.

Comments Due: 5 p.m. ET 12/27/13.

Docket Numbers: ER14-543-000.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: Amendment of Niagara Mohawk's Wholesale TSC in the NYISO OATT to be effective 7/1/2013.

Filed Date: 12/6/13.

Accession Number: 20131206-5130.

Comments Due: 5 p.m. ET 12/27/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14-13-000.

Applicants: KCP&L Greater Missouri Operations Company.

Description: Application for Authorization of Issuance of Short-Term Debt Securities Under Section 204 of the Federal Power Act of KCP&L Greater Missouri Operations Company.

Filed Date: 12/6/13.

Accession Number: 20131206-5033.

Comments Due: 5 p.m. ET 12/27/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/esfiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: December 6, 2013.

Nathaniel J. Davis, Sr.

Deputy Secretary.

[FR Doc. 2013-29812 Filed 12-13-13; 8:45 am]

BILLING CODE 6717-01-P

**ATTACHMENT 2**  
**EXAMPLE NEWSPAPER NOA**

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**ATTACHMENT 3**  
**RESPONSES TO ALL COMMENTS ON THE DRAFT EIS**

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Comment 101

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3 CHAMPLAIN HUDSON EXPRESS TRANSMISSION  
4 LINE PROJECT

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6 DOE EIS PUBLIC HEARING

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14 Monday, November 18, 2013

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20 Courtyard Marriott LaGuardia  
21 9010 Ditmars Boulevard  
22 East Elmhurst, New York 11369

Alderson Court Reporting  
1-800-FOR-DEPO

1                   PARTICIPANTS

2

3   AGENCY REPRESENTATIVES/HEARING OFFICERS:

4   BRIAN MILLS

5   JODI MCDONALD

6   JULIE SMITH

7

8

9   PUBLIC PARTICIPANTS:

10   THOMAS RYAN

11   VINCENT ALBANESE

12   RICHARD THOMAS

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Alderson Court Reporting  
1-800-FOR-DEPO

## P R O C E E D I N G S

(12:03 p.m.)

3 MS. SMITH: Hello. Good afternoon. Please go  
4 ahead, get signed up, and get seated as soon as you can.  
5 I'm Julie Smith. I'm with the U.S. Department of  
6 Energy. Just before we get started with the actual  
7 hearing and the proceeding, I'd like to have -- give  
8 some general housekeeping items.

9                   For folks that want to make verbal comments,  
10          please make sure that you sign up on the registration  
11          table back of the room. As stenographer will be  
12          recording all of the verbal comments, so we ask that you  
13          speak clearly into the microphone, and please also state  
14          your name before you make your comment so that we can  
15          make sure that we have an accurate record of that. Any  
16          written comments that you have on the draft  
17          Environmental Impact Statement that you would like to  
18          hand in can be submitted, again, at the registration  
19          table at any point during the meeting.

20 One thing about hotel parking, you can have  
21 your hotel parking stubs validated at the front desk for  
22 a reduced charge of \$7.00. And with that, we can get

Alderson Court Reporting  
1-800-FOR-DEPO

1 started with the hearing. Thanks for coming.

2 MR. MILLS: Hi. I'm Brian Mills. Thank you  
3 for taking the time to attend this hearing. I work for  
4 the Department of Energy in the Office of Electricity  
5 Delivery and Energy Reliability. I along with Jodi  
6 McDonald from the U.S. Corps of Engineers will be the  
7 hearing's officers today.

8 The reason we are here is Champlain Hudson  
9 Power Express is proposing to construct an international  
10 transmission line. They've asked the Department of  
11 Energy for a presidential permit. A presidential permit  
12 is needed before any transmission line can be built  
13 across the U.S. international border. DoE determined  
14 that an environmental impact statement would be the  
15 appropriate level of analysis for a presidential permit.

16 This is a public hearing on the Champlain  
17 Hudson Power Express Transmission Line Project draft  
18 Environmental Impact Statement. That's a mouthful, so  
19 I'll call it the draft EIS. Once we begin the hearing,  
20 we will hear from you in the order you have signed up.  
21 If you wish to speak but do not -- but have not signed  
22 up, you can sign up at the registration table.

Alderson Court Reporting  
1-800-FOR-DEPO

1           For those of you who may not be familiar with  
2 the process we go through in preparing an environmental  
3 impact statement or EIS and where we are for this  
4 particular project, I'll cover the steps. Although I'm  
5 sure all of you have read the draft EIS available on our  
6 EIS website, you can also find more detailed information  
7 for the process and this project on the website.

8           The first step in the process, we start public  
9 participation by issuing a Notice of Intent to Prepare  
10 an EIS. For this project, DoE issued our Notice of  
11 Intent on June 18th, 2010 and an amended notice on April  
12 30th, 2012. The Notice of Intent begins a process we  
13 call scoping, which is an opportunity for the public to  
14 tell us their issues and concerns related to the  
15 project. We use this input to help us prepare a draft  
16 EIS. If you commented during the scoping period, we  
17 used your scoping comments to determine which  
18 alternatives and issues we needed to address.

19           The next step in the process is to prepare a  
20 draft EIS. The draft EIS analyzes the foreseeable  
21 environmental impacts that might result from granting  
22 the permit. The draft EIS also identifies steps that

1 might be needed to mitigate impacts. For this project,  
2 we issued the draft EIS on October 21st, 2013. After we  
3 issue a draft, we ask the public to comment on it during  
4 a public comment period. EPA opens the comment period  
5 by publishing a Notice of Availability in the *Federal*  
6 *Register*. The EPA notice for this draft EIS was in the  
7 *Federal Register* November 1st, 2013.

8 Since this is where we are in the process, I'm  
9 going to cover this a little bit more thoroughly. The  
10 comment period gives you the opportunity to tell us any  
11 changes that you would like to see in the draft EIS,  
12 what you think is wrong with the document, and how you  
13 think we should fix it. We are also looking for issues  
14 you think we missed or didn't cover as well as we  
15 should.

16 If you have questions as part of your comment,  
17 we will not be able to answer your questions today, but  
18 we will do so in the final EIS. It's also very helpful  
19 for your comments to cite specific sections or page  
20 numbers from the document itself. None of this is  
21 required, but it will help us to understand your  
22 comments.

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1               During the hearing, the hearing's officers may  
2 ask questions to allow you to clarify points you may be  
3 making. Whether you choose to speak or not, you are  
4 invited to submit written comments. Instructions to do  
5 so are provided on the board back here or are available  
6 on the registration table. All comments, whether  
7 written or oral, are treated the same and have equal  
8 weight.

9               For this draft EIS, we will continue to accept  
10 comments until December 16th, 2013. To the extent we  
11 can, we will also consider your comments submitted after  
12 that date. After the close of the comment period, we  
13 will write the final Environmental Impact Statement,  
14 which considers your comments. The final EIS will  
15 contain a comment response document that addresses  
16 comments received on the draft EIS. When completed, EPA  
17 will issue a Notice of Availability of the final EIS in  
18 the *Federal Register*, and again, we will post the  
19 document on the EIS website and send it out to the  
20 mailing list. No sooner than 30 days after EPA lets all  
21 of you *Federal Register* readers know the final EIS is  
22 out there, DoE may issue a Record of Decision on the

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1 presidential permit application. I hope that very  
2 general process outline is helpful to you.

3           I'd also like to mention a couple of other  
4 things about the draft EIS and this project. The  
5 Department of Energy has authority to permit the border  
6 crossing. The U.S. Army Corps of Engineers issues Clean  
7 Water Act permits. The State of New York has authority  
8 to cite transmission lines in New York. Several other  
9 Federal and State agencies are working with DoE and the  
10 Corps in preparing the draft EIS. The U.S.  
11 Environmental Protection Agency, the U.S. Fish and  
12 Wildlife Service, the U.S. Coast Guard, the New York  
13 State Department of Public Service, and the New York  
14 State Department of Environmental Conservation, are all  
15 cooperating agencies in the preparation of the draft  
16 EIS.

17           That was a lot to remember, so what you need  
18 to remember for this hearing is, one, comments received  
19 on the draft EIS will be included in the final EIS, and  
20 we will respond in the document to the comments  
21 received. Comments expressed at one of our hearings or  
22 provided to us by email or letter will be considered

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1 equally. And three, the comment period for the draft  
2 EIS closes on December 16th, 2013.

3 I will now turn this over to your hearing's  
4 officer, Jodi McDonald, from the U.S. Army Corps of  
5 Engineers.

6 MS. MCDONALD: Thank you, Brian. Good  
7 afternoon. I'm Jodi McDonald, Chief of the Regulatory  
8 Branch for the New York District, U.S. Corps of  
9 Engineers. I will be the presiding officer on behalf of  
10 the Corps of Engineers.

11 The Corps of Engineers is here today to obtain  
12 information and evidence and ensure coverage of core  
13 concerns, to assist in the regulatory review of a permit  
14 application by the Champlain Hudson Power Express for  
15 the installation and construction of a 336-mile power  
16 cable from the Canadian border through waters of the  
17 United States, including wetlands, as well as Lake  
18 Champlain, the Hudson River, Harlem River, and East  
19 River. The U.S. Department of Energy as lead Federal  
20 agency will make a decision whether to issue a  
21 presidential permit to allow crossing of the U.S. border  
22 to facilitate the operation of this power cable.

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1               The Corps of Engineers is neither a proponent  
2 for nor an opponent of the proposed work. Our role is  
3 to determine whether the proposed activity -- in this  
4 case, the installation of a power line in waters of the  
5 United States -- is in the overall public interest.  
6 This hearing will play an important part in that  
7 determination.

8               Please understand that we do not expect to  
9 answer questions from the dais in this hearing related  
10 to the proposal as we are here to obtain information and  
11 your comments. Questions on the regulatory process in  
12 general can be directed to my staff who are sitting in  
13 the audience here today.

14               The New York District has issued a public  
15 notice for this project with the comment period closing  
16 on December 16th, which is the same date as the EIS  
17 comment period. That public notice is currently posted  
18 on the New York District website, and that web address  
19 is [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in "military." We do have  
20 some copies available on the registration table as well.  
21 If you are not currently on our public notice email  
22 distribution list and would like to receive an

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1 announcement for future public notices from my office,  
2 please provide your email address to one of the staff at  
3 the registration table today. Thank you.

4 MR. MILLS: We will now start the hearing.

5 Thomas Ryan?

6 MR. RYAN: Thank you. My name is Thomas Ryan.

7 I'm President of the Boilermaker's Local 5.  
8 Distinguished members from the U.S. Department of  
9 Energy, thank you for providing this opportunity to the  
10 people of New York to weigh in on some of their concerns  
11 with the Champlain Hudson Power Express. I'm here today  
12 as the President of Boilermaker's Local 5, representing  
13 over 500 members from Long Island, New York City, from  
14 the southern tier, and throughout the north country.  
15 But I'm also here as a proud New Yorker and a father of  
16 four children with further reservations about this  
17 proposal -- proposed project and the negative  
18 environmental impact it would have for the next  
19 generation.

20 The developers of this line that would snake  
21 its way through New York and its great waterways have  
22 touted the signatures of some representatives of the New

-101-01 **101-01:** Comment noted.

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1 York delegation in support of the line. Yet when my  
2 colleagues and I personally met with the vast majority  
3 of these congressmen and women last spring, we were met  
4 with blank stares and disbelieving shakes of their  
5 heads. Some had no recollection of signing. Others  
6 seemed not overly committed to the project. But all of  
7 them had second thoughts and promised to look into the  
8 matter further and revisit their commitment. For that  
9 we are grateful to them and their staffs.

10           The Champlain Hudson Power Express will be a  
11 jobs killer for the greater New York City area,  
12 outsourcing skilled labor positions to a foreign country  
13 in exchange for a product we can and should be making  
14 here in New York. Our economy, environment, and our  
15 quality of life now hang on a delicate thread. Do we as  
16 a Nation give our environment over to the hands of  
17 another country, albeit currently a friendly one? I, my  
18 family, and the tens of thousands of vital building and  
19 construction trades members in this great metropolis  
20 emphatically respond no.

21           Just in the last couple of years, our great  
22 city and State has had a tragic loss of life,

-101-02

**101-02:** An estimated average 300 direct construction jobs would be created, and approximately 26 direct, full-time employees would be hired to operate the proposed Champlain Hudson Power Express (CHPE) Project as stated in Sections S.8.18 and 2.6.18 of the Environmental Impact Statement (EIS). Additional indirect and induced jobs would be associated with construction, maintenance, inspections, and possible emergency repairs. It is likely that existing local workers from New York State would be able to meet these workforce demands of the project. The proposed CHPE Project would not directly outsource any jobs to foreign countries.

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1 infrastructure, and the environment due to severe  
2 storms. As catastrophic losses they were, could we  
3 imagine if we were held hostage by power traveling  
4 hundreds of miles on towers over land and within our  
5 rivers and lakes? We need to rely on power generation  
6 produced in our back yards to survive whatever storms we  
7 must weather.

101-03

**101-03:** Comment noted. The development of in-state electric power generation is outside the scope of the EIS.

8 I swam in the Hudson River and lived to tell  
9 about it. I wish my children and my children's children  
10 the same. But this Canadian power line is nothing more  
11 than a large extension cord with a single customer,  
12 whose only vested interest in the delicate environment  
13 of the great State of New York is one of commercialism  
14 and greed. Just in my short lifespan, I have seen where  
15 dependence on foreign energy and foreign natural  
16 resources has led this great Nation of ours: embargo,  
17 rationing, and war. We should not depend on others for  
18 our vital needs, but ourselves and our fellow New  
19 Yorkers. Americans should not sacrifice their  
20 environment, their energy independence, or their  
21 children's future for the promise of minuscule savings  
22 on our electrical bill.

101-04

**101-04:** Comment noted.

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Comment 102

14

1           I would like to thank you again for this  
2 opportunity, and we trust the United States Department  
3 of Energy and ultimately the Office of the President of  
4 the United States to hear the cry of its citizens and  
5 say no to the Champlain Hudson Power Express. I will  
6 save the time, but I would also like to submit an open  
7 letter that ran in one of the publications, city and  
8 State, that was signed by members -- representing  
9 members of the District Council of Carpenters, Local 638  
10 of the Steam Fitters, Boilermaker's Local 5, Utility  
11 Workers Union of America, and also the IBEW. Thank you.

12           MR. MILLS: Vincent Albanese?

13           MR. ALBANESE: Vincent Albanese, New York  
14 State Laborers. I represent the New York State  
15 Laborers' Union with 40,000 members employed in the  
16 construction industry and other fields throughout the  
17 State. Our members are organized into more than 35  
18 local unions and five district councils. We're a proud  
19 affiliate of the Laborers' International Union of North  
20 America.

21           The Champlain Hudson Power Express  
22 Transmission Project would create more than 300

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1 construction jobs for our members from Clinton County  
2 along the route to Queens County during the three and a  
3 half year construction period. It's also estimated that  
4 during peak construction, there'll be up to 600  
5 construction jobs. The construction jobs will be  
6 associated with the construction of a power -- of a  
7 converter station and the installation of the  
8 transmission cable within the State. Our members would  
9 also be involved in the construction of temporary access  
10 roads, site excavation, and site restoration.

11 We have eight local unions represented  
12 throughout the geographic region of this project. The  
13 Champlain Hudson Power Express would provide work  
14 opportunity in the communities where they live, which  
15 would benefit these communities greatly. The Champlain  
16 Hudson Power Express is a 333-mile underground  
17 transmission line that will bring up to a thousand  
18 megawatts of clean, renewable energy to New York State.

19 Two six-inch wide cables will be buried under  
20 Lake Champlain, the Hudson, Harlem, and East Rivers,  
21 along railroads, and other public rights-of-way. By  
22 burying the line, this project will have minor impacts

102-01    **102-01:** Comment noted.

102-02    **102-02:** Comment noted. The cooling stations and the Lyster Creek Converter Station would be aboveground. In some locations, the cooling stations might be visible to surrounding areas considered aesthetic resources, but would be within the context of the existing visual environment and would either not change or only minimally change the existing character of the viewshed.

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1 on communities and the environment. There will be  
2 temporary minimal impact during construction of the  
3 line. Once installed, there will be no visual impacts.

102-02



4 Transmission Developers, Inc., or TDI, is committed to  
5 constructing the line using the highest environmental  
6 standards to protect New York State's, waters and  
7 communities, and natural beauty.

8 The Champlain Hudson Power Express Project  
9 will provide clean hydropower to fuel economic growth  
10 with significant environmental and consumer benefits.  
11 The project will reduce sulphur dioxide and greenhouse  
12 gas emissions. The project will add options to the  
13 State's energy selection and increase the electric  
14 grid's safety and security. This new, tough  
15 infrastructure will be less susceptible to damage from  
16 natural disasters. A \$117 million environmental trust  
17 will be established to improve the aquatic environments  
18 in Lake Champlain, the Hudson, Harlem, and East Rivers.

102-03

**102-03:** Comment noted.

19 The construction jobs created by the Champlain  
20 Hudson Power Express Project will result in an increase  
21 in the demand of goods and services within the State.  
22 The project will also mean direct spending in New York,

102-04

**102-04:** Comment noted.

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1 including non-labor installation costs, as well as fees  
2 and taxes paid to the local and State government. As  
3 there are more revenues and sales, businesses will have  
4 more profits and, therefore, be able to hire more people  
5 to make investments in the community.

6           The \$2.2 billion project will be financed  
7 completely by the private sector with no responsibility  
8 on the customer for the cost of development or operation  
9 of the line. Three hundred direct jobs will be created  
10 during the three and a half year construction period,  
11 peaking at 600 construction jobs. During the  
12 construction phase of the Champlain Hudson Power Express  
13 Project, there will be more than 1,200 indirect jobs in  
14 New York State from suppliers, businesses, and the local  
15 community along the route.

16           The New York State Public Service Commission  
17 approved the Champlain Hudson Power Express Project in  
18 April of this year. We're here to urge you to grant  
19 Federal permits to transmission developers quickly so  
20 that this important transmission line project can move  
21 forward. This project means jobs for many of our local  
22 union members and opportunities for the State that would

102-04

102-05

**102-05:** The U.S. Department of Energy (DOE) is responsible for reviewing the Presidential permit application submitted by CHPE, Inc. (i.e., the Applicant) and determining whether to grant a permit to the Applicant for an electrical transmission system that crosses the U.S. international border. If issued, the Presidential permit granted by the DOE to the Applicant would authorize it to construct, operate, maintain, and connect the U.S. portion of the proposed CHPE Project at the U.S./Canada border. This EIS was prepared by DOE in accordance with the National Environmental Policy Act (NEPA) to address the potential impacts of issuing the Presidential permit for the proposed CHPE Project. Only after completion of additional steps, including preparation of the Final EIS, publication of a Notice of Availability of the Final EIS in the *Federal Register*, a 30-day waiting period, and issuance of a Record of Decision, will DOE make its final decision as to whether or not to issue the Presidential permit for the proposed CHPE Project. The Applicant is required to consult with and obtain permits from several other Federal and state government agencies for the proposed CHPE Project. DOE is not responsible for these other permits.

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Comment 103

18

1 benefit our communities for years to come. Thank you. ↑ 102-05

2 MS. MCDONALD: Thank you.

3 MR. MILLS: Are there any other registered --  
4 anyone else would like to speak? If not -- would you  
5 like to -- if no one else wants to speak, this hearing  
6 is adjourned. No, we have one?

7 MR. THOMAS: Yes. Thank you. My name is  
8 Richard Thomas. I'm the Director of New York AREA.  
9 It's an acronym for Affordable Reliable Electricity  
10 Alliance. I have a statement on behalf of my Chairman,  
11 Jerry Kremer.

12 In conjunction with today's Army Corps of  
13 Engineers' hearing on the draft Environmental Impact  
14 Statement on the Champlain Hudson Power Express, a 330-  
15 plus mile high voltage transmission line running from  
16 Quebec to Queens, New York AREA issues the following  
17 statement.

18 The Champlain Hudson Power Express Project is  
19 unquestionably bad for New York. It means higher  
20 electricity prices, lost jobs, and a less reliable  
21 electric grid. In fact, it is merely a special interest  
22 project that will have no benefit for hardworking New

103-01

**103-01:** The New York State Public Service Commission (NYSPSC) identified in their Certificate of Environmental Compatibility and Public Need issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." Additionally, the proposed CHPE Project would result in an estimated average 300 direct construction jobs created, and approximately 26 direct, full-time employees hired to operate the proposed CHPE Project as stated in Section 2.6.18 of the EIS. Additional indirect and induced jobs would be associated with construction, maintenance, inspections, and possible emergency repairs. It is likely that existing local workers from New York State would be able to meet the workforce demands of the project.

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1   Yorkers, including those struggling upstate communities.

↑ 103-01

2                 Indeed, the Champlain Hudson Power Express  
3   Project is nothing more than a high voltage extension  
4   cord from Canada to New York City that will make a giant  
5   sucking sound as it takes billions of dollars annually  
6   out of New Yorkers' pockets and across the border.  
7   There is no doubt that we can make electricity at a  
8   lower cost and more reliably here in New York, and that  
9   should be the focus of our energy policy. At a time  
10   when America is on the verge of becoming energy  
11   independent, and indeed an energy exporter, the  
12   Champlain Hudson Project takes us backwards.

- 103-02

**103-02:** Comment noted. The source of electric power to be transmitted through the proposed CHPE Project is outside the scope of the EIS.

13                 Our energy infrastructure will also be  
14   degraded by this precedent-setting project. The greater  
15   the distance that electricity has to travel, the more  
16   expensive and less reliable it is. And due to these  
17   reasons, a broad coalition from labor, business, and the  
18   environment community opposes this project and will  
19   continue to do so through all available avenues. I'll  
20   submit this statement to you.

- 103-03

**103-03:** The proposed CHPE Project would consist of a high-voltage direct current (HVDC) transmission system. HVDC transmission is more efficient over long distances than high-voltage alternating current (HVAC) transmission systems because there is no need to charge the capacitance (as is required for HVAC transmission cables) and transmission losses are significantly reduced. Additionally, the proposed CHPE Project would provide greater reliability because the HVDC transmission cables would be armored and underwater/underground so that they operate within a constant temperature range and are not subject to thermal derating, which can limit power flow at high ambient temperatures.

21                 MR. MILLS: Thank you.  
22                 MS. MCDONALD: Thank you.

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1                   MR. MILLS: Anyone else want to speak?  
2                   (No response.)  
3                   MR. MILLS: This hearing is adjourned.  
4                   (Whereupon, at 12:36 p.m., the meeting was  
5 adjourned.)  
6  
7  
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2

3 CHAMPLAIN HUDSON EXPRESS TRANSMISSION  
4 LINE PROJECT

5

6 DOE EIS PUBLIC HEARING

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14 Monday, November 18, 2013

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20 Stony Point Center  
21 17 Cricketown Road  
22 Stony Point, New York 10980

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1                   PARTICIPANTS

2

3   AGENCY REPRESENTATIVES/HEARING OFFICERS

4   BRIAN MILLS                   JULIE SMITH

5   JODI MCDONALD               JAMES PALMER

6

7   PARTICIPANTS:

8   DOUGLAS JOBSON              BRIAN MCPARTLAND

9   THOMAS BASILE                MARY ELLEN FURLONG

10   GEOFFREY FINN               BREDA BECKERLE

11   ANNIE WILSON                TIMOTHY WALDRON

12   DEAN TAMBURRI              ROBERT KNIGHT

13   SUSAN FILGUERAS            BARRY BROOKS

14   FRANK COLLIER              RICH THOMAS

15   STEVEN REICH                STEVEN BECKERLE

16   WELLINGTON CASSCLES        JACQUELYN DRECHSLER

17   REBECCA CASSCLES            MICHAEL DIEDRICH

18   HAYLEY CARLOCK             ALEX GUARINO

19   LAURRIE COZZA              JIM MCDONALD

20   KATHERINE REDMOND         LUANNE KONOPKA

21   STEVEN LUDWIGSON

22

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1 PROCEEDINGS  
2 (6:00 p.m.)

3 MS. SMITH: Good evening. Folks that are  
4 congregated by the door, if you could find a seat, that  
5 would be really helpful just for safety and fire hazard  
6 reasons. Folks? All right, please go ahead and get  
7 seated. We're going to start.

8                   Good evening. My name is Julie Smith, and  
9 I'm with the U.S. Department of Energy. Before we get  
10 started with the hearing, there's always some  
11 housekeeping items to take care of.

12 So just so that everybody understands how the  
13 hearing will proceed, those folks who would like to make  
14 verbal comments, if you haven't signed up out at the  
15 registration table, please do so so that we can make  
16 sure that we get you on the speaker list. A  
17 stenographer will be recording all verbal comments, so  
18 we ask that you speak clearly in the microphones as well  
19 as state your name before you speak so that we have an  
20 accurate record and that we know what you're saying.  
21 Any written comments that you may have on the draft  
22 Environmental Impact Statement, we ask that you hand

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1 those over tonight so that we can also get a proper  
2 record of those and make those a part of the public  
3 record for the document. And you can submit those also  
4 at the registration table.

5 SPEAKER: Is it the 16th we should mail it  
6 in?

7 MS. SMITH: Absolutely. The public comment  
8 period closes on December 16th, so you can mail those or  
9 email those in. But if you just wanted to provide  
10 written comments tonight, we are accepting those.

11 Also because of the crowd and the number of  
12 speakers that we have this morning, we will ask that you  
13 keep your verbal comments to three minutes. We do have  
14 a timekeeper to help you move your comments along. But  
15 if you don't get through your entire comments and you  
16 have that in written form, again, please make sure you  
17 submit that so that we have a full record of your full  
18 comments.

19 And with that, thank you very much for your  
20 time in coming, and we will get started with the  
21 hearing.

22 MR. MILLS: I'm Brian Mills. Thank you for

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1 taking your time to attend this hearing. I work for the  
2 Department of Energy in the Office of Electricity  
3 Delivery and Energy Reliability. I along with Jodi  
4 McDonald from the U.S. Corps of Engineers will be the  
5 hearing's officers today.

6 The reason we are here is Champlain Hudson  
7 Power Express is proposing to construct an international  
8 transmission line. They've asked the Department of  
9 Energy for a presidential permit. A presidential permit  
10 is needed before any transmission line can be built  
11 across the U.S. international border. DoE determined  
12 that an environmental impact statement would be the  
13 appropriate level for analysis for this presidential  
14 permit.

15 This is a public hearing on the Champlain  
16 Hudson Power Express Transmission Line Project draft  
17 Environmental Impact Statement. That's a mouthful, so  
18 I'll call it the draft EIS. Once we begin the hearing,  
19 we will hear from you in the order you have signed up.  
20 If you wish to speak but have not signed up, you can  
21 sign up at the registration table.

22 For those of you who may not be familiar with

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1 the process we go through in preparing an environmental  
2 impact statement -- an EIS -- and where we are at for  
3 this particular project, I'll cover the steps. Although  
4 I'm sure you've all read the draft EIS available on our  
5 EIS website, you can also find more detailed information  
6 for the process and this project on the website.

7           The first step in the process, we start  
8 public participation by issuing a Notice of Intent to  
9 Prepare an EIS. For this project, DoE issued our Notice  
10 of Intent on June 18th, 2010 and an amended notice on  
11 April 30th, 2012. The Notice of Intent begins a process  
12 we call scoping, which is an opportunity for the public  
13 to tell us their issues and concerns related to the  
14 project. We use this input to help us prepare a draft  
15 EIS. If you commented during the scoping period, we  
16 used your scoping comments to determine which  
17 alternatives and issues we needed to address.

18           The next step in the process is to prepare a  
19 draft EIS. The draft EIS analyzes the foreseeable  
20 environmental impacts that might result from granting  
21 the permit. The draft EIS also identifies steps that  
22 might be needed to mitigate impacts. For this project,

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1 we issued the draft EIS on October 21st, 2013. After we  
2 issue a draft, we ask the public to comment on it during  
3 a public comment period. EPA opens the comment period  
4 by publishing a Notice of Availability in the *Federal*  
5 *Register*. The EPA notice for this draft EIS was in the  
6 *Federal Register* November the 1st, 2013.

7 Since this is where we are in the process,  
8 I'm going to cover this a little bit more thoroughly.  
9 The comment period gives you the opportunity to tell us  
10 any changes you would like to see in the draft EIS, what  
11 you think is wrong about the document, and how you think  
12 we should fix it. We are also looking for issues you  
13 think we missed or didn't cover as well as we should.

14 If you ask questions as part of your comment,  
15 we will not be able to answer your questions today, but  
16 we will do so in the final EIS. It's also very helpful  
17 for your comments to cite specific sections of the-- or  
18 page numbers from the document itself. None of this is  
19 required, but it will help us to understand your  
20 comments.

21 During the hearing, the hearing's officers  
22 may ask questions to allow you to clarify points you are

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20 comments.

21 During the hearing, the hearing's officers  
22 may ask questions to allow you to clarify points you are

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1           I'd also like to mention a couple of other  
2 things about the draft EIS and this project. The  
3 Department of Energy has authority to permit the border  
4 crossing. The U.S. Army Corps of Engineers issues Clean  
5 Water Act permits. The State of New Mexico -- New York  
6 has authority to cite transmission lines in New York.  
7 Several other Federal and State agencies are working  
8 with DoE and the Corps in preparing the draft EIS.  
9 These are the U.S. Environmental Protection Agency, the  
10 U.S. Fish and Wildlife Service, the U.S. Coast Guard,  
11 the New York State Department of Public Service, and the  
12 New York State Department of Environmental Conservation  
13 These are all cooperating agencies in the preparation  
14 of the draft EIS.

15           That was a lot, so what you need to remember  
16 for this hearing is, one, comments received on the draft  
17 EIS will be included in the final EIS, and we will  
18 respond in the document to the comments received. Two,  
19 comments expressed at one of our hearings or provided to  
20 us by email or letter will be considered equally.  
21 Three, the comment period for the draft EIS closes on  
22 December 16th, 2013.

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1           I will now turn this over to your other  
2 hearing's officer, Jodi McDonald, from the U.S. Army  
3 Corps of Engineers.

4           MS. MCDONALD: Thank you, Brian. Good  
5 afternoon. I am Jodi McDonald. I'm Chief of the  
6 Regulatory Branch for the New York District Army Corps  
7 of Engineers. I will be the presiding officer on behalf  
8 of the Corps at today's hearing.

9           The Corps of Engineers is here today to  
10 obtain information and evidence and ensure coverage of  
11 core concerns, to assist in the regulatory review of a  
12 permit application by Champlain Hudson Power Express,  
13 Incorporated for the installation and construction of a  
14 336-mile power cable from the Canadian border through  
15 the waters of the United States, including wetlands, as  
16 well as Lake Champlain, the Hudson River, Harlem River,  
17 and East River. The U.S. Department of Energy as lead  
18 Federal agency will make a decision whether to issue a  
19 presidential permit to allow the border crossing to  
20 facilitate the operation of this power cable.

21           The Corps of Engineers is neither a proponent  
22 nor an opponent of the proposed work. Our role is

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1 to determine whether the proposed activity-- in this  
2 case, the installation of a power line in waters of the  
3 United States -- is in the overall public interest.  
4 This hearing will play an important part in that  
5 determination.

6 Please understand that we do not expect to  
7 answer questions from the dais in this hearing related  
8 to the proposal as we are here to obtain information and  
9 to receive your comments. Questions on our regulatory  
10 process in general can be directed to my staff member  
11 who's in the audience today. June, if you would raise  
12 your hand.

13 The New York District has issued a public  
14 notice for this project with the comment period closing  
15 on December 16th, which is the same closing date as the  
16 draft EIS. That public notice is currently posted on  
17 our New York District website. The website address is  
18 [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in "military." We do have  
19 some copies of that public notice available on our -- on  
20 the registration table as well. If you're not currently  
21 on our public notice email distribution list and would  
22 like to receive an email announcement for future public

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1 notices from my office, please provide your email  
2 address to one of the staff members at the registration  
3 table. Thank you.

4 MS. SMITH: Yeah. Again for the folks that  
5 are by the door, if you want -- we need to create some  
6 space back by the doors. So please find a seat if you  
7 will and sit in the audience with us.

8 MS. MCDONALD: There are seats.

9 MS. SMITH: Yeah, there are definitely seats  
10 to the left of the room. We do want you to stay.

11 MS. MCDONALD: Are we ready?

12 MR. MILLS: We're ready.

13 MS. MCDONALD: Should I bang the gavel?

14 MR. MILLS: Yes, bang the gavel, and we'll  
15 call these first speakers.

16 MS. MCDONALD: We don't usually -- do you  
17 usually do Pledge of Allegiance?

18 MR. MILLS: We don't, but we can.

19 MS. MCDONALD: I don't have a problem with  
20 it.

21 MR. MILLS: Let's -- do you want to lead it?

22 MS. MCDONALD: We've had a request to do the

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Comment 104

13

1 Pledge of Allegiance, so if you would all stand, please.

2 (Pledge of Allegiance.)

3 MS. MCDONALD: Thank you.

4 MS. SMITH: Thank you.

5 (Pounding of gavel.)

6 MS. MCDONALD: We're going to begin the  
7 hearing right now. Mr. Mills will call the first  
8 speaker.

9 MR. MILLS: Douglas Jobson

10 MR. JOBSON: Good evening, everyone, ladies  
11 and gentlemen. Locals of -- members of Local 754 and,  
12 you, the members of the Department of Energy and the  
13 Army Corps of Engineers, I'd like to thank you for  
14 coming to our community tonight to hear our concerns.

15 I rise in opposition of this line, and I will  
16 explain to you why. I know there's another unionized  
17 group in the county that is in favor of this because  
18 it's going to bring some work to their membership, and I  
19 respect their view on that. But I have to rise in  
20 opposition to this, and I feel that there is no economic  
21 nor environmental benefit to the Town of Stony Point to  
22 allow this line to begin in another nation north of us

-104-01  
↓

**104-01:** The proposed CHPE Project would result in an estimated average of 300 direct construction jobs and approximately 26 direct, full-time employees during the operational phase in addition to indirect or induced jobs in other industries (see Section 2.6.18 of the EIS). Installation of the transmission cable would also avoid impacts on the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat (SCFWH) that contains important habitat for Endangered Species Act (ESA)-listed species.

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14

104-01

1 in Canada to come through out backyard and end up in the  
2 five boroughs where it's going to end.

3           Over time, if you listen to what's been said  
4 and you understand what's going on here, I don't  
5 understand why we should be played, a small community,  
6 with sensitive things, such as Revolutionary War  
7 cemeteries, marinas, waterways, environmental concerns  
8 that should really be heard out totally before this  
9 takes place and this thing could be pushed through. The  
10 problem with things like this is they're never put to a  
11 public referendum because you know the way the public  
12 would vote. It would easily be voted down. So it's  
13 brought this way, which I think is bad for our  
14 community.

15           I don't think that after what this community  
16 went through with divestiture of our assets -- we had  
17 two perfectly good power plants in our back yard here  
18 forever and ever, amen, and all of a sudden--

19           (Applause.)

20           MR. JOBSON: -- overnight people had to -- we  
21 had to basically auction them off and the local utility  
22 had to sell their means of production. They had to sell

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1 these companies and form two smaller companies out of  
2 it. Horrible from day one. They bring people up from  
3 right-to-work States down south, one of the outfits that  
4 bought it. They hire people for a slashed wage. They  
5 learn everything they can from these people, and they  
6 turn around and fire them after they drain all the  
7 information and the years of experience that they have  
8 from these people.

9           There's no benefit for us. With terrorism  
10 and all the things that go on in this Nation today that  
11 we see and throughout the world, why would you want to  
12 put a power line with the on and off switch in a foreign  
13 country's hands in Canada, north of us, to control  
14 something that's going to come through our State and our  
15 backyard? There's no real rational reason for it. And  
16 it's unfortunate that it has come to this. I washoping  
17 the idea for this would never get off the ground.

18           It's bad economically. It's bad  
19 environmentally. There's going to be no major job  
20 creation long term out of this. And I just don't feel  
21 that there's any grabbing rationale that we'd let this  
22 go forward. I would -- wish that the Public Service

-104-02

**104-02:** Comment noted. The proposed CHPE Project would be a merchant transmission facility that would provide electricity, primarily generated in Canada from hydroelectric and wind sources, to the New York City metropolitan area.

-104-03

**104-03:** See response to Comments 104-01 and 104-02.

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Comment 105

16

1 Commission when they do review this, I wish they would  
2 choose not to go forward and deny this permit. Thank  
3 you.

4 (Applause.)

5 MR. MILLS: Thomas Basile?

6 MR. BASILE: Good evening. From my time at  
7 EPA in Washington and working for the Department of  
8 Defense, I've had the opportunity to work with the DoE  
9 and the Army Corps for -- on a number of occasions. We  
10 appreciate your professionalism, and we appreciate you  
11 being here tonight.

12 I also rise in opposition to this line. It  
13 is very clear that from cross border conversations that  
14 have happened between the State and the Federal  
15 government that there is an interest in increasing  
16 hydroelectric power into the United States. But you  
17 need to know that if the Federal government backs this  
18 project in any way, that people of the Town of Stony  
19 Point and Rockland County will fight in the courts and  
20 in the court of public opinion to prevent this cable and  
21 the others that will likely follow it from coming on  
22 shore here in our historic town.

-105-01 **105-01:** Comment noted.

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17

1           If CHPE is to proceed, it should be routed  
 2 through the Hudson River bed where it is currently  
 3 slated to run for hundreds of miles, bypassing every  
 4 other town along its route except this one. The  
 5 presidential permit is to allow a cable line to come  
 6 through the territorial waters of the United States.  
 7 But in the Town of Stony Point where you are standing,  
 8 it comes on land, and that would be a grave injustice to  
 9 the people of this town.

10           There is no conclusive evidence or convincing  
 11 evidence that the cable will adversely impact the  
 12 river's ecosystem adjacent to here in Stony Point as  
 13 opposed to anywhere else. And let me tell you  
 14 something. I've always been of the opinion that the  
 15 needs of people be considered the higher purpose and  
 16 priority than those of fish.

17           This is not about nimbyism, it's not about  
 18 opposing progress, and this is not political in any way.  
 19 It's about the lives of the people of this town, its  
 20 economic future, and the jobs for local area residents.

21           According to the most recent route maps, the  
 22 land-based route through Stony Point will require CHPE

-105-02

-105-03

-105-04

**105-02:** The Haverstraw Bay Alignment, under which the transmission line would have continued in the Hudson River through the bay rather than transition to land from Stony Point to Clarkstown, was initially proposed by the Applicant in its 2010 Presidential permit application as identified in Section 2.5.1 of the EIS. However, as a result of negotiations during the NYSPSC Article VII process, it was not included in the Joint Proposal or in the NYSPSC Certificate for the proposed CHPE Project because Haverstraw Bay contains important habitat for ESA-listed fish species. Avoidance of the Haverstraw Bay SCFWH would also comply with conditions developed in coordination with the New York State Department of State (NYSDOS) to make the proposed CHPE Project compliant with the New York State Coastal Management Program. Therefore, this previously proposed component of the route is not now part of the proposed CHPE Project route as approved in the NYSPSC Certificate.

**105-03:** Haverstraw Bay contains important habitat for ESA-listed fish species. It was determined through the Joint Proposal process that impacts from the proposed CHPE Project could be greater in the Haverstraw Bay SCFWH than elsewhere in the Hudson River (see EIS Sections 2.3 and 5.3.5).

**105-04:** The Applicant and 13 signatory parties submitted the Joint Proposal to the NYSPSC in February 2012. The Joint Proposal reflected route and project changes that resulted from negotiations with state agencies and stakeholder organizations pursuant to the NYSPSC Article VII Certificate review process for the project. The proposed CHPE Project route analyzed in the Draft EIS reflected the route approved by NYSPSC in the Certificate granted in April 2013. Property owners would receive just compensation from the Applicant for use of a portion of their property for the transmission line right-of-way (ROW). It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. However, the NYSPSC has authorized the use of eminent domain for the Applicant to obtain limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs if negotiations with private landowners are not successful.

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18

1 to pursue eminent domain or condemnation against  
 2 homeowners and other private and commercial entities  
 3 across the town to accommodate a 50-foot deviation zone  
 4 for the cable. The number of jobs that would be created  
 5 by this project are also highly suspect, but this is one  
 6 thing that is absolutely clear. The number of jobs that  
 7 are created by this project, if any, would have the  
 8 effect of killing, by my calculation, at least 1,000  
 9 local jobs, particularly in the construction trades, but  
 10 also in engineering, retail, and facility management.

11 The Town of Stony Point is currently advancing an  
 12 economic development program and a Sandy recovery  
 13 strategy that will revitalize our community and drive  
 14 hundreds of million dollars' worth of investment capital  
 15 to this town and also produce revenue -- millions of  
 16 dollars in revenue to make this town more affordable and  
 17 sustainable to the future.

18 Let me be clear. Should CHPE be allowed to  
 19 come on land, not only will dozens of residential  
 20 properties be adversely affected and the property values  
 21 of hundreds of town residents, costing residents  
 22 millions in personal wealth, be affected, the

105-04  
105-05

**105-05:** See response to Comment 104-01. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs.

105-06

**105-06:** The terrestrial portion of the transmission line would be underground along the general perimeter of properties and not visible; therefore, its presence generally would not result in a detriment to private property values. Easement payments to landowners would compensate landowners for any access or use restrictions placed on private properties and would offset any potential impacts on property values. The Applicant would also pay for any land restoration costs associated with conditions that might exist after construction or any emergency repairs that might be required. See Section 5.3.18 of the EIS for the discussion of property values within the terrestrial portion of the Hudson River Segment. See response to Comment 106-03 regarding impacts on future economic development in Stony Point.

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1 aforementioned commercial projects and the ancillary  
2 economic development derived may not be possible. The  
3 route and the deviation zone will scar the landscape of  
4 this town through its most vital areas, leaving a trail  
5 of human and economic wreckage in its wake.

6       Take this message back to General Bostick and  
7 take it back to the Secretary, please. Do not  
8 underestimate the amount of opposition to this cable  
9 being brought on land in Stony Point and in Rockland  
10 County. You want your cross-border hydroelectric? I  
11 think I can probably live with that. But put the cable  
12 in the river where it belongs, and do not underestimate  
13 our ability or our willingness to fight this proposed  
14 route. Jobs will be lost, personal wealth will be lost,  
15 economic development will be stifled, and the damage  
16 will be irreparable. We will not permit this  
17 discrimination, and we will not permit this injustice to  
18 be perpetrated against the people of this town. Thank  
19 you very much.

20       (Applause.)

21       MR. MILLS: Geoffrey Finn?

22       MR. FINN: Thank you. Geoffrey Finn,

19

105-06

105-07

105-08

**105-07:** Installation of the transmission cables in the terrestrial portion of the Hudson River Segment (i.e., buried configuration along the CSX Transportation (CSX) railroad ROW in the communities of Stony Point and Haverstraw, and the U.S. Route 9W ROW in Clarkstown) would avoid impacts on the Haverstraw Bay SCFWH (see EIS Section 5.3.5). Haverstraw Bay contains important habitat for ESA-listed fish species. Avoidance of the Haverstraw Bay SCFWH would also comply with conditions developed by NYSDOS to make the proposed CHPE Project compliant with the New York State Coastal Management Program.

**105-08:** See response to Comment 104-01. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs or negatively impact economic development.

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Comment 106

20

1 Supervisor, Town of Stony Point. We've had these  
2 meetings. I'm glad to see this room packed here  
3 tonight, and I see a lot of 754 members here as well. I  
4 used to be a 754 member. My father is a 50-year  
5 member, so --

6 (Applause.)

7 MR. FINN: That being said, I represent the  
8 people of Stony Point. I'm not sure that this will  
9 create jobs for 754. This will create for Canadians,  
10 people north of Albany and whatnot. We want to create  
11 our own energy right here. That's how we can put our  
12 people back to work. Let's put our Stony Pointers or  
13 Rockland County employees --

14 (Applause.)

15 MR. FINN: Let's put our people from New York  
16 back to work. And we can do that by creating our own  
17 energy here. We had a Lovett site. It's torn down.  
18 It's a piece of grass right now. It's doing nothing  
19 except -- well, I'll get into that in a minute. We can  
20 create our own energy right here -- Haverstraw or Stony  
21 Point, and put everyone back to work.

22 I was in a deli this morning. I'll give an

106-01

**106-01:** Comment noted. Employment in Canada is outside the scope of the EIS.

106-02

**106-02:** Comment noted. Analyzing additional electrical generation in southeastern New York State to meet increasing demand was not within the scope of the EIS. The purpose of the EIS is to analyze the environmental impacts of granting a Presidential permit for the proposed CHPE Project. Also see response to Comment 107-03. As noted, the proposed CHPE Project would not prevent the development of other projects.

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1 example. We just signed a contract with Tappan Zee  
2 Bridge Constructors for a staging area here in Stony  
3 Point. We have a vacant piece of land where our Lovett  
4 site used to stand. And right now, we have probably  
5 about 30 to 40 people on the grounds up there. Let's  
6 have that trickle-down effect.

7 I'm in the deli this morning. I got someone  
8 in front of me ordering about 30 to 40 sandwiches, 30 to  
9 40 cups of coffee. That all trickles down and helps all  
10 our local businesses. We bring people to work in our  
11 town. They will help each and every one of us. They'll  
12 help our taxpayers. They'll help our tax-- businesses  
13 that are paying top dollars here in Stony Point. That's  
14 what we need.

15 This will also affect many other  
16 opportunities we have here. We're talking about  
17 waterfront property with about 100 condos and two  
18 waterfront restaurants that this line will run right  
19 through. That will probably stop that project. We're  
20 also looking at a half a billion dollar green energy  
21 plant right here in Stony Point. This line runs right  
22 through that. Those are millions of dollars in business

**106-03:** The proposed CHPE Project would generally follow the perimeter of existing marinas in Stony Point and would not preclude redevelopment associated with these marinas. Redevelopment of the marinas has been added to the cumulative impacts analysis in Section 6.1 of the Final EIS. Given its location, the proposed CHPE Project would not prevent the development of these projects. There is no known reasonably foreseeable future "green energy plant" proposed for Stony Point. As of March 2013, a waste-to-energy gasification plant (Stony Point Waste to Energy Project), which was proposed by MBC Contractors, Inc., to be located on Holt Drive just north of the Haverstraw-Stony Point border, has been withdrawn by the developers.

106-03

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1 that we can generate here in Stony Point, in Rockland  
2 County, in New York. Not New Mexico, sir, New York.

3 And that's what we need to do.

4           And we cannot jeopardize this by allowing  
5 this line to come here. It's an extension cord. That's  
6 all it is, a 330-mile extension cord coming from Canada  
7 all the way to Queens. We don't need it. We don't want  
8 it. We can put our own people back to work here. And  
9 we may be a small town, but we're going to be loud. I  
10 know Susan has been leading the pack on this for a long  
11 time, the Casscles.

12           (Applause.)

13           MR. FINN: But we're not going to sit down  
14 and be quiet about this. We're going to make sure we're  
15 heard, and we would appreciate if you guys would respect  
16 the people of Stony Point, the people of Rockland  
17 County, and get these people back to work right here in  
18 our town. Thanks.

19           (Applause.)

20           MR. MILLS: Are there any other elected  
21 officials who wish to speak?

22           (No response.)

106-03

106-04 **106-04: Comment noted.**

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Comment 107

23

1           MR. MILLS: Annie Wilson?

2           MS. WILSON: Okay. Hi, good evening. I'm  
3       Annie Wilson, and I work with the New York Environmental  
4       Justice Project in the city, and generally, we serve the  
5       disenfranchised and underserved populations, and I have  
6       been involved in this process since its beginning. And  
7       I would like to bring several issues to your attention  
8       tonight and will follow up with written comments by due  
9       date.

10          First of all, would it be possible to extend  
11       the comment period by at least 45 to 180 days given the  
12       volume of review and the expertise needed for both the  
13       Department of Energy, EIS, and the U.S. Corps of  
14       Engineers materials? It's a lot to demand competent  
15       review in such little time.

16          There are many details which I cannot cover  
17       here tonight. But, for example, the three-mile  
18       extension in Queens, which was not part of your initial  
19       review by the State Public Service Commission and  
20       certificate that was issued in April of this past year.  
21       Wouldn't that require some kind of amended application  
22       by the developer back to the State-- back to the State?

107-01

**107-01:** DOE extended the comment period on the Draft EIS for an additional 30 days until January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

107-02

**107-02:** The Draft EIS and the NYSPSC process included analysis of the approximate 3-mile Astoria to Rainey interconnection (see Section 2.4.1 of the EIS) and, therefore, would not require an amended application.

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1 It seems to be appropriate. And I think this needs to  
2 be one of the top priorities as a next step for this  
3 process.

4 I would like to address specifically for  
5 tonight because the jobs issue is obviously very, very,  
6 very relevant, and the fact that there are so little  
7 jobs -- long-term jobs created by this cable of a  
8 thousand megawatts into Queens. The jobs are in Canada;  
9 they're not here in New York. This project displaces  
10 New York jobs. New York City, for example, has quite a  
11 bit of program for 5,000 megawatts of potential solar  
12 roofs. The State has a SunShot Program. There's plenty  
13 of potential here in Stony Point and issues with other  
14 power suppliers that are being disregarded as a supply  
15 option.

16 And I will cite Section 7.2 in the -- what is  
17 the summary document? Past sentences state that the  
18 "DoE has determined that conservation and demand  
19 reduction measure alternatives alone is not a reasonable  
20 alternative, and, therefore, not addressed further in  
21 the EIS." This decision is based on the New York State  
22 2009 Energy Plan. There has been the Governor's-- what

-107-03

**107-03:** See response to Comment 104-01. The proposed CHPE Project would not prevent the development of other projects, energy-related or otherwise.

-107-04

**107-04:** Comment noted. The proposed CHPE Project route is within an area designated as the Mid-Atlantic Area National Corridor, which is one of two National Interest Electric Transmission Corridors. Also see response to Comment 103-01 regarding economic impacts of the proposed CHPE Project.

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## Comment 108

25

1 is known as the Energy Highway Plan. There have been  
2 other initiatives. And certainly the Department of  
3 Energy needs to review what are -- what is the existing  
4 potential at this time and other programs that exist in  
5 the State of New York.

107-04

6 The national interest determination by the  
7 Department of State needs to look at the economic  
8 reasons to oppose this project. This project is not in  
9 the national interest. Thank you very much.

10 (Applause.)

11 MR. MILLS: Dean Tamburri? Dean Tamburri?

12 (Applause.)

13 MR. TAMBURRI: Good evening, everyone. My  
14 name is Dean Tamburri. I am in favor of this project.  
15 The company TDI has committed to using local labor.  
16 They have committed to using trained labor. We,  
17 Laborer's Local 17 and Laborer's Local 754, have trained  
18 hundreds of construction workers anywhere from OSHA 30,  
19 HAZMAT, asbestos, currently working with Orange and  
20 Rockland on the downed power lines for emergency  
21 services.

22 We have -- currently have hundreds of members

108-01 108-01: Comment noted.

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1 at the United States Military Academy, DEP projects, New  
2 Bridge, Beacon Bridge, Tappan Zee Bridge. These jobs  
3 are for the construction workers who have suffered for  
4 so many years without projects. They're going to be  
5 great paying jobs for them and their families with  
6 benefits.

7 We believe that the -- this is going to be  
8 built and we're going to be a part of it. And we would  
9 like to ask at this point is that everyone on all  
10 projects would support local building trades on all the  
11 projects and help them out as well. Thank you.

12 (Applause.)

13 MR. MILLS: Susan?

14 MS. FILGUERAS: Me?

15 MR. MILLS: Yes.

16 MS. FILGUERAS: Susan Filgueras. I live here  
17 in the Town of Stony Point, and, yes, I have headed the  
18 opposition to this. But first, let me acknowledge all  
19 of the men here in orange tonight, and thank you for  
20 coming out and supporting your union and yourselves.

21 What bothers me and what is, I find, very  
22 frightening is that as I read through these documents,

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## Comment 109

27

1 there are 26 jobs, and labor will be imported because it ]- 109-01  
2 is specialized. And I will continue, but I want you to  
3 know that I appreciate, I sympathize, and I want you to  
4 go to work. I want you to go to work six days a week,  
5 eight hours a day, maybe 10 for two hours' overtime. I  
6 want you working. But I want you working building the  
7 Bowline and the Lovett and power here in New York State  
8 in Rockland County. But thank you, gentlemen.

9 (Applause.)

10 MS. FILGUERAS: Now, onto the harder stuff.  
11 I am going to ask tonight for a 180-day extension on  
12 this process for the following reasons. We have been  
13 frantically trying to clear through well over 3,000  
14 pages of material. And we are not utility specialists.  
15 We are not all of you folks, and thank you, thank you  
16 for being here. We are trying to understand what this  
17 mammoth process is that is going to tear through our  
18 county. We need that extension.

19 Added to that, I tried to confirm this  
20 meeting here at this facility tonight. I called and  
21 asked for the DoE Champlain Hudson Power Express  
22 meeting. What? We don't have one of those meetings.

**109-01:** See response to comment 104-01. Some specialized jobs might require bringing in trade experts from elsewhere in New York State or from some other location.

- 109-02

**109-02:** See response to Comment 107-01. In addition, appropriate notifications were provided about the public hearing in Stony Point (see EIS Appendix P). The notification letter submitted with the Draft EIS to the mailing list in EIS Appendix E also announced the public hearings, the details for which were posted on the CHPE EIS Web site (<http://www.chpexpresseis.org>).

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1 I'll be right down. And as I came down, we had to  
 2 literally call the manager at home to call somebody else  
 3 to get it -- to figure out that this was the Champlain  
 4 Hudson Power Express-Department of Energy DEIS hearing.  
 5 People didn't know.

109-02

6 Added to that, we have a Hispanic population.  
 7 I have not seen Hispanic outreach. And if this project  
 8 -- there are six different maps or I've lost count of  
 9 how many there are -- goes through some of the low lying  
 10 areas in Stony Point, they will go clear through a  
 11 fairly substantial population. Haverstraw, the back end  
 12 of Hudson Avenue, is Hispanic, yet no Hispanic outreach  
 13 has been done. Typically through this process, the  
 14 Champlain Hudson Power Express has shown nothing but  
 15 contempt for the people of Rockland County. I am asking  
 16 for a 180-day extension.

109-03

17 Added to that, I also sent to the New York  
 18 State Public Service Commission the following: "This  
 19 notice is to inform you that the trajectory for the  
 20 Champlain Hudson Power Express has been extended by  
 21 three miles from 333 to 336, depending on which document  
 22 you read. At the end -- and it ends at the Ravenswood

109-04

**109-03:** DOE followed accepted practices in notifying the public about the availability of the EIS and the planned public hearings (see response to Comment 109-02). No special accommodation requests were received by DOE in advance of the hearings, including anything associated with the Hispanic populations in the area.

**109-04:** The proposed CHPE Project transmission line terminates at the Rainey Substation, which was addressed in the EIS (see response to Comment 107-02). There have been no changes to the proposed CHPE Project, including no proposal to terminate the transmission line at the Ravenswood Generating Station.

For Comments 109-05 through 109-08 and their responses, see the pages following Comment 130.

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- 109-04

1 Generating Station owned by TransCanada. Does this  
2 significant change require a review by the New York  
3 State Public Service Commission, or will an amended  
4 application be required?" I've gone through the  
5 documents. I'm not saying it's not there. It has ended  
6 at each point at Rainey. The maps show it ends at  
7 Ravenswood, so I have asked the New York State Public  
8 Service Commission officially for clarification on that.

9 I need to sit down. I didn't finish.

10 (Applause.)

11 MS. SMITH: Please submit the written  
12 comments to us so that we have all of those.

13 MS. FILGUERAS: So that you know, I'll have  
14 written comments.

15 MS. SMITH: Okay, great.

16 MR. MILLS: Frank Collins?

17 MR. COLLIER: Collier.

18 MR. MILLS: Collier, gotcha.

19 MR. COLLIER: Good evening. Frank Collier of  
20 the Town of Stony Point. Thank you all very much for  
21 having this meeting.

22 A couple of things that caught my eye in this

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## Comment 110

30

1 -- in this EIS is the economic impact on our town. Now,  
2 as this thing has been wending its way through, we've  
3 had meetings here in town. We see that there is-- it's  
4 going to come down the railroad, but there's going to be  
5 a deviation zone off here so they can kind of fit it all  
6 in as they need. The deviation zone goes into private  
7 property, so the deviation zone will probably take this  
8 private property by eminent domain. So it will affect a  
9 number of people in Stony Point, like the Casscles, the  
10 Beckerles. One other -- a large organization in Stony  
11 Point is going to put in this gasification plant that  
12 was talked about before. That's not been considered. I  
13 don't believe there has been any consideration for the  
14 economic impact on our town of what's coming through.

15 Now, when this -- when this deviation zone  
16 comes through, there are other companies out there now  
17 in the wings who waiting to come through with their  
18 extension cord from Canada, and they're going to come  
19 down, and they're going to have to either stay in a  
20 deviation zone or alongside it. So this is going to  
21 expand and expand and expand. What you will allow with  
22 this is will become magnified in the future. So we

-110-01

**110-01:** See response to Comment 105-04.

-110-02

**110-02:** Section 6.1.2 of the EIS discusses potential cumulative impacts from other past, current, and future activities when combined with the proposed CHPE Project. There are no known reasonably foreseeable future "gasification plants" proposed for Rockland County, New York. As of March 2013, a waste-to-energy gasification plant (Stony Point Waste to Energy Project), which was proposed by MBC Contractors, Inc., to be located on Holt Drive just north of the Haverstraw-Stony Point border, has been withdrawn by the developers.

-110-03

**110-03:** Comment noted. The potential cumulative impacts from the proposed CHPE Project when combined with other projects, including transmission system projects, are discussed in Section 6.1 of the EIS.

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Comment 111

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110-03  
↑  
↓

1 really have to pay attention to what that's going to be.  
2 So I would ask you to please take a look at that.

3 And again, I'd like to thank you for the  
4 union guys that are here. I'd like to see you bring an  
5 American company building an American power plant in  
6 Stony Point for Americans to work in. Thank you.

7 (Applause.)

8 MR. MILLS: Steven Wright?

9 MR. REICH: Good evening, everybody. My name  
10 is Steven Reich. I'm the Business Manager for the  
11 Laborers. I represent a lot of these orange guys. And  
12 we absolutely hear everything you guys are saying, and  
13 actually in the beginning we were not fully supportive  
14 of this whole thing. But as time has gone by, we got to  
15 put men to work. We've seen Bowline 3 stall. We've  
16 seen, you know, Lovett stall. We've seen the energy  
17 highway just blah. TDI, they talked to our  
18 international people, signed an agreement, made an  
19 agreement to use local union laborers on this part of  
20 this. We had the agreement signed. And we agreed to  
21 support them.

22 After looking at -- what we can tell from the ↓ 111-01 **111-01:** See response to Comment 109-05.

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1 DEIS and from what we see in general, the vast majority  
2 of it is on already established rights-of-way. There is  
3 some deviations, like the gentleman before me said, and  
4 those definitely have to be dealt with. I wasn't able  
5 to read fast enough to see --

6 SPEAKER: (Off audio.)

7 MR. REICH: I'm not saying -- it has changed  
8 the route. The route has changed. But we-- in general  
9 we see this as one part of the overall thing, and we  
10 would like to see this in combination with Bowline 3 and  
11 -- or whether it be Tompkins Cove, because the energy,  
12 as we all know, is going to be needed in the next 20,  
13 40, 60, 80 years. So just to have-- and we definitely  
14 want home generation. But to have one part of our  
15 energy source at least as an outlet from Canada, who--  
16 I don't consider them our enemies. I don't think it's a  
17 bad thing.

18 So overall, we're with you guys in Stony  
19 Point. Many of my members live here. I mean, we --  
20 North Rockland is here. I mean, we are North Rockland,  
21 we really are. And we understand your concerns. We  
22 also have members that would treat this place like they

- 111-01

- 111-02 **111-02:** Comment noted.

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Comment 112

33

1 live here because they do.

2 So however this thing turns out, either way,

3 we're together, all right? Thanks.

4 (Applause.)

5 MR. MILLS: Wellington Casscles?

6 MR. CASSCLES: Okay. Wellington Casscles is  
7 my name. I live at 69 Beech Road. I've lived there all  
8 my life. I come in this evening -- I have some maps in  
9 the back of the room, the terrestrial maps. The ones  
10 you guys got back there are from 2012. They've been  
11 changed four times since then. Mr. Jessome came to town  
12 in February with a new set of maps. I don't think you  
13 guys got them.

14 But going by the maps that you do have, Stony  
15 Point has about two miles worth of railroadright-of-  
16 way. Out of that two miles, this project is going to be  
17 in the right-of-way seven-tenths of a mile. The rest of  
18 it is town, county, private property that they're going  
19 to have to take eminent domain.

20 We've got, like they said, the gasification  
21 plant and condos at the end of the street where I am.  
22 If we lose those two, we're going to lose our whole tax

-112-01   **112-01:** See response to Comments 105-04 and 109-05.

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1 base, and there ain't nobody in this townthat will be  
2 able to afford to live here.

3 This project does nothing for Stony Point but  
4 carve a path through. Like they said before, there's  
5 six or seven other outfits out there waiting for this.  
6 If this gets approved, you can't stop then. The  
7 deviation is always going to be even longer, okay?

8 Back in June, Mr. Jessome was here. I gave  
9 him a set of questions I needed answers, and they're  
10 just simple questions: how big are the reels of cable,  
11 how much does it weigh per foot, howdo you plan on  
12 getting it here. To this day, I still haven't got an  
13 answer. Tonight he says he's going to send a guy to my  
14 house. We'll see.

15 Okay. As far as the labor union, hey, I'm  
16 pulling for you. I used to belong to IBEW's 363. This  
17 job is only going to be in Stony Point or Roðkland  
18 County for six months tops. They're coming through and  
19 they're gone. Build a power house, you go five years  
20 plus, plus the people that are going to be here.

21 (Applause.)

22 MR. CASSCLES: Plus the people who are going

-112-02 **112-02:** Comment noted. See response to Comment 109-05.

1 to be here afterwards running the place. Yeah,  
2 everybody's got a right to work. I would rather see you  
3 guys go out and fight for a five-year job versus a four-  
4 month job. You got the bridge and everything else going  
5 right now. Get behind us on this, and we'll see what we  
6 can do.

7               Worst case, put it back in the damn river.

8 The DEC says we can't eat the fish.

9               (Applause.)

10              MR. CASSCLES: But in the meantime we're  
11 trying to protect the fish that we can't eat, you know  
12 in Cornwall where the sturgeons spawn. They spawn in  
13 Cornwall so they're going to work around that time of  
14 the year. They won't work around it for Haverstraw  
15 because nothing spawns there. They spawn up above and  
16 they come back into Haverstraw. Well, while they're  
17 spawning, why don't we do the Haverstraw end of it?  
18 After they're done spawning, do the other half. Thank  
19 you.

20               (Applause.)

21              MR. MILLS: Rebecca Casscles?

22              MS. CASSCLES: Rebecca Casscles, 69 Beech

- 112-03

**112-03:** Haverstraw Bay is a major spawning, nursery, and overwintering area for various estuarine fish species. Depending on the location of the saltwater/freshwater interface in the Hudson River, the majority of the spawning of Atlantic sturgeon occurs in Haverstraw Bay northward to Coxsackie (see Section 3.3.5 of the EIS). During the NYSPSC Article VII process that culminated in the Joint Proposal, New York State agencies (including the New York State Department of Environmental Conservation [NYSDEC] and NYSDOS) required that the proposed transmission line avoid Haverstraw Bay in accordance with conditional concurrence of the proposed CHPE Project with the New York State Coastal Management Program (CMP).

For Comment 112-04 and its response, see the pages following Comment 130.

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Comment 113

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1 Road. Please pardon my back. I think you labor  
2 gentlemen are going to be interested in knowing that TDI  
3 is a wholly owned company by the Blackstone Group. This  
4 is the company that -- with the financial advisors for  
5 the Mirant Company before, during, and after the  
6 bankruptcy. The very company that wants to hire you is  
7 the company that put two of our power plants out of  
8 business, took them offline, okay?

9 (Applause.)

10 MS. CASSCLES: My husband spoke about the  
11 deviation zone. TDI is going to give Rockland County  
12 for 7.66 miles, \$796,640 a year. Meanwhile, the houses  
13 -- one house along the rail line, not all the one-eighth  
14 of a mile, which, by the way, they're going to be able  
15 to take. We're losing a million dollars a year in  
16 revenue. If this goes through, I am going to file for a  
17 tax reduction because my home will not be worth what it  
18 normally is.

19 I'm also going to quote from the Public  
20 Service Commission decision of April 18th, 2013.  
21 "Eminent domain will be used." It has to be used, it  
22 must be used to make this go through.

- 113-01

**113-01:** Private landowners would be compensated for use of their land to bury the transmission line and, if appropriate, to offset a potential reduction in property values. It is possible that municipal tax revenues from property taxes could also change; however, such changes would be expected to be minimal. It also is likely that any such change would be more than offset by the estimated \$800,000 tax revenue to Rockland County from the proposed CHPE Project (see Section 5.3.18 of the EIS).

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1           Production cost analysis. The only ones that  
 2 will capture any type of money from this will be  
 3 captured by the applicants, their financial backers,  
 4 and/or users of the facility. Jobs-- listen carefully,  
 5 gentlemen and ladies. "The applicant's evidence on job  
 6 creation was incomplete in a fundamental way," page 3.  
 7 Also on page 3, "The record is void on the critical  
 8 question of whether these jobs would be offset or more  
 9 than offset by the jobs displaced at the conventional  
 10 generating facilities that will not"-- will not -- "be  
 11 built as a consequence."

12           Transmission corridor developers, page 19 and  
 13 74. "Will the approval CHPE set a precedent"-- pardon  
 14 me -- "for the approval of future transmission lines?"  
 15 The answer is yes because there's already other  
 16 companies out there waiting. Green power-- "At no time  
 17 does the PSC decision confirm the percentage of green  
 18 power. Fracking will be used to install the  
 19 transmission line." No environmental impact statement  
 20 was done for the land installation for Rockland County,  
 21 none. I'd like to know why not. Everybody else has to  
 22 do it.

- 113-02

**113-02:** The source of power to be transmitted through the proposed CHPE Project is outside the scope of the EIS. During preparation of this EIS, DOE considered other reasonable alternatives to the CHPE Project (see Section 2.5 of the EIS), but ultimately eliminated these alternatives from further detailed analysis. The alternatives considered included route alignments, upland transmission routes, conservation and demand reduction measures, use of HVAC vs. HVDC technology, and various interconnection and converter station alternatives. The purpose of the proposed CHPE Project is to deliver power into the New York City metropolitan area electrical market; therefore, no other generation sources, such as conventional generating facilities, were considered as alternatives.

The NYSPSC reviewed the jobs analysis in its Certificate and found that the jobs analysis was but one factor and had no positive or negative weight in its decision to issue the Certificate. Also see response to Comment 104-01.

**113-03:** See response to Comment 110-03.

**113-04:** Comment noted. See response to Comment 110-02.

**113-05:** The proposed CHPE Project transmission line would be designed to avoid impacts when crossing existing utility lines, including natural gas pipelines, through utility crossing agreements developed in consultation with utility providers. In underwater crossings, the transmission cables would be buried or laid on the surface of the bottom of the water body over the existing utility and protective coverings would be installed. Terrestrial underground utility crossings would be assessed to determine whether open trenching or a trenchless method (i.e., horizontal directional drilling (HDD) technology, horizontal boring, or pipe jacking) would be appropriate (see EIS Section 2.4.3). Hydraulic fracturing, or fracking, would not be used during the installation process.

**113-06:** The EIS addressed and analyzed potential impacts associated with installation of the proposed CHPE Project transmission line along the terrestrial portion of the Hudson River Segment (see EIS Section 5.3).

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1           The Ramapo Fault Line. CHPE will cross over  
 2 the fault line. What are the consequences for us?  
 3 Evacuation plans. I live right next to the CSX rails.  
 4 Who's going to be responsible for developing an  
 5 evacuation plan, which, by the way, ladies and  
 6 gentlemen, is a Federal mandate. National security.  
 7 Who's going to protect us if this line goes through?

8           Taxes. How do we recoup the lost revenue for  
 9 the devaluation of our properties should the CHPE  
 10 transmission, in fact, be built? One million dollars  
 11 today, \$796,640 yearly from TDI. That's going to be  
 12 divided by Rockland County, the towns that are involved  
 13 in this, as well as the school district. It means each  
 14 one of these entities, if they're lucky, will get  
 15 \$222,000 a year, not a million, \$222,000.

16           And finally, this forces New York City's  
 17 dependence on foreign produced electric. I say American  
 18 jobs for American people. Let's build power plants.

19           (Applause.)

20           MR. MILLS: Hayley Carlock?

21           MS. CARLOCK: Good evening. My name is  
 22 Hayley Carlock, and I am the environmental advocacy

- 113-07

**113-07:** During a seismic event, which would be rare, it is possible that damage to the transmission line could be sustained; however, seismic events in the Hudson River Segment have a low potential for damage (see Section 5.3.9 of the EIS). Health and safety risks, including the potential for terrorism, were analyzed in the EIS (see Section 5.3.14), but are unpredictable. Most of the project infrastructure is underwater or underground and the risk from terrorism activity would be no greater than aboveground transmission lines.

- 113-08

**113-08:** See response to Comment 113-01.

- 113-09

**113-09:** Comment noted. See response to Comment 103-02.

For Comments 113-10 through 113-13 and their responses, see the pages following Comment 130.

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Comment 114

39

1 attorney with Scenic Hudson. Scenic Hudson is a non  
2 profit group which works to protect and restore the  
3 Hudson River and is the largest environmental group  
4 focused on the Hudson River Valley.

5 I participated in the Department of Energy  
6 scoping statement hearing back over three years ago now,  
7 and came there with serious concerns about the impacts  
8 of installing a cable within the Hudson River estuary.  
9 And around the same time, Scenic Hudson became involved  
10 with the Public Service Commission Article 7 siting  
11 proceeding.

12 However, after two years plus of living and  
13 breathing this project up in Albany, we achieved  
14 significant improvements to the route, and after  
15 commissioning an expert report by ESS Group, which  
16 detailed the potential environmental impact of the  
17 project, and, of course, through our own review, we  
18 concluded that the impacts to the estuary would be  
19 minimal and were outweighed by the benefits of the  
20 project as long as certain conditions were met.

21 We were pleased to see the project route  
22 changed to avoid sensitive areas in the Hudson River,

- 114-01 **114-01:** Comment noted.

- 114-02 **114-02:** Comment noted.

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1 including Haverstraw Bay. The route as it is in the EIS  
2 avoids directly transiting 12 out of the 17 significant  
3 coastal fish and wildlife habitats in the estuary. And  
4 in areas where it will be transiting the Hudson River,  
5 there are exclusion zones of particularly sensitive  
6 areas where cable installation will be avoided.

7 In addition, the cables would be buried to  
8 the maximum depth achievable, expected to be at least  
9 six feet below the sediment water interface, except in  
10 limited areas where there's bedrock or debris where it  
11 may have to be covered, and they'll also be installed  
12 vertically on top of one another, which both minimizes  
13 the heat from the cables and as well pretty much ends up  
14 in the magnetic field cancelling out. Underwater cable  
15 installation activities would be limited to certain  
16 times of the year to avoid life cycle impacts on  
17 migratory species as well as the American chad, winter  
18 flounder, striped bass, and other fish populations.

19 There will be continuous monitoring of water  
20 quality. There will be pre- and post-installation  
21 benthic and sediment monitoring, bathymetry, temperature  
22 and magnetic field studies, and pre- and post-

40

-114-02

-114-03 114-03: Comment noted.

-114-04 114-04: Comment noted.

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1 installation surgeon tracking studies, all of which will  
2 work to ensure that construction is not impacting that  
3 water quality and aquatic species.

114-04

4 And while Scenic Hudson did become involved  
5 in the project primarily due to concerns about the  
6 potential impacts of the Hudson River, we carefully  
7 evaluated the impacts of undergrounding the line on land  
8 before advocating for this option to avoid especially  
9 sensitive habit, including in Haverstraw Bay. The vast  
10 majority of the eight-mile terrestrial route in Rockland  
11 County is within the railroad right-of-way and with some  
12 along Route 9W. There would certainly be some temporary  
13 disturbances, but no permanent significant impact.

114-05

**114-05:** Comment noted.

14 (Murmuring by audience members.)

15 MS. CARLOCK: In the limited distance  
16 traversed under Stony Point Battlefield State Park, Hook  
17 Mountain State Park, and Rockland Lake State Park,  
18 horizontal directional drilling techniques will be used  
19 to allow installation of the transmission line without  
20 disturbing the surface of the parks.

114-06

**114-06:** Comment noted.

21 As mentioned earlier, there will be no  
22 electrical field and small magnetic fields that will

114-07

**114-07:** Comment noted.

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1 dissipate with distance from the line.

2 (Murmuring by audience members.)

3 MS. CARLOCK: While we approached this

4 project in 2010 with deep concerns about its

5 environmental impacts, we believe that the environmental

6 impacts from this project will generally be temporary in

7 nature and overall represent a small impact to the

8 Hudson River. Thank you.

↑ 114-07

114-08 114-08: Comment noted.

9 SPEAKER: -- stop talking. She's going to

10 have to stop talking. Your time is over.

11 MS. CARLOCK: Thank you very much.

12 MR. MILLS: We don't need any help from the

13 audience, please.

14 (Applause.)

15 MS. SMITH: We ask that everyone respects  
16 folks when they're speaking whether or not they are  
17 speaking with -- in terms of -- support your opinion or  
18 not. And there are other folks that did get a little  
19 bit more time. So we appreciate your patience and  
20 respect of all the speakers.

21 (Applause.)

22 MR. MILLS: Laurrie Cozza?

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## Comment 115

43

1 MS. COZZA: Hi. I, too, am a resident of  
2 Stony Point, and I also request that we receive an  
3 extension. I'm deeply concerned with the fact that an  
4 environmental impact statement has not been done on the  
5 land portion going through Stony Point and Haverstraw.

6 We have a Superfund site in Stony Point known  
7 as Kay Fries. We also have a Brownfield site at our  
8 past dump. These issues have not been addressed. We  
9 have wetlands. All of this is in a very small area, and  
10 I really think that it has to be looked at before this  
11 project is allowed to proceed. We have no idea what the  
12 consequences could be.

13 I also would have to say the Casscles, and  
14 Susan, and Frank have expressed what a lot of us are  
15 feeling, and I won't take any more time. I appreciate  
16 you being here. Thank you very much.

17 (Applause.)

18 MR. MILLS: Kathleen Redmond?

19 MS. REDMOND: Hi. I'm Katherine Redmond from  
20 Tompkins Cove. And I really put on my list that I maybe  
21 would have a comment because I really am not all that  
22 familiar with it.

115-01  
115-02  
115-03  
115-04

**115-01:** See response to Comment 107-01.

**115-02:** Section 5.3 of the EIS addresses and analyzes potential impacts associated with installation of the proposed CHPE Project transmission line along the terrestrial portion of the Hudson River Segment.

**115-03:** Superfund sites in the vicinity of the proposed CHPE Project in the Hudson River Segment are discussed in Sections 3.3.15 and 5.3.15 of the EIS.

**115-04:** Comment noted. Wetlands are discussed in Sections 3.3.8 and 5.3.8 of the EIS.

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Comment 116

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1           But something strikes me about what's going  
2 on here. It seems to me like we have an adversarial  
3 kind of thing going on between the union people and the  
4 people in the town. I could be wrong. And when I say  
5 that, I don't mean to imply that we're-- everybody I  
6 know is in favor of unions working. We all are. All  
7 I'm saying is I think we could combine our efforts, the  
8 union efforts for this project. And if we could just  
9 take that line and move it back into the river and off  
10 the land, if we don't put it through Stony Point. We  
11 don't put it through Haverstraw. And if the union  
12 combines with us to support that move, we can work  
13 together and try to save the fish. And I think that  
14 might be really great because if--

15           And, you know, one of the other things that  
16 struck me. We're worried about the fish, and yet the  
17 line that's supposed to be moved onto the land in Stony  
18 Point, the Indian Point Nuclear Power Plant is right  
19 across the river from there. If that hasn't damaged in  
20 some degree -- hasn't had an impact on the fish  
21 population, I think for sure we could work around this  
22 electrical line and try to help the fish out. Thank

- 116-01   **116-01:** See response to Comment 105-02.

- 116-02   **116-02:** Comment noted. Section 6.1.1.6 of the EIS discusses potential cumulative impacts from other past, current, and future activities when combined with the proposed CHPE Project.

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1 you.

2 (Applause.)

3 MR. MILLS: Eugene Creasy?

4 (No response.)

5 MR. MILLS: Steven --

6 MS. MCDONALD: Ludwigson.

7 MR. MILLS: -- Ludwigson?

8 MR. LUDWIGSON: Good evening. My name is

9 Steve Ludwigson. I'm the Business Manager for the

10 Boilermakers Local 5. I represent the boilermakers in

11 all of New York State, with the exception of the 16

12 counties located around Buffalo, New York. Our members

13 are highly skilled professionals with expertise that

14 comes only with extensive training and years of

15 practice.

16 I'm here tonight to state on the record that

17 Boilermakers Local 5 opposes the Champlain Hudson Power

18 Express Line and the proposed Federal action of granting

19 of a presidential permit to construct, operate, and

20 maintain, and connect a new electric transmission line

21 across the U.S.-Canada border in northeastern New York

22 State.

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## Comment 117

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1               The Champlain Hudson Power Express Line--  
2 excuse me -- which proposes to bring a thousand  
3 megawatts of power directly from Canada to New York  
4 City, would do nothing to strengthen the State's  
5 electricity grid. Practically speaking, the  
6 transmission line is a large extension cord that would  
7 bypass all of our State's existing energy sources and  
8 transmission infrastructure, such as Upstate New York  
9 plants that have an excess of available power instead of  
10 enhancing the overall capacity and stability of New  
11 York's power grid. New York will not be able to benefit  
12 from the low cost power these upstate plans could be  
13 producing and will instead become completely reliant on  
14 a foreign source of electricity. Our good friends in  
15 Canada will get new jobs, and New Yorkers will get the  
16 bill.

17               While we support an electricity highway that  
18 improves the State's energy infrastructure and generates  
19 union jobs for New Yorkers, we reject CHPE's proposal as  
20 a jobs killer. For maximum benefits to New York,  
21 especially in job retention and creation, new  
22 electricity infrastructure should support current and

-117-01

**117-01:** In its Certificate for the proposed CHPE Project, the NYSPSC identified that the Project would (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, and (3) enhance system reliability. Also see responses to Comments 104-01 and 104-02.

-117-02

**117-02:** Comment noted. Development of in-state power sources is outside the scope of the EIS. Also see response to Comment 110-02.

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1 new in-State power generation.

2 New York needs to improve the transmission  
3 grid in the upstate and western regions so that in-State  
4 power can be transported more efficiently, more  
5 economically, and in greater quantity throughout the  
6 State. Investing in our transmission infrastructure  
7 will lead to new jobs being created and new  
8 opportunities for energy development throughout the  
9 State.

10 We can't ignore the obvious. New York  
11 already has a very substantial generating capacity that  
12 can be expanded upon to meet our State's needs. New  
13 York can and should keep up with growing demand by  
14 ensuring the continued operation of our in-State energy  
15 sources and constructing new plants both upstate and  
16 downstate as necessary. There are several shovel-ready  
17 sites that are already permitted or pending permits in  
18 the Hudson Valley that could meet this demand and keep  
19 New Yorkers working and the revenue generated in State.

20 In order to have a strong 21st century  
21 economy, New York needs to build and produce products.  
22 We can no longer afford to be viewed only as consumers

117-02

117-03

**117-03:** Comment noted. In its Certificate for the proposed CHPE Project, the NYSPSC found that issuing the Certificate is in the public interest. Also see response to Comment 117-02.

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1 bearing the brunt of others' profits. Energy and  
2 manufacturing provide sustained, longterm, good paying  
3 jobs, a large portion of which are skilled union  
4 positions. These jobs enable individuals to stay in New  
5 York State, raise a family, and grow the middle class.  
6 They establish the economic infrastructure for many  
7 additional services and power other sectors of the  
8 State's economy.

9           New York's economy needs to be energized, and  
10 the opportunities are out there waiting to be seized  
11 upon. Such is the case with the opportunityof New  
12 York's growing demand for electricity andsolving  
13 transmission congestion problems by investing in ourin-  
14 State electrical infrastructure rather than compounding  
15 these issues with a costly outsource to Canada. Forthe  
16 jobs and literally a brighter future, we must act now  
17 and oppose the CHPE as an outright detriment to New York  
18 State.

19           And just for the record, I know we have two  
20 trades here tonight that are in support. This is an  
21 open letter to the New York congressional delegation  
22 rejecting the Champlain Hudson-Canadian Line signed by

117-04

**117-04:** See response to Comment 117-02.

For Comments 117-05 through 117-08 and their responses, see the pages following Comment 130.

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1 Richard Roberts, the Business Agent At Large for  
2 Steamfitters Local 638 and his President, Patrick Dolan,  
3 Michael Cavanaugh, the Vice President of New York City  
4 District Council of Carpenters, and Anthony Spirito, the  
5 Executive Vice President of Mechanical Contractors  
6 Association, James Levin, Vice President of the Utility  
7 Workers of America's Local 12, Don Dailey, Chairman of  
8 the International Brotherhood of Electrical Workers  
9 Utility Labor Council, State of New York, and myself.  
10 Thank you.

11 (Applause.)

12 MR. MILLS: Brian McPartland?

13 MR. MCPARTLAND: Good evening, everybody. My  
14 name is Brian McPartland. I'm the Business  
15 Representative for Local Union 503. And I stand in  
16 opposition to this project.

17 I'm probably not as well versed as everybody  
18 here; however, I do want to -- I know Rebecca and  
19 Wellington. This is going to do nothing for this  
20 country. We had two power plants here. I had 250  
21 members working daily. We leveled the power plant  
22 because, remember, deregulation was going to make energy

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Comment 118

50

1 cheaper. Has it?

2 SPEAKERS: No.

3 MR. MCPARTLAND: Right, I didn't think so.

4 So what I'm doing here I'm just coming to show that my  
5 brothers and sisters are working. The Laborers just  
6 signed a deal with my company that I represent to watts  
7 down wires. We don't need to send it to Canada.

8 On the environmental thing, I don't know how  
9 many of you are fishermen, but I'm a fisherman. I fish  
10 that river every spring, and I'm very concerned about  
11 that, that we're going to -- you know, we catch fish  
12 here. It's our river. We don't need this coming in  
13 here.

14 We never had an issue, never had an issue  
15 when we had the power plants, right? What happened? We  
16 leveled the power plants. Taxes went through the roof.  
17 We have Bowline 3. I could go on. All you got to do  
18 is support that, and that will keep it in New York  
19 State. Thank you.

20 (Applause.)

21 MR. MILLS: Mary Ellen Furlong?

22 MS. FURLONG: You'll have to be patient with

118-01 **118-01:** Comment noted.

118-02 **118-02:** Comment noted. See response to Comment 105-02.

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Comment 119

51

1 me. My name is Mary Ellen Furlong. I've lived in Stony  
2 Point now for 26 years. And we the citizens of Stony  
3 Point don't want this cable invading and destroying our  
4 community because that's the way we see it.

5 We don't want to set a precedent that will  
6 allow and all other cable carriers to invade our homes.

7 There's no benefit to our community, and the ones who  
8 benefit are Champlain Power and Blackstone Investors,  
9 the money men, not us.

10 If the cable was no good for the fish, as Mr.  
11 Basile mentioned earlier, then it's no good for the  
12 residents on the land, okay?

13 (Applause.)

14 MS. FURLONG: If the Tappan Zee Bridge  
15 construction is being allowed to occur in the river  
16 then you can run your cable through the river, or as the  
17 \$127 million that was promised to River Keeper, their  
18 bribe to let that cable come on our land, and not go  
19 through the river.

20 (Applause.)

21 MS. FURLONG: This cable will desecrate the  
22 graves of our war dead, the war dead from the American

- 119-01 **119-01:** Comment noted.

- 119-02 **119-02:** See response to Comment 105-02.

- 119-03 **119-03:** See response to Comment 109-06.

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1 Revolution, the War of 1812, the people who grew and  
 2 established this town and fought the British so you can  
 3 have a country.

4 Cables fail. There's no question about that.

5 You want it to run along tracks that carry toxic  
 6 materials, and accidents have already occurred. We  
 7 cannot allow a bigger disaster to occur, especially  
 8 where this cable, and the proposed desalination plant,  
 9 and the proposed gas line will meet in Haverstraw.

10 We'll blow Rockland County off the map. No one has  
 11 addressed the potential threat of terrorism and the  
 12 cable. If it's in the river, what is the likelihood of  
 13 it being attacked? What is the likelihood if it's on  
 14 land and being attacked? I don't see any National Guard  
 15 troops going to be stationed along that route. Who's  
 16 going to pay for it?

17 You need to walk, Mr. Mills, Ms. McDonald,  
 18 you need to walk the route. Mr. Casscles, he'll take  
 19 you, I'm pretty sure.

20 SPEAKER: Absolutely.

21 MS. FURLONG: And you'll see where this cable  
 22 is running. Now, I know I'm a little over, but this is

119-03

119-04

119-05

119-06

**119-04:** No public health and safety impacts would be expected during operation of the proposed CHPE Project because the transmission cables would be underground and installed in compliance with all Federal and state rules and regulations. Regular inspections, in accordance with the manufacturer's specifications, would be performed to ensure equipment integrity is maintained. If the transmission cables were damaged by a third party, there is a risk of electrocution. However, a protection system would detect the fault and the transmission line would be de-energized (i.e., current and voltage reduced to zero) in approximately 5 milliseconds, thereby reducing the possibility of injury to people or nearby infrastructure. An Emergency Repair and Response Plan (ERRP) would be prepared to identify procedures and contractors necessary to perform maintenance and emergency repairs. See Section 5.2.14 of the EIS for more information.

**119-05:** See response to Comment 113-07.

**119-06:** Comment noted.

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## Comment 120

53

1 -- I only got another sentence or two. If you allow  
2 this cable to go through, then it's my recommendation  
3 that the people of Stony Point impose a community  
4 service charge on Champlain Power of a million dollars a  
5 foot per day.

6 (Applause.)

7 MS. FURLONG: And that after -- and that the  
8 other towns do so as well and on any other cable  
9 carriers who are allowed to enter our boundaries, then  
10 increase the fees on Champlain and the other carriers.  
11 Make it \$3 million a foot. Make it \$7 million a foot.  
12 You want to make us a dumping ground. Well, it's going  
13 to cost you.

14 The people of Stony Point don't want it, and  
15 we have a right to say that, be heard, and determine our  
16 future. We're tired of everybody coming in, and dumping  
17 on us, and allowing deregulation, and destroying our tax  
18 base and our town. Thank you.

19 (Applause.)

20 MR. MILLS: Brenda Beckerle?

21 MS. BECKERLE: Hello. Breda Beckerle, 49  
22 Beech Road, and I'd like to echo my opposition to this

-119-06

-119-07

**119-07:** See response to Comment 113-01.

For Comment 119-08 and its response, see the pages following  
Comment 130.

-120-01

**120-01:** See response to Comment 107-01.

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## Comment 120

54



-120-01

1 project, and also to support the request for 180 extra  
2 additional days.

3 Some of my friends here have put in heroic  
4 work in trying to work through this phenomenal amount of  
5 expert knowledge to come up with, if you will, well  
6 articulated objections. But it's a task that cannot be  
7 done by local people in a very short span of time.

8 To echo some of the comments that have been  
9 made here this evening, I'm a riverfront dweller, so I  
10 have a personal interest here. But I also would like to  
11 say that Stony Point is a river town. It is the  
12 identity of Stony Point. It is the crown jewel of Stony  
13 Point.

14 And Stony Point woke up some morning in the  
15 last couple of years and learned out of the blue, in my  
16 estimation, that this project had been re-routed out of  
17 the Hudson River literally through every single foot of  
18 river exposure this town has. Why? Westchester didn't  
19 want it. Scenic Hudson didn't want it. So it was a  
20 long list of didn't wants. We have asked endlessly who  
21 made the decision that if you all didn't want it, we'd  
22 get it. How did that happen? And to this day, I don't

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1 think we've had a satisfactory answer. All we know is  
2 that every foot this town has of its most precious  
3 resource is being basically confiscated in the interest  
4 of private profit, and that is what this is. It's  
5 private profit, foreign profit. And it's the first of  
6 many.

7 We have, I believe, very good reason to fear  
8 that our crown jewel is going to be the dumping ground  
9 and the infrastructure corridor for what everybody else  
10 doesn't want to have. And with all due respect to  
11 Scenic Hudson and with all due respect to the fish, we  
12 don't, I think, have any credible explanation that that  
13 deviation is necessary from everything we've seen or  
14 heard.

15 Why in this 330-plus miles does Stony Point  
16 have to give up every inch it has of riverfront for  
17 these projects, and in that short span of time, run  
18 through a battlefield, a Revolutionary cemetery,  
19 projected projects on the riverfront? What else do we  
20 have here? We have wetlands. We've brown spots. We've  
21 got the -- it's literally one after another abutting  
22 each other. There's nothing free. There's no free

-120-02 **120-02:** See response to Comment 105-03.

-120-03 **120-03:** See response to Comment 109-06.

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## Comment 121

56  
↑ 120-03

1 land. Thank you very much.

2 (Applause.)

3 MR. MILLS: Timothy Waldron?

4 MR. WALDRON: Good evening. With the time  
5 given, I'm going to speak as the Acting Chairperson of  
6 the Bay Mar Community Organization, and then as a  
7 private citizen if there's enough time.

8 Good evening. The Bay Mar Community  
9 Organization is greatly concerned with the project. The  
10 CSX railway is only a good stone's throw away, so this  
11 project is very, very close to where we live and will  
12 have a great impact on us.

13 The Bay Mar Manufacturing home community to  
14 date has no received outreach from the Champlain Hudson  
15 Power Express, Incorporated, New York State, or New York  
16 City, apparently the only beneficiary to this power  
17 line. No correspondence in English or Spanish has been  
18 received yet. And it needs to be pointed out that Bay  
19 Mar has a significant Spanish-speaking population whose  
20 first language is Spanish.

21 Our community was hit hard by Hurricane Sandy  
22 just over a year ago, which has left us with a lot of

121-01: See response to Comments 104-01 and 105-06. Tax receipts and revenue associated with construction expenditures and operations would increase for local municipalities.

- 121-02 121-02: See response to Comment 109-03.

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1 uncertainty. We now learn that we have more uncertainty  
 2 placed upon us. This time it comes from the form a man  
 3 made storm. The high voltage power line that is set to  
 4 be placed so close to us is extremely troublesome to us,  
 5 and hopefully to all of Stony Point and Rockland County.  
 6 Obviously it is. Sorry about that.

7 Currently the Bay Mar property may have  
 8 little impact as one map shows, but this is no guarantee  
 9 here. The path can change and has changed already. As  
 10 it stands now, the line will disrupt the Stony Point  
 11 Battlefield, a State historic site, the historic Waldron  
 12 Cemetery, and a number of homes here in Stony Point  
 13 where good, decent people live.

14 Let it be said now people are now no better  
 15 than second on the protection list. The sturgeons of  
 16 Haverstraw Bay come first, which is the line comes out  
 17 of the Hudson into the battlefield and right-of-way  
 18 along the CSX line, and also will run through Stony  
 19 Point's wetland. None of this sounds good for Stony  
 20 Point families, the battlefield, the Waldron Cemetery,  
 21 or wildlife, or our environments, along the real  
 22 possibility of a line that already crisscrosses the

**121-03:** Waldron Cemetery would be surveyed for cultural resources, during which the exact boundaries of the cemetery would be determined and any resources in the Area of Potential Effects would be evaluated for National Register of Historic Places (NRHP) eligibility. Ground-disturbing activities would be avoided in the vicinity of the cemetery to the extent practicable. If these activities are unavoidable, appropriate mitigation would be implemented in accordance with the Cultural Resources Management Plan (CRMP) being developed for the CHPE Project in coordination with the New York State Historic Preservation Office (SHPO). The CRMP would identify measures to address adverse effects on historic properties. HDD technology would be used, where appropriate, to drill under potential cultural resources so they would not be disturbed. The proposed CHPE Project transmission line would be installed under the Stony Point Battlefield State Historic Site using HDD technology (see EIS Section 5.3.10). The Applicant would negotiate with landowners regarding just compensation (see response to Comment 105-04).

-121-03

-121-04

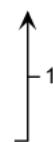
**121-04:** See response to Comment 121-01. Installation of the transmission cable would also avoid impacts on the Haverstraw Bay SCFWH that contains important habitat for ESA-listed species. The transmission line would not be visible; therefore, its presence would not present a general detriment to private property values.

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1 tracks and could end up on the east side of the tracks  
2 that disrupts Bay Mar at an even greater risk to its  
3 residents.

121-04



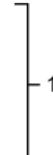
4 The Bay Mar Community Organization must  
5 solemnly, loudly, and clearly call for an end to this  
6 project. There is no way to stop it-- if there is no  
7 way to stop it, then put it in the river. Bay Mar says  
8 people over sturgeons.

9 (Applause.)

10 MR. WALDRON: For my fellow union brethren  
11 out there, I've been in two unions. They don't always  
12 tell you the truth. Just keep that in mind. I've been  
13 lied to directly by unions. We were asked to vote for  
14 Andrew Cuomo. You know what he did? He took money  
15 right out of my paycheck and spent millions and millions  
16 of dollars to say, hey, we're getting corporations  
17 breaks on everything.

18 I have a book here. On page S-2 -- I'm sorry  
19 -- on page S-32 in this book, it is the Champlain  
20 Express book. There is no negligible increase in your  
21 jobs. It is quite limited. Anybody who wants to see  
22 it, I'll meet you right now. Here's the book. I wish

121-05



**121-05:** Comment noted. See response to Comment 104-01.

For Comments 121-06 through 121-08 and their responses, see the pages following Comment 130.

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Comment 122

59

1 you would express that to your fellow members who left.  
2 The jobs aren't there. I hope we all get jobs. We've  
3 heard of other ways to get it. I'll stop. I'm going  
4 over my limit. Thank you.

5 (Applause.)

6 MR. MILLS: Kevin Kennedy?

7 (No response.)

8 MR. MILLS: Robert Knight?

9 MR. KNIGHT: I'm Robert Knight, and I'm here  
10 representing two organizations, the Stony Point Chapter  
11 of the Sons of the Revolution and the Rockland County  
12 Municipal Historians Association. Neither group is  
13 either opposed or in favor of the power line. What both  
14 groups are opposed to is a piece of destruction that it  
15 virtually guarantees in Stony Point.

16 The main one is the Waldron Cemetery, which  
17 our chapter president will hopefully talk on a little  
18 later, where hundreds of Revolutionary War, War of 1812,  
19 and Civil War soldiers are buried, and which will be  
20 completely destroyed by the power line. The cemetery  
21 was already partially destroyed in the 1880s when the  
22 West Shore Railroad line was built through it, and now

-122-01 **122-01:** See response to Comment 121-03.

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## Comment 123

60

1 the power line is going to take what's left of the  
2 cemetery adjacent to the railroad tracks. And it also  
3 goes right through the heart of the Stony Point  
4 Battlefield, which is Stony Point's national treasure.  
5 It's a site on the National Register of Historic Sites.

6 Personally I don't care if they put it down  
7 in the middle of the river. That's fine as I'm far as  
8 I'm concerned. But heaven's sake, don't destroy Stony  
9 Point's most historic cemetery and most historic  
10 battlefield site.

11 (Applause.)

12 MR. MILLS: Barry Brooks?

13 MR. BROOKS: I'm Barry Brooks, President of  
14 the Sons of the -- Stony Point Chapter of the Sons of  
15 the American Revolution. Most everything that I was  
16 going to say has been said two or three times. But I do  
17 want to point out a couple of things. This picture here  
18 shows where --

19 SPEAKER: The railroad.

20 MR. BROOKS: Yeah, but it shows where the  
21 cemetery is, but it also shows the deviation zone. If  
22 you were to go through that cemetery on the-- on the

-122-01

-123-01

**123-01:** Comment noted. See response to Comment 109-06.

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1 eastern end, there aren't any headstones left. But  
2 believe me, I -- we have accurately determined that  
3 there are at least 200 bodies in the area of-- which  
4 would be disturbed by this transmission line.

5           A year ago when we met at Row Cottage and  
6 discussed with the Assembly and senators who attended  
7 that meeting, I let out a passionate plea for them to go  
8 down and visit. And I know they did, but it didn't do  
9 any good. Here a year later -- thank you -- here a year  
10 later, it's still slated in the same spot.

11           It's about time -- they've got the Tappan Zee  
12 -- new Tappan Zee Bridge going right across the river.  
13 What is the difference between that and this  
14 transmission line, you know? Put it -- put it in the  
15 river. They're doing the bridge. That's a threemile  
16 area down there. And this way it would save Stony  
17 Point. All right, thank you.

18           (Applause.)

19           MR. MILLS: Lynn Teager?

20           (No response.)

21           MR. MILLS: No Lynn Teager?

22           SPEAKER: She just left.

61  
- 123-01

- 123-02

**123-02:** The proposed CHPE Project would be in the Hudson River for approximately 98 miles (158 km); however, to comply with NYSDOS conditions for conditional concurrence under the Coastal Zone Management Act (CZMA) and consistency with the New York State CMP, the CHPE Project route would be in a terrestrial configuration around the Haverstraw Bay SCFWH (see EIS Section 2.3.1). The Tappan Zee Bridge is outside of the scope of the EIS; however, that project also would not be in the Hudson River at Haverstraw Bay.

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Comment 124

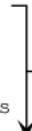
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1           MR. MILLS: Rich Thomas?

2           MR. THOMAS: Thank you, everybody. And I  
3 just want to especially say thanks to the Sons and  
4 Daughters of the American Revolution. Your families  
5 have really sacrificed the ultimate sacrifice to make  
6 this country. So I just want to say thank you.

7           (APPLAUSE.)

8           MR. THOMAS: Now, earlier today I submitted a  
9 statement on behalf of my chairman, Jerry Kremer. But I  
10 have a few more documents I just want to quote from and  
11 submit to you for consideration. One includes a letter  
12 that we issued to Congresswoman Nita Lowey in July of  
13 2012. And the -- I'm going to just skip ahead to the  
14 one, two, three, fourth paragraph where it says,  
15 "Champlain Hudson makes little economic sense for New  
16 York. Any positive economic impacts from CHPE will be  
17 short term." Key word "short term." "The jobs which  
18 will be created during the construction process will be  
19 temporary, as will the revenue generated from those  
20 positions. Further, despite the project developer's  
21 claims, Champlain Hudson will inhibit other developers  
22 from investing in much needed improvements to New York's



– 124-01 **124-01:** See responses to Comments 104-01 and 105-06.

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1 aging transmission and generation systems at a time when  
2 such improvements urgently needed. Jobs to build,  
3 enhance, and support New York's generation and  
4 transmission system will be shipped to Canada, along  
5 with New Yorkers' hard-earned dollars." That's a fact.

-124-01

6 And this letter is signed by, again, my  
7 chairman, Jerry Kremer, Deb Malone, the Executive  
8 Director of Hudson Valley Gateway Chamber of Commerce,  
9 Dr. Marsha Gordon, President and CEO of the Business  
10 Council of Westchester, Al Samuels, who is the President  
11 of the Rockland Business Association, Mattie Aracich,  
12 Business Manager of Insulators Local 12, Bill Mooney,  
13 the President of Westchester County Association, Tom  
14 Kline, who is Steve Ludwigson's predecessor, Lenny  
15 Carroll, President of the Bronx Chamber of Commerce,  
16 Melvin Burress, African American Men of Westchester, and  
17 Dr. Matthew Cordero, who is the former President and CEO  
18 of the Midwest Independent System Operator, one of the  
19 largest grid operators in the country. And also  
20 attached to it is an op-ed piece that that Al Samuels  
21 authored regarding to reject the Champlain Hudson Power  
22 Express. And I also have some testimony that was made

-124-02

**124-02:** The proposed CHPE Project would generally not prevent the development of other projects. See Comment 106-03.

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-124-02

1 in opposition to the line, some by Con Edison, some by  
2 Phil Wilcox, the Business Agent for IBEW Local 97, who  
3 you will probably hear from upstate, and also including  
4 the New York Power Authority. Each of these entities  
5 has expressed concern about the costs being understated.

6 But there's this one last thing I want to  
7 read before I run out of time, and that is-- hang on.  
8 Here we go. "Even if the Champlain line is developed,  
9 we cannot be assured that Canadian hydroelectric  
10 generators that assume suppliers of the power to New  
11 York via CHPE, will, in fact, continue to operate on a  
12 merchant basis. What happens if these out of State  
13 generators suddenly shift their priorities? The rolling  
14 blackouts and \$1,000 megawatt per hour cost experienced  
15 by California rate payers in 2000 and 2001 illustrates  
16 the danger of being over reliant on imported power."

-124-03 124-03: Comment noted.

17 (Applause.)

18 MR. MILLS: Steven Beckel?

19 MS. SMITH: Beckerle?

20 MR. MILLS: He'll tell us.

21 MR. BECKERLE: Steven Beckerle, 49 Beech

22 Road, Stony Point, New York. I'm going to have two hats

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Comment 125

65

1 tonight. I thank you guys for coming down to Stony  
2 Point. Appreciate it. I also would ask for an  
3 extension. I think we should be given the same study  
4 methods as the fish. She says three years, Scenic  
5 Hudson. I think the town people should get three years.  
6 What do you think?

125-01 125-01: See response to Comment 107-01.

7 SPEAKERS: Yes.

8 MR. BECKERLE: And I apologize for everybody  
9 interrupting you because I think if we hear you talk,  
10 we'll see the fallacy in the argument. So we should've  
11 let you talk. It's a democracy. Everybody should talk.

12 Okay. Thank you. I'm a resident at 49 Beech  
13 Road. I live in Stony Point. I live right next to the  
14 tracks. My property borders the CSX right-of-way. My  
15 house was built in 1835. It survived the Civil War. It  
16 survived the CSX line coming down in 1880. It was there  
17 before the CSX line. And more recently, we survived  
18 Sandy. I will not survive this CHPE. This CHPE will  
19 take my house.

125-02

125-02: According to the proposed CHPE Project route maps provided in Appendix B of the Joint Proposal (available on the NYSPSC Web site for the CHPE Project; see Map 516), the transmission line would be installed on the opposite side of the railroad tracks from this portion of Beach Road in Stony Point.

20 This project is not good for me personally.  
21 It's not good for the residents of Stony Point. And as  
22 my wife said, it's not good for anybody in Stony Point.

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1    Whether you're directly impacted or not, it is not good  
2    for Stony Point. And to take it to your position where  
3    you have to look at the greater good, maybe you  
4    sacrifice Stony Point for the greater good, but I also  
5    contend that it is not for the greater good. It's  
6    definitely not good for Stony Point. There's no  
7    argument there. But it is not good for New York State.  
8    It is not good for the United States.

-125-03 **125-03:** Comment noted.

9                         (Appause.)

10                        MR. BECKERLE: Okay. That's my resident  
11                        talk. Now, I'm going to be a businessman, and I'm not  
12                        going to make up my business because my business started  
13                        in 1940. My grandfather started Beckerle Lumber. We  
14                        employ 90 people. We have four branches in Rockland  
15                        County. In 2012 we paid, small business, 90 people,  
16                        \$1.7 million in real estate and sales tax. This figure  
17                        does not include payroll tax, income taxes, FICA tax,  
18                        Social Security tax, Medicare, Medicaid, workman's comp,  
19                        State, city, and the dreaded MTA tax that firms under  
20                        100 people have to pay. Over 100 people, you don't have  
21                        to pay, but we pay the MTA tax. I'm not griping. It's  
22                        a good life. This \$1.7 million does not include any of

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1 the taxes our 90 people pay that live and reside in  
2 Rockland County, all local people, all reside in  
3 Rockland County, believe it or not, a lot of families.

4 This line -- why do I bring this up? Well,  
5 it's a public forum. "Buy it Beckerle," right?

6 (Laughter.)

7 MR. BECKERLE: No. No. This line also goes  
8 through the town of Haverstraw. I have property, a  
9 five-acre property that borders the CSX line in  
10 Haverstraw. That property is threatened by this one  
11 pipeline, this little thing. Why? Why is it  
12 threatened? I'm going to continue. I would like to  
13 continue.

14 Why is it threatened? The Chaplain -- it's  
15 really threatened because it's bigger than this one.  
16 This is not about one line. This is about a company of  
17 -- a \$4 trillion company, Blackstone, that has an idea.  
18 TDI expressed the idea, good idea. It sounds like a  
19 great idea. But this trillion dollar company that makes  
20 \$2.2 billion in revenue last year, we're no match.

21 We're no match. A \$1.7 million company is no match for  
22 a trillion dollar company. That is not comprehensible. ] 125-04 125-04: Comment noted.

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1 So I believe that we're getting steamrolled, and we're  
2 getting steamrolled by the bigs.

3 I believe this project, if allowed to  
4 proceed, will just be the start of the local community  
5 being overrun. Recent U.S. Treasury estimates show \$400  
6 to \$500 billion is available in uncommitted capital in  
7 the U.S. investment community. I think we're going to  
8 be the blight. We're going to be the highway. We're  
9 going to be the information highway. Stony Point is  
10 going to be sacrificed if we let this start. We have to  
11 stop it now before it gets off the ground, put it in the  
12 river. I ask for an extension. And thank you for  
13 letting me talk.

14 (Applause.)

15 MR. MILLS: Jacquelyn Drechsler?

16 MS. DRECHSLER: I'm going to be wearing two  
17 hats, too. So I'm a private citizen and resident of  
18 Valley Cottage. And I'm here tonight-- actually I'm  
19 very glad for the opportunity to speak at this hearing  
20 on behalf of the Sierra Club Statewide Atlantic Chapter  
21 as well as the Sierra Club Lower Hudson, which  
22 encompasses Rockland, Westchester, and Putnam Counties,

-125-04

-125-05 **125-05:** Comment noted.

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Comment 126

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1 which are opposed to this project.

2 Just to let you know, the statement I'm  
3 reading was prepared by Sierra Club professionals, the  
4 Atlantic Chapter. Actually this letter was originally  
5 written to the Public Service Commission.

6 The Atlantic Chapter of the Sierra Club  
7 thanks you for the opportunity to provide comments on  
8 the proposed 333-mile Champlain Hudson Power Express  
9 Transmission Line from the Canadian border to Queens,  
10 New York. We are a volunteer-led environmental  
11 organization of 38,000 members Statewide dedicated to  
12 protecting New York's air, land, water, and remaining  
13 wild places. In general, the chapter believes New York  
14 State needs to support expanded in-State renewable  
15 energy development coupled with energy conservation and  
16 energy efficient programs in order to combat the worst  
17 effects of climate change. New York should not  
18 undermine these goals or exports its environmental  
19 problems through transmission lines that support the  
20 development of destructive Canadian hydropower on virgin  
21 rivers.

22 We have many concerns with the transmission

126-01  
↓

**126-01:** DOE complied with the requirements of NEPA (42 United States Code [U.S.C.] Part 4321 et seq.), Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations (CFR) Parts 1500–1508), and DOE implementing procedures for NEPA (10 CFR Part 1021). See responses to Comments 103-01 and 103-03 regarding reliability of the proposed CHPE Project. According to the Applicant, costs associated with the operation of the proposed CHPE project would

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1 line, including lack of reliability, dubious economic  
 2 benefits, negative environmental impacts associated with  
 3 the cable route, and issues with cost to rate payers,  
 4 which all happen to be in direct contradiction to the  
 5 objectives of the recently-proposed New York Energy  
 6 Highway Initiative.

7 Solar energy capacity in New York City has  
 8 increased 800 percent over the past six years, and the  
 9 city has passed its solar energy target of 8.1 MWs under  
 10 the federally-funded Solar America City Program three  
 11 years early. It is in our economic interest to expand  
 12 the solar market in this city of a million rooftops and  
 13 the efficiency potential as a result of the city's suite  
 14 of green building builds are wise solutions to our  
 15 energy needs and the best climate impact mitigation  
 16 option.

17 The developers of the Hudson Champlain  
 18 Express have claimed that the project will provide jobs  
 19 to New Yorkers and supply New York City with additional  
 20 energy. But the truth is that we already have the  
 21 potential to meet all of our energy needs with in-state  
 22 renewable resources and to create jobs that support a

70

126-01

not be directly passed on to ratepayers. Also see response to Comment 113-02 regarding the purpose of the CHPE Project and its nexus with economic benefits. Although the CHPE Project could result in adverse environmental impacts, the Applicant has committed to implementing best management practices (BMPs) to avoid or reduce environmental impacts during construction and operation of the proposed CHPE Project (see EIS Section 2.4.12 and Appendix G). See response to Comment 816-12 regarding the CHPE Project's consistency with the New York Energy Highway Blueprint.

126-02

**126-02:** Comment noted. The source of the electric power in Canada is outside the scope of the EIS. Additionally, the proposed CHPE Project would not prevent the development of other projects.

126-03

**126-03:** Energy efficiency and conservation measures were considered in the EIS but eliminated from further detailed analysis because DOE determined that these measures alone were not a reasonable alternative to the proposed CHPE Project (see EIS Section 2.5.3). Additionally, in-state renewable energy projects are outside the scope of the EIS.

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1 sustainable energy infrastructure. Simply put, this  
2 project threatens the viability of in-State renewable  
3 energy and energy efficiency programs. It also fails to  
4 comply with the renewable portfolio standard of New York  
5 as 98 percent of the electricity transmitted through  
6 this electric cable is produced by the destruction of  
7 pristine rivers in Canada. Large-scale hydroelectric  
8 dam systems are not greenhouse gas free.

9         This project threatens the traditions and  
10 livelihood of the Cree and Inuit people through the  
11 damming of virgin rivers in Canada and flooding of  
12 wildlife corridors. As Roger Orr, Cree resident of  
13 James Bay Quebec has said, "No amount of money can make  
14 up for the loss of a river. With the loss of a river  
15 follows the loss of fish and wild game, the loss of a  
16 culture, the loss of connection to the land, the loss of  
17 independence, the loss of pride, the loss of an  
18 effective social structure, the loss of self  
19 responsibility, the loss of the meaning and purpose in  
20 life and society, the loss of freedom," and the list  
21 goes on and on.

22         On the U.S. side of the border, routing of

126-03  
126-04  
126-05  
126-06

**126-04:** See Comment 106-03. The proposed CHPE Project would not prevent the development of other projects. Impacts in Canada are outside the scope of the EIS.

**126-05:** Comment noted. Impacts in Canada are outside the scope of the EIS.

**126-06:** The NYSPSC Administrative Law Judges and the NYSDEC determined that decisionmaking associated with the proposed CHPE Project and this EIS are not the appropriate forum for analyzing the Article XIV "Forever Wild" clause or for determining New York State Office of General Services' authority to grant leases or other property rights to lands submerged under Lake Champlain. Therefore, the status of portions of the proposed CHPE Project route as Forest Preserve and the associated applicability of the "Forever Wild" clause are not discussed further in this EIS. See Section 3.1.1 in the EIS for discussion of the Forever Wild clause.

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1 the electric cable within the Adirondack and Rockland  
2 State Parks violates Article 14 of the New York State  
3 Constitution, the Forever Wild provision.

4           The Sierra Club Atlantic Chapter asks again  
5 that the Public Service Commission, since this was  
6 originally to the Public Service Commission, but we're  
7 asking it of you, that we request an opinion by the New  
8 York State Attorney General regarding this important  
9 concern. The precedent set by this property taking of  
10 public land will have a ripple effect through other like  
11 developments that threaten New York's wilderness legacy.

12           The impacts of increasing reliance on out of  
13 State generation must be studied and compared with in  
14 State deployment of efficiency, conservation, and  
15 renewable forms of energy. The creation of in-State  
16 jobs and economic revitalization must be assessed as  
17 well as the economic losses due to imports. In the  
18 context of this development, the Public Service  
19 Commission and you have a primary obligation to support  
20 and promote the development of a sustainable energy  
21 economy in the City and State of New York before it  
22 looks to exploit Canadian resources and indigenous

126-06

126-07

**126-07:** Comment noted. In-state renewable energy projects are outside the scope of the EIS.

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1 peoples. There is no need for the Champlain Hudson  
2 Power Express Transmission Proposal, and it is not in  
3 the public interest. We truly need clean energy in New  
4 York made by and for New Yorkers. Thank you for these  
5 comments.

6 (Applause.)

7 MS. DRECHSLER: Now, if I may just have about  
8 one more minute just for my own personal as a resident.

9 I have a great love for Rockland Lake, and Hook  
10 Mountain State Park, and all of Rockland County. This  
11 is a very historic area. And all of these other  
12 beautiful areas that everyone in Rockland County enjoy  
13 these other areas are also going to be affected by this  
14 proposal.

15 These are areas that are very precious to us,  
16 and we do question whether a rigorous environmental  
17 review has been done. And I do believe that an  
18 extension is necessary. Our river has been traumatized  
19 for decades. And right now we have a confluence of  
20 things converging into Rockland County and to this area  
21 of Stony Point and Haverstraw, and it will just decimate  
22 the area. We have Indian Point. We have the Ramapo

126-08 **126-08:** Comment noted.

126-09 **126-09:** See responses to Comments 106-03 and 109-08. Section 6.1.1 of the EIS discusses potential cumulative impacts from other actions including past, present, and reasonably foreseeable actions.

For Comment 126-10 and its response, see the pages following Comment 130.

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Comment 127

1 Fault. We have the Spectra gas line. We have this  
2 transmission line. We have the GSX extension. We have  
3 the desalination plant, and we have the Tappan Zee  
4 Bridge. There is so much happening here. There is so  
5 much risk. There is so much risk in our county for the  
6 public safety. And I really do hope that you will take  
7 all of this under advisement. Thank you very much.

74  
126-09

8 (Applause.)

9 MR. MILLS: Lynn Teager?

10 MR. MILLS: Did she come back?

11 SPEAKER: She left.

12 MR. MILLS: She left?

13 MS. SMITH: Oh, okay.

14 MR. MILLS: Would anybody else who hasn't  
15 registered to speak like to speak?

16 MR. DIEDRICH: I don't think I'm registered.

17 MR. MILLS: Well, we'll get -- you don't want  
18 to speak?

19 MR. DIEDRICH: Yeah, I do.

20 MS. SMITH: Please go ahead.

21 MR. DIEDRICH: Michael Diedrich. I've been a  
22 Stony Point resident for over 50 years. I concur in

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1 everything that Stony Point -- Stony Pointers have said  
2 here tonight, so I'll limit my comments to some things I  
3 think might be useful for your decision making.

4 I think the DoE needs to look at the bigger  
5 picture, the more long-term picture, and the more  
6 sustainable picture regarding this project, and I have  
7 four points I want to discuss. One is environmental and  
8 historic aspects or concerns for Stony Point. Two is  
9 the socioeconomic impacts on Stony Point and North  
10 Rockland. Three is energy policy, regional, and State,  
11 and national. And fourth is environmental segmentation  
12 regarding your environmental impact statement process.

13 So as to the environmental and historic, I  
14 think many speakers have already made this very clear.  
15 We're in what is really the world recognizes as one of  
16 the most scenic areas of the world in the Hudson River  
17 Valley. So this is not a location that we should  
18 despoil in any way, so if you're going to have a cable,  
19 it should be under the river, not viewable from our  
20 landscape. And we're a very historic town. I mean,  
21 this is -- we were the first Revolutionary War victory  
22 against the British.

127-01            127-02

**127-01:** The transmission cables would be buried underground through Stony Point and, thus, would not be visible. There would be approximately two cooling stations located aboveground along the transmission line route in Stony Point that would be visible (see EIS Section 5.3.11).

**127-02:** See response to Comment 109-06.

1       Okay. As to the socioeconomic impacts, I  
2 don't see any benefit long-term for this project, and I  
3 think you need to consider what I'll mention in a moment  
4 regarding energy policy. You need to consider that the  
5 socioeconomic, especially economic benefits of this  
6 project are minimal, and there would be a much greater  
7 economic benefit with all sorts of other possibilities,  
8 many of which have been already expressed here tonight.

127-03

**127-03:** Comment noted. See responses to Comments 104-01 and 117-02.

9       So that brings me to the third item, which is  
10 environmental policy -- sorry, energy policy. I think  
11 especially the U.S. Department of Energy, if you're only  
12 going to look at this project in the narrow temporal  
13 time wise and the narrow scope of this particular  
14 project, I think that is a very narrow view. I think  
15 you need to be looking at a regional and State energy  
16 policy and what it should be. All sorts of things have  
17 not been considered in connection with importing energy  
18 from Canada.

127-04

**127-04:** Section 6.1 of the EIS identifies broader regional and state energy policies, and analyzes the proposed CHPE Project's cumulative impact with these policies.

19       I think -- I mean, hydro power is fine  
20 except, A, I think as the Sierra Club pointed out, I  
21 think if you don't have the power, that's too bad, but I  
22 really think you should consider environmental impacts

127-05

**127-05:** Comment noted. Impacts in Canada are outside the scope of the EIS.

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1   in Canada, A. B is I think you need to look at with the  
2   New York State, all the various things that we should be  
3   doing for regional and Statewide energy policy, looking  
4   at the issue of hydro fracking, looking at renewable  
5   energy, wind, and looking at what is sustainable in this  
6   region.

7                 I think importing energy from Canada, that's  
8   always going to be an option, but that doesn't help us  
9   right now. I think what you, DoE, should be doing is  
10   looking at what the bigger picture is regarding regional  
11   energy planning that works for this region and the  
12   State.

13                 And lastly, regarding segmentation. If you  
14   only look at this narrow project, you're missing all the  
15   other developmental things that are going to be coming  
16   down after it, including the potential for other energy  
17   providers coming down the Hudson, and also not looking  
18   at things like transportation planning, regional  
19   transportation planning, and other things that we really  
20   should be looking at in connection with power. So those  
21   are my comments. Thank you.

22                 (Applause.)

77  
↑ 127-05

- 127-06

**127-06:** The impacts of the CHPE Project in combination with other energy, transportation, and other industry projects are discussed in Section 6 of the EIS.

- 127-07

**127-07:** See response to Comment 110-03.

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Comments 128 and 129

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1           MR. MILLS: Thank you. If there's nobody --  
2   is there anybody who has not registered who wants to  
3   speak?

4           MS. SMITH: The gentleman over here, Brian.  
5   The gentleman there, and the gentleman there.

6           MR. GUARINO: Good evening. My name is Alex  
7   Guarino. I'm the Assistant District Supervisor for the  
8   Town of Haverstraw. Unfortunately, the Supervisor had a  
9   previous commitment tonight and could make it. He  
10   apologizes.

11          He wanted me to just let you all know that  
12   he's been opposed to this from the beginning. He  
13   continues to be opposed to it. It makes no sense. We  
14   need to retool local infrastructure. We have Bowline 3.  
15   We have Lovett. We need to put local people back to  
16   work. And thank you very much.

17          (Applause.)

18          MR. MILLS: Thank you.

19          MR. MCDONALD: My name is Jim McDonald. I'm  
20   a town councilman at the present time, and I'd like to  
21   just review a few things.

22          Fifteen years ago, our politicians in Albany

- 128-01

**128-01:** Comment noted. Evaluation of uses of other power generation facilities, including Bowline, is outside the scope of the EIS.

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1 decided that we needed to deregulate our plants. And we  
2 had a fantastic structure here that took care of our  
3 residents and took care of our schools. So they  
4 deregulated, and in came the plants from the south, who  
5 do not pay tax structure like New York, okay? They came  
6 in and they took us to court. Where was the court? In  
7 Texas. The judge in Texas said, oh, you got to give  
8 them back all this money. Our school district is paying  
9 \$11 million a year to catch up on that, okay?

10 So next, our two plants go down. Jobs  
11 disappear for residents that were working in those  
12 plants. Then we come and we find out about this line.  
13 It's a good thing for this lady sitting right here,  
14 Susan, who told about this line.

15 (Applause.)

16 MR. MCDONALD: And again, we find out that  
17 our politicians in Albany are involved with this even  
18 though they're going no, no, no, including the Governor  
19 that's in my party. And who's going to benefit from  
20 this? The people that are going to make all the money  
21 and have been making all the money for the past five  
22 years on the stock market, not the local residents of

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1 this State.

2           We can redo our grid. We can put all the  
3 people to work as we should have after what happened in  
4 Ohio 10 years ago. And we haven't started to rebuild  
5 this infrastructure right now. We don't need help from  
6 Canada. We can do it right here in the United States.

129-01 129-01: Comment noted.

7           (APPLAUSE.)

8           MR. MILLS: Is there anybody else who hasn't  
9 registered to speak want to speak? Right here.

10          MS. KONOPKO: I registered, but I did not  
11 check off that I wanted to speak. Luanne Konopko. I'm  
12 also a town councilwoman for the Town of Stony Point. I  
13 just want to thank everybody for speaking out, for  
14 trying to protect what we have here. What little we  
15 have here, it's ours. It might be little, but it's  
16 ours.

17          I echo and applaud everything that everybody  
18 else has said. I'm not a fact and figure person. I  
19 appreciate anybody that took the time to figure out the  
20 actual numbers, the economic impact, for example. What  
21 I do want to add that nobody else did say up until this  
22 point is that we have an opportunity to rebuild, to

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Comment 130

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1 build back better. I'm one of the people on the New  
2 York Rising Committee in Stony Point. A number of  
3 people in this room are also members of the New York  
4 Rising Committee. And this is the Governor's initiative  
5 to build back better after Hurricanes Irene and Sandy.  
6 We were devastated by both. Once again, the riverfront  
7 is our livelihood. Riverfront and Revolutionary, those  
8 are the two things that identify Stony Point.

9           And I just want to add-- I just want to add  
10 a P.S. that the Champlain Hudson Power Express is slated  
11 to go right through the very area that the New York  
12 Rising Program is supposed to build back better. Thank  
13 you.

14           (Applause.)

15           MR. MILLS: Somebody else wanted to speak  
16 over here? Who hasn't registered to speak wishes to  
17 speak?

18           SPEAKER: Can we give Susan the time of other  
19 people?

20           MR. MILLS: We can handle it.

21           SPEAKER: Okay.

22           MR. MILLS: If you've already spoken and you

- 130-01   **130-01:** See response to Comment 106-03.

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Comment 109

82

1 would like another three minutes.

2 (Laughter.)

3 MR. MILLS: Yes, you can.

4 MS. SMITH: It's a challenge.

5 (Applause.)

6 MR. MILLS: It's a challenge.

7 MS. FILGUERAS: Thank you. I will try.

8 First off, I asked the New York State Public Service  
9 Commission at the United Water Haverstraw Desalination  
10 meeting a month ago if they had looked at the overall  
11 finances of the program. And I apologize for such a  
12 small picture, but you guys wouldn't let me bring the  
13 rest of my pictures in.

14 What you have to realize, and I did give to  
15 Mr. Mills a copy of this picture with a few more pieces\$  
16 and in addition, a copy of a video that we held the  
17 meeting her with the Champlain Hudson Power Express.  
18 Let's review the finances. TDI -- it goes Champlain  
19 Hudson Power Express, a/k/a TDI, a/k/a the Blackstone  
20 Group. The Blackstone Group is the group that managed  
21 the bankruptcy for Mirant Bowline and Lovett power  
22 plants. We paid them \$7 million and \$225 a month in

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1 expenses. They took their last check in March of 2007.

2 In very early January of '10, Blackstone  
3 purchased TDI. As we look, we now have-- we know where  
4 Champlain is coming down. It converges on the  
5 Haverstraw-Stony Point border with the proposed United  
6 Water desal plant. United Water's parent is GDF Suez,  
7 the very company that Blackstone helped to form. They  
8 negotiated between then Suez and the French government,  
9 GDF Suez.

10 So added to that, TDI-Champlain Hudson Power  
11 Express, same company, negotiated with GDF Suez or  
12 stated in their documents that they would buy the  
13 additional 550 megawatts of power that the Champlain  
14 Hudson Power Express was short from their plant in  
15 Queens. Now, that may have changed. It's in the  
16 documents.

17 We now have Blackstone with the United Water  
18 Diesel plant. And let me state for the record, and I'll  
19 put it in blood, in the Town of Stony Point, there is no  
20 right-of-way on the CSX line. There are .2 miles. One  
21 happens at Kay Fries where there is an overpass. It  
22 widens. And I'm not sure where the second one. It is

- 109-05

**109-05:** The proposed route of the CHPE Project within Stony Point would be located in approximately 1.1 linear miles (1.8 linear km) of railroad ROW and 0.9 linear miles (1.4 linear km) of deviation zone approved by NYSPSC. As proposed, approximately 2.3 acres (0.9 hectares) of the 20-foot (6-meter) wide permanent transmission line ROW would occur within railroad ROW, and up to 2.6 acres (1.1 hectares) would occur outside the railroad ROW in Stony Point. EIS Sections 2.4.4 and 5.3.1 discuss the ROW for the terrestrial portion of the Hudson River Segment.

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1 miniscule. If you travel throughout the route, which I  
2 have not done, I would bet you that's what we're going  
3 to find.

4 I object to this right-of-way language when  
5 it isn't, and we have told them consistently and solidly  
6 for two years we're not selling. I object. I am  
7 offended and insulted that they are going to bring that  
8 line through the Stony Point Battlefield. The American  
9 Revolution was fought and won there. It's one of the  
10 few battles, altercations --

11 (Applause.)

12 MS. FILGUERAS: -- that was fought that the  
13 American rebels kicked their butts.

14 SPEAKER: It was the first.

15 MS. FILGUERAS: It was -- thank you. Okay.  
16 We stood up for ourselves. And I will quote Mr.  
17 Jessome. He's in the back. When I reminded-- when I  
18 simply brought it up and they did not know at the very  
19 first meeting that they had planned to go through the  
20 Waldron Cemetery, his answer was, well, shoot a bullet  
21 through it. How deep is the bullet? Three feet. I'm  
22 speechless. I'm offended. It's wrong.

109-05  
109-06

**109-06:** The proposed CHPE Project transmission line would be installed using HDD technology under the Stony Point Battlefield State Historic Site (see EIS Section 5.3.10).

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1           The Stony Point Battlefield is sacred. The  
2 Waldron Cemetery -- Mr. Brooks descends from the people  
3 who fought the Revolution. Anita Babcock, Gino Dell. I  
4 think the Casscles might have been in that battle as  
5 well. But these are people that descended from those  
6 who fought for our rights.

7           The Blackstone has financial interest. They  
8 negotiated the CSX right-of-way. The GDF Suez tie is  
9 there and in the joint proposal and in the prior  
10 documents. And one other small thing. If you're  
11 familiar with a plant called Danskammer in Newburgh,  
12 they are involved, according to their website, in all  
13 facets of the bankruptcy for Danskammer. And in January  
14 of this year, they filed an expedited plan to turn the  
15 plant off. And in October, they filed a second plan to  
16 relight the plant. They're only the manager, but do we  
17 want somebody, a single entity, with that much market  
18 power. That is the third plant on the route of the  
19 transmission line.

20           They bankrupted Mirant, Bowline, and Lovett.  
21 Lovett was torn down. The Danskammer plant, it goes  
22 down, it goes up. And that's kind of unprecedented.

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1 Does the --

2 Now, Danskammer's excuse -- Danskammer's  
3 reasoning was they've put a new market zone in the New  
4 York State grid. Does that question the need for this  
5 line? If they've added a new market zone, do we need  
6 the line? I don't know the answer to that. I'm not--

7 So what I'm saying to you is Blackstone has  
8 ties, multiple ties, to this project in different  
9 companies. And I'm asking you to review those.

10 Everything should be an arm's length apart. Are they?  
11 This project has the potential to tear the fabric of  
12 towns in half, and if you go further upstate, it's going  
13 down through the middle of streets.

14 We again say this is our property. We don't  
15 want to sell it. We're not saying not in our backyard  
16 because Spectra is bringing a 44-inch high pressure  
17 natural gas main clear across the county through the  
18 middle of Stony Point out to the front of the Lovett  
19 power plant site. It's a 44-inch pipe. They are going  
20 to frack it across the Ramapo Fault. And over top of  
21 that, CHPE will lay 1,000 megawatts of hot power. I  
22 don't know the Ramapo Fault, the nuclear plant,

**109-07:** The transmission line would be installed under city streets in Schenectady for 1.3 miles (2.1 km) due to engineering constraints associated with use of the railroad ROW in that location. Apart from small deviation areas and being within the New York State Route 22 ROW for 11 miles (17 km) between Dresden and Whitehall after exiting Lake Champlain, this is the only substantial deviation from the railroad ROW in the Overland Segment of the route between Lake Champlain and the Hudson River (see EIS Section 2.4.1).

**109-08:** The risk of seismic hazards relative to the proposed CHPE Project is discussed in Section 3.3.9 of the EIS. During a seismic event, which would be rare, it is possible that damage to the transmission line could be sustained; however, seismic events in the Hudson River Segment have a low potential for damage. Section 6.1.2 of the EIS discusses potential cumulative impacts from other past, current, and future activities when combined with the proposed CHPE Project.

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Comment 126

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↑ 109-08

1 transmission line. It kind of smells of a disaster.

2 I thank you. I will be submitting well  
3 written comments noted by page. I will have a--  
4 anybody who wants to join me, we will have a letter  
5 writing party so that we may reference each and every  
6 one of our points back to the documents. But this is  
7 what we came away with. There are 26 jobs. The jobs  
8 are specialized and will be imported. We're not  
9 objecting to power that's in our back yard. We're not  
10 nimbies. We have power plant sites. Help us help  
11 ourselves and rebuild Bowline and Lovett so we can make  
12 our towns better. Thank you.

13 (Applause.)

14 MS. DRECHSLER: I'm sorry. I have to just go  
15 to back Rockland Lake and Hook Mountain, because we know  
16 that these -- this line is being moved. What the Sierra  
17 Club would like to know, and other people as well, is  
18 what is the actual route -- the actual route? There is  
19 none. Okay. We need to know the actual route. Is it  
20 going down to the river? How is it going to be  
21 affecting these other areas well?

22 We need a real clear understanding of this

- 126-10

**126-10:** Appendix A of the EIS provides maps that outline the proposed CHPE Project transmission line route in full detail. Negotiation of the project route with the State of New York through the NYSPSC Article VII process culminated in the Joint Proposal in February 2012. The project route has not changed since then.

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Comment 112

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1 project. And as people here tonight have been saying,  
2 this -- there are already other ways to get the power.  
3 This is just such an unbelievable waste of money to do  
4 something like this when there are ways to already  
5 utilize what's already existing in Rockland County and  
6 put it back to work. So thank you very much.

7 (Applause.)

8 MR. MILLS: One minute, okay.

9 MR. CASSCLES: I only need one minute.

10 MR. MILLS: One minute.

11 MR. CASSCLES: I want to quote two items from  
12 the EIS.

13 MR. MILLS: State your name again.

14 MR. CASSCLES: Wellington Casscles. Okay.

15 Page S-3, halfway down the page, just one sentence.

16 "Therefore, it is possible" -- more likely probable --  
17 "that the proposed CHPE Project Power will be purchased  
18 first and displace natural gas and fuel sources of  
19 electric generating supply in this region." In other  
20 words, like they said on the next page. They're going  
21 to reduce the air pollution, greenhouse gas emissions  
22 within the New York City area "by alleviating the ned

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1 to operate one or more existing fossil fuel power  
2 plants."

3 They say they're going to create 26 jobs.  
4 You shut down a power plant. How many jobs are you  
5 taking away? And if they're going to shut down power  
6 plants, the megawatts that they're going to produce,  
7 we're not gaining anything. We're probably going to  
8 wind up losing.

9 What we should do is build another power  
10 plant like Big Alice, which is twice the size of their  
11 CHPE line. Build another big power plant or two smaller  
12 ones that'll give us 2,000 megawatts, and tell them to  
13 take their Canadian power and keep it.

14 (Applause.)

15 MS. CASSCLES: Rebecca Casscles, 69 Beech  
16 Road. I'm sure by now you've realized we are passionate  
17 about our town. I also belong to the New York Rising  
18 Committee, along with Luanne, and Susan, and my husband.  
19 We're so involved. We spent a Saturday afternoon from  
20 10:00 in the morning until 10:00 at night going over  
21 this project. My husband's family has been in this area  
22 since the late 1600s.

112-04

**112-04:** See response to Comment 104-01. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs.

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## Comment 113

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1           I happen to be a carpetbagger. I'm asking  
2 for an extension. This committee, the Just Say No  
3 Committee, has read every piece of paper that has come  
4 down. But we are not lawyers, and it's going to take us  
5 to digest this, to come up with questions. Also in the  
6 beginning the CHPE Project was going to end at the  
7 Astoria Queens Substation. Suddenly it's ending in  
8 Ravenswood. Anybody here heard of Big Alice? Why is it  
9 going from a substation to a power plant? I have  
10 concerns about this.

11           I'm inviting each and every one of you to  
12 come to our home and walk the line with us. I'll serve  
13 coffee and cookies. But I think you need to come to see  
14 what it is that we are up against. We're going to lose  
15 some of our property. We will now have a rental that  
16 will be a nonconforming building on a nonconforming lot.  
17 That building is what helps pay our taxes in this town.

18           And again, one house off the railroad tracks  
19 for the 2.2 miles, we generate \$1 million in town taxes.  
20 One million dollars. The CHPE will only be giving the  
21 town about \$220,000.

22           So please, I beg you, give us this extension

113-10 **113-10:** See response to Comment 107-01.

113-11 **113-11:** See response to Comment 109-04.

113-12 **113-12:** See response to Comment 113-01.

113-13 **113-13:** See response to Comment 113-01.

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Comment 121

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1 because I feel like this is a David and Goliath battle.  
2 We don't have the wherewithal that TDI and Blackstone  
3 have. Please, please, give us the opportunity to digest  
4 this and let us take a look at it and submit really  
5 fundamental questions. Thank you.

6 (Applause.)

7 MR. WALDRON: Just a couple of things. I  
8 don't know if you're aware, but inside this information  
9 right from CHPE, this power line only lasts 40 years,  
10 maybe a little bit more. That's ridiculous. Forty  
11 years. That's the life expectancy. I can show it to  
12 you after I'm done. I'll do it.

13 I also have to second the extension process.  
14 I respectfully say you must -- respectfully say you  
15 must give us that. And, two, this is a little off the  
16 beaten track, but if a little animated gecko for the  
17 Geico commercial can claim that we are the Empire State  
18 because we have the resources, I say it's time we use  
19 these resources from New York State, not a foreign  
20 country. We shouldn't be relying on foreign power or  
21 foreign power for our country for our energy. That's  
22 ridiculous, I'm sorry. Thank you.

121-06 **121-06:** The lifespan of the proposed CHPE project would be 40 years or more (see EIS Section 2.4.13).

121-07 **121-07:** See response to Comment 107-01.

121-08 **121-08:** See response to Comment 126-02.

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Comment 119

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1                    (Applause.)

2                    MR. MILLS: Thank you.

3                    MS. FURLONG: Can I talk from here because I  
4 have trouble standing. I can do it without a  
5 microphone. I yell at kids. Okay. Mary Ellen Furlong.  
6 I remember a number of years ago in California, there  
7 was a big scandal regarding a project-- a company  
8 called Enron regarding the purchase and repurchase and  
9 selling of power, and the corruption, and all the jobs  
10 in the economy that were destroyed.

11                  Now, it's been brought up that Blackstone has  
12 a connection to all of these entities. How do we know  
13 that they're not going to be an Enron, and that they are  
14 going to not manipulate the power and the price of power  
15 coming down from Canada to New York? How do we know  
16 that they're not complicit in the destruction of jobs  
17 and the destruction of the economy for their profit?

18                  You, Mr. Mills, and you, Ms. McDonald, and  
19 Ms. Smith, and Mr. Palmer, you have a big job because we  
20 have been steamrolled and put behind the eight ball,  
21 because we're a little town in the smallest county in  
22 New York. And they think they can do whatever they want

119-08

**119-08:** Comment noted. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs or negatively impact economic development (see response to Comment 104-01). In addition, the operation of the CHPE Transmission Line is subject to the conditions of the NYSPSC Certificate and the Federal Energy Regulatory Commission (FERC) Order Docket No. ER10-1175-000 issued to the Applicant on July 10, 2010.

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1 here, and they can't because it's time that people speak  
2 up and say no. You can't invade our town. You can't  
3 rip the heart out of it. You can't destroy our schools  
4 because we won't have a tax base to support them. We  
5 won't have people making money or having jobs because  
6 you've transported those jobs out of New York State.

7           You need to sit down with our Governor, and  
8 our town, and our education systems, and everybody, and  
9 develop a plan that will give our children and us a  
10 developed program that will provide jobs and a tax base  
11 that will support this town, and this county, and this  
12 State to make it a successful place. And that's a big  
13 responsibility. And I think you need to live up to it,  
14 and everybody in Albany needs to live up to what they  
15 are doing up there. It's not for their benefit, but  
16 it's for the benefit of the citizens of this State and  
17 this town.

18           That's why they're up there. That's why you  
19 are up there. Government needs to be responsible, and  
20 if you're not responsible, then we need to replace you  
21 and put somebody in there who will respond to the people  
22 because we're fed up. And we're tired of being ignore

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Comment 117

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1 and run over. And I'm sorry if it's a little  
2 disrespectful, but that's how we feel. We are tired of  
3 it.

4 And Ms. Susan and Rebecca and everybody, they  
5 try so hard to build up this town, and everybody thinks,  
6 oh, it's just Stony Point, what are they? Well, I think  
7 they might find out we're a lot tougher than what people  
8 imagine us to be. Thank you.

9 (Applause.)

10 MR. MILLS: If there are no other speakers.

11 Yes?

12 MR. WALDRON: We could stay up for hours. We  
13 could. We could stay up for hours. I got more to say,  
14 but we have to end sometime. You should meet with us  
15 somehow.

16 MR. LUDWIGSON: Steve Ludwigson with the  
17 Boilermakers. I already what I wanted earlier. Just  
18 one thing I want to make clear. In New York State when  
19 they purchase power, okay, if Mr. Jessome can produce it  
20 for, say, \$15 a megawatt and everybody else is paying  
21 \$50, okay, it makes it sound like you're saving \$35 a  
22 megawatt. But in New York State, whatever the highest

117-05

**117-05:** Comment noted. The New York State electricity market is regulated by the NYSPSC and the New York Independent System Operator (NYISO). The pricing mechanisms for power purchases in the New York State electricity market are not the subject of this EIS.

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1 price paid for power, everybody gets it.

2 So if you're paying \$50, he's getting \$50  
3 even though it's only costing him \$15. All we're doing  
4 is displacing money from New York and employers in New  
5 York that could be making it and sending it to Canada,  
6 okay? And it might seem like, okay, you have a choice.

7 Well, New York City, 80 percent of the power is  
8 supposed to be produced in the five boroughs of New York  
9 City. I know Indian Point supplies some of the other 20  
10 percent regardless. Eighty percent manufactured, built,  
11 supplied, New York City.

12 There's an exception. New York City used to  
13 run on DC power, and they never took it out of the  
14 rules. So if you can produce DC power, you get the  
15 first bite at the apple. Right now you've got a  
16 thousand megawatts with one line coming down. According  
17 to Susan, there's four or five more coming in behind it  
18 that are already looking for their permits waiting to  
19 see where this goes. That could be 6,000 megawatts that  
20 you'll never get to produce again in New York. Nobody  
21 will make the money on it here. It'll all go north,  
22 okay?

- 117-05

- 117-06 **117-06:** See response to Comment 110-03.

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1           So it's not -- I know this is environmental  
2 whether it's safe for the river or not safe for the  
3 river. This is jobs. This is people's livelihoods.  
4 And we really need to look at that. Thank you.

117-07 **117-07:** See response to Comment 104-01.

5           (Applause.)

6           MR. MILLS: Thank you. One more.

7           MR. MCPARTLAND: Brian McPartland, Local 503,  
8 IBEW. As I said before, we represented the people that  
9 worked in the power plants. The one power plant is  
10 leveled. We had 250 people working between two power  
11 plants. Now we have 36 working at Bowline. If we  
12 constructed power plants here, do you know how many  
13 trades would be taken into that? Do you know how many  
14 -- the boilermakers would make money, the electricians  
15 would make money, the town would make money. Everybody  
16 would make money. That's -- and, yes, naturally I would  
17 hope to represent the people that are at that plant.

117-08 **117-08:** The proposed CHPE Project would not prevent the development of other projects.

18           But we have to understand that by sending  
19 this to Canada and bringing it down, we're just  
20 bypassing a whole industry that's right here. And I  
21 understand the laborers, okay, they got a project labor  
22 agreement, and I understand they got to deal cut. I

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1 understand that. Twenty-six jobs. You heard it. You  
2 heard the facts. The facts are 26 jobs. If you  
3 constructed power plants at Bowline and Lovett, you'd  
4 probably have more because somebody has got to do the  
5 work to get the grounds laid.

6 All right, that's it. Thanks.

7 (Applause.)

8 MR. MILLS: Thank you. All right.

9 (Laughter.)

10 SPEAKER: I can keep going.

11 MR. MILLS: That's okay. Shall we gavel it?

12 This hearing is now adjourned.

13 (Whereupon, at 8:20 p.m., the meeting was  
14 adjourned.)

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3 CHAMPLAIN HUDSON EXPRESS TRANSMISSION

4 TRANSMISSION LINE PROJECT

5

6 DOE EIS PUBLIC HEARING

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14 Tuesday, November 19, 2013

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19

20 Holiday Inn Albany - Wolf Road

21 205 Wolf Road

22 Albany, New York 12205

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1                           PARTICIPANTS

2

3   AGENCY REPRESENTATIVES/HEARING OFFICERS:

4   BRIAN MILLS

5   JODI MCDONALD

6   JULIE SMITH

7

8   PUBLIC PARTICIPANTS:

9   ANTHONY FRESINA

10   CAROL TANSEY

11   TOM ELLIS

12   PAUL CAPEL

13   SANDY STEUBING

14   JESSICA SEMON

15   STEVEN LUDWIGSON

16   LAVAR SMITH

17   JURGEN WEKERLE

18   SUSAN LAWRENCE

19   PHIL WILCOX

20

21

22

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1 PROCEEDINGS

2 (6:00 p.m.)

3 MR. MILLS: Good evening. Please go ahead and  
4 get seated. My name is Brian Mills with the Department  
5 of Energy. Before we get started with the hearing, I'd  
6 like to open up with some general housekeeping items.

7               Those folks who would like to make verbal  
8 comments should sign up at the registration desk at the  
9 -- out the front of the door. A stenographer will be  
10 recording all verbal comments, so we ask that you speak  
11 clearly into the microphone being provided for this  
12 purpose. Any written comments on the EIS that you would  
13 like to hand over tonight can be submitted at the  
14 registration table at any point this evening. With  
15 that, we can get started.

16 MS. SMITH: Good evening. I'm Julie Smith,  
17 and I'd like to thank you for taking your time out of  
18 your busy day to attend this hearing. I work for the  
19 U.S. Department of Energy in the Office of Electricity  
20 Delivery and Energy Reliability. I along with Jodi  
21 McDonald from the U.S. Corps of Engineers will be the  
22 hearing officers today.

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1               The reason we are here is Champlain Hudson  
2 Power Express is proposing to construct an international  
3 transmission line. They've asked the Department of  
4 Energy for a presidential permit. A presidential permit  
5 is needed before any transmission line can be built  
6 across the U.S. international border. DoE determined  
7 that an environmental impact statement would be the  
8 appropriate level of analysis for this presidential  
9 permit.

10              This is a public hearing on the Champlain  
11 Hudson Power Express Transmission Line Project draft  
12 Environmental Impact Statement. That's a mouthful, so  
13 I'm going to refer to that from now on as the draft EIS.  
14 Once we begin the hearing, we will hear from you in the  
15 order that you signed up. If you wish to speak but have  
16 not signed up, you can sign up at the registration table  
17 outside the doors.

18              For those of you who may not be familiar with  
19 the process that we go through in preparing an EIS and  
20 where we are for this particular project in the process,  
21 I'll cover some of the steps here briefly. Although I'm  
22 sure you've all read the draft EIS available on our EIS

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1 website, you can also find more detailed information for  
2 the process and this project, again, on that website.

3           The first step in the EIS process is we start  
4 public participation by issuing a Notice of Intent to  
5 Prepare an Environmental Impact Statement, an EIS. For  
6 this project, DoE issued our Notice of Intent on June  
7 18, 2010, and an amended notice on April 30th, 2012.

8 The Notice of Intent begins a process that we call  
9 scoping, which is an opportunity for the public to tell  
10 us their issues and concerns related to the project. We  
11 use this input to help us prepare the draft EIS. If you  
12 commented during the scoping period, we used your  
13 scoping comments to determine which alternatives and  
14 which issues we needed to address in the EIS.

15           The next step in the process is to prepare the  
16 actual draft EIS. The draft EIS analyzes the  
17 foreseeable environmental impacts that might result from  
18 granting the presidential permit. The draft EIS also  
19 identifies steps that might be needed to mitigate  
20 impacts. For this project, we issued the draft EIS on  
21 October 21st, 2013. After we issue a draft, we ask the  
22 public to comment on it during the public comment

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1 period. The Environmental Protection Agency, or EPA,  
2 opens the comment period by publishing a Notice of  
3 Availability in the *Federal Register*. The EPA notice  
4 for this draft EIS was in the *Federal Register* on  
5 November 1st, 2013.

6 Since this is where we are in the process, the  
7 public comment period, I'm going to cover this just a  
8 little bit more in detail. The comment period gives you  
9 an opportunity to tell us any changes that you would  
10 like to see in the draft EIS, what you think is wrong  
11 about the document, and how you think we should fix it.  
12 We are also looking for issues you think we missed or  
13 didn't cover as well as we should have.

14 If you have questions as part of your comments  
15 today, we will not be able to answer your questions, but  
16 we will do so in the final EIS. It's also very helpful  
17 for when you make your comments to cite specific  
18 sections or page numbers from the document itself. None  
19 of this is required, but it will help us to understand  
20 your comments.

21 During the hearing, the hearing's officers may  
22 ask questions to allow you to clarify points that you're

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1 making. Whether you choose to speak or not, you are  
2 invited to submit written comments. Instructions to do  
3 so are provided on the boards at the back of the room,  
4 how to make comments, or are available on the  
5 registration table. All comments, whether written or  
6 oral, are treated the same and have equal weight.

7 For this draft EIS, we will continue to accept  
8 comments until December 16th, 2013. To the extent that  
9 we can, we will also consider your comments submitted  
10 after that date. After the close of this comment  
11 period, we will write the final Environmental Impact  
12 Statement, which considers your comments. The final EIS  
13 will contain a comment response document that addresses  
14 comments received on the draft EIS. When completed, the  
15 Environmental Protection Agency will again issue a  
16 Notice of Availability of the final EIS in the *Federal*  
17 *Register*, and again, we will post the document on the  
18 EIS website and send it out to the mailing list. No  
19 sooner than 30 days after the EPA lets all of you know -  
20 - all you *Federal Register* readers know the final EIS is  
21 out there, DoE may issue a Record of Decision on the  
22 presidential permit application. I hope that this very

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1 general outline is helpful to you in understanding where  
2 we're at.

3 I'd also like to mention a couple of other  
4 things about the draft EIS and this project. The  
5 Department of Energy has the authority to permit the  
6 border crossing. The U.S. Army Corps of Engineers  
7 issues Clean Water Act permits. The State of New York  
8 has the authority to cite transmission lines in New  
9 York. Several other Federal and State agencies are  
10 working with DoE and the Corps in preparing the draft  
11 EIS, including U.S. Environmental Protection Agency, the  
12 U.S. Fish and Wildlife Service, U.S. Coast Guard, the  
13 New York State Department of Public Service, New York  
14 State Department of Environmental Conservation. These  
15 are all cooperating agencies in the preparation of the  
16 draft EIS.

17 Now, I know that was a lot, so what you need  
18 to remember for this hearing are the three following  
19 points. First, comments received on the draft EIS will  
20 be included in the final EIS, and we will respond in the  
21 document to the comments that we receive. Two, comments  
22 expressed at one of our hearings or provided to us by

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1 email or letter will all be considered equally. And  
2 lastly, the comment period for the draft EIS closes on  
3 December 16th, 2013.

4 I'll now turn this over to our hearing's  
5 officer, Jodi McDonald, from the U.S. Army Corps of  
6 Engineers.

7 MS. MCDONALD: Thank you, Julie. Good  
8 afternoon -- good evening. I am Jodi McDonald. I'm  
9 Chief of the Regulatory Branch for the New York District  
10 Army Corps of Engineers. I will be the presiding  
11 officer on behalf of the Corps of Engineers for today's  
12 public hearing.

13 The Corps of Engineers is here today to obtain  
14 information and evidence and ensure coverage of core  
15 concerns, to assist in the regulatory review of a permit  
16 application by Champlain Hudson Power Express,  
17 Incorporated for the installation and construction of a  
18 336-mile power cable from the Canadian border through  
19 waters of the United States, including wetlands, Lake  
20 Champlain, the Hudson River, Harlem River, and East  
21 River. The U.S. Department of Energy as lead Federal  
22 agency will make a decision whether to issue a

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1 presidential permit to allow the crossing of the U.S.  
2 border to facilitate the operation of this power cable.

3           The Corps of Engineers is neither a proponent  
4 for nor an opponent of the proposed work. Our role is  
5 to determine whether the proposed activity -- in this  
6 case, the installation of a power line in waters of the  
7 United States -- is in the overall public interest.

8 This hearing will play an important part in that  
9 determination.

10           Please understand that we do not expect to  
11 answer questions from the dais in this hearing related  
12 to the proposal as we are here to obtain information and  
13 your comments. Questions on the regulatory process in  
14 general can be directed to my staff member in the  
15 audience today, and that's June Yen sitting in the back.

16           The New York District has issued a public  
17 notice for this project with the comment period closing  
18 on December 16th, 2013. That public notice is currently  
19 posted on the New York District website. The website  
20 address is [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in "military." We  
21 do have some copies available on the registration table  
22 as well. If you are not currently on our public notice

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11

1 email distribution list and would like to receive a copy  
2 of future announcements for email public notices, please  
3 provide your email address at the registration table.

4 I will now open the hearing.

5 (Pounding of gavel.)

6 MS. SMITH: For our first speaker, can we hear  
7 from Anthony Fresina? And I apologize if I don't  
8 pronounce names correctly.

9 MR. FRESCINA: That's okay. You did pretty  
10 good.

11 MS. SMITH: Okay, good.

12 MR. FRESCINA: Well, good evening. I just want  
13 to introduce myself. My name is Anthony Fresina. I'm  
14 Business Manager of Laborers Local 190. I represent  
15 laborers that -- from Fort Edward, Washington County, to  
16 Green County, to the Catskills. I stand here -- I  
17 should say we stand here today in favor of this project.

18 We believe it's going to be a good project. It'll  
19 bring good paying jobs, skilled labor, skilled jobs to  
20 the area, good for the economy. And we're hoping that  
21 with this job, that it'll boost the economy.

22 And we represent laborers, as I said, that are

- 131-01 131-01: Comment noted.

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Comments 132 and 133

12

1 skilled and OSHA trained. We have a training facility  
2 in Albany -- in Glenmont, I should say, and we're in  
3 favor for the project, and I hope it goes. Thank you.

4 (Applause.)

5 MS. SMITH: Carol Tansey?

6 MS. TANSEY: My name is Carol Tansey, and I  
7 live in Albany, New York. I'm a private citizen. I'm  
8 an environmental activist, and I would rather see New  
9 York City generate solar power to get their own  
10 electricity. It's local. It makes more sense to me  
11 than to let this pipeline come down from Canada. We can  
12 handle this ourselves here in the United States. Thank  
13 you.

14 (Applause.)

15 MS. SMITH: Tom Ellis?

16 MR. ELLIS: Can I speak from here?

17 MS. SMITH: Certainly.

18 MR. ELLIS: Because I've got some papers I  
19 want to read from. All right. Good evening, everybody.  
20 My name is Tom Ellis. I live in Albany. I appreciate  
21 this opportunity today to discuss the Federal  
22 government's DEIS. I recommend that the presidential

132-01

**132-01:** Comment noted. The source of the electric power to be transmitted through the proposed CHPE Project is outside the scope of the EIS. In addition, the proposed CHPE Project is a buried electric transmission line, not a pipeline.

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1 permit be denied. I spoke at the July 14th, 2010  
2 scoping hearing on this project, and I stick with what I  
3 said that night.

4 I represent both the Citizen's Environmental  
5 Coalition and the Solidarity Committee of the Capital  
6 District as I did in 2010. Both organizations have a  
7 long history of opposing the importation of additional  
8 Canadian river destroying hydroelectricity into New  
9 York.

10 Just a little bit of information about both  
11 groups. Last month the Solidarity Committee featured UE  
12 Political Action Director, Chris Townsend, at our 30th  
13 anniversary celebration. Chris is working to try to  
14 save the 200 jobs at Fort Edward that General Electric  
15 is proposing to eliminate. Early this month, the  
16 Citizens Environmental Coalition organized the New York  
17 State Fracking Health Summit at which a dozen public  
18 health professionals met to carefully analyze the health  
19 issues local governments in Upstate New York may face if  
20 natural gas hydro fracking is allowed in the State. I  
21 have information about that if anybody wants it.

22 So both the Citizens Environmental Coalition

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1 and the Solidarity Committee worked with the support of  
 2 Cree Indians in Quebec to force cancellations of two  
 3 contracts the New York Power Authority had with Hydro-  
 4 Quebec. Cancellation of these contracts 20 years ago  
 5 led Hydro-Quebec to cancel its proposed Great Well River  
 6 Project that had it gone forward would've literally  
 7 destroyed the Great Well River and five other rivers  
 8 that flow into James and Hudson Bays about a thousand  
 9 miles north of here.

10 Since the 1970s, Hydro-Quebec has destroyed  
 11 large rivers in Quebec, including the La Grande,  
 12 Eastmain, and Rupert. At present, Hydro-Quebec is  
 13 destroying the Romaine River that flows into the Gulf of  
 14 St. Lawrence near Havre-Saint-Pierre, about 800 or 900  
 15 miles northeast of here. The draft EIS did not examine  
 16 the environmental and health impacts of the entire  
 17 Champlain Project despite many requests, including mine,  
 18 to do so. The DEIS authors stated their reasons on page  
 19 1-17 and 1-18 for not examining the Canadian impacts of  
 20 this project. However, not performing such an analysis  
 21 renders the DEIS incomplete and defective.

22 It also prevents Champlain Hudson Power and

**133-01:** The DOE addressed this issue in Section 1.7.4 of the EIS. Evaluating potential impacts in Canada is outside the scope of the EIS. NEPA does not require analysis of impacts that occur within another sovereign nation that result from actions approved by that sovereign nation. This is consistent with Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions (January 4, 1979), which does not require Federal agencies to evaluate impacts outside the United States when the foreign nation is participating with the United States or is otherwise involved in the action. The Quebec Provincial Government would conduct an environmental review for impacts in Canada, as applicable, as part of its authorization process associated with the construction of facilities (i.e., a new transmission line from a proposed new HVDC converter station at Hertel, in La Prairie, Quebec, to the U.S./Canada border) in the province. The Canadian Government, through the National Energy Board, would also have the authority to authorize the project and consider potential environmental impacts in its analysis. Therefore, NEPA and EO 12114 specify that the assessment of potential environmental impacts of the proposed CHPE Project is to be restricted to the evaluation of impacts that might occur within the United States.

**133-02:** Potential impacts in Canada associated with the source of the power to be transmitted through the CHPE transmission line is outside the scope of the EIS. According to the New York Energy Law § 1-103(12), renewable energy resources are “sources which are capable of being continuously restored by natural or other means or are so large as to be useable for centuries without significant depletion and include but are not limited to solar, wind, plant and forest products, wastes, tidal, hydro, geothermal, deuterium, and hydrogen.” The hydropower energy to be delivered to the New York City metropolitan area via the proposed CHPE Project would be considered renewable energy according to New York Energy Law.

-133-01

↓ 133-02

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1 the Department of Energy from proving that the Champlain  
2 Hudson Power Project would provide the New York City  
3 metro region with renewable energy, and it also prevents  
4 them from proving that the project, if it goes forward,  
5 would lead to a reduction in carbon dioxide and other  
6 climate change emissions that contribute to rising  
7 temperatures on this planet. Both the applicant and the  
8 DoE assert that the Canadian hydro power that would flow  
9 through the Champlain Hudson Power Line is renewable  
10 energy or is renewable electricity.

11 Many people, including the Climate Action  
12 Network of Canada assert that damming, diking,  
13 diverting, and destroying rivers is not truly renewable  
14 electricity. Hydro-Quebec generates much of its overall  
15 electricity from manmade reservoirs. Hydro-Quebec's  
16 hydro electrical development has altered river flow  
17 patterns that used to peak in the spring. Today, peak  
18 electricity generation is often in winter when power  
19 demand is high. Winter water flows have increased many-  
20 fold, devastating fish spawning and greatly increasing  
21 soil erosion rates. Such destruction hardly qualifies  
22 as renewable energy.

- 133-02

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1           The Department of Energy and Champlain Hudson  
2 assert, but do not prove, that the Champlain Hudson  
3 Project would reduce carbon dioxide emissions. Non-run  
4 of the river hydro projects contribute to climate  
5 change. Rotting vegetation in flooded river valleys  
6 releases carbon dioxide and methane into the atmosphere.  
7         Flooded rivers can no longer absorb carbon dioxide from  
8 the atmosphere. Intact ecosystems lessen climate change  
9 through oxygen production and carbon storage.

10         If the Champlain Hudson Project is constructed  
11 and Canadian electricity displaces fossil fuel  
12 electricity in the New York City area, would the  
13 reduction in global warming emissions in downstate New  
14 York be greater than the increase in global warming  
15 emissions in Canada? Who knows? Without an  
16 environmental review of the source of the Champlain  
17 Hudson Power, neither the Department of Energy nor  
18 Champlain Hudson Power can prove that the Chaplain  
19 Hudson Project is a low carbon electricity project  
20 despite their assertions that it is. And let us not  
21 forget that Hydro-Quebec floods huge areas. The Rupert  
22 River Project flooded more than 100 square miles.

- 133-03

**133-03:** As presented in Section 1.4 of the EIS, the New York State Department of Public Service (NYSDPS) estimated that implementation of the proposed CHPE Project would result in an annual reduction of emissions of carbon dioxide, sulfur dioxide, and nitrogen oxides. See response to Comment 133-01 regarding analysis of potential impacts in Canada.

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1           We live on a planet that is rapidly warming.  
2   We need to preserve what nature has given us. Three  
3   years ago, the New York State Climate Action Council  
4   issued its Climate Action Plan Interim report. On page  
5   OV-8 of the report is a graphic indicating air  
6   temperatures in New York may increase from five and a  
7   half to seven -- from five and a half to seven degrees  
8   Fahrenheit by the 2080s compared to the 1980s.

9           In Chapter 11 of that report concerning  
10 adapting to climate change are some specific  
11 recommendations the State should take. On page 11-81 is  
12 a recommendation directly in conflict with the Champlain  
13 Hudson Power Project. It reads, "All water-related  
14 permit programs and policies should minimize alterations  
15 and disruptions to the natural hydrological cycle to the  
16 extent possible. Regulatory agencies should implement  
17 this recommendation at multiple scales, including site-  
18 level planning and construction, as well as more  
19 regional watershed scales." New York should be  
20 consistent with its policies. New York should reject  
21 imported electricity from out of State entities who  
22 disrupt or even destroy the natural hydrologic cycle.

- 133-04

**133-04:** The proposed CHPE transmission line would be installed below ground and beneath the bottom of Lake Champlain and the Hudson, Harlem, and East rivers, and would not result in a significant alteration of the hydrologic cycle of waters of the United States. The Specific Action cited from the New York State Climate Action Council's Climate Action Plan Interim Report was proposed to guide the creation of technical guidance and design standards that the Interim Report suggests should be incorporated in storm water, wastewater, and water supply permit guidance, and permit reviews and approvals. The proposed CHPE Project would comply with all required permit guidance. Additionally, the Applicant would implement BMPs identified in the Applicant's Environmental Management & Construction Plan (EM&CP), conditions specified in the NYSPSC Certificate for the proposed CHPE Project, and Applicant-proposed measures to minimize impacts on water resources (see EIS Section 2.4.12).

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1           Climate change is a global problem and it  
2 requires vast international cooperation to effectively  
3 deal with it. And now there is a second Champlain Hudson  
4 or Champlain Project -- there's no time limit is there?

5           MS. SMITH: There is not a time limit.

6           MR. ELLIS: All right, thank you -- for New  
7 England that, if approved, would bring 1,000 megawatts  
8 of Quebec hydroelectricity into Vermont and probably to  
9 coastal New England. This proposal may stimulate  
10 additional river destruction in Quebec, which may lead  
11 to additional Champlain Hudson proposals.

12           The other major critique the Citizens  
13 Environmental Coalition and the Solidarity have is that  
14 even ignoring the health and environmental impacts in  
15 Canada, the Champlain Hudson Project is a poor way for  
16 New York State and New York City to meet our energy  
17 needs. The questions I ask are: should it be allowed,  
18 is it the best use of our finite resources, who benefits  
19 the most and the least from it, would its approval and  
20 construction retard the development of better  
21 alternatives, and why is there such a skimpy analysis of  
22 alternatives to the Champlain Hudson Project contained

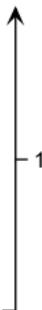
-133-05

**133-05:** See response to Comment 133-01 regarding analysis of impacts in Canada. The Proposed Action analyzed by DOE in this EIS is the issuance of a Presidential permit that would authorize the construction, operation, and maintenance of the proposed CHPE Project that would cross the U.S./Canada border. Alternatives for the source of power to be transmitted through the proposed CHPE Project are outside the scope of the EIS. During preparation of this EIS, DOE considered other reasonable alternatives to the CHPE Project (see Section 2.5 of the EIS), but ultimately eliminated these alternatives from further detailed analysis due to various reasons, as discussed in Section 2.5. The alternatives considered included different route alignments, upland transmission routes, conservation and demand reduction measures, use of HVAC vs. HVDC technology, and various interconnection and converter station alternatives. The purpose of the proposed CHPE Project is to deliver power into the New York City metropolitan area electrical market; therefore, no other power generation sources, such as solar power projects, were considered as alternatives.

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1 in the DEIS. I saw no discussion of solar power in the  
2 DEIS, nor does the word "solar" appear in the index.  
3 The word "NYSERDA" does not appear in the index either  
4 or any information about the vast energy efficiency and  
5 solar projects that are job creating projects that  
6 NYSERDA is working on right now. It's simply absent  
7 from the DEIS.

133-05



8 In my spring 2010 scoping comments, I stated  
9 that investing in weatherization and conservation  
10 projects and improving energy efficiencies here in New  
11 York could provide many thousands of New York State  
12 residents with high quality jobs. I mentioned that  
13 young people, and especially young men, have been hard  
14 hit by the recession that began in 2008. And I  
15 mentioned that decades ago the American Council for an  
16 Energy Efficient Economy reported New York had vastly  
17 reduced its overall use of electricity and summer and  
18 winter peak demands by installing heavy -- excuse me --  
19 highly-efficient motors, lighting, and other appliances.  
20 The draft Environmental Impact Statement devotes parts  
21 of only one page -- that's 2-44 -- to its discussion of  
22 conservation and demand side measures without mentioning

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1 at all the considerable employment potentials that these  
2 have.

3 The DEIS contains less than one page -- 6-11 -  
4 - on wind energy -- half a page. The failure of the  
5 DEIS to seriously or even half-heartedly examine the  
6 considerable energy and employment advantages of  
7 conservation, energy efficiency, wind and solar power,  
8 renders the DEIS highly deficient. The DEIS on page 2-  
9 44 contains a weak rationale for its decision in this  
10 matter. It says, "Consequences the New York's  
11 independent system operator has demonstrated that energy  
12 efficiency and conservation measures alone would not  
13 address southeastern New York's increasing demand for  
14 electricity, and that a mix of energy efficiency, demand  
15 reduction, and new generation would be required to meet  
16 future energy demand. Therefore, DoE determined that  
17 conservation and demand side measures alternative alone  
18 is not a reasonable alternative, and is, therefore, not  
19 addressed further in the EIS." Completely ignored is  
20 the possibility that with intense conservation and  
21 energy efficiency, electricity demand might no longer  
22 increase or that conservation wind, energy efficiency,

-133-06

**133-06:** Comment noted. See response to Comment 133-05 regarding alternatives to the proposed CHPE Project. Energy efficiency (i.e., demand reduction) and conservation measures were considered but eliminated from further detailed analysis because DOE determined that these measures alone were not a reasonable alternative to the proposed CHPE Project (see Section 2.5.3 of the EIS). The possible development of in-state renewable energy projects is outside the scope of the EIS.

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1 and solar together would provide for any increase in  
2 demand.

3 On page 2-44, the DEIS lists the five policy  
4 objectives identified in 2009 New York State Energy  
5 Plan. One of these is to support development of in-  
6 state energy supplies. The Champlain Hudson Power  
7 Project does not meet that objective.

8 In my 2010 scoping comments, I urged this  
9 project be rejected because if it's approved, many tens  
10 of millions of wealth will flow out of New York State  
11 each year to pay for the Canadian electricity. It would  
12 be much better to implement ways of keeping the wealth  
13 of New York circulating in New York rather than watch it  
14 disappear. The DEIS does not address this issue.

15 Several times the DEIS asserts that the  
16 Champlain Hudson Project would save New York  
17 residents --

18 MS. MCDONALD: Mr. Ellis, excuse me.  
19 Gentlemen in the back, if you're going to have a  
20 conversation, I'm going to ask you to step outside.

21 SPEAKER: I mean, this gentleman could speak  
22 all night. We don't want to be here all night.

133-06  
133-07

**133-07:** The potential issuance by DOE of a Presidential permit  
for construction of an electric transmission line crossing the U.S.  
border with Canada would not preclude the development of in-state  
energy supplies. The possible development of in-state power  
sources is outside the scope of the EIS.

133-08

**133-08:** The EIS addresses potential socioeconomic impacts,  
including this issue, in Section 5.4.18 (New York City  
Metropolitan Area Segment) and similar subsections for the other  
segments of the transmission line route.

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1 MS. MCDONALD: And we haven't -- we have not  
2 set a time limit on speakers because we have only a few  
3 speakers tonight. So we're here until everyone is  
4 finished speaking. But it's very inconsiderate for you  
5 to stand in the back and have a conversation when this  
6 gentleman is trying to make his comments. So if you're  
7 going to --

8 SPEAKER: The gentleman has made his comments.  
9 He's been talking for an hour.

10 MS. MCDONALD: He has every right to do that.  
11 Please either have a conversation outside --

12 SPEAKER: I'll have a conversation right here.

13 MS. MCDONALD: Thank --

14 MR. ELLIS: My comments will take about 15  
15 minutes, I think.

16 SPEAKER: It's been 15 so far.

17 MS. MCDONALD: Go ahead, Mr. Ellis.

18 MR. ELLIS: Thank you. The DEIS does not  
19 analyze this issue. Several times the DEIS asserts that  
20 the Champlain Hudson Project would save New York  
21 residents \$400 or \$500 million a year on electricity  
22 purchases without any data to back it up. But nowhere

-133-09

**133-09:** As stated in Section 1.4 of the EIS, the economics of the proposed CHPE Project and potential impact on ratepayers were evaluated as part of the NYSPSC Article VII review process. Independent modeling conducted by the NYSDPS projected that ratepayer benefits in the New York Control Area would total approximately \$405 million to \$720 million per year.

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1 is there any data on how much New York would actually  
2 pay -- how much New Yorkers would actually pay for the  
3 electricity or how much of that money would go to  
4 Canada. This omission needs to be corrected. Okay.

133-09



5 And finally, the Champlain Hudson Project  
6 would provide only a few hundred jobs during  
7 construction and only a few dozen jobs thereafter.  
8 However, there is one alternative that would stimulate  
9 the creation of tens of thousands of good-paying, good  
10 benefits jobs in New York City, and probably upstate,  
11 too, where such employment is desperately needed and  
12 desired by low income workers and the chronically  
13 unemployed. On June 16th, 2011, a *New York Times*  
14 article reported that two-thirds of New York City's  
15 rooftops are suitable for solar panels and could jointly  
16 generate enough energy to meet half the city's demand  
17 for electricity at peak periods according to a new  
18 highly-detailed interactive map. The map showed the  
19 solar potential for the city's one million plus  
20 buildings. The map is at the website of the City  
21 University of New York. It was developed by the City  
22 University in cooperation with the city government and

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1 the Federal Department of Energy. The rooftop solar  
2 could generate up to 5,847 megawatts of electricity,  
3 almost six times as much electricity as this project  
4 under discussion tonight could provide. The Department  
5 of Energy Solar Awareness Cities Programs financed the  
6 map.

7 The article also reported that in San  
8 Francisco after a similar map was developed, the number  
9 of solar installations on private rooftops rose from 551  
10 in 2007 to 2,300 in 2011 with the help of tax credits  
11 and rebates. If only 20 percent of the New York City  
12 solar rooftop potential is developed, it would generate  
13 more electricity than the Champlain Hudson Power can  
14 provide. If 60 percent of the available space were  
15 utilized, more electricity would be provided than by  
16 both the Champlain Hudson Project and by Indian Point.

17 In the years ahead, as solar technology  
18 continues to improve, it may be possible to convert the  
19 sunlight and heat passing through millions of vertical  
20 windows in New York City directly into electricity.  
21 Solar obviously has a huge potential in New York City  
22 and a huge employment potential. If government, private

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1 industry, and building owners made a commitment to equip  
2 25,000 buildings per year with rooftop solar, many tens  
3 of thousands of permanent jobs for electricians,  
4 plumbers, roofers, laborers, carpenters, sheet metal  
5 workers, and other building trades workers would be  
6 generated or would be created by the construction,  
7 maintenance, repair, and upgrading of the solar  
8 equipment -- you know, many, many, many, many more times  
9 as many jobs as this project could provide.

10 It is unfortunate that the DEIS considered  
11 only a no action alternative to the Champlain Hudson  
12 Proposal and ignored the solar alternative that it, DoE,  
13 helped to facilitate or helped to formulate. Among the  
14 many advantages of rooftop solar over the Champlain  
15 Project are it eliminates the need for additional power  
16 lines. It provides for a huge, but unknown, number of  
17 good quality middle-class jobs for New York City  
18 residents. It reduces incentives for Hydro-Quebec to  
19 destroy additional rivers. It keeps the energy dollars  
20 of New York State recirculating in New York State. It  
21 is sustainable, safe energy. It is a tremendous  
22 business opportunity and a tremendous employment

- 133-10

**133-10:** The purpose of the proposed CHPE Project is to deliver electric power into the New York City metropolitan area electrical market (see Section 1.4 of the EIS); therefore, use of other power generation sources such as rooftop solar were not considered alternatives to the proposed CHPE Project. Implementation of the CHPE Project would not preclude the development or use of rooftop solar, or other renewable generation sources, to meet future electrical demand. The proposed CHPE Project is estimated to create an average of 300 direct construction jobs during its 4-year construction period (see Section 2.3 of the EIS).

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1 opportunity. It spreads the wealth around more evenly  
2 and widely among working families than the wealthy  
3 investors behind this project. It further protects the  
4 earth's environment and climate. It can put vast  
5 numbers of people of color to work.

6              Something like 20 percent of the black men in

7 New York City are officially unemployed, double the rate  
8 from 2006. And, of course, the official unemployment  
9 rate is way lower than the actual unemployment rate.

10 Only one-fourth of New York City's black men under the  
11 age 25 have a good job. There are literally hundreds of  
12 thousands of people of color in New York City who have  
13 never had a good job in their life. Solarizing the  
14 city's rooftops is a superb way to bring these men and  
15 women into the mainstream of our Nation.

16              This project here offers nothing of the kind.

17 Putting tens of thousands of people of color -- excuse  
18 me -- putting tens of thousands of people to work on  
19 solar would reduce poverty rates and government  
20 expenditures to alleviate them. New York City would  
21 become more energy independent. As solar continues to  
22 evolve and people experience success with it, additional

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1 solar incentives or initiatives would be launched in the  
2 city. Solarizing the city's rooftops would greatly  
3 stimulate the solar industry development. New York  
4 State could conceivably become the solar industry  
5 equipment manufacturing center of North America.  
6 Somebody is going to do it. It might as well be New  
7 York. And solar electricity would displace fossil fuel  
8 to electricity, leading to clean air and slowing climate  
9 change.

10 In conclusion, I urge that the presidential  
11 permit be denied, the final Environmental Impact  
12 Statement seriously examine the vast employment impacts  
13 that conversation, energy efficiency, and solar power  
14 offer, and that the in-Canada impacts of this project be  
15 examined. Thank you very much, and I have a copy of the  
16 most recent newsletter of the two groups that I  
17 represent and that I'd like to have included in the  
18 record. And thank you for giving me enough time.

19 (Applause.)

20 MS. SMITH: Our next speaker, Ramon Figueroa?

21 (No response.)

22 MS. SMITH: Perhaps he stepped out. Paul

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Comment 134

28

1 Capel?

2 MR. CAPEL: Should I come up here?

3 MS. MCDONALD: Your choice.

4 MS. SMITH: Yeah.

5 MR. CAPEL: Okay. Good evening. My name is  
6 Paul Capel. I represent the Hudson River Pilots. We're  
7 the people that bring the big ships up and down the  
8 Hudson River between New York and Albany. We're not  
9 opposed to the project in its theory, in its concept.  
10 We are very much opposed to the routing in which the  
11 State of New York and other agencies have chosen.

12 They have chosen to run this project right  
13 down through the middle of the navigational channel in  
14 very many places. This is going to create quite a  
15 problem for navigation -- to safe navigation, in our  
16 opinion. If we have an emergency with a ship, we have  
17 to drop an anchor to prevent the ship from going aground  
18 or something, perhaps creating an oil spill. Our anchor  
19 could hook this cable and cause a huge problem. In  
20 certain areas, they have determined that they don't have  
21 to put it originally. I believe they were going to put  
22 it 20 feet underground. Now, they have found that

-134-01

**134-01:** The risk of anchor snags on concrete mats is noticeably less than that of an exposed communications cable or other utility lines. The transmission line (and any concrete mats) would not cross any existing designated anchorage areas, and mats placed over the unburied transmission line would eventually become covered with sediment, which would further reduce the risk of anchor snags. The burial depth of cables in the Hudson River identified at this time is presented in the Final EIS in Sections S.6.2 and 2.4.10.1, and the exact burial depths and location of the transmission line are being determined in consultation with the relevant jurisdictional agencies, including the U.S. Army Corps of Engineers (USACE) and the U.S. Coast Guard (USCG).

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1 that's going to cost too much money, so they've changed  
2 it to, in some places, five and six feet.

3 In other places where it goes over hard  
4 ground, over rocks, they've proposed putting mats on it,  
5 heavy cement mats. We drop an anchor 15,000 pounds. We  
6 have a 40,000-ton ship behind that doing 10 knots in the  
7 river. They don't make mats big enough to stop  
8 something like that. We'll just rip the mat -- the  
9 cable up and everything there.

134-01

10 We're also very much concerned about dredging.

11 The Army Corps of Engineers is in charge of dredging  
12 the Hudson River. Currently due to financial  
13 difficulties with the Nation, they have not dredged the  
14 river as regularly as they have in the past. Any  
15 dredging company that comes in here and says, well, we  
16 have a cable six feet under the navigational channel,  
17 they're going to go, you're crazy. We're not going to  
18 dredge the Hudson River. We don't want any part of that  
19 project. The Hudson River is now dredged by commercial  
20 dredgers that are on hire to the Army Corps of  
21 Engineers. The Army Corps of Engineers has a number of  
22 dredges. I worked for them for a number of years. I

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1 know what they do. They do not come up the Hudson  
2 River. They bid that job out.

3 Someone who has liability coverage, the  
4 insurer is not even going to allow them to go anywhere  
5 near that project. So basically what's going to happen  
6 is all these places where they put this, where the  
7 navigable channel is, they're not going to be able to  
8 dredge there. They say they can, but no dredging  
9 company would do that. They just don't feel it's going  
10 to be safe.

11 A classic example of that is New Haven,  
12 Connecticut. They put in a line in New Haven,  
13 Constitution very similar to this one. There hasn't  
14 been a dredging project in New Haven, Connecticut since  
15 they put it in about five or six years ago. There's a  
16 need for maintenance dredging, but they can't do it. So  
17 basically you're locking the Hudson River into the draft  
18 that it is right now, and you're not going to be able to  
19 dredge very much at all, if at all.

20 Another problem is that if you put the cable  
21 across the front of a particular port or a potential  
22 area in which they want to build a port, you're locking

134-02

**134-02:** The proposed CHPE Project transmission line would not traverse any portions of existing maintained (i.e., dredged) Federal navigation channel in the Hudson River (see EIS Section 5.3.2). The transmission line would traverse unmaintained portions of the navigation channel in the Hudson River, but would be buried in actively maintained navigation channels in the narrows of lower Lake Champlain and the Harlem River. Subject to its ongoing review of navigation, environmental, and other public interest factors, the USACE may decide to issue a permit allowing for the placement of the transmission line in these areas provided that the burial depths are adhered to as agreed to between the USACE and the Applicant.

134-03

**134-03:** See responses to Comments 134-01 and 134-02.

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1 that port in. Now, you're putting it across. Now, the  
2 contractor is saying that they are going to pick it up  
3 and they'll disrupt service and everything like that.  
4 Once that project is going, and we seriously doubt if  
5 they're going to pick the line up and they're going to  
6 cut it or whatever they're going to do. They're going  
7 to move it so that you can dredge to open stuff up.  
8 It's going to prevent any dredging from happening in the  
9 river that may deepen the river at some point and many  
10 other things.

134-03

11 The State of New York built another project.  
12 It went from Connecticut to Long Island several years  
13 ago at a cost of many billion dollars to the rate payers  
14 on Long Island to LILCO -- excuse me -- to LIPA now.  
15 Once they got done, the contractor cut many corners  
16 there. They didn't put it according to spec. As they  
17 ran into hard material and other stuff, they put it up  
18 higher than they were supposed to do. At the end of the  
19 project, the State of New York went to throw on the  
20 switch. The State of Connecticut said, well, you  
21 haven't done this according to specifications;  
22 therefore, we'll allow you to test it, and during

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Comment 135

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1 emergency times, we'll allow you to put it on. That  
2 line right now remains unused. Billions of dollars  
3 spent for a big project that they can't even use.

4 So as I said, we are not opposed to the  
5 project, the concept of the project, or having it come  
6 down. But we are very much opposed to the routing of  
7 the cable coming down through the river. We attended  
8 numerous meetings with the State and various other  
9 agencies throughout the years that this has been going  
10 on. We've expressed our opposition. We tried to get  
11 them to change it. They would not. So we have grave  
12 issues with -- doubts as to whether or not we can  
13 continue safe navigation on the Hudson River if, in  
14 fact, this project goes in in its current configuration.

15 Thank you very much.

16 (Applause.)

17 MS. SMITH: Sandy Steubing?

18 MS. STEUBING: Hi. I'm Sandy Steubing, and  
19 I'm a private citizen here. And I just want to double  
20 down on everything that Mr. Ellis said.

21 So basically I'm in opposition to this power  
22 line. I don't believe that the 300-mile extension cord



**135-01 135-01:** Comment noted.

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1 from Canada is necessary. I think that dispersed power ↑ 135-01  
2 generation is the wave of the future. To begin with, we  
3 have an old power grid and generating power closer to  
4 where it is used that is in New York itself increases  
5 efficiency. It reduces stress on the grid and makes the  
6 whole system more reliable. So close and dispersed  
7 power generations would save utilities from having to  
8 build and maintain the infrastructure of the grid. This  
9 \$2.2 billion project, and it would probably be more,  
10 would -- could create instead that amount of money and a  
11 large number of green jobs, as Tom said, by putting  
12 solar panels on rooftops. It would be employment for  
13 New Yorkers as opposed to Canadian jobs.

14 I also researched and found the same -- the  
15 same study that Tom did, and you can't see it. But this  
16 map that I just gave the women here shows the large  
17 number of rooftops that -- that is two-thirds of the  
18 rooftops in New York City are appropriate and suitable  
19 for solar panels. So this is a study that's been done,  
20 and we should take advantage of that. And I know  
21 intermittency can be a problem with solar panels, so if  
22 we bundled it with wind turbines offshore in New York,

135-02

**135-02:** See response to Comment 133-10.

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1 then we could have a consistent delivery of power.

2 I also want to mention conservation. We don't  
3 talk or think about conservation enough. If we all  
4 devoted ourselves to conserving and using less power,  
5 then we wouldn't have a lot of these problems. I  
6 understand that the cable coming down would be direct  
7 current, and that there would be a large converting  
8 station right outside of New York City, which would be a  
9 target for terrorists.

10 Small or more dispersed power generation has  
11 built-in resiliency and would be less vulnerable to  
12 blackouts. Like Tom said, the dams of Quebec are  
13 artificially created and environmentally destructive. I  
14 think the power industry can recreate itself, much like  
15 the telecommunications has done. And finally, I'd like  
16 to cite a Cornell and Stanford paper about how New York  
17 State can be totally energy dependent by 2030, and  
18 they've done a very large study on this that I encourage  
19 people to look at.

20 So thank you very much.

21 (Applause.)

22 MS. SMITH: Jessica Semon?

-135-03

**135-03:** As presented in Section 2.5.3 of the EIS, conservation, demand management, or use of other power generation sources by themselves were not considered reasonable alternatives to the proposed CHPE Project.

The potential for intentionally destructive acts, such as terrorism, was analyzed in Section 5.1.14 of the EIS, but is unpredictable. Although the Luyster Creek HVDC Converter Station would be aboveground, the risk from terrorism activity would be no greater than similar infrastructure associated with aboveground transmission lines or other energy facilities.

-135-04

**135-04:** The proposed CHPE Project would not prevent the development of other projects, including small and dispersed power generation.

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Comment 136

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1 MS. SEMON: Hello. My name is Jessica Semon.  
2 I'm an Albany County resident. I am activist for  
3 social and environmental justice. I'm here to just say  
4 that I'm against this project, and I suggest that the  
5 permit be denied.

-136-01 136-01: Comment noted.

6 One reason is because we need to -- we need to  
7 embrace solar energy. I was recently at a talk by Dr.  
8 Richard Perez, who is a research scientist at U-Albany's  
9 Department of Atmospheric Science. Go ahead and Google  
10 Dr. Richard Perez and solar, and you'll find lots of  
11 information. I found it to be very informative.

12 Basically -- well, not basically, but one  
13 thing that impressed me was that there was a chart that  
14 showed the amount of energy that solar could produce  
15 compared to all of the other energy that could be  
16 produced with water, wind, fossil fuels, coal,  
17 everything. And solar is the size of a dinner plate,  
18 and water is about the size of a pea. We are eventually  
19 going to have to embrace solar. Solar is going to  
20 create many jobs, which is very needed in this State.

21 I also know that hydraulic is damaging to  
22 rivers, and the environment, and the wildlife. And I

-136-02

136-02: The potential impacts associated with constructing and operating the transmission line in Lake Champlain are addressed in Section 5.1 of the EIS. Potential impacts on aquatic and terrestrial wildlife in Lake Champlain are discussed in Sections 5.1.4, 5.1.5, 5.1.6, and 5.1.7.

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Comment 137

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1 would like to know what the impact -- the environmental  
2 impact of this is going to be when they lay these power  
3 lines under Lake Champlain and how the wildlife will be  
4 impacted.

5 I also would like to see our energy be created  
6 locally. If it's going to be more reliable, if it's  
7 going to be less maintenance needed, we'll have better  
8 resilience against blackouts. And I would just like to  
9 see the local economic benefits to be -- to be as best -  
10 - I think that if we keep energy local and if we embrace  
11 solar energy, the economic benefits of this are going to  
12 be much better than embracing this project. Thank you.

13 (Applause.)

14 MS. SMITH: Steven Ludwigson?

15 MR. LUDWIGSON: Good evening. My name is  
16 Steve Ludwigson. I'm the Business Manager for the  
17 Boilermakers Local 5. I represent the boilermakers in  
18 all of New York State, with the exception of the 16  
19 counties located around Buffalo, New York. Our members  
20 are highly skilled professionals with expertise that  
21 comes only with extensive training and years of  
22 practice.

136-02

136-03 136-03: Comment noted.

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1           I'm here tonight to state on the record that  
2 Boilermakers Local 5 opposes the Champlain Hudson Power  
3 Express Line and the proposed Federal action of granting  
4 a presidential permit to construct, operate, and  
5 maintain, and connect a new electric transmission line  
6 across the U.S.-Canada border in northeastern New York  
7 State.

8           The Champlain Hudson Power Express Line, which  
9 proposes to bring a thousand megawatts of power directly  
10 from Canada to New York City, would do nothing to  
11 strengthen the State's electricity grid. Practically  
12 speaking, the transmission line is a large extension  
13 cord that would bypass all of the State's existing  
14 energy sources and transmission infrastructure, such as  
15 Upstate New York plants that have an excess of available  
16 power instead of enhancing the overall capacity and  
17 stability of New York's power grid. New York will not  
18 be able to benefit from the low cost power that those  
19 upstate plans would be producing. It will instead  
20 become completely reliant on a foreign source of  
21 electricity. Our good friends in Canada will get new  
22 jobs, and New Yorkers will get the bill.

-137-01

**137-01:** The Applicant expects that the proposed CHPE Project would result in an improvement to the overall reliability of the NYISO electricity supply system. In issuing its Certificate, the NYSPSC found that "... as an additional transmission interface into the City of New York, the Project will (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, (3) enhance system reliability, and (4) enhance fuel diversity."

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1           While we support an electricity highway that  
2 improves the State's energy infrastructure and generates  
3 union jobs for New Yorkers, we reject the CHPE proposal  
4 as a jobs killer. For maximum benefits to New York,  
5 especially in job retention and creation, new  
6 electricity infrastructure should support current and  
7 new in-State power generation.

-137-02 **137-02:** Comment noted. Also see response to Comment 101-02.

8           New York needs to improve the transmission  
9 grid in the upstate and western regions so that in-State  
10 power could be transported more efficiently, more  
11 economically, and in greater quantity throughout the  
12 State. Investing in our transmission infrastructure  
13 will lead to new jobs being created and new  
14 opportunities for energy development throughout the  
15 State.

-137-03 **137-03:** Comment noted. Development of other in-state electric power sources or other transmission lines is outside the scope of the EIS.

16           We also can't ignore the obvious. New York  
17 already has a very substantial generating capacity that  
18 could be expanded upon to meet our State's needs. New  
19 York can and should keep up with growing demand by  
20 ensuring the continued operation of our in-State energy  
21 sources and constructing new plants both upstate and  
22 downstate as necessary. There are several shovel-ready

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1 sites that are already permitted or pending permits in  
2 the Hudson Valley that could meet this demand and keep  
3 New Yorkers working and the revenue generated in State.

137-03

4 In order to have a strong 21st century  
5 economy, New York needs to build and produce products.  
6 We can no longer afford to be viewed as only consumers  
7 bearing the brunt of others' profits. Energy and  
8 manufacturing provide sustained, long-term, good paying  
9 jobs, a large portion of which are skilled union  
10 positions. These jobs enable individuals to stay in New  
11 York, raise a family, and grow the middle class. They  
12 establish the economic infrastructure for many  
13 additional jobs -- additional service jobs and power  
14 other sectors of the State's economy.

15 The New York economy needs to be energized,  
16 and the opportunities are out there waiting to be seized  
17 upon. Such is the case with the opportunity of New  
18 York's growing demand for electricity and solve  
19 transmission congestion problems by investing in our  
20 State's electrical infrastructure rather than  
21 compounding these issues with a costly outsource to  
22 Canada. For jobs and literally a brighter future, we

137-04 137-04: Comment noted.

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1 must act now and propose -- oppose the CHPE as an  
2 outright detriment to New York.

↑ 137-04

3 I've got a letter here from -- an open letter  
4 to the New York congressional delegation to protect New  
5 York jobs, in-State power generation, and tax dollars,  
6 and reject the Champlain Hudson Power Line. It says,  
7 "Dear member of Congress, on behalf of tens of thousands  
8 of hard-working middle class union families across New  
9 York State, we urge our members of Congress to stand up  
10 for New York jobs and oppose the Champlain Hudson Power  
11 Express Project and any subsidies for this 330-mile  
12 transmission line from Quebec to Queens. The developers  
13 of this project made a decision to propose a power line  
14 that denies access to power plants located within New  
15 York State, effectively blocking them from supplying New  
16 York City and the surrounding region in in-State  
17 produced electricity. As such, the project provides no  
18 economic opportunity for New York power generators,  
19 particularly those located in economically distressed  
20 upstate communities, which would relish the chance to  
21 supply electricity in other parts of the State." This  
22 letter was signed by the business managers or head

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1 people for Steamfitters Local 638, New York City  
2 District Council of Carpenters, Mechanical Contracts  
3 Association, Utility Workers Union of America Local 1  
4 and 2, myself, and the International Brotherhood of  
5 Electrical Workers.

6 And online today it had "Canada-Owned Company  
7 Seeks U.S. Dollars for Electric Line." "A hydro power  
8 utility company owned by the Canadian government is  
9 seeking State taxpayer money to run a transmission line  
10 down the Hudson River from Quebec to New York. It  
11 recently requested access to State money to help fund a  
12 \$2 billion project." The State's pot of money to  
13 support renewable energy projects currently comes from a  
14 utility bill surcharge on New York residents and cannot  
15 be distributed to companies from out of state, let alone  
16 out of country. You're paying for this, and they're  
17 looking to take your money north.

18 Gavin Donohue, the President of the  
19 Independent Power Producers of New York, said, "It's  
20 increasingly hard and difficult to compete as it is, and  
21 why should we compete with a foreign government? What a  
22 bad message this would send to business in New York that

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1 we're going to support a foreign government."

2 We oppose this. I was at the meeting last  
3 night down in Stony Point. There were a myriad of  
4 issues that people brought up, so I'd like to request  
5 what they did last night, that they extend the period  
6 for comments 180 days. Thank you.

7 (Applause.)

8 MS. SMITH: Lavar Smith?

9 MR. SMITH: Good evening, everybody. Now,  
10 this is my opinion. I don't know all the statistics to  
11 this project here. I'm a 37-year-old boilermaker, union  
12 boilermaker. The power that you all see here, I built  
13 with my own hands. A lot of my brothers built these  
14 plants. We built them and we maintain them.

15 Us outsourcing our power from another country  
16 makes no sense to me. It's like everything else we  
17 manufacture, these big corporate American companies go  
18 to other countries and manufacture these things for  
19 cheaper labor, and bring them back to this country. We  
20 don't do anything but making the other countries richer,  
21 and making us a weaker economy. And we have -- there's  
22 enough technology to satisfy the EPA and everything on

-137-05

**137-05:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

-138-01

**138-01:** Comment noted.

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## Comment 139

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1 these power plants that we build. So it's to satisfy  
 2 everybody around the board.

3 We oppose it. I oppose it. And I think the  
 4 boilermakers oppose it.

5 (Applause.)

6 MS. SMITH: Jurgen Wekerle?

7 COURT REPORTER: Could you spell your name,  
 8 please, for the record?

9 MR. WEKERLE: J-U-R-G-E-N W-E-K-E-R-L-E.

10 COURT REPORTER: Thank you.

11 MR. WEKERLE: Good evening. My name is Jurgen  
 12 Wekerle. I'm a member of the Energy Committee of the  
 13 Atlantic Chapter of the Sierra Club. The position of  
 14 our committee is that the Champlain Hudson Power Express  
 15 Project is not in the national interest in its present  
 16 configuration. It also would not add to the needs for  
 17 electric generation and distribution in New York State,  
 18 and would also not be in the interest of job creation,  
 19 as mentioned by the prior speaker.

20 The State has renewable energy credits that  
 21 are designed to promote solar and wind and renewable  
 22 energy jobs in New York State. The fact that hydro

138-01

**139-01:** As stated in Section 1.4 of the EIS, the proposed CHPE Project would provide an additional source of power to southeastern New York State, which DOE has designated as a Critical Congestion Area. Southeastern New York State is also within an area designated by DOE as the Mid-Atlantic Area National Corridor, which is one of two National Interest Electric Transmission Corridors.

In issuing its Certificate for the CHPE Project, the NYSPSC found that "... as an additional transmission interface into the City of New York, the Project will (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, (3) enhance system reliability, and (4) enhance fuel diversity." Additionally, NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices."

See response to Comment 101-02 regarding job creation.

139-01

**139-02:** Comment noted. See response to Comment 101-02 regarding job creation.

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1 power from Hydro-Quebec will be introduced into New York  
2 would, in effect, absorb all those credits and, in  
3 effect, make it impossible for those jobs to  
4 materialize. The jobs promised are minuscule and  
5 temporary on top of that.

6 The basic requirement of FERC and NAFTA and  
7 the members of the grid of which Canada and New York are  
8 a part is reciprocity. Each has to respect, honor, and  
9 trade with each other just as they would with domestic  
10 utilities and power plants. There is no reciprocity in  
11 this case. There is no mutual access to the transition  
12 -- to the transmission lines. There is no ability to  
13 trade back and forth. New York power producers cannot  
14 use the cable to transmit electricity within New York  
15 State. They definitely cannot use the cable to sell  
16 electricity into Canada. The design of the cable is  
17 kind of like exclusionary zoning. It's a one way DC  
18 cable that starts in Canada, crosses the border, and has  
19 an exit converter station in Queens in New York City at  
20 this point. And a lot of these arrangements have  
21 changed radically from the initial presentation of the  
22 plan.

139-02

139-03

**139-03:** In its Certificate authorizing the proposed CHPE Project, the NYSPSC concluded that “The Project satisfies a need by providing additional transmission capacity into the New York City load pocket and an additional source of supply – hydroelectric power – that is both renewable and relatively stable in price, enhancing the fuel diversity in the City. Moreover, by allowing a new entrant into the New York City market, approval of the Project would advance our policy favoring competition. Finally, the Project advances State policies by enabling access to a source of clean energy supply.”

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1           It's a de facto exclusion. It's not legal,  
2 but it's just that you can't get access to it. There  
3 are no entry points. There are no access points in New  
4 York State. The fact that there is a one way cable  
5 promotes unfair competition for Canadian subsidized  
6 electricity into the New York City metro market. It  
7 subsidizes that electricity to the detriment of  
8 electricity produced in New York, especially when the  
9 New York independence systems operator auction system is  
10 accounted for. Their electricity tranches are auctioned  
11 off from lowest bid to highest bid, but the highest bid  
12 pays all other bids that -- at that level. Subsidized  
13 electricity, including Indian Point, by the way, can bid  
14 low and they're going to be rewarded three, four, five  
15 times of what their bid is just based on the mechanism  
16 of that auction system.

17           All transmission systems should be integrated  
18 into the existing grid. This cable does not do that.  
19 There are constraints. There are congestion corridors  
20 in New York, especially where we are here from Utica to  
21 Albany to Poughkeepsie. The cable makes no effort to  
22 remedy that congestion. It leapfrogs over that

139-03



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1 congestion. It doesn't include itself in the grid. It  
2 bypasses the problem.

3 There are design changes that could remedy  
4 that and could remedy the access for trade back and  
5 forth, and that is to construct a converter station  
6 right here in the Albany area. This is kind of like the  
7 Times Square of transmission corridors from Buffalo,  
8 from Messina, to Utica, to Albany, and down the Hudson  
9 into the metro market. That is not part of the plan.  
10 That was suggested at the initial hearings and was  
11 rejected.

12 The claim of the cable is that it'll improve  
13 reliability for consumers and rate payers in New York  
14 State. Reliability in this case is really a function of  
15 the producer, and the cable does not own or produce the  
16 electricity. Hydro-Quebec does. And that is an  
17 unreliable source, especially since if Quebec re-routes  
18 that electricity or the seasonality factor, if they need  
19 it for their own use, if there's a drought and it's not  
20 available, there is no ability for New York-produced  
21 electricity to make up the deficit if that changes or if  
22 the contracts change. Who knows?

139-03

139-04

**139-04:** Comment noted. See response to Comment 139-01 regarding the proposed CHPE's effect on reliability. The source of power to be transmitted through the proposed CHPE Project is outside the scope of the EIS.

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1           Part of the flaw is in the NEPA EIS to begin  
 2 with, which only evaluates the project from the Canadian  
 3 border to the exit point in New York. It doesn't  
 4 include the entire project, just at mid-point south, so  
 5 the problem of the supply of electricity, which is  
 6 really paramount. You know, we focus here on the  
 7 engineering of the -- of the cable itself, the physical  
 8 cable. The big issue, though, is what the cable is used  
 9 for, and that's to transmit electricity. We should be  
 10 focusing on the electricity. It's kind of like having a  
 11 great computer system. We're evaluating that, except  
 12 we're only going to evaluate half the computer system,  
 13 and we're going to totally ignore the software that  
 14 controls the whole thing. That's what we're facing with  
 15 here.

16           The converter station in Albany, for instance,  
 17 and other converter stations in between the line would  
 18 actually ensure the reliability, and would also remedy  
 19 all of the problems with the cable as it currently is.

20           NEPA requires need evaluations. That was not  
 21 done in the EIS. There are four power plants in the  
 22 lower Hudson that are closed. They were producing full

-139-05

**139-05:** See response to Comment 133-01 regarding analysis of potential impacts in Canada.

-139-06

**139-06:** Comment noted. Construction of additional converter stations in Albany or other locations along the transmission line route are not consistent with the Applicant's objectives (see EIS Section 1.4).

-139-07

**139-07:** As presented in Section 1.2 of the EIS, the purpose of and need for DOE's Proposed Action is whether to issue a Presidential permit for the proposed transmission line crossing of the U.S. international border (i.e., proposed CHPE Project). Continued operation or development of other new in-state power sources or transmission lines is not the subject of the application for a Presidential permit and, therefore, is outside the scope of this EIS.

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1 power. We were using that power. They are not needed.  
2 They are not pumping out electricity. The Lovett Power  
3 Plant has been bulldozed. There are two power plants  
4 upstate, Cayuga and Dunkirk. They were petitioned --  
5 the Public Service Commission was petitioned to mothball  
6 those two plants by the owners because they were losing  
7 money. They're selling no more than 25 percent of their  
8 capacity, and the two utilities, NYSEG and National  
9 Grid, both submitted documents that they could replace  
10 that power through upgrading the transmission lines  
11 themselves.

12 Indian Point is pumping out at full speed, but  
13 they're selling three-quarters of their electricity, not  
14 to New York, not to New York City, not to Westchester,  
15 but to Connecticut. We have this existing capacity that  
16 is not used. We really don't need more capacity. Above  
17 and beyond that, we have two power plants that are  
18 approved, one outside of Middletown in the town of  
19 Wawayanda and the other in Cricket Valley in Dover in  
20 Dutchess County. They're approved, but they have no  
21 funding to build them because there's no customers to  
22 buy the electricity and pay for it.

- 139-07

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1           We have Athens Power Plan right down the road  
2 here on the Hudson. It's a new gas fire plant. It's  
3 only eight years old. They are in financial trouble  
4 because they are not able to sell their electricity.  
5 They also are not able to get through the blockages in  
6 the congestion zone I previously mentioned. They have  
7 put in an application for a cable from Athens down to  
8 Buchanan to hook into the Con Ed lines on the other side  
9 of this congestion area. That is not taken into  
10 consideration in this EIS. The two new power plants are  
11 not mentioned in the EIS. The four power plants that  
12 are out of commission are not mentioned in the EIS.

13           Not mentioned also is the role of the Marcy  
14 South power line owned by the New York Power Authority.

15           That brings all kinds of renewable energy -- Niagara  
16 Falls, Messina Energy -- into the metropolitan area  
17 right now. And the big thing is the energy highway  
18 blueprint that we talk about that the Public Service  
19 Commission staff indicates when they reviewed the  
20 application of the cable, that that would only be a  
21 promise, not a reality. They indicated that the cable  
22 would not improve the grid. It would leapfrog over it,

- 139-07

- 139-08   **139-08:** Comment noted.

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1 but at least it would supply it with their money, and  
2 that's changed also, supply electricity into the metro  
3 area that is not currently available. And  
4 theoretically, the extra supply would lower the cost to  
5 consumers, and that isn't going to happen either.

139-08

6 The big news that never made headlines, or  
7 reported on, or press releases was in -- on September 18  
8 in the legal section was announced the first step of the  
9 energy highway implementation. Applications had been  
10 made to the Public Service Commission by the big five  
11 utilities that control the transmission lines from  
12 National Grid, Central Hudson, NYSEG, Con Ed, Orange and  
13 Rockland, plus the Power Authority, to do a combined  
14 joint upgrade of this whole transmission corridor. The  
15 efficiencies on an industry-wide, utility-wide scale  
16 would diminish the need for new generation and diminish  
17 the need for existing generation, including the obsolete  
18 plants. And there's a cost benefit to that.

19 What that would do is unblock this congestion  
20 that's here and would obviate the need for the power  
21 plant at Athens and definitely obviate the need for the  
22 cable from Montreal down into the city. The blockages

139-09 139-09: See response to Comment 139-07.

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1 would disappear. The energy would be available that  
2 isn't available in a free flow capacity now, and the  
3 price would be diminished twofold: the price based on  
4 the efficiencies of the new technology that would take  
5 place, including the new substations, would lower the  
6 price, and the ability of getting the lower price hydro  
7 power from Messina, Niagara Falls, in quantity into the  
8 lower New York region would also diminish the prices.  
9 The cable would not do any of that, nor would new  
10 construction.

↑  
- 139-09

11 An example that we have of efficiencies on a  
12 utility-wide scale is what happened with the Lovett  
13 Power Plant in Rockland County. Lovett was under a  
14 consent decree because of non-compliance with air  
15 emissions. And they instead, because they're losing  
16 money, they would never be able to recoup any capital  
17 investment to improve the emissions. They petitioned to  
18 go out of business. They had to show replacement power.  
19 The replacement power, just by chance unrelated, was  
20 the upgrade that Con Ed did to the Orange and Rockland  
21 utilities, which they had just purchased, including a  
22 new substation the -- with state-of-the-art digital

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1 computer electricity flow management systems.  
2 That efficiency made up for the production  
3 loss of Lovett. Lovett was replaced not with new  
4 generation, but with efficiency. And that's what we're  
5 looking forward to with all of the major transmission  
6 upgrades. The grid modernization that's been talked  
7 about for the last 20 years as a priority is starting to  
8 take place. And Lovett has since been bulldozed.

9 The issue last night that was mentioned in  
10 Rockland was the change in the design of the cable  
11 itself. Initially, the electricity was to have been  
12 generated by the free-flowing stream in Labrador, the  
13 lower Churchill Falls Project. That was changed to  
14 Hydro-Quebec, which has an uneven flow and currently  
15 does not have existing capacity to satisfy the full need  
16 of -- if they sold all their electricity to the city or  
17 the Lower Hudson.

18 Another major change was the overland route  
19 through Rockland County. It's confusing why that route  
20 was chosen other than to satisfy the need of some of the  
21 interveners, who were protective of the fish habitat in  
22 Haverstraw Bay. It seems that both could be satisfied

-139-10 **139-10:** The source of the electrical power to be transmitted through the proposed CHPE Project is outside the scope of the EIS.

-139-11 **139-11:** The Haverstraw Bay Alignment, a previously proposed component under which the transmission line would have been installed in the Hudson River through Haverstraw Bay rather than on land in Rockland County, was initially proposed by the Applicant in its 2010 Article VII application to the NYSPSC. Based on consultations with applicable regulatory agencies and other stakeholders including the NYSDEC and the NYSDOS's Coastal Zone Management (CZM) Program, a terrestrial route through Rockland County that avoided Haverstraw Bay was selected for approval as part of the NYSPSC Certificate and the CZM Consistency Determination issued for the proposed CHPE Project (see EIS Section 2.3.1). Therefore, this previously proposed component is not part of the proposed CHPE Project route as approved in the NYSPSC Certificate, and was not analyzed further in the EIS.

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1 by relocating that project. However, the overland route  
 2 is going to create all kinds of cumulative impacts in  
 3 Rockland County, which were never revealed, never  
 4 studied, never evaluated in the EIS. Not only should  
 5 the EIS deadline for comments, or the draft EIS, be  
 6 extended six months, there should be a supplemental EIS  
 7 to include the change of the plans, the routes. There's  
 8 a three-mile change in Queens that hasn't really been  
 9 covered in the EIS. There's been no input. There's  
 10 been no scoping on any of that.

11       There should be a supplemental to include  
 12 that, including the entire power needs generation  
 13 consumption patterns in New York, the fact that  
 14 electricity has been in decline in terms of consumption.  
 15 We know that electricity is coming into New York from  
 16 importation. We know that the energy service companies  
 17 are supplying over a million households in New York, and  
 18 that doesn't reveal itself on the -- on the books of  
 19 where that's coming from or what impact, but we do know  
 20 that power produced by New York State power plants has  
 21 gone down, and we're not totally sure why.

22       And we know that there are efficiencies in

↑ 139-11  
139-12  
139-13  
139-14  
139-15

**139-12:** Section 5.3 of the EIS provides a full analysis of the potential environmental impacts associated with installing the buried transmission line on land through Rockland County. Chapter 6 of the EIS presents a cumulative impact analysis that addresses the potential impacts associated with implementation of the proposed CHPE Project in combination with other proposed projects in Rockland County within the CHPE Project's region of influence.

**139-13:** See response to Comment 137-05.

**139-14:** The approximately 3-mile underground HVAC transmission line segment that would connect the Astoria Annex Substation to the Rainey Substation in Astoria, Queens was approved as part of the NYSPSC Certificate issued in April 2013, and is addressed in Section 5.4 of the EIS.

**139-15:** The NYSPSC determined there is a need for the proposed CHPE Project through the issuance of the Certificate of Environmental Compatibility and Public Need for the CHPE Project, which identified that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." See also responses to Comments 139-03 and 806-01. Evaluation of electricity consumption patterns in New York State is outside the scope of the EIS.

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1 place. We know net metering and remote net metering  
2 have an impact. We know that the renewables are the  
3 future with job creation in the State. We know that the  
4 absorption of the renewable energy credits is a  
5 detriment to our own job supply here. We know that the  
6 impact of the energy highway actually being implemented  
7 is probably the biggest single event regarding energy  
8 generation, and distribution, and efficiency that will  
9 be on an industry-wide, utility-wide scale that we can't  
10 comprehend. We talk about efficiency. Normally it's  
11 replacing light bulbs. We're not talking about that.  
12 We're talking about transmission systems that replace  
13 whole power plants.

14 Lovett is our example. Cayuga and Dunkirk  
15 Power Plants are next in line. The utilities have done  
16 their engineering studies, the electricity production  
17 flow. And the \$30 million to replace and realign the  
18 power lines that are required would no longer require  
19 \$600 million each for two plants. Those are the  
20 realities that we have to deal with. We are in a whole  
21 new energy world. We have to adapt to that.

22 This cable -- the technology of the cable is

-139-16

**139-16:** Use of conservation, demand management, or other power generation sources, and development of other in-state electric power sources or other transmission lines is outside the scope of the EIS.

See response to Comment 139-01 regarding the reason that the New York City metropolitan area is the end-user for the CHPE Project as proposed by the Applicant.

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1 excellent, by the way. This is the one thing. It's the  
2 wrong project, but the right technology. And that  
3 technology should be employed if we are really future  
4 looking in not just New York State, but the Federal  
5 government has released information that they want a  
6 whole grid upgrade in the whole east of the Mississippi.

7 And the DC cable underground system, this would be a  
8 good example for a backbone system from Buffalo, to  
9 Albany, from Messina to Utica, for both down into the  
10 metropolitan area, which would also service Connecticut  
11 and New Jersey and eastern Pennsylvania. We're all part  
12 of that same economic and use configuration. A DC  
13 current perhaps owned and operated by the New York Power  
14 Authority, our single largest utility, in conjunction  
15 and partnership with the utilities, the five that I  
16 mentioned before, who have jurisdiction within their  
17 service territories.

18 But I think that is the thing. This cable has  
19 too many deficits as it's -- as it is currently  
20 presented. And again, the biggie is there is no access.  
21 There is no ability to use it. There's no grid  
22 improvement. But the grid improvement is taking place

-139-17

**139-17:** Comment noted. See responses to Comments 139-01 and 814-02.

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1 anyway. When that happens, the cable will not be  
2 needed. Thank you very much.

3 Also I submitted comments at the scoping  
4 sessions. It's been over three years; I can't believe  
5 it. And almost all of the comments submitted were  
6 ignored in the EIS. So what I'd like to do is resubmit  
7 those same comments. I'd like to give you a map. This  
8 is the map from the developer, from TDI. And it shows  
9 the initial plan and the initial source of the energy.  
10 And it shows how easy it would be to put that converter  
11 station right here in the Albany area on ground that  
12 would service the whole State, and the ability of  
13 hooking up an east-west connection, which was also  
14 discussed. And the developers are very good at bringing  
15 that to their financial supporters as a possibility.

16 But the object of the cable is not to improve  
17 our grid, is not to increase the flow of commerce within  
18 New York State. It's to provide a one-way protected  
19 route of Hydro-Quebec electricity into the largest  
20 consumption market in North America. That is the goal,  
21 not to help the grid and the distribution.

22 Also I'm including a public notice. There has

139-17  
139-18

**139-18:** The comments referenced in this comment were submitted during the initial public scoping for the proposed CHPE Project in 2010, and are included in Comment 712. These scoping comments were considered during development of the EIS. The comments raised have been either addressed in Section 2.5 of the EIS (Alternatives Analysis) or regard use of conservation, demand management, or other power generation sources, and development of other in-state electric power sources or other transmission lines, which are outside the scope of the EIS.

139-19

**139-19:** See response to second paragraph in Comment 139-06.

139-20

**139-20:** Comment noted.

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1 been no press release. I'm surprised the Governor has  
2 not taken full credit for his energy highway blue print  
3 plan. But in here it shows all various projects that  
4 the big five utilities are doing jointly with NIPA.  
5 There are three or four other transmission -- merchant  
6 transmission companies with their own projects above and  
7 beyond what's in here. But this gives a real good idea  
8 of how comprehensive this grid upgrade is going to be,  
9 and unblock all of the congestion that's been bedeviling  
10 us, raising prices, and preventing the free flow of sale  
11 and consumption of electricity.

-139-21   **139-21:** See response to Comment 139-07.

12                 The NYSEG, for instance, New York State  
13 Electric and Gas, needs electricity supply in their  
14 Kingston service area. They're dependent on National  
15 Grid and Central Hudson for the transmission lines.  
16 They have put a proposal in for a 58-mile buried cable  
17 down the throughway, just like Athens has put their  
18 submarine cable proposal in because they cannot access  
19 the current grid themselves, and they cannot access the  
20 Champlain Hudson Power Express cable either, which would  
21 solve both of their problems if the connectivity were  
22 put in place.

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## Comment 140

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1           So let me give that to you with the initial  
2 comments from August 2nd of 2010. The criticisms of  
3 then are as valid today as they were when they were  
4 originally written. Thank you very much.

5           (APPLAUSE.)

6           MS. SMITH: Susan Lawrence?

7           MS. LAWRENCE: I want to thank Jurgen Wekerle  
8 who has great expertise in this area for speaking in  
9 such detail and so eloquently about what the issues are  
10 and what needs to be done. I'm Susan Lawrence. I'm the  
11 Conservation Chair of the Atlantic Chapter, which is New  
12 York State, of the Sierra Club, and work closely with  
13 Jurgen and other people so concerned about this.

14           First of all, Jurgen said it, and I think  
15 others may have asked for it. We'd like to have a 180-  
16 day extension of the time to make comments on this EIS.  
17 It's very complex and very lengthy. And I think people  
18 need to have time to have -- themselves to look it over  
19 and to have experts look it over for their  
20 recommendations about what needs to be done.

21           I'd just emphasize again the line -- this  
22 proposed line is not in the U.S. national interest. It

140-01

140-02

**140-01:** See response to Comment 137-05.

**140-02:** As stated in Section 1.4 of the EIS, the proposed CHPE Project would provide an additional source of power to southeastern New York State, which DOE has designated as a Critical Congestion Area. Southeastern New York State is also within an area designated by DOE as the Mid-Atlantic Area National Corridor, which is one of two National Interest Electric Transmission Corridors. Additionally, NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices."

See response to Comment 139-07 regarding in-state power sources and transmission lines.

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1 displaces New York State jobs that provide -- that  
2 produce, transmit, and provide electricity. It would  
3 only create 26 long-term jobs in New York State. We  
4 need to have jobs for greatly increased renewable energy  
5 produced within New York State and transmitted within  
6 New York State. We need to be sustainable for our  
7 national security in terms of energy, and we don't need  
8 this one-way line coming down from Canada that we can't  
9 hook into.

10 Our emphasis for the future has to be on  
11 conservation and efficiency, and including efficiency  
12 with our electricity production and transmission, and  
13 that's all -- New York State is working on this now.  
14 There are a lot of plans in the work, a lot of work that  
15 has been done, a lot for the future. And this proposal  
16 is, to me, out of line with what New York State needs to  
17 do. We need a long-term sustainable economy, and we  
18 shouldn't rely on flooding vast lands of native people  
19 in Canada to produce our electricity. Thank you very  
20 much.

21 (Applause.)

22 MS. SMITH: I wanted to invite Mr. Ramon

140-02  
140-03

**140-03:** As presented in Section 2.5.3 of the EIS, conservation, demand management, or use of other power generation sources by themselves were not considered reasonable alternatives to the proposed CHPE Project.

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Comment 141

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1 Figueroa again, if he would like to speak.

2 (No response.)

3 MS. SMITH: Okay. Is there anyone else here  
4 that either has walked in or while you're sitting has  
5 considered speaking? Please step forward and you'll  
6 have the opportunity to speak now. And please give us  
7 your name.

8 MR. WILCOX: Sure. I'm Phil Wilcox. I'm with  
9 the International Brotherhood of Electric Workers Local  
10 97. Most of what I have to say is redundant. We are  
11 part of a group of 15,000 IBW utility workers, and we  
12 feel a significant threat from the Champlain Hudson  
13 project. And we feel that the project --

14 COURT REPORTER: Could you use the microphone?

15 MR. WILCOX: Sure. The project was initiated  
16 prior to the Governor's energy highway initiative, and  
17 we think that that process renders this obsolete. So we  
18 are totally opposed to CHP. Thanks.

19 (Applause.)

20 MS. SMITH: Are there any other interested  
21 speakers?

22 (No response.)

-141-01

**141-01:** Comment noted.

-141-01

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1               MS. SMITH: All right. With that, we thank  
2 you for your time, and this hearing is adjourned.

3               (Whereupon, at 7:13 p.m., the meeting was  
4 adjourned.)

5  
6  
7  
8  
9  
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3 CHAMPLAIN HUDSON EXPRESS TRANSMISSION

4 TRANSMISSION LINE PROJECT

5

6 DOE EIS PUBLIC HEARING

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14 Wednesday, November 20, 2013

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19

20 West Side Ballroom

21 253 New York Road

22 Plattsburgh, New York 12903

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1                   PARTICIPANTS

2

3   AGENCY REPRESENTATIVES/HEARING OFFICERS:

4   BRIAN MILLS

5   JULIE SMITH

6   JODI MCDONALD

7

8   PUBLIC PARTICIPANTS:

9   WILLIAM WELLMAN

10   JEFFREY KELLOGG

11   JOHN DONOGHUE

12   BEN MAINVILLE

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1 PROCEEDINGS  
2 (6:05 p.m.)  
3 MR. MILLS: Good evening. Please go ahead  
4 and get seated. We've got a lot of room down front. My  
5 name is Brian Mills with the Department of Energy.  
6 Before we get started with the hearing, I'd like to open  
7 up with some general housekeeping items.

8                  Those folks who would like to make verbal  
9 comments should sign up at the registration table at the  
10 back of the room. A stenographer will be recording all  
11 verbal comments, so we ask that you speak clearly into  
12 the microphones being provided for this purpose.

13 Any written comments on the EIS that you  
14 would like to hand over tonight can be submitted at the  
15 registration table at any point this evening. With  
16 that, we can get started with the hearing.

17 MS. SMITH: Hi. Good evening. I'm Julie  
18 Smith, and I'd like to thank you for taking your time  
19 out of your busy schedules to attend this hearing. I  
20 work for the Department of Energy in the Office of  
21 Electricity Delivery and Energy Reliability. I, along  
22 with Jodi McDonald from the U.S. Army Corps of

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1 Engineers, will be the hearing's officers today.

2 The reason that we are here is the Champlain  
3 Hudson Power Express is proposing to construct an  
4 international transmission line. They've asked the  
5 Department of Energy for a presidential permit. A  
6 presidential permit is needed before any transmission  
7 line can be built across the U.S. international border.

8 DoE determined that an environmental impact statement  
9 would be the appropriate level of analysis for this  
10 presidential permit.

11 This is a public hearing on the Champlain  
12 Hudson Power Express Transmission Line Project draft  
13 Environmental Impact Statement. Now, that's a mouthful,  
14 so I'm going to shorten that and say draft EIS. Once we  
15 begin the hearing, we will hear from you in the order  
16 that you've signed up. If you wish to speak but haven't  
17 signed up, you can sign up at the registration table in  
18 the back of the room.

19 For those of you who may not be familiar with  
20 the process we go through in preparing an environmental  
21 impact statement or EIS and where we are for this  
22 particular project in that process, I'll cover some

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1 steps for you. Although I'm sure you've all read the  
2 draft EIS available on our EIS website, you can also  
3 find more detailed information for the process and this  
4 project on that website.

5                 The first step in the process, we start  
6 public participation by issuing a Notice of Intent to  
7 Prepare an EIS. For this project, DoE issued our Notice  
8 of Intent on June 18th, 2010, and an amended notice on  
9 April 30th, 2012. The Notice of Intent begins a process  
10 we call scoping, which is an opportunity for the public  
11 to tell us their issues and concerns related to the  
12 project. We use this input to help us prepare the draft  
13 EIS. If you commented during the scoping period, we  
14 used your scoping comments to determine which  
15 alternatives and issues we needed to address.

16                 The next step in the process is then to  
17 prepare a draft EIS. The draft EIS analyzes the  
18 foreseeable environmental impacts that might result from  
19 DoE granting the permit. The draft EIS also identifies  
20 steps that might be needed to mitigate impacts. For  
21 this project, we issued the draft EIS on October 21st,  
22 2013. After we issue a draft, we ask the public to

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1 comment on it during a public comment period. The  
2 Environmental Protection Agency, or EPA, opens the  
3 comment period by publishing a Notice of Availability in  
4 the *Federal Register*. The EPA Notice of Availability  
5 for this draft EIS was in the *Federal Register* on  
6 November 1st, 2013.

7 Since this is where we are at in the process,  
8 I'm going to cover the public comment period a little  
9 bit more thoroughly. The comment period gives you an  
10 opportunity to tell us any changes that you would like  
11 to see in the draft EIS, what you think is wrong about  
12 the document and how you think we should fix it. We are  
13 also looking for issues that you think we missed or  
14 didn't cover as well as we should.

15 If you ask questions as part of your  
16 comments, we will not be able to answer your questions  
17 today, but we will do so in the final Environmental  
18 Impact Statement. It's also very helpful for your  
19 comments to cite specific sections or page numbers from  
20 the document itself. None of this is required, but it  
21 will help us to understand your comments.

22 During the hearing, the hearing's officers

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1 may ask you questions to allow you to clarify points  
2 you're making. Whether you choose to speak or not, you  
3 are invited to submit written comments. Instructions to  
4 do so are provided on the board at the back of the room  
5 or are available on the registration table. All  
6 comments, whether written or oral, are treated the same  
7 and have equal weight.

8 For this draft EIS, we will continue to  
9 accept comments until December 16th, 2013. To the  
10 extent that we can, we will also consider your comments  
11 submitted after that date. After the close of the  
12 comment period, we will write the final Environmental  
13 Impact Statement, which considers your comments. The  
14 final EIS will contain a comment response document that  
15 addresses comments that we receive on the draft EIS.  
16 When completed, the EPA will issue a Notice of  
17 Availability of the final EIS in the *Federal Register*,  
18 and again, we will post the document on the EIS website  
19 and send it out to the mailing list. No sooner than 30  
20 days after the EPA lets all of you *Federal Register*  
21 readers know the final EIS is out there, DoE may issue a  
22 Record of Decision on the presidential permit

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1 application. I hope that this overview -- this very  
2 general overview of the process is helpful.

3 I'd also like to mention a couple of other  
4 things about the draft EIS and this project. The  
5 Department of Energy has the authority to permit the  
6 border crossing. The U.S. Army Corps of Engineers  
7 issues Clean Water Act permits. The State of New York  
8 has authority to cite transmission lines in New York  
9 State. Several other Federal and State agencies are  
10 working with DoE and the Corps in preparing the draft  
11 EIS, including the U.S. Environmental Protection Agency,  
12 the U.S. Fish and Wildlife Service, U.S. Coast Guard,  
13 the New York State Department of Public Service, and New  
14 York State Department of Environmental Conservation.  
15 These are all cooperating agencies in the preparation of  
16 the draft EIS.

17 While that's a lot to remember, so what you  
18 need to remember for this hearing are the following  
19 three points. First, comments received on the draft EIS  
20 will be included in the final EIS, and we will respond  
21 in the document to the comments received. Two, comments  
22 expressed at one of our hearings or provided to us by

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1 email or letter will all be considered equally. And  
2 three, the comment period for the draft EIS closes on  
3 December 16th, 2013.

4 I'll now turn this over to our hearing's  
5 officer, Jodi McDonald, from the U.S. Army Corps of  
6 Engineers.

7 MS. MCDONALD: Thank you, Julie. I am Jodi  
8 McDonald, Chief of the Regulatory Branch for the New  
9 York District of the United States Army Corps of  
10 Engineers. I will be the presiding officer on behalf of  
11 the Corps of Engineers at today's public hearing.

12 The Corps of Engineers is here today to  
13 collect evidence and information, ensure coverage of  
14 core concerns, to assist in the regulatory review of a  
15 permit application by Champlain Hudson Power Express,  
16 Incorporated for the installation and construction of a  
17 336-mile power cable from the Canadian border through  
18 waters of the United States, including Lake-- including  
19 wetlands, as well as Lake Champlain, the Hudson River,  
20 Harlem River, and East River. The U.S. Department of  
21 Energy as lead Federal agency will make a decision  
22 whether to issue a presidential permit to allow for the

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1 border crossing -- the U.S. border crossing to  
2 facilitate operation of this power cable.

3           The Corps of Engineers is neither a proponent  
4 for nor an opponent of the proposed work. Our role is  
5 to determine whether the proposed activity-- in this  
6 case the installation of a power line in waters of the  
7 United States -- is in the overall public interest.

8 This hearing will play an important part in that  
9 determination.

10           Please understand that we do not expect to  
11 answer questions from the dais in this hearing related  
12 to the proposal as we are here to obtain information and  
13 your comments. Questions on the regulatory process in  
14 general can be directed to my staff in the back of the  
15 room today.

16           The New York District has issued a public  
17 notice for this project with the comment period closing  
18 on December 16th, 2013. That public notice is currently  
19 posted on my -- on the New York District website. The  
20 website address is [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in  
21 "military." We do have some copies available on the  
22 registration table as well. If you are not currently on

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Comment 142

11

1 our public notice email distribution list and would like  
2 to receive an announcement for public notices from my  
3 office, please provide your email address to one of our  
4 staff members at the registration table today.

5 And with that, I will open the public  
6 hearing.

7 (Pounding of gavel.)

8 MS. SMITH: Our first speaker this evening is  
9 William Wellman.

10 MR. WELLMAN: Good evening. I'm Bill  
11 Wellman. I live in Plattsburgh, and I am the New York  
12 State Council of Trout Unlimited's representative to the  
13 Champlain Hudson Mitigation Committee, Governance  
14 Committee. And in that role, I have been part of the  
15 proceeding before the Public Service Commission in New  
16 York State, I think, since the inception of this  
17 project, at least in its proceedings there.

18 The EIS drafted by the Department of Energy  
19 mirrors in large part the findings that took place  
20 before the Public Service Commission. In that  
21 proceeding, the parties to the proceeding evolved a very  
22 comprehensive, detailed, and systematic look at all of

-142-01 **142-01:** Comment noted.

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1 the environmental concerns that this project would bring  
2 to New York State. We looked at everything from  
3 sturgeon to snails as far as the impact on the  
4 environment, and Lake Champlain, the passage around  
5 Albany, and the Hudson River. As I say, that was a very  
6 comprehensive and detailed review.

12  
- 142-01

7 That review was conducted by a number of  
8 parties, including the New York State Department of  
9 Environmental Conservation, the Department of State,  
10 other New York State agencies, the proponents of the  
11 project, and conservation organizations, such as Trout  
12 Unlimited, Hudson River Keeper, and Scenic Hudson.

13 At the conclusion of our review, we drafted a  
14 paper, which became known as the JP, and that was  
15 submitted to the Public Service Commission and detailed,  
16 in great extent, the best management practices, the  
17 timing, the environmental protections, all of the things  
18 that would go into protecting the environment while this  
19 project was being built; not only while it was being  
20 built, but in its subsequent operation.

21 That joint proposal also included and  
22 includes the provision of a mitigation fund of \$117

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1 million, which will be paid during the 35-year lifespan  
2 of this project. That mitigation fund will be used to  
3 correct any things that were overlooked in this  
4 proceeding, and will be used for the general well  
5 keeping of the environment and Lake Champlain, the  
6 Hudson, and all the waters surrounding New York City  
7 where the project will have an impact.

8 As I said earlier, the findings in the EIS  
9 mirror this project that we went through with the Public  
10 Service Commission and resulting in the joint proposal.

11 Therefore, I must say that environmental protections  
12 contained therein and in the EIS appear to Trout  
13 Unlimited not only to be sufficient, but to be  
14 comprehensive, and will protect New York State's  
15 environment.

16 So in conclusion, I would state that I think  
17 the project, and my organization does, is good for New  
18 York State. It's good for the employees and people of  
19 New York State that get electricity from the project,  
20 and it will protect the environment. Thank you.

21 (Applause.)

22 MS. SMITH: Jeffrey Kellogg?

- 142-02 **142-02:** Comment noted.

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Comments 143 and 144

14

1               MR. KELLOGG: Good evening, folks. My name  
2 is Jeff Kellogg. I represent the Operating Engineers,  
3 which are heavy equipment operators. This project  
4 covers probably two-thirds of our territory. It will  
5 put a lot of our men and women to work. And we want to      ] 143-01  **143-01: Comment noted.**  
6 go on record stating that we fully endorse this project.  
7 That's it.

8               MS. SMITH: Thank you.

9               (Appause.)

10              MS. SMITH: John Donaghue?

11              MR. DONOGHUE: Good evening. John Donoghue,  
12 Business Manager, Labor's Local 186. Our territory goes  
13 from the Canadian border all the way down to the Hudson  
14 River in Warren County. The 300 members, some of which  
15 my brothers and sisters are here tonight in the  
16 audience, we fully support this. We're looking forward      ] 144-01  **144-01: Comment noted.**  
17 to the jobs created by it, tax savings, environmentally  
18 friendly like we heard before. And the rest of the  
19 members that couldn't be here tonight wish to endorse  
20 this also. Thank you.

21               (Appause.)

22              MS. SMITH: Thank you. Ben Mainville?

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Comment 145

15

1           MR. MAINVILLE: Hi. I'm Ben Mainville, and  
2 I'm representing the Local Union 186, and if it creates  
3 jobs for us, I don't see why-- and it doesn't destroy  
4 the environment. I'm all for this project. As long as  
5 we keep the environment the way it is and it doesn't  
6 disturb it, there's not a problem. And I hope it  
7 creates more jobs that we need in this area and for a  
8 long period of time. Thank you very much.

- 145-01 **145-01:** Comment noted.

9           (APPLAUSE.)

10          MS. SMITH: That actually concludes the list  
11 of folks that have registered to speak here at the  
12 public hearing tonight. But I would like to open it up  
13 to the folks on the floor. If you have not signed up to  
14 speak, but you feel compelled to do so at this time,  
15 please come forward and make your comment.

16          (No response.)

17          MS. SMITH: All right. Well, with that, this  
18 hearing is adjourned.

19          (Whereupon, at 6:21 p.m., the meeting was  
20 adjourned.)

21

22

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Comment 201



United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
15 State Street – Suite 400  
Boston, Massachusetts 02109-3572



December 12, 2013

9043.1  
ER 13/689

Mr. Brian Mills  
Office of Electric Delivery and Energy Reliability  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

**RE: COMMENTS  
DEIS Champlain Hudson Power Express Transmission Line Project  
New York**

Dear Mr. Mills:

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Champlain Hudson Power Express Transmission Line Project (Project) dated September 2013. The applicant, Champlain Hudson Power Express, Inc. (CHPE), proposes to construct an approximately 336-mile (541-kilometer [km]) long, 1,000-megawatt (MW), high-voltage direct current (HVDC) electric power transmission system that would route from the U.S./Canada border to Astoria, Queens, New York. The overall Project purpose is to transmit electricity from Canada to markets in New York City. The U.S. Department of Energy (DOE) is considering an application for a Presidential Permit for this Project.

The Department's U.S. Fish and Wildlife Service (Service) has contributed the following comments on the DEIS pursuant to, and in accordance with, provisions of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668-668d), and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755; 16 U.S.C. 703-712). The Service previously provided comments to DOE on the Preliminary EIS for this Project in a letter dated February 5, 2013, and may provide additional comments on this Project under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) or other legislation, as applicable.

The proposed CHPE Project involves the construction and installation of two HVDC lines within a primarily underwater and underground corridor, although some specific Project components of

the transmission system, including various cooling equipment and a converter station, would be aboveground. There are four segments to the Project, Lake Champlain, Overland Route, Hudson River, and New York City Area.

## COMMENTS

### Federally-Listed Endangered, Threatened, and Concern Species

Federal agencies have responsibilities under Section 7(a)(2) of the ESA to consult with the Service regarding projects that may affect Federally-listed species or designated critical habitat. We understand that the DOE is currently developing a Biological Assessment (BA) to analyze the impacts to the Federally-listed endangered Indiana bat (*Myotis sodalis*) and Karner blue butterfly (*Lycaeides melissa samuelis*). The DOE has preliminarily determined that the proposed Project may affect, but is not likely to adversely affect (NLCAA), these species. However, the DEIS includes statements such as, "Potential non-significant effects from vegetation management include habitat degradation via removal, crushing, or other disturbances to protected species and their habitat," which would not support an NLCAA determination. The DEIS also states that "A vegetation management plan for the operational phase would be developed and included in the EM&CP." Please note that the DOE and the Service will need to assess the potential impacts of vegetation management during the consultation process.

The DOE has also preliminarily determined that the proposed Project will result in no impacts to the Federally-listed endangered piping plover (*Charadrius melodus*) or roseate tern (*Sterna dougallii*), the Federally-listed threatened northern wild monkshood (*Aconitum noveboracense*), bog turtle (*Clemmys [= Glyptemys] muhlenbergii*), or the Federal candidate for listing, New England cottontail (*Sylvilagus transitionalis*), as no suitable habitat is present for these species within the Project area. The DEIS states that impacts are unlikely to the Federally-listed threatened small whorled pogonia (*Isotria medeoloides*) because the Service considers this species as extirpated from New York. Please note that the DEIS is citing out of date information as small whorled pogonia was rediscovered in Orange County, New York, in 2010. However, we have no information to suggest the species occurs within the proposed Project area. We look forward to receiving additional details for all of the above-listed species in the BA.

The northern long-eared bat (*Myotis septentrionalis*) (NLEB) is currently proposed for Federal listing under the ESA. At this time, no critical habitat has been proposed for the NLEB. The entire state of New York is considered to be within the potential range of the NLEB. During the summer, NLEBs typically roost singly or in colonies in a wide variety of forested habitats, in cavities or crevices or underneath loose bark of both live trees and snags ( $\geq 3$  inches d.b.h.). The NLEBs have also been documented roosting in man-made structures (i.e., buildings, barns, etc.) during the summer. They forage for insects in upland and lowland woodlots and tree lined corridors. During the winter, NLEBs predominately hibernate in caves and abandoned mine portals. Additional habitat types may be identified as new information is obtained.

Pursuant to Section 7(a)(4) of the ESA and 50 CFR 402.10(a), federal action agencies are required to confer with the Service if they determine that the proposed federal action is likely to jeopardize the continued existence of the NLEB. Action agencies may also voluntarily confer

201-01  
201-02

**201-01:** The language regarding potential nonsignificant effects has been clarified in the Final EIS in Sections S.8.7 and 2.6.7 to note that any potential effects on the species would be discountable (i.e., unlikely to occur) and that these potential effects would be avoided and minimized through implementation of conservation measures during construction, operation, and maintenance of the proposed project. The Biological Assessment (BA) (see EIS Appendix Q) for the proposed CHPE Project also provides specific details on the potential impacts resulting from the CHPE Project, and the measures that would be used to avoid and minimize impacts on the Indiana bat and Karner blue butterfly to justify an ESA "not likely to adversely affect" determination for listed species that might be present in the project area. Section 5.2.7 of the Final EIS states that vegetation management in Karner blue butterfly habitat (wild lupine) would be avoided by use of HDD and large potential roost tree removal would occur outside the Indiana bat roosting season. Any vegetation management otherwise required to occur in this habitat would be subject to further consultation between the Applicant and U.S. Fish and Wildlife Service (USFWS).

**201-02:** This information has been added to the Final EIS in Sections 3.2.7, 3.3.7, and 5.1.7, and the BA addresses the rediscovery of small whorled pogonia in Orange County, New York, in 2010. Because the location of rediscovery is more than 3 miles (5 km) away from the proposed CHPE Project region of influence (ROI) and the transmission line in Orange County would be entirely underwater in the Hudson River Segment where there is no suitable habitat to support the small whorled pogonia, the rediscovery of this species in Orange County does not change the effects determination.

with the Service if the proposed action may affect a proposed species. Although species proposed for listing are not afforded protection under the ESA, if a proposed species is listed, the prohibitions against jeopardizing its continued existence and unauthorized “take”<sup>1</sup> are effective immediately, regardless of an action’s stage of completion. Therefore, if suitable NLEB habitat is present within the proposed Project area, we recommend further coordination to determine if the species may be present or if impacts are likely to avoid potential significant Project delays. Additional information regarding NLEB and conference procedures can be found at <http://www.fws.gov/midwest/endangered/mammals/nlba/index.html>.

#### **Bald Eagles**

Bald Eagles use the Hudson River corridor for all aspects of their life cycle including feeding, breeding, wintering, and during migration. The DEIS notes that data from the New York Natural Heritage Program indicates active bald eagle nests in several counties in the Lake Champlain, Overland, and Hudson River sections of the Project. The Project sponsor should contact Sarah Nystrom, the Service’s Northeast Region Eagle Coordinator at 413-253-8592 or [sarah.nystrom@fws.gov](mailto:sarah.nystrom@fws.gov), if Project construction is expected to impact bald eagles, especially during the breeding season. Notably, the DEIS indicates that blasting may be required in some areas if excavation equipment cannot dig the cable trench. Surveys may be required to determine active nesting areas prior to construction. The Service can provide recommendations on surveys for this species prior to construction.

#### **Migratory Birds**

We appreciate the consideration given by CHPE to co-locate the land portion of the Project almost entirely along existing infrastructure such as rail lines, roads, and utilities. This will reduce habitat loss, fragmentation, and disturbance of areas important to migratory birds. As DOE is likely aware, the Project’s effects on migratory birds should be documented, even if found adjacent to previously disturbed areas, in order to comply with the MBTA and the requirements of Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds.

The Service previously requested that wildlife habitat be adequately mapped so that impacts to the various cover types can be assessed. However, it appears that only a portion of the Project corridor has been reviewed. In addition, few details are available on the locations of cooling stations, equipment storage and staging areas, access roads, and contractor yards. Further, we note that the construction of the Project would likely encompass the nesting and migration seasons of migratory birds. However, it is not clear in the DEIS, if and when construction activities would occur in migratory bird habitat.

We recommend DOE provide a more complete estimate of the potential disturbance to terrestrial habitat and the impact of the Project on migratory birds. Further, we request DOE coordinate with the Service’s New York Field Office to determine if conservation measures to benefit migratory birds are needed.

<sup>1</sup> Take is defined in Section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

201-03

**201-03:** This information is presented in the Final EIS in Sections 3.1.7, 5.1.7, 5.2.7, and similar sections, and the BA addresses the life history requirements of the northern long-eared bat, the potential impacts on the bat resulting from the proposed project, and measures that would be implemented to avoid such impacts. The project impacts would be similar to those discussed for the Indiana bat. Prior to construction, the Applicant would coordinate with the USFWS to determine the potential presence of northern long-eared bat along the proposed construction route and to receive additional recommendations on measures to be taken that would prevent adverse impacts on this species.

201-04

**201-04:** Comment noted.

201-05

**201-05:** See EIS Sections 5.1.7, 5.2.7, 5.3.7, and 5.4.7 for the analysis of potential impacts on migratory birds. The EIS sufficiently addresses impacts on migratory birds based on available information. Prior to construction, the Applicant would coordinate with the USFWS to determine the presence of migratory birds along the proposed construction route and the appropriate mitigation measures to be taken that would prevent adverse impacts on migratory bird species.

201-06

**201-06:** See response to Comment 201-05.

According to data from the New York Natural Heritage Program, colonial waterbirds have nested on the Four Brothers Islands complex in Lake Champlain. The Project sponsor should determine if construction will occur close to these nesting areas and if so, whether the Project can be constructed outside of the breeding season in this location.

201-07

**201-07:** The easternmost island of the complex is more than 0.75 miles (1.21 km) from the proposed CHPE project corridor. Impacts associated with construction are not anticipated to affect colonial waterbirds nesting on the Four Brothers Islands.

#### Fish

In previous comments, the Service requested information on the potential effects of electromagnetic fields on the American eel, a candidate for ESA listing. We have concerns that the electromagnetic fields produced by the Project may affect the feeding, migration, or homing abilities of eels. However, the information in the DEIS concludes that the Project would not negatively impact this species. Some research, mostly in the marine environment and with alternating current, concludes that the effects on benthic organisms and fish depend largely on the species and their sensitivity to these fields (Normandeau et al. 2011, Schultz et al. 2010). However, adequate research for freshwater fish is lacking and the impacts to freshwater biota are mostly based on modeling or laboratory experiments. It is recommended that the Project sponsor consider monitoring the Project to determine if the electromagnetic fields emitted by the transmission line are influencing eel behavior. We understand that additional monitoring and reporting is expected to occur following cable installation which will supplement the existing knowledge base and guide future siting decisions for similar projects that may be proposed in the future. The Service requests to be involved in the development of study plans and review of data, when available.

201-08

**201-08:** Comment noted.

We recommend that DOE and the applicant consider these comments prior to Project approval. The Service's New York Field Office will continue to work with the Project sponsor and DOE in evaluating the Project's potential impacts on Federally-listed species, sensitive fish species, and migratory birds.

Thank you for the opportunity to review and comment on this DEIS. Please contact Tim Sullivan at 607-753-9334 if there are any questions regarding these comments. Please contact me at (617) 223-8565 if I can be of further assistance.

Sincerely,

Andrew L. Raddant  
Regional Environmental Officer

## Comment 202



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1666

US Department of Energy

US Department of Energy

DEC 13 2013

DEC 19 2013  
Electricity Delivery and  
Energy ReliabilityElectricity Delivery and  
Energy Reliability

Brian Mills, National Environmental Policy Act Document Manager  
 Office of Electricity Delivery and Energy Reliability, OE-20  
 US Department of Energy  
 Washington, D.C. 20585

Dear Mr. Mills:

The U.S. Environmental Protection Agency (EPA) has reviewed the Department of Energy's draft environmental impact statement (DEIS) dated September 2013 for the Champlain Hudson Power Express Transmission Line Project (CHPE). The proposed project would be an approximately 336-mile long, 1,000-megawatt, high-voltage merchant electric power transmission system that includes a dual transmission line that would extend to Astoria, Queens, New York. The CHPE is a high voltage direct current transmission system, consisting of two cables, which will run electricity from Canada south to the New York City area. The cables will be placed under the sediments of Lake Champlain, the Hudson River, the Harlem River and the East River with some upland placement along the route. The project will include a converter station to be located in Astoria, New York, and several cooling stations to be located with the cables in upland areas. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709) and the National Environmental Policy Act (NEPA).

EPA recognizes that this project has already undergone an in-depth review by the New York State Public Service Commission (NYSPSC), and has been granted a Certificate of Environmental Compatibility and Public Need by that Commission. While the Commission's proceedings are mentioned in various places in the DEIS, it might have been more useful for the public if the DEIS summary had contained a brief explanation of the NYSPSC proceedings, and a listing of important documents and the websites for those documents, especially the NYSPSC Certificate Conditions for the CHPE project.

We have enclosed a list of technical comments on the DEIS, and in light of our concerns on habitat loss due to anchor chain sweep, lack of wetlands mitigation plans and the document's lack of impacts analysis for underwater blasting, EPA has rated the DEIS as "EC-2" (Environmental Concerns- Insufficient Information; see enclosed rating sheet).

Internet Address (URL) • <http://www.epa.gov>  
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**202-01:** A brief explanation of the NYSPSC proceedings, important documents, and links to those documents has been added to Section S.6.2 of the EIS Summary. Section 2.3 of the EIS also details NYSPSC reviews and the granting of the Certificate of Environmental Compatibility and Public Need. Reference from both sections to EIS Appendix C referencing the Certificate and other information has been added to the Final EIS. The Certificate is available in the Document Library on the EIS Web site (<http://www.chpexpresseis.org>)

**202-02:** Comment noted. Habitat loss due to anchor chain sweep is addressed in Sections 5.1.4, 5.3.4, and 5.3.5 of the Final EIS. The wetland mitigation plan is addressed in Section 5.2.8 of the Final EIS, and impact analysis for underwater blasting is in Sections 5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.9, 5.4.10, 5.4.11, 5.4.14, and 5.4.17 of the Final EIS. Additionally, responses to Comments 202-03 through 202-21 provide more detailed information on these and other concerns.

Thank you for the opportunity to comment. Also included is a list of resources, "U.S. EPA Region 2, Green Recommendations" that can assist you in greening this and future projects. If you have any questions regarding this review or our comments, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely,



Judy-Ann Mitchell, Chief  
Sustainability Planning and Multi-Media Programs Branch

Enclosures

**EPA Comments on Champlain Hudson Power Express  
Draft Environmental Impact Statement dated September 2013**

**General Conformity**

1. The general conformity applicability analysis emissions are not presented on a calendar year basis. However, EPA acknowledges that by including the total emissions in each nonattainment area, even for segments that may span greater than one year, the applicability analysis provides a conservative estimate.
2. There appears to be an error in calculating the emission factor for several marine vessels and dredges. Using EPA's "Current Methodologies in Preparing Mobile Source Port-Related Emission Inventories" (<http://epa.gov/cleandiesel/documents/ports-emission-inv-april09.pdf>), a typical NOx emission factor for tugboats is 10 g/kW-hr. Converted to pounds, this factor would be 0.02 lb/kW-hr. However, Appendix M shows an emission factor of 0.02 lb/hr, where it appears that the engine's rated power has not been taken into account. We recommend checking all marine and dredging emission factors and updating the general conformity analysis as necessary.

202-03

**202-03:** Comment noted.

202-04

**202-04:** A review of the calculations used to determine the emissions factor for marine vessels and dredges confirmed that an error was made in the conversion from grams per kilowatt-hour to pounds per hour for tugs, boats, and dredging ships. Although the correction did result in an increase in projected emissions, the *de minimis* threshold still was not exceeded. The language in the EIS relevant to the corrected emissions factor has been revised in Sections 5.3.16 and 5.4.16 of the Final EIS.

202-05

**202-05:** The conceptual wetland mitigation plan is available for public access in the Document Library on the CHPE EIS Web site (<http://www.chpexpresseis.org/>) and the link to the plan was added to Section 5.2.8 in the Final EIS.

202-06

**202-06:** Comment noted. As discussed in Section 5.2.8 of the EIS, restoration of temporarily impacted forested wetlands would consist of backfilling with removed wetland soils (where necessary), final grading, and seeding with a temporary appropriate seed mixture. Restoration work would be completed within 24 hours after backfilling is finished. Additionally, the Applicant would implement a program to monitor the success of wetland restoration. If it is determined that restoration is unsuccessful after 2 years, the Applicant would implement (in consultation with a professional wetland ecologist) a plan to revegetate the wetland actively with native wetland herbaceous plant species.

202-07

**202-07:** In instances where anchors are deployed by construction vessels, U.S. Environmental Protection Agency (USEPA) recommendations regarding the use of mid-line buoys would be followed as mitigation to prevent anchor sweeps. Lay barges would have full anchoring capability to hold position at any point along the route. Anchorage can occur in the event that bottom conditions are encountered that either stop forward progress at reasonable tow tension or result in excessive rolling or pitching of the plow. In this case, the barge would be stopped and spuds or anchors would be

**Wetlands**

1. Several sections of the DEIS, such as S.8.8, 2.6.8 and 5.2.8 mention that a conceptual wetlands mitigation plan has been supplied to the New York District Army Corps of Engineers. That mitigation plan should be included in the EIS to allow for wider public and agency comment.
2. According to Section 5.2.8 of the DEIS, restoration of the temporary wetland impact areas will consist of re-grading to original contours and seeding with annual ryegrass, followed by natural plant establishment and succession. Some tree species may re-sprout from stumps and roots, but this passive restoration of 16.2 acres of forested wetland will likely take 30 to 50 years to yield a mature wetland community. EPA recommends that the planned restoration of cleared forested wetland areas be augmented with a wetland seed mix and planting of native tree and shrub saplings.

**Sediment/Habitat**

1. Sections S.6.3 and 2.4.10.1 discuss the aquatic construction sequence, and state that the "plowing process would be conducted using either a dynamically positioned cable ship or a positioned cable barge." EPA assumes that a "positioned cable barge" is the same as an anchored position vessel, as described in Section 5.1.2. Because of the anchor chain sweep, the use of an anchored position barge or vessel will exponentially increase the impact to benthic habitat compared to a dynamically positioned vessel. Section 5.1.9 does mention anchor sweep, but does not quantify the loss of benthic habitat, nor does Section 5.3.4 "Impacts of construction on shellfish and benthic communities." Should the applicant use an anchored position vessel in either Lake Champlain or the Hudson River,

deployed to hold the barge in position. The project would also employ spud barges during the construction and removal of the temporary cofferdams at the five transmission line transitions from water to land, a 460-foot (140-meter) length of rock trenching in the Harlem River (MP 324.5), and at seven marine splice locations. In the cofferdam and rock trenching locations, the spud barges would be used in a confined area. The aquatic splices can be performed with either dynamic barge positioning or with deployment of anchors or spuds. The collective length of all work where anchors or spuds can be deployed and cause impacts on benthic habitat is less than 1 percent of the approximately 197-mile total aquatic portion of the proposed CHPE Project route.

Sections S.8.4, 2.4.10.1, 2.6.4, 5.1.4, 5.3.4, and 5.3.5 of the Final EIS were revised to include information on anchor sweeps and measures that would be employed to minimize impacts on benthic habitat. Additionally, use of midline buoys as mitigation to prevent anchor sweeps has been added to Appendix G.

mid-line buoys should be employed to minimize the effect of anchor chain sweep on the benthic habitat. Use of mid-line buoys is standard on Federal Energy Regulatory Commission pipeline certificates in this region. EPA is also concerned as to whether the disturbance from anchor chain sweep was included in Table 2-3 - Summary of Potential Impacts Associated with the Proposed CHPE Project, Aquatic Habitat and Species resource area.

2. In section 2.4.2, the fourth paragraph, last line states, "If necessary, blasting could be used to create a trench in which to bury the cables." EPA understands that in water blasting is proscribed by the NYSPSC order and was not mentioned in the New York District Army Corps of Engineers Public Notice (NAN-2009-01089-EYA) for this project. However, if in water blasting is considered a possible construction technique, the DEIS must evaluate its environmental impacts, especially to endangered fish.
3. Section 5.3.5 of the DEIS states, "Installation of the proposed aquatic transmission line would result in up to 485 acres of riverbed disturbance in the Hudson River Segment," however the Army Corps of Engineers Public Notice (above) states that the anticipated impacts from the buried cable installation for the entire project is 338 acres. This discrepancy must be rectified.
4. The applicant needs to clarify what areas will be backfilled with clean fill and what they propose as "clean fill." Particular clarification is necessary for those areas of federal channels (total 9 miles) where the applicant will be excavating 15-feet of material below the federal channel. The DEIS states, "Once a segment of trench is excavated, cable would be laid, and the clamshell dredge or excavator would place clean backfill back into the trench," details need to be provided for this backfilling.

#### Cumulative Impacts

1. The discussion of cumulative impacts should be expanded and updated to address the potential for the installation of the New England Clean Power Link (transmission line) project which includes burial of 100 miles of two six-inch cables under Lake Champlain. It is our understanding that the New England Clean Power Link project is to be developed by the same development team behind the Champlain Hudson Express project and that it will also require DOE review. Therefore, we believe it is appropriate for the analysis to include a description of both projects in the cumulative impacts analysis. Moreover, the EIS should explain whether opportunities exist for synchronized and co-located installation of the projects to further reduce impacts. More information about the New England Clean Power Link project can be found at: <http://www.necplink.com/about.php>
2. Section 6.1.1.3 and 6.1.2.2 discuss the Coast Guard' proposed federal anchorage in the Hudson River west of Yonkers, between mile posts 319 and 320. The Coast Guard effort is well into its planning process, and is very likely to occur. While section 6.1.2.2 states that the anchorage should be constructed before the CHPE is installed, and that the CHPE would be rerouted "slightly" to the east, EPA is concerned that the DEIS did not assume

**202-08:** Installation of the transmission line would entail blasting of approximately 460 linear feet (140 meters) of rock bed at MP 324.5 in the Harlem River. Blasting would occur within the construction windows agreed upon by the settlement parties, including the NYSDEC and the NYSDOS, to minimize impacts on endangered fish species. Information on the creation of trenches in bedrock is provided in Attachment 5 of the USACE New York District Public Notice (NAN-2009-01089-EYA) for the proposed CHPE Project dated October 2013. An analysis of impacts from blasting activities in the Harlem River has been added to Sections 5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.9, 5.4.10, 5.4.11, 5.4.14, 5.4.17, and 5.4.19 of the Final EIS.

**202-09:** The EIS used a conservative disturbance area estimate of 25 feet on each side of the transmission line, which includes settlement zones where a majority of the sediment disturbed by the line would settle, whereas it appears the USACE Notice assumes a lower disturbance area width. This clarification has been made in Sections 5.3.4 and 5.3.5 of the Final EIS.

**202-10:** The proposed CHPE Project transmission line route was developed to avoid or minimize potential environmental impacts. As discussed in Section 2.4.10.1 of the EIS, in most cases, the aquatic cables would be installed using a jet plow or shear plow. These methods do not create typical trenches as are created during terrestrial transmission line burial activities. The plow methods push the sediment aside to allow the cables to sink into the void created. The sediment then slumps back into the void immediately after the plow moves on. "Clean fill" would not be used to backfill the plow trenches. Installation of the transmission line would involve use of clean backfill only at the five water-to-land transition areas (see Section 2.4.3 of the EIS); and temporary cofferdams would be installed requiring the excavation of less than 180 cubic yards (138 cubic meters) of material from within each of the cofferdams. Excavated material would be environmentally tested and any contaminated materials would be disposed of at a state-approved upland site. Once the cofferdam serves its purpose, its sheeting

would be removed from the waterways and the areas within the temporary cofferdams returned to pre-construction elevations by the placement of approximately 200 cubic yards (153 cubic meters) of clean sand into each location. Similarly, as described in Section 2.4.10.1, in the rock excavation area in the Harlem River, clean sand along with blasted aggregate rock materials from the trench would be used to backfill the trench.

**202-11:** A discussion on the potential installation of the New England Clean Power Link (transmission line) is incorporated into Sections S.8.20, 6.1.1, and 6.1.2 of the Final EIS. The New England Clean Power Link project is in the early planning stages; therefore, detailed plans and construction schedules are not yet known. Because the New England Clean Power Link would be installed only in Vermont, and the proposed CHPE Project would be installed a distance away across the state border in New York, significant cumulative impacts on the environment would be unlikely. However, if construction of the New England Clean Power Link and CHPE projects temporally overlap in Lake Champlain, then construction-related impacts on water resources and aquatic species and habitats, including state-listed fish and mussels, would be greater. The distances between the projects would be sufficient to avoid overlaps among temperature and magnetic field increases during operation.

**202-12:** The Applicant has analyzed the proposed CHPE Project's route in relationship to proposed anchorage areas in the Hudson River as those anchorage areas are defined in the applicable USCG *Federal Register* Notice (78 *Federal Register* 44917). Based on the coordinates given in the Notice, it appears the transmission line route is within the boundary of proposed Anchorage Area 18. At this time, however, Anchorage Area 18 has yet to be formally approved and the final coordinates of the proposed anchorage area have yet to be determined. The Applicant has authority under its NYSPSC certificate to modify the current route to account for, and ultimately avoid, established anchorage areas. If modified, impacts from construction within the anchorage area would be avoided. Therefore,

impacts would occur along the installation route that would be outside of the anchorage area. The Applicant is prepared to reroute the proposed transmission line route following finalization of proposed Anchorage Area 18. The Applicant continues to coordinate installation plans for the proposed CHPE Project transmission line with the USCG and the USACE. The transmission line would not traverse any existing designated anchorage areas, and safety measures would be implemented, including issuances of Notices to Mariners, as appropriate, to ensure the safety of vessels transiting near the construction barge throughout the proposed route, including near existing anchorage areas.

the new routing as part of the preferred alternative, has not included any approval or discussion by the Coast Guard or that the CHPE would be safe for mariners near the new anchorage.

3. Section 6.1.2.14 should include a discussion of marine vessel safety during the simultaneous construction of both the CHPE and the Tappan Zee Hudson River Crossing. Any required Coast Guard permits or safety plans with the New York State Thruway and its contractors should be noted.

#### General

1. EPA notes that the DEIS does not appear to contain information about the Champlain Valley National Heritage Partnership (CVNHP) in its evaluation of cultural resources. The CVNHP is administered by the Lake Champlain Basin Program. More information can be found at <http://www.champlainvalleynhp.org/index.htm>
2. EPA recommends that the Endangered Species Action Biological Assessments and Essential Fish Habitat consultation be included in the DEIS, or incorporated by reference.
3. In Section S.8.6, final paragraph, please provide the reference the study on forest fragmentation that indicates that displacement impacts associated with a 26-foot-wide corridor is not significant.
4. Section 1.6.2. Please supplement the description of EPA's role in the CHPE project by including the following - EPA is required under Section 309 of the CAA to review and publicly comment on the environmental impacts of major federal actions including actions that are the subject of draft and final EISs, and responsible for implementing certain procedural provisions of NEPA (e.g., publishing the Notices of Availability of the draft and final EISs in the *Federal Register*) to establish statutory timeframes for the environmental review process.
5. Page 2-7, last sentence on the page. There is a partial sentence "2-7 and" that should be deleted.
6. Page 5-78 discusses the use of vegetative buffers around the cooling stations. All vegetative buffers should use native plants.
7. On page 5-115, the second paragraph states "post-installation monitoring for the Long Island Replacement Cable in 2010...suggested that concrete mats were not a major disturbance to benthic communities." Please add the reference for that statement.

- 202-12 **202-13:** Prior to construction, the Applicant would coordinate installation of the proposed CHPE Project transmission line with the USCG as discussed in various sections of the EIS, including Sections 5.1.2 and 5.3.2, and discussion has been added to Section 6.1.2.2.
- 202-13 Safety measures would be implemented that would include issuances of Notices to Mariners, as appropriate, to ensure the safety of vessels transiting near the cable-laying barge throughout the proposed route (see Appendix G of the EIS). As noted in Comment 203-01, the USCG states that currently there is no indication that the proposed CHPE Project requires any USCG permits.
- 202-14 **202-14:** Several of the properties recognized by the Champlain Valley National Heritage Partnership are identified in the EIS, specifically those with a potential to be impacted by the proposed CHPE Project. An example is Fort Ticonderoga, which is discussed in Sections 3.1.10 and 5.1.10 of the EIS. Text referencing the Champlain Valley National Heritage Partnership has been added to Section 3.1.10.1.
- 202-15 **202-15:** The BA (EIS Appendix Q) and Essential Fish Habitat (EFH) Assessment (EIS Appendix R) and information from the consultations are included in the Final EIS.
- 202-16 **202-16:** The reference citation for this study is provided in the main document text in Sections 5.2.6, 5.2.7, and 5.3.6: see Rich, A.C., D.S. Dobkin, and L.J. Niles. 1994. Defining Forest Fragmentation by Corridor Width: The Influence of Narrow Forest-Dividing Corridors on Forest-Nesting Birds in Southern New Jersey. Journal of Conservation Biology 8 (4): 109-1121.
- 202-17 **202-17:** Section 1.6.2 describes Federal authorizations and approvals. Text in Section 1.6.1 has been revised in the Final EIS to further clarify USEPA's role relative to the EIS, which is the intent of the agency descriptions of Section 1.6.1.
- 202-18 **202-18:** Partial sentence has been deleted in the Final EIS.

**202-19:** The text referred to in the comment was deleted.

Nonetheless, use of native plants is mentioned throughout the EIS. In addition, the EM&CP and BMP documents for the proposed CHPE Project, which were included in draft form in the Joint Proposal and the NYSPSC Certificate, address the use of vegetation buffers, restoration plans, and standards. Specifically, Sections 11.2.2, 18.4, 19.2.3, and others in the BMP document describe vegetation restoration measures that include planting of native seeds, grasses, shrubs, and tree species, as appropriate for the habitat type. Furthermore, measures, including grading and topsoil segregation, and monitoring and cleaning of equipment, would be taken to ensure the preservation of the native seed bank and to prevent or control the spread of nonnative plant seeds.

**202-20:** The reference information for this monitoring effort is cited (ESS Group 2011) in the text that precedes the quoted text (see ESS Group, Inc. 2011, Concrete Mattress Macroinvertebrate and Video Census Monitoring Report, Long Island Replacement Cable (LIRC) Project, Prepared for Northeast Utilities Services Company as agent for the CT Light & Power Company, Berlin, Connecticut, Prepared by ESS Group, Inc., Wellesley, Massachusetts, 2011).

## EPA Region 2 Green Recommendations

To the maximum extent possible, project managers are encouraged to utilize local and recycled materials; to recycle materials generated onsite; and to utilize technologies and fuels that minimize greenhouse gas emissions.

Further, to the extent feasible, renewable energy (including, but not limited to solar, wind, geothermal, biogas, and biomass) and energy-efficient technologies should be incorporated into the design, construction, and operation of all types of projects.

To that end, the following information and internet hyperlinks are provided for your consideration and use:

- **Multi-media green building and land design practices**

Utilize green building practices which have multi-media benefits, including energy efficiency, water conservation (see WaterSense below), and healthy indoor air quality. Apply building rating systems and no-cost online tools and guides, such as ENERGY STAR, Portfolio Manager, Target Finder, Indoor Air Quality Package, and WaterSense for building construction. The ENERGY STAR website (see below) includes, among other things, information on new single-family homes, multi-family homes, commercial and other buildings, and schools. The website also provides an ENERGY STAR "Training Center" free of charge.

U.S. Green Building Council (USGBC) LEED Programs and Guides: <http://www.usgbc.org/>

ENERGY STAR home page: <http://www.energystar.gov>

ENERGY STAR Target Finder (no-cost online tool to set energy performance targets):  
<http://www.energystar.gov/targetfinder>

Indoor Air Quality: <http://www.epa.gov/iaq>

- **Water conservation and efficiency in building construction**

Promote water conservation and efficiency through the use of water efficient products and practices. For new building construction and restoration projects, we recommend considering the use of products with the WaterSense label where appropriate. Devices receiving the EPA WaterSense label must be at least 20% more water efficient than (and must meet or exceed the performance standards of) non-labeled devices of the same type. Additionally, when possible, consider the use of WaterSense Certified Professional Irrigation Partners and WaterSense Builder Partners. These professionals use WaterSense labeled devices where appropriate, are trained in the latest water conservation practices, and use the latest water efficiency tools and technologies, including irrigation equipment and xeriscaping for landscaping and best management practices for construction in the WaterSense New Home Specifications. Visit the WaterSense website for tips on water efficiency, a WaterSense labeled product search tool, a list of WaterSense Partners, access to the Water Budget Tool at: <http://www.epa.gov/watersense>

In addition to using WaterSense labeled products and certified professionals, there are many water conservation strategies and best management practices that can be used in new construction and/or restoration. Here are some useful links to water conservation information:

- Green Building Encyclopedia:  
[http://www.whyygreenbuildings.com/water\\_conservation.php](http://www.whyygreenbuildings.com/water_conservation.php)



**202-21:** USEPA Region 2 Green Recommendations are being considered and implemented by the Applicant to the extent practicable.

During construction of the terrestrial portion of the proposed CHPE Project, clean excavated soils would be reused as fill and waste would be recycled to the maximum extent practicable (see Sections S.8.12 and 2.6.12 of the EIS); a vast majority of the debris generated, such as excavated soil, brush, tree limbs, logs, slash and stump waste, and blasted rock would be recycled as mulch or other uses and not disposed of in a landfill (see Section 5.2.12); and a majority of the estimated 65 tons of debris generated during construction of the Luyster Creek HVDC Converter Station would consist of recyclable materials and would be diverted from landfills (see Section 5.4.12). Additionally, once construction is complete, all debris and equipment would be removed from the site and recycled to the maximum extent feasible (see Section 2.4.4).

The proposed CHPE Project itself would facilitate the use of renewable energy as the Applicant expects that most of the power transported through the proposed transmission line would primarily be from renewable resources, primarily hydropower (see Section 1.4 of the EIS).

Cooling stations would be designed as closed-loop systems in which approximately 245 gallons (927 liters) of cooling water would be required initially to fill the cooling system, and negligible amounts of water would be needed to maintain this level during operation (see Sections 5.2.13, 5.3.12, and 5.4.12).

Consider designs for storm water management on compacted, contaminated soils in dense urban areas:

Additional information: <http://www.epa.gov/brownfields/tools/swdp0408.pdf>

- **Alternative and Renewable Energy**

The Department of Energy's "Green Power Network" (GPN) provides information and markets that can be used to supply alternative generated electricity. The following link identifies several suppliers of renewable energy:

Additional information:

[http://apps3.eere.energy.gov/greenpower/buying/buying\\_power.shtml?](http://apps3.eere.energy.gov/greenpower/buying/buying_power.shtml?)

- **Clean Diesel**

For new equipment utilize contract specifications requiring advanced pollution controls and clean fuels: <http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf> and <http://www.epa.gov/cleandiesel/technologies/index.htm>

Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:

1. Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and
2. Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

Additional information: *A How To Guide for Diesel Engine Retrofits in the Construction Industry*: <http://www.mass.gov/dep/air/diesel/conretro.pdf>

202-21

- **Utilizing recycled materials in construction projects**

Many industrial and construction byproducts are available for use in road, building or infrastructure construction. Use of these materials can save money and reduce environmental impacts. The Recycled Materials Resource Center has developed user guidelines for many recycled materials and compiled existing national specifications.

Additional information: <http://rmrc.wisc.edu>  
<http://www.fhwa.dot.gov/pavement/recycling/rectools.cfm>  
<http://www.epa.gov/osw/conserve/lmr/index.htm>

- **Encourage cost-efficient, environmentally friendly landscaping**

EPA's GreenScapes program provides cost-efficient and environmentally friendly solutions for landscaping. Designed to help preserve natural resources and prevent waste and pollution, GreenScapes encourages companies, government agencies, other entities, and homeowners to make more holistic decisions regarding waste generation and disposal and the associated impacts on land, water, air, and energy use.

Additional information: <http://www.epa.gov/wastes/conserve/tools/greenscapes/index.htm>

- **Incorporate on-site energy generation and energy efficient equipment upgrades into projects at drinking water and wastewater treatment facilities**



Consider using captured biogases in combined heat and power systems, and renewable energy (wind, solar, etc.) to generate energy for use on-site. Evaluate the potential energy savings associated with upgrading to more energy efficient equipment (pumps, motors, lighting, etc.).

Additional information: <http://water.epa.gov/infrastructure/sustain/goinggreen.cfm>  
<http://www.epa.gov/region9/waterinfrastructure/howto.html>

- **Incorporate green practices into remediation of contaminated sites**

Encourage or incentivize the use of green remediation practices, including designing treatment systems with optimum energy efficiency; use of passive energy technologies such as bio-remediation and phyto-remediation; use of renewable energy to meet power demands of energy-intensive treatment systems or auxiliary equipment; use of cleaner fuels, machinery, and vehicles; use of native plant species; and minimizing waste and water use.

Additional information: <http://cluin.org/greenremediation/index.cfm>

- **Encourage development in brownfield sites**

Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. These sites are often "infrastructure-ready," eliminating the need to build new roads and utility lines which are necessary in undeveloped land.

Additional information: <http://www.epa.gov/brownfields/>

- **Encourage use of Smart Growth and transit-oriented development principles**

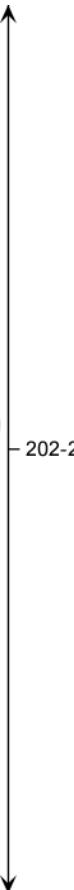
Smart Growth and transit oriented development (TOD) principles help preserve natural lands and critical environmental areas, and protect water and air quality by encouraging developments that are mixed-use, walkable and located near public transit. Encourage use of bicycling with bike commuter parking, storage, and changing facilities. Facilitate increased carpooling or alternative vehicles with preferable parking spaces and/or electric vehicle plug in spots.

Additional information: <http://www.epa.gov/smартgrowth>

- **Integrated Design Process**

The Integrated Design Process calls for the active and continuing engagement of all stakeholders throughout the building design, development, construction, and post-construction phases including the owners, architects, engineers, building department officials, and others. This process creates a higher-performing building at lower cost, allows various building systems to work together to eliminate redundant and unnecessary capacity, and minimizes change order costs.

Additional information: [http://www.wbdg.org/design/engage\\_process.php](http://www.wbdg.org/design/engage_process.php)



202-21



**SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION**  
**Environmental Impact of the Action**

**LO-Lack of Objections**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC-Environmental Concerns**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

**EO-Environmental Objections**

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU-Environmentally Unsatisfactory**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

- 202-21

**Adequacy of the Impact Statement**

**Category 1-Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2-Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

**Category 3-Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

## Comment 203



Commander  
First Coast Guard District

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16670  
January 15, 2014

Mr. Brian Mills  
U.S. Department of Energy  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Mills,

Thank you for the opportunity to comment on the Champlain Hudson Power Express (CHPE) Draft Environmental Impact Statement (DEIS).<sup>1</sup> The First Coast Guard District (CGDONE), with input from Sector Northern New England (SECNNE) and Sector New York (SECNY), evaluated the DEIS to determine how the project may impact navigational safety along the transmission line route. The U.S. Coast Guard (USCG) provides the following input, in addition to a submission by SECNY on January 17, 2013 on the Preliminary DEIS (See Enclosure).

1. Cooperating Agency Clarification:

The USCG's role is to serve as a subject matter expert to the DOE regarding impacts to navigation. The USCG requests that Table I-2 on page I-11 in Volume 1 of the DEIS be revised to read as follows: "Provides recommendations concerning possible impacts to navigational safety and security under the authority of the Ports and Waterways Safety Act (PWSA), 33 U.S.C. § 1231, and the Rivers and Harbors Act, 33 U.S.C. § 471."

The USCG is authorized to issue permits for certain bridge projects, marine events, and for private aids to navigation. At this time, there is no indication that this project requires the USCG to exercise any such permitting authorities.<sup>2</sup>

2. Navigational Safety:

Installation of cable beneath navigable waters along the project route will impact navigational safety by increased presence of construction vessel traffic. To reduce risks during construction, cable laying vessels must be vigilant to guard against marine incidents through prudent seamanship and adherence to navigation rules. After the installation phase is finished, the permanent existence of a transmission cable under these waterways will likely create safety risks for vessels needing to anchor if appropriate mitigation strategies are not employed.

The DEIS mentions employing limited access areas for the project in multiple locations to mitigate risk.<sup>3</sup> The USCG may, at its discretion, establish a limited access area along the

203-01

**203-01:** The Final EIS has been revised to clarify the role of the USCG in the review of the proposed CHPE Project per the comment. The requested text has been added to Section 1.6.1 of the Final EIS since Table 1-2 is a list of permitting processes, not recommendations.

203-02

**203-02:** Comment noted. EIS Section 3.3.2 has been revised to cite the correct safety and security zone regulations.

<sup>1</sup> OE Docket No.PP-362.

<sup>2</sup> Page 2-81 (end of paragraph 6); Appendix J Memo dated November 26, 2012 (Section 2.0)

<sup>3</sup> Pages 3-35 paragraph 1 and page 5-101 paragraph 4.

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waterways when necessary to provide for safe navigation. As stated in 33 C.F.R. § 165, any person (or applicant) may request that the USCG establish a limited access area by following the appropriate protocol. Finally, for clarification, the DEIS references an outdated version of 33 C.F.R. 169.165 safety and security zone regulations.<sup>4</sup> The “Commercial Waterfront Facilities” site has been revised to “33 C.F.R. Part 105 Facilities”.

#### 3. Transmission Cable Line:

The USCG has concerns with several locations and burial depths along the proposed cable route. While the Applicant did consult with SECNY and with members of the NY/NJ Harbor Safety, Navigation and Operations Energy Subcommittee, it appears the Applicant has made few changes to the project route based on input provided during such consultation, contrary to what the DEIS states.<sup>5</sup>

It is unclear if the proposed cable burial depth, which varies from three to fifteen feet along the route, is sufficient to prevent anchor snag. A vessel fetching up on an insufficiently buried cable could result in a marine incident with interruption to the waterway and dire environmental consequences. The USCG recommends that the Applicant substantiate through testing or research that the proposed route and burial are such that anchor snags on vessels typical of the waterway are unlikely to occur. The Applicant’s proposed cable route and burial should be based on independent and objective data and information derived from reliable, expert sources, such as the Sharples Report.<sup>6</sup> After an adequate cable route and depth is established, the USCG recommends that the Applicant verify and document the “as built” cable depth with certainty. Currently, the DEIS does not detail how the burial depth will be verified.<sup>7</sup>

The USCG requests clarification regarding the anchor replacement and cable repair process, which as written implies the USCG has a role in the process.<sup>8</sup> Additionally, the USCG requests an opportunity to review the Anchor Snag Manual, and the subsequent Navigation Risk Assessment, prior to construction.<sup>9</sup> The USCG requests a meeting with the Applicant and their cable installer prior to construction to better understand the installation methods and discuss safety and security concerns.

#### 4. Multiple Use of the Waterway:

The Hudson and NYC Metropolitan segments are congested with many waterway projects and are components of the greater Port of New York/ New Jersey. Lake Champlain has passenger ferries, including a cable ferry, essential to the regional transportation systems. While the USCG maintains awareness of activities taking place in the maritime domain, it is the responsibility of

**203-03:** In determining the proposed CHPE Project’s proposed burial depths, the Applicant reviewed technical journals and industry reports, including information provided by the manufacturer of concrete mattresses that is proposed for certain discrete areas, to ensure the cables would not present navigation risks or anchor snag concerns. The Applicant has also developed an independent navigation risk assessment that addresses both navigational risks and anchor snag concerns (see Appendix U of the Final EIS). The Sharples report was used during the development of the navigation risk assessment. This document has been made available to the USCG and other stakeholders for comment.

Following completion of cable installation, the Applicant is required to prepare and submit as-built design drawings that show the locations of the cables as installed. These drawings would indicate areas in which the cables are laid in deep waters without cover and areas in which the cables are laid on the bottom but covered. Cable installation would be recorded and monitored in real-time by the cable-laying vessel’s navigation, lay control, and burial control computer systems, which would be used to produce the as-built report. Text communicating this information has been added to Section G.2 of Appendix G in the Final EIS.

**203-04:** Section 5.3.2 of the Final EIS has been revised to clarify that in the event of an anchor incident or cable repair, the USCG would be notified. The Applicant would undertake the actual repair of the cable.

The USCG would have an opportunity to review the Anchor Snag Manual and the subsequent Navigation Risk Assessment prior to construction. The Applicant also commits to meeting with the USCG, along with the Applicant’s cable installer, prior to construction.

<sup>4</sup> Page 3-86, paragraph 3.

<sup>5</sup> Page 5-38, paragraph 4.

<sup>6</sup> [http://www.bsee.gov/uploadedFiles/BSEE/Research\\_and\\_Training/Technology\\_Assessment\\_and\\_Research/671AA-Final%20Report%20Offshore%20Electrical%20Cable%20Burial%20for%20Wind%20Farms.pdf](http://www.bsee.gov/uploadedFiles/BSEE/Research_and_Training/Technology_Assessment_and_Research/671AA-Final%20Report%20Offshore%20Electrical%20Cable%20Burial%20for%20Wind%20Farms.pdf)

<sup>7</sup> Appendix G, page G-2, bullet 6.

<sup>8</sup> Page 5-103, paragraph 1.

<sup>9</sup> Appendix G, page G-3, bullet 11.

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the Applicant to coordinate this project with other waterway users, and when possible, avoid conflicts.

The DOE has no authority to prohibit vessel anchorage for the “aquatic transmission line ROW for the lifespan of the proposed CHPE Project” as stated in Section 5; nor would the USCG prohibit vessel anchorage, as stated in Section 5.3.2.<sup>10</sup> For these reasons, the USCG recommends that this proposed language be further examined and revised. In the event of a vessel emergency, vessels must have the ability to rapidly deploy their anchor regardless of whether or not they are in an established anchorage.

The DEIS states that where the transmission line might cross a channel or anchorage area, it would be buried according to specifications described in Section 2.4.10.1.<sup>11</sup> The DEIS also states that the proposed CHPE project would traverse the Yonkers Anchorage Ground.<sup>12</sup> SECNY notified HDR Inc. of this proposed Anchorage Ground on November 12, 2010<sup>13</sup> and is unaware of attempts to re-route the cable. Any cabling through a designated anchorage presents an unacceptable risk. This risk is amplified where no study of anchor penetrations and bottom characteristics has been conducted. The USCG strongly disagrees with a cable route that lies beneath any existing or proposed anchorage ground.

#### 5. Bridges:

The Applicant and DOE are reminded that the USCG is responsible for enforcing certain rules and regulations related to bridges and causeways over U.S. navigable waters. If the Applicant plans activity affecting a bridge built under the authority of a USCG permit, the Applicant may be required to consult with the bridge owner and CGDNE before commencing that work.

#### 6. Ice Breaking:

According to the DEIS, various project construction milestones extend into late November and December.<sup>14</sup> The Applicant and DOE are reminded that Lake Champlain may ice over at that time of year and the USCG has no ice breaking resources available on Lake Champlain.

Although the DEIS states that installation activities will be limited to certain times of the year, it is silent about the timing of inspection and repair activities. If inspection and repair activities take place during winter months, the USCG may not have the capacity to conduct ice breaking operations in the Hudson River and NYC segments for the Applicant.

#### 7. Ballast Water Management:

Because ballast water management is not mentioned in the DEIS, the Applicant and DOE are reminded that, pursuant to the Non-indigenous Aquatic Nuisance Prevention and Control Act of

203-05 **203-05:** Comment noted. See response to Comment 202-13.

203-06 **203-06:** Text regarding vessel anchorage prohibitions in the proposed CHPE Project aquatic transmission line ROW has been deleted from Section 5.3.2 and other similar sections in the Final EIS.

203-07 **203-07:** The Applicant has analyzed the proposed CHPE Project’s route in relation to the proposed anchorage areas in the Hudson River as those anchorage areas are defined in the applicable USCG *Federal Register* Notice (78 *Federal Register* 44917). Based on the coordinates given in the Notice, it appears the transmission line route is within the boundary of proposed Anchorage Ground No. 18 (i.e., Yonkers Anchorage Ground). At this time, however, Anchorage Ground No. 18 has yet to be formally approved and the final coordinates of the proposed anchorage area have yet to be determined. The Applicant has authority under its NYSPSC certificate and intends to modify the currently proposed transmission line route to account for, and ultimately avoid, established anchorage areas as required.

203-08 **203-08:** Comment noted.

203-09 **203-09:** The Applicant would be responsible for ice breaking operations if so required by emergency repair activities. Text added to EIS Section 5.1.2 accordingly.

203-10 **203-10:** The Applicant would adhere to all current regulations regarding proper ballast management to minimize introduction of additional aquatic invasive species. Text has been added to Appendix G of the Final EIS and the EFH Assessment (EIS Appendix R) regarding such.

<sup>10</sup> Page 5-2, paragraph 4, page 5-103, paragraph 1.

<sup>11</sup> Page 5-3, paragraph 6.

<sup>12</sup> Page 6-4, paragraph 5.

<sup>13</sup> Email with attachment, Jeff Yunker, USCG to R. Alevras, HDR.

<sup>14</sup> Page 2-27, Table 2-2.

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January 15, 2014

1990 (33 C.F.R. § 151 Subpart C and D), the USCG has authority to regulate and enforce proper ballast water management. Aquatic nuisance species are a major concern especially for the Lake Champlain ecosystem. Current regulations and guidance on USCG ballast water regulations can be found on the USCG's Home port web site.<sup>15</sup>

#### 8. Compass Deviation

All vessels that fall under 33 C.F.R. § 164 and USCG Navigation and Vessel Inspection Circular No 02-03, require a properly adjusted magnetic compass. According to the DEIS, the DOE states impacts to the required magnetic compasses will be negligible as a result of the project.<sup>16</sup> USCG requests the DOE research used to make this determination.

#### 9. Cumulative and Other Impacts:

The Clean Energy Power Link project, which is also proposed by the Applicant of the CHPE project, runs closely along the same route through Lake Champlain.<sup>17</sup> In Section 6.1.1.2 of the DEIS, there is no mention of the potential for cumulative impacts on the marine environment. Additionally, the West Point Net Zero Initiative proposes to install a water intake pipeline, extending approximately 1500 feet from the Hudson River shoreline between MP 283 and 284, to be used for terrestrial infrastructure cooling. The USCG, through SECNY, commented on June 24, 2013 to the U.S. Army NEPA coordinator, that the location of this project presents navigational safety concerns on its own. The addition of the CHPE project would increase the risk of a marine incident.

#### 10. Summary:

To reduce the negative impacts on navigation and reduce the risk to safety on the affected waterways, the USCG strongly recommends that the Applicant:

- To the greatest extent possible, set the cable route outside of all federally maintained, designated navigation channels, and frequented natural deepwater channels;
- Set the cable route outside of all current anchorage areas and those anchorage areas currently proposed through the rulemaking process; and
- Establish a cable route and burial depths sufficient to prevent anchor fouling, then verify and publish the route post-construction.

If the CHPE project is approved by DOE and constructed by HDR, Inc, the USCG strongly desires continued involvement, including:

- Coordination of cable laying within or across federally maintained navigation channels<sup>18</sup>;
- Distribution of project updates via Local Notices to Mariners;

<sup>15</sup> <https://homeport.uscg.mil/>

<sup>16</sup> Page 5-103, paragraph 1

<sup>17</sup> <http://www.necplink.com/>

<sup>18</sup> Appendix G, page G-2, bullet 6.

**203-11:** The compass deviation estimates were provided in Exhibit 87 to the Joint Proposal. This analysis was done by Exponent, a U.S.-based scientific and consulting firm. The deviation estimates presented in the Draft EIS were conservative, in that they were based on a 6-foot (1.8-meter) cable spacing. Exhibit 87 also states that if the cables are close together, the deviation would decrease (CHPEI 2012ccc). It is currently proposed by the Applicant that the two cables would be installed in the same trench with an effective spacing of 1 foot (0.3 meters) or less. Under this scenario, the expected declination from magnetic north would be less than 3 degrees at 19 feet (6 meters) above the cables and deviation would only occur within 10 to 20 feet (3 to 6 meters) of the cables. Because cables in water shallower than this are outside of the navigation channel (where vessel traffic would be heaviest) and the Hudson River is not open water where compass navigation is a greater necessity, the impact of this deviance is expected to be minimal. In addition, the Hudson River Pilot Association and National Oceanic Atmospheric Administration's (NOAA) Coast Pilot 2 both state that ships traversing in the New York Harbor and up the Hudson River require a river pilot, thus minimizing any potential navigation system effects resulting from compass deviations. On Lake Champlain, in general, the smaller sizes of vessels that use that waterway and the substantial depth of the water would likely not result in compass deviations impacting navigation systems. The potential declination from magnetic north of less than 3 degrees would be expected to be within the range of natural variation. For example, as per NOAA's January 5, 2014, U.S. Coast Pilot 2, Chapter 11, page 353, differences of as much as 5 degrees from the normal variation have been reported in the lower Hudson River. Based on this information, DOE concurred with the Joint Proposal Exhibit findings that impacts would be negligible.

**203-12:** The Final EIS now includes the Clean Energy Power Link and the U.S. Military Academy West Point Net Zero Initiative projects in the discussion of Cumulative Impacts in Chapter 6.

**203-13:** Comment noted. Also see responses to Comments 203-01 through 203-12.

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January 15, 2014

203-13

- Active participation in review of several Applicant written documents (e.g. Aquatic Safety and Communications Plan; Environmental Management and Construction Plan; Spill Prevention, Control; and Countermeasures Plan; Emergency Repair and Response Plan; and the Anchor Snag Manual) prior to construction start; and
- Notification as soon as possible of all reportable marine incidents and cooperation through marine investigations, if applicable.

Finally, the USCG recommends frequent communication with the appropriate Coast Guard Sector waterway managers and affected stakeholders.

Thank you for this opportunity to participate as a cooperating agency. Should you have additional questions or concerns in this matter, feel free to contact Mr. Daniel L. Hubbard, Branch Chief for Maritime Energy and Marine Planning at [Daniel.L.Hubbard@uscg.mil](mailto:Daniel.L.Hubbard@uscg.mil) or 617-223-8372.

Sincerely,



W.A. MUILENBURG  
Captain, U.S. Coast Guard  
Chief, Prevention Division  
By direction of the District Commander

Enclosure: (1) Coast Guard Sector New York CHPE PDEIS Comment Letter 17 JAN 2013

Copy: Commandant, U.S. Coast Guard (NAV-3)  
Commander, Coast Guard Atlantic Area (LANT-544)  
Commander, First Coast Guard District (dpb)  
Commander, Coast Guard Sector Northern New England (spw)  
Commander, Coast Guard Sector New York (spw)  
Commander, U.S. Army Corps of Engineers New York District (Eastern Permits)



Commander  
United States Coast Guard  
Sector New York

212 Coast Guard Drive  
Staten Island, NY 10305  
Staff Symbol: (spw)  
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16670  
17 Jan 2013

U. S. Department of Energy  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
1000 Independence Avenue, SW  
Washington, DC 20585  
Attn: Mr. Brian Mills

To Whom It May Concern:

Thank you for the opportunity to comment on the Preliminary Draft Environmental Impact Statement (DEIS) regarding the Champlain Hudson Power Express Transmission Line Project. We offer the following comments:

The Coast Guard has a responsibility to ensure the safety of navigation and protection of the marine environment under the Ports and Waterway Safety Act (PWSA), 33 U.S.C. 1231. The Champlain Hudson Power Express Project, in its current form, presents concerns to the Coast Guard Captain of the Port (COTP) New York, as it proposes to install power cables underneath and along the navigable waters of the Hudson, Harlem and East Rivers.

In the event of an emergency, commercial vessels must have the ability to rapidly deploy their anchor. If cables are not buried sufficiently, there is a risk of the cable being struck or snagged by a commercial vessel's anchor which could have a severe impact on commercial and recreational navigation, the environment, maritime facilities, and the transmission line itself. While installing this cable in shallower water near the shoreline would alleviate many navigation concerns, the agencies and groups involved in the Joint Proposal of Settlement have approved a route in deep water where the likelihood of anchor related marine casualties is increased.

As evidenced by the recent closure of the Hudson River due to the M/V STENA PRIMORSK grounding, a two or three day waterway closure would have severe impacts to Upstate New York and the New England region. The DEIS referenced 14 day closure for future cable repairs would have unacceptable impacts to the marine transportation system.

The transmission route should be revised to avoid all federally designated navigation channels and other navigable waters historically used by commercial vessels. Due to the effects of winds, tides, currents, and other vessel traffic, commercial vessels must transit where deep water is available regardless of the location of federal channels. The burial depths currently proposed in the DEIS are insufficient. If the cable is buried within navigable waters, it is of the upmost importance that the cables are buried sufficiently to allow for future channel deepening projects and to prevent cable strikes or snags. The cable burial depths should be established through consultation with the US Army Corps of Engineers' Technical Group. The Shapples Report provides additional guidance about the burial depths that should be required of the applicant. If

- 203-14

**203-14:** The comments in the USCG's letter dated January 17, 2013, are repeated in varying form in its letter dated January 15, 2014. See earlier comments in the January 15th letter.

ENCLOSURES( 1 )



16670

In addition, the applicant must not assume right of way over other pre-approved projects. The Coast Guard will not facilitate scheduling conflicts between other projects. Requests for the movement of any federal channel marker buoys must be made a minimum of 30 days in advance if necessary for the completion of this project. Regardless of the request, the Coast Guard may not be able to reposition buoys to accommodate cable installation based upon previously scheduled Coast Guard operations and/or unavailability of alternate buoy locations.

On page 326, the DEIS describes that cable burial depths will be verified, but it is not stated who will do the verification, the cable installer or a separate party.

The Coast Guard would like an opportunity to provide comments on the BMP referenced as an Anchor Snag Manual (p. 441). We recommend the anchor snag manual include a navigation risk assessment including a bottom assessment of the entire cable route within the Hudson, Harlem, and East Rivers, including, but not limited to, expected impacts to current and future commercial vessels based upon Deadweight Tonnage.

Under 33 CFR 64.06 – Definition of Terms, a transmission cable snagged by an anchor is designated as an “obstruction”. Following an anchor related marine casualty due to transmission cables, the applicant would be required to provide a repair proposal to the COTP New York including a new, deeper cable burial depth to prevent future snags within the affected area. Again, the DEIS referenced a 14 day closure for future cable repairs which would have unacceptable impacts to the marine transportation system.

The “Present and Reasonably Foreseeable Future Actions in the Hudson River” segment should include the proposed establishment of a Federal anchorage ground west of Yonkers, NY bound by the following points: 40°56'54.0"N, 073°54'40.0"W; thence to 40°56'51.0"N, 073°54'24.0"W; thence to 40°55'53.0"N, 073°54'40.0"W; thence to 40°55'56.0"N, 073°54'58.0"W; thence to the point of origin (NAD 83).

Finally, the Coast Guard recommends including our agency in the Index, similarly to the USFWS and USACE.

Thank you for these considerations. If you have any questions or comments regarding this matter, please contact me at (718)354-2353 or Mr. Jeff Yunker at (718) 354-4195.

Sincerely,

A. M. MORRISSEY  
 Lieutenant Commander, U.S. Coast Guard  
 Chief, Waterways Management Division  
 By Direction

Copy: USACE Eastern Permits Section  
 CGD ONE (dpw)

2

– 203-14

## Comment 204



UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 NORTHEAST REGION  
 55 Great Republic Drive  
 Gloucester, MA 01930-2278

JAN 15 2014

Mr. Brian Mills  
 Office of Electricity Delivery and Energy Reliability (OE-20)  
 U.S. Department of Energy  
 1000 Independence Avenue SW  
 Washington, DC 20585

Ms. Jodi McDonald, Chief  
 Regulatory Branch  
 New York District  
 U.S. Army Corps of Engineers  
 26 Federal Plaza  
 New York, NY 10278-0900

RE: Champlain Hudson Power Express; Draft Environmental Impact Statement and Public Notice NAN-2009-01089-EYA; Request for Additional Information

Dear Mr. Mills and Ms. McDonald:

We have reviewed the September 2013 Draft Environmental Impact Statement (DEIS) for the Champlain Hudson Power Express Project prepared by the U.S. Department of Energy (USDOE), the lead federal agency for the project, as well as the U.S. Army Corps of Engineers (USACE) Public Notice NAN-2009-01089-EYA, dated October 2, 2013. We are pleased to provide the following technical comments, and based on our review, we have determined that the DEIS and Public Notice do not provide us with the necessary information to complete EFH or ESA consultation on this project. In particular, an expanded Essential Fish Habitat (EFH) Assessment is necessary to begin consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Additional project specific information is also needed to conduct consultations under the Fish and Wildlife Coordination Act (FWCA), and a Biological Assessment to complete consultation under Section 7 of the Endangered Species Act (ESA). Our specific information needs are described in detail below.

The applicant, Champlain Hudson Power Express, Inc. (CHPEI), is proposing to construct a 1,000 megawatt (MW) high voltage direct current (HVDC) electric transmission system extending 332.8 miles from the international border between Canada and the United States to Queens, New York. The project would extend through fifteen New York State counties and impact approximately 347 acres of waters of the U.S. including Lake Champlain, Narrows of Lake Champlain, the Hudson River, Harlem River and East River. The expected life span of the project is 40 years.

The proposed HVDC transmission system would be comprised of two cables, buried within the same trench. The DEIS indicates burial depths would range between 3 and 5 feet below the

204-01

**204-01:** The EFH Assessment (EIS Appendix R) and BA (EIS Appendix Q) have been prepared and have been provided for the respective consultation efforts. The requested information on the habitats and species potentially affected by the proposed CHPE Project is in the Draft EIS and is also reflected in those documents, and additional information as identified in this letter and in Comments 204-02 through 204-32 have been incorporated into the Final EIS, BA and EFH Assessment as appropriate.



bottom; however, the Public Notice states the cable would be buried 4 feet below the bottom in Lake Champlain and 7 feet below the bottom in the Hudson River. In areas where surface bedrock may not permit adequate cable burial depths, or where the proposed cable would encounter existing infrastructure, the applicant proposes either placement of the cable on the riverbed or burial of cable at depths less than 4 feet. Protective coverings such as concrete mats or rip rap would be placed over the proposed cable where burial is not possible. Cable installation methods would include horizontal directional drilling, jet plow installation, shear plow installation, and conventional dredging. Mitigation in the form of wetland creation, restoration and/or enhancement is proposed for 10.5 acres of permanent impacts to wetlands. According to the DEIS, the applicant is also proposing to fund a trust for restoration and research as compensatory mitigation.

The applicant of this project, CHPEI, has applied to the USDOE for a Presidential permit to authorize international border crossing of the proposed HVDC transmission system. The USACE has also received an application from CHPEI for authorization of project activities pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). USDOE and USACE are required to consult with us under the MSA, FWCA, and Section 7 of the ESA.<sup>1</sup> In order for us to successfully complete consultation, we will need the additional information and analyses described below.

#### **Magnuson-Stevens Fishery Conservation and Management Act**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies such as the USDOE and USACE to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH) identified under the MSA [16 U.S.C. § 1855(b)(2)]. The statute defines EFH as “those waters and substrates necessary to fish spawning, breeding, feeding or growth to maturity.” [16 U.S.C. § 1853(a)(7) and § 1802(10)]. Our regulations further define EFH adding, among other things, that “‘necessary’ means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem.” (50 C.F.R. §600.10). Adverse effects to EFH are defined in our regulations as “any impact that reduces the quality or quantity of EFH.” The regulations state:

An adverse effect may include direct or indirect physical, chemical or biological alterations of the water or substrate and any loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions [50 C.F.R. 600.810(a)].

The regulations at 50 C.F.R. 600.920 set forth the consultation process that will allow us to make a determination of this project’s effects on EFH and provide conservation recommendations on actions that would adversely affect such habitat pursuant to section 305(b)(4)(A) of the MSA. To initiate an EFH consultation, you must submit an EFH assessment to us. Required components of

<sup>1</sup> The USDOE is the lead federal agency for this project.

an EFH assessment include “a description of the action; and analysis of the potential adverse effects of the action on EFH and the managed species; the federal agency’s conclusions regarding the effects of the action on EFH; and the proposed mitigation, if applicable” [50 C.F.R. §600.920(e)(3)]. Since this project may result in substantial adverse impacts to EFH, an expanded EFH consultation would be necessary [§600.920(i)]. In preparing an expanded EFH consultation, we encourage you to include additional information in the EFH assessment such as results of on-site inspections, views of recognized experts, a review of pertinent literature, an analysis of alternatives and any other relevant information [50 C.F.R. §600.920(e)(4)]. Finally, depending on the degree and type of habitat impact, compensatory mitigation may be necessary to offset permanent and temporary effects of the project.

#### Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA) provides authority for our involvement in evaluating impacts to fish and wildlife from proposed water resource development projects and other human activities that may affect waters of the United States. The FWCA specifically requires that wildlife conservation be given equal consideration to other features of water resource development programs through planning, development, maintenance and coordination of wildlife conservation and rehabilitation. Wildlife and wildlife resources are defined by the Act to include: birds, fish, mammals and all other classes of wild animals and all types of aquatic and land vegetation upon which such wildlife dependent. These consultation and coordination activities are intended to prevent loss or damage to fish and wildlife resources and to provide appropriate measures to mitigate adverse impacts associated with proposed human activities.

While many of the impacts that would accrue to federally managed fishery resources under the MSA also would accrue to FWCA species, it is important to note that the interests of some species would not be represented adequately by relying on the EFH assessment alone. For instance, shellfish do not have an appropriate surrogate among the federally managed fishery resources that have EFH designated in the project vicinity and their needs and those of other non-represented species should be discussed at length in this section. Similarly, the behaviors and habitat needs of diadromous and estuary-dependent fishes may not be represented by a discussion surrounding marine fishes. The discussion for FWCA species should be designed around an ecological guild model that uses locally important species to evaluate the project impacts to organisms or populations associated with the various trophic levels and life history strategies exhibited by FWCA species known to occupy the project site as residents or transients. Focus should be on issues surrounding particular species, life history stages, or habitat components that would be most susceptible to the various potential impacts.

#### Endangered Species Act Section 7 Consultation

Section 7 of the Endangered Species Act (16 U.S.C. § 1536(a)(2)) requires Federal agencies to consult with the Secretary of Commerce, through NOAA, to insure that “any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or adversely modify or destroy [designated] critical habitat . . . .” See also 50 C.F.R. part 402. As ESA listed species under our jurisdiction will occur in the project areas (see below), and effects to these species are likely, consultation under the

204-02

**204-02:** Comment noted. The EFH Assessment addresses the topics raised in the comment. EFH consultation is ongoing.

204-03

The NYSPSC Certificate for the proposed CHPE Project requires the establishment of the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust. The Trust would be funded in increments over 35 years, and the total funding would reach \$117 million. Any person can propose a project for funding, but approvable projects must serve to protect, restore, or improve biological resources such as the aquatic resources and fisheries resources in Lake Champlain or the Hudson, Harlem, or East rivers to minimize, mitigate, study, or compensate for the impacts and risks posed to these waterbodies by the CHPE Project.

**204-03:** Fish (including anadromous fish) and shellfish in the Hudson River and New York City Metropolitan Area segments and impacts on such are described in EIS Sections 3.3.4, 3.4.4, 5.3.4, and 5.4.4. As discussed in these sections (e.g., Page 5-109), “based on the proposed CHPE Project aquatic construction schedule (August 1 through October 15), impacts on many spawning fish would be avoided.” An analysis on Fish and Wildlife Coordination Act (FWCA) species, including anadromous species, has been added to the EFH Assessment as Section 3.2, in Section 4, and as Section 5.2.

ESA will be necessary (50 C.F.R. § 402.14). As such, further coordination will be necessary with our Protected Resources Division (PRD) to meet your obligations under section 7 of the ESA. In particular, we now expect the USDOE, designated the lead Federal Agency on this project, to submit a complete Biological Assessment to us including the information and analysis presented in your EIS and responding to the technical issues raised below, in order for us to complete consultation on the proposed action.

#### **Resources within the Proposed Project Area**

##### ***Essential Fish Habitat***

Water salinity can be variable in the Hudson River as the salt front migrates due to tidal conditions, weather patterns and extreme weather events. Data has indicated that the salt front occurs on a daily basis as far south as Battery (River Mile (RM) 0) to as far north as Poughkeepsie (RM 77), but is generally found between RM 30 and 70 (NYSDEC 2012). Since these salinities may provide suitable habitat for species with EFH designations within the project area, we consider EFH to be located as far north as RM 77 in Poughkeepsie. This stretch of the Hudson River and its tributaries, as well as the East River and Harlem River have been designated as EFH for a number of federally managed species including Atlantic butterfish (*Peprilus triacanthus*), Atlantic sea herring (*Clupea harengus*), bluefish (*Pomatomus saltatrix*), black sea bass (*Centropristes striata*), red hake (*Urophycis chuss*), scup (*Stenotomus chrysops*), summer flounder (*Paralichthys dentatus*), winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), clearnose skate (*Raja eglanteria*), little skate (*Leucoraja erinacea*), and winter skate (*Leucoraja ocellata*).

Winter flounder may be particularly vulnerable to the impacts of the proposed project. Sensitive life stages of this species tolerate wide salinity ranges, including 10‰ to 30‰ for eggs and 4‰ to 30‰ for larvae (Pereira *et al.* 1999), and are expected to be found in the project area. Winter flounder migrate into shallow water or estuaries and coastal ponds to spawn, and tagging studies show that most return repeatedly to the same spawning grounds (Lobell 1939, Saila 1961, Grove 1982 in Collette and Klein-MacPhee 2002). They typically spawn in the winter and early spring although the exact timing is temperature dependent and thus varies with latitude (Able and Fahay 1998). Winter flounder have demersal eggs that sink and remain on the bottom until they hatch. Winter flounder eggs, once deposited on the substrate, are vulnerable to sedimentation with decreased hatching success of eggs observed when covered in as little as 1 mm of sediment and burial in sediments greater than 2.5 mm have been shown to cause no hatch (Bertu *et al.* 2011). After hatching, the larvae are initially planktonic, but following metamorphosis they assume an epibenthic existence. Winter flounder larvae are negatively buoyant (Pereira *et al.* 1999), and are typically more abundant near the bottom (Able and Fahay 1998). These life stages are less mobile and thus more likely to be affected adversely by cable installations and the associated turbidity impacts. As a federally managed species, winter flounder are harvested both commercially and recreationally, and are considered an aquatic resource of national importance. Winter flounder populations are in decline through much of their range so it is critical precautions are taken to minimize impacts to this species. To minimize impacts to winter flounder early life stages and their EFH, we generally recommend that activities be avoided from January 1 to May 31 of each year in areas that have been designated as EFH for winter flounder early life stages.

**Anadromous Fish**

Anadromous fish such as alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*) and American shad (*Alosa sapidissima*) spend most of their adult life at sea, but return to freshwater areas to spawn in the spring. These species are believed to be repeat spawners, generally returning to their natal rivers (ASMFC 1998; Collette and Klein-MacPhee 2002). Anadromous fish are found throughout much of the project area including the Harlem River, East River, and Hudson River. These species use the Hudson River and its tributaries as spawning, nursery and forage habitat. The abundance of diadromous fish in the Hudson River has declined over the decades largely due to over harvesting, pollution, and habitat loss (Limburg and Schmidt 1990, Waldman 2006, ASMFC 2007, 2009). Changes in fish distribution in the Hudson River watershed have also occurred due to passage through the canal system (Daniels 2001, Waldman 2006). Diadromous fish are known to pass through the navigation locks at the Federal Dam in Troy, moving into the Mohawk River and the Erie Canal (Waldman 2006). However, movements between the tidal Hudson River, the Mohawk River and the canal system are complex and poorly documented (Schmidt and Lake 2006).

Anadromous fish are a food source for several federally managed species. Buckel and Conover (1997) in Fahey *et al.* (1999) report that diet items of juvenile bluefish include *Alosa* species such as these. Juvenile *Alosa* species have all been identified as prey species for windowpane flounder and summer flounder in Steimle *et al.* (2000). The EFH final rule states that the loss of prey may have an adverse effect on EFH and managed species because the presence of prey makes waters and substrate function as feeding habitat and the definition of EFH includes waters and substrate necessary to fish for feeding. Therefore, actions that reduce the availability of prey species, either through direct harm or capture, or through adverse impacts to the prey species' habitat may also be considered adverse effects on EFH. As a result, activities that adversely affect the spawning success and the quality for the nursery habitat of these anadromous fish can adversely affect the EFH for juvenile bluefish, windowpane and summer flounder by reducing the availability of prey items.

Anadromous fish can be significantly impacted by both turbidity and acoustic impacts. Increases in turbidity due to the resuspension of sediments into the water column during construction can degrade water quality, lower dissolved oxygen levels, and potentially release chemical contaminants bound to the fine-grained estuarine/marine sediments. Suspended sediment can also mask pheromones used by migratory fishes to reach their spawning grounds and impede their migration and can smother immobile benthic organisms and demersal newly-settled juvenile fish (Auld and Schubel 1978; Breitburg 1988; Newcombe and MacDonald 1991; Burton 1993; Nelson and Wheeler 1997). Noise impacts are another factor that could delay or disrupt spawning, or even injure or kill fish. Of greatest risk for fish impacts are the gas-filled swim bladder and surrounding tissues that expand and contract with passage of pressure waves. The inner ears of fish are also sensitive to extreme pressures and motions (Popper *et al.* 2006). High-levels of acoustic exposure have been shown to cause physical damage and/or mortality in fishes. Damage and mortality rates increase with both the level of sound and length of exposure (Hastings and Popper 2005, Popper and Hastings 2009). Impacts of blasting and pile driving activities are of particular concern for fish species, as they are anthropogenic sound sources known to cause fish kills (Popper and Hastings 2009). In order to minimize the adverse effects of suspended sediment and noise impacts on migrating anadromous fish, we generally

recommend in-water work be avoided from March 1 to June 30 during the upstream migration to their spawning grounds.

In the mid-Atlantic, landings of anadromous species have declined dramatically since the mid-1960s and have remained very low in recent years (ASMFC 2007). Because landing statistics and the number of fish observed on annual spawning runs indicate a drastic decline in alewife and blueback herring populations throughout much of their range, they have been designated as species of concern. A recent listing determination for alewife and blueback herring found that listing under the ESA was not warranted at this time. However, it was recognized that there is a low abundance of these species relative to historical levels and monitoring is warranted due to significant deficiencies in data. Blueback herring were found to be decreasing within the Mid-Atlantic stock complex (F.R. Vol 78, No.155, Aug 12, 2013). Since river herring are classified as a species of concern and anadromous fish provide a food source for federally managed species, these populations are considered an aquatic resource of national importance.

#### **Benthic Resources**

Benthic communities play a significant role in the Hudson River ecosystem. Dominated by annelids, mollusks, crustaceans and insects, these benthic communities vary greatly throughout the system depending upon position of the river, salinity, nature of the bottom, and presence or absence of submerged aquatic vegetation (SAV). These communities play a critical role as suspension feeders and a food source for fish, including aquatic resources of national importance such as shortnose sturgeon, Atlantic sturgeon, blueback herring, and American shad (Strayer 2006). The benthic community biomass and filtration rates in the Hudson River Estuary significantly declined with the invasion of zebra mussels (Strayer 2006); however with the observed long-term decline in invasive zebra mussels in the watershed, parts of the ecosystem appear to be recovering toward pre-invasion levels, including benthic animals such as native mussels and clams (Strayer *et al.* 2011). Historically, the Hudson River estuary also supported a commercial scale oyster fishery. Benthic mapping and sampling efforts have revealed several historic oyster reefs near the Tappan Zee reach as well as live oysters in this area and Havestraw Bay (Bell *et al.* 2006). Restoration efforts for oysters are also currently ongoing.

Elevated levels of suspended sediments can interfere with spawning success, feeding, and growth for shellfish such as mussels, clams, and oysters (Wilber and Clark 2001). Shellfish provide an important ecological role through water column filtration, sediment stabilization as well as supplying habitat for estuarine species (Zimmerman *et al.* 1989, Coen *et al.* 1999, Newell 2004). Shellfish are also known to provide a food source for federally managed species, including winter flounder and scup (Steimle *et al.* 2000), two species with EFH designation in the project area.

Over twenty species of aquatic plants, both native and invasive, occur in the Hudson River with native water celery (*Vallisneria americana*) as the predominant SAV species. SAV in the tidal Hudson River occupies shallow shoals in depths less than 3 meters and covers approximately 6 percent of the river with the greatest coverage occurring in the mid-Hudson, from Kingston to Hudson and lower coverage south of Hyde Park (Findlay *et al.* 2006). SAV provides valuable nursery, forage and refuge habitat for a variety of fish including summer flounder, striped bass, bluefish, American shad, alewife, and blueback herring. SAV in the Hudson River has been

shown to contribute to primary production and habitat for benthic and fish species in the river (Findlay *et al.* 2006, Strayer 2006).

Impacts to SAV can include direct impacts through physical removal as well as indirect impacts such as sedimentation and shading. Loss of SAV is often attributed to reduced water quality and clarity resulting from elevated inputs of nutrients or other pollutants such as suspended solids and disturbances such as dredging (Kemp *et al.* 1983, Short *et al.* 1993, Short and Burdick 1996, Orth *et al.* 2006). Studies have confirmed that seagrasses are highly vulnerable to changes in sediment levels. With a low tolerance for sedimentation, indirect effects of post-disturbance processes can also greatly affect SAV (Cabaco *et al.* 2008).

The U.S. Environmental Protection Agency has designated SAV as "special aquatic sites" under the Section 404(b)(1) of the federal Clean Water Act, due to their important role in the marine ecosystem for spawning, nursery cover and forage areas for fish and wildlife. Furthermore, the Mid-Atlantic Fishery Management Council has designated SAV as a Habitat Area of Particular Concern when associated with juvenile and adult summer flounder EFH. This includes all native species of macroalgae, seagrasses and freshwater and tidal macrophytes in any size bed as well as loose aggregations within EFH. Due to the value of this habitat for federally managed species, SAV is considered an aquatic resource of national importance.

#### ***ESA Listed Species***

ESA listed species will be found within the portion of the cable transmission route located in the Hudson River and East River. Listed species of Atlantic and shortnose sturgeon will be found in the Hudson River, while listed species of Atlantic sturgeon, shortnose sturgeon, and sea turtles may be found in the East River. The use and distribution of each species within each affected waterbody is provided below.

#### **Hudson River**

##### ***Shortnose Sturgeon***

A population of the federally endangered shortnose sturgeon occurs in the Hudson River. Shortnose sturgeon have been documented in the Hudson River from upper Staten Island (approximately rkm 4.8) to the Troy Dam (approximately rkm 245). From late fall to early spring, adult shortnose sturgeon concentrate in a few overwintering areas. The largest overwintering area is just south of Kingston, New York, near Esopus Meadows (rmk 139-152) (Dovel *et al.* 1992). The fish overwintering at Esopus Meadows are mainly spawning adults. Captures of shortnose sturgeon during the fall and winter from Saugerties to Hyde Park (greater Kingston reach), indicate that additional smaller overwintering areas may be present (Geoghegan *et al.* 1992). Both Geoghegan *et al.* (1992) and Dovel *et al.* (1992) also confirmed an overwintering site in the Croton-Haverstraw Bay area (rmk 54-61). Fish overwintering in areas below Esopus Meadows are mainly thought to be pre-spawning adults. Typically, movements during overwintering periods are localized and fairly sedentary.

When water temperatures reach 8-9°C, typically in late March through mid-April, reproductively active adults begin their migration upstream to the spawning grounds that extend from below the Federal Dam at Troy to about Coeymans, New York (river kilometer (rmk) 245-212) (Dovel *et*

*al.* 1992). Spawning typically occurs at water temperatures between 10-18°C (generally from late April through May) after which adults disperse quickly down river into their summer range. In fact, Dovel *et al.* (1992) reported that spawning fish tagged at Troy were recaptured in Haverstraw Bay in early June. The broad summer range occupied by adult shortnose sturgeon extends from approximately rkm 38 to rkm 177. Similar to non-spawning adults, most juveniles occupy the broad region of Haverstraw Bay (rk 54-61) by late fall and early winter (Geoghegan *et al.* 1992; Dovel *et al.* 1992). Juveniles are distributed throughout the mid-river region during the summer (rk 38-152) and move back into the Haverstraw Bay region during the late fall (Bain *et al.* 1998; Geoghegan *et al.* 1992). Eggs and larvae are expected to be present within the vicinity of the spawning grounds for approximately four weeks post spawning (i.e., at the latest, through mid-June).

#### *Atlantic Sturgeon*

Use of the river by Atlantic sturgeon has been described by several authors. Briefly, spawning likely occurs in multiple sites within the river from approximately rkm 56 to rkm 182 (Dovel and Berggren 1983; Van Eenennaam *et al.* 1996; Kahnle *et al.* 1998; Bain *et al.* 2000). Selection of sites in a given year may be influenced by the position of the salt wedge (Dovel and Berggren, 1983; Van Eenennaam *et al.* 1996; Kahnle *et al.* 1998). The area around Hyde Park (approximately rkm 134) has consistently been identified as a spawning area through scientific studies and historical records of the Hudson River sturgeon fishery (Dovel and Berggren, 1983; Van Eenennaam *et al.* 1996; Kahnle *et al.* 1998; Bain *et al.* 2000). Habitat conditions at the Hyde Park site are described as freshwater year round with bedrock, silt and clay substrates and waters depths of 12-24 m (Bain *et al.* 2000). Bain *et al.* (2000) also identified a spawning site at rkm 112 based on tracking data. The rkm 112 site, located to one side of the river, has clay, silt and sand substrates, and is approximately 21-27 m deep (Bain *et al.* 2000).

Young of year have been recorded in the Hudson River between rkm 60 and rkm 148, which includes some brackish waters; however, larvae must remain upstream of the salt wedge because of their low salinity tolerance (Dovel and Berggren 1983; Kahnle *et al.* 1998; Bain *et al.* 2000). Catches of immature sturgeon (age 1 and older) suggest that juveniles utilize the estuary from the Tappan Zee Bridge through Kingston (rk 43- rk 148) (Dovel and Berggren 1983; Bain *et al.* 2000). Seasonal movements are apparent with juveniles occupying waters from rkm 60 to rkm 107 during summer months and then moving downstream as water temperatures decline in the fall, primarily occupying waters from rkm 19 to rkm 74 (Dovel and Berggren 1983; Bain *et al.* 2000). Based on river-bottom sediment maps (Coch 1986), most juvenile sturgeon habitats in the Hudson River have clay, sand, and silt substrates (Bain *et al.* 2000). Newburgh and Haverstraw Bays in the Hudson River are areas of known juvenile sturgeon concentrations (Sweka *et al.* 2007). Sampling in spring and fall revealed that highest catches of juvenile Atlantic sturgeon occurred during spring in soft-deep areas of Haverstraw Bay even though this habitat type comprised only 25% of the available habitat in the Bay (Sweka *et al.* 2007). Overall, 90% of the total 562 individual juvenile Atlantic sturgeon captured during the course of this study (14 were captured more than once) came from Haverstraw Bay (Sweka *et al.* 2007). At around 3 years of age, Hudson River juveniles exceeding 70 cm total length begin to migrate to marine waters (Bain *et al.*, 2000).

Please note, as the New York Bight DPS of Atlantic sturgeon is the only DPS of Atlantic sturgeon that spawns in the Hudson River, the information provided above only applies to this DPS. However, other DPSs of Atlantic sturgeon (i.e., Gulf of Maine and Chesapeake Bay) are known to be present within the Hudson River. As such, subadult and adult Atlantic sturgeon from any DPS may be present within the Hudson River.

#### **East River**

##### ***Shortnose Sturgeon***

There have been no documented captures of shortnose sturgeon in the East River; however, shortnose sturgeon have been captured near the confluence of the East River and New York Harbor and at least two shortnose sturgeon tagged in the Hudson River have been recaptured in the Connecticut River. As there have been no documented captures of shortnose sturgeon in the area where the East River converges with Long Island Sound, it is unknown whether these fish traveled through the East River and through Long Island Sound (the most direct route) or exited New York Harbor into the Atlantic Ocean and swam around southern Long Island and back into Long Island Sound. Based on this information, although the East River is not expected to be a high use area for shortnose sturgeon, occasional transient shortnose sturgeon may be present in the East River.

Due to the distance from shortnose sturgeon spawning grounds in the Hudson River (i.e., greater than 200 km downstream of the project area) and the higher salinity of the East River, shortnose sturgeon eggs or larvae, whose occurrence is limited to the low salinity waters near the spawning grounds, and young of the year, whose occurrence is also restricted to areas of low salinity, will not occur in the project area.

##### ***Atlantic Sturgeon***

Atlantic sturgeon are known to occur in the East River. Atlantic sturgeon spawn in their natal river, with spawning migrations generally occurring during February–March in southern systems, April–May in Mid-Atlantic systems, and May–July in Canadian systems (Murawski and Pacheco 1977; Smith, 1985; Bain 1997; Smith and Clugston 1997; Caron *et al.* 2002). Young remain in the river/estuary until approximately age 2 and at lengths of 30–36 inches before emigrating to open ocean as subadults (Holland and Yelverton 1973; Dovel and Berggen 1983; Dadswell 2006; ASSRT 2007). After emigration from the natal river/estuary, subadults and adult Atlantic sturgeon travel within the marine environment, typically in waters between 16 to 164 feet in depth, using coastal bays, sounds, and ocean waters (Vladkyov and Greeley 1963; Murawski and Pacheco 1977; Dovel and Berggren 1983; Smith 1985; Collins and Smith 1997; Welsh *et al.* 2002; Savoy and Pacileo 2003; Stein *et al.* 2004; Laney *et al.* 2007; Dunton *et al.* 2010; Erickson *et al.* 2011). Therefore, adult and subadult Atlantic sturgeon from any of five DPSs could occur in the project area; however, as Atlantic sturgeon spawn in freshwater portions of large rivers and early life stages are not tolerant of salinity, no eggs, larvae or juvenile Atlantic sturgeon are likely to occur in the project area.

##### ***Sea Turtles***

Four species of federally threatened or endangered sea turtles under our seasonal jurisdiction of NMFS occur seasonally (June to early November) in New York waters. The sea turtles in these

waters are typically small juveniles with the most abundant being the federally threatened loggerhead (*Caretta caretta*) followed by the federally endangered Kemp's ridley (*Lepidochelys kempi*). New York waters have also been found to be warm enough to support federally endangered green sea turtles (*Chelonia mydas*) from June through October. While federally endangered leatherback sea turtles (*Dermochelys coriacea*) may be found in the waters off Long Island during the warmer months, this species is less likely to occur in the action area for this project as leatherbacks are typically found in more offshore waters.

There have been no documented captures of sea turtles in the East River and it is not likely to be a high use area for these species. However, as the East River is a tidal strait with water passage between Upper New York Harbor/Manhattan and Long Island Sound, and sea turtles are known to occur in western Long Island Sound, occasional transient sea turtles may occur within the East River.

**Memorandum of Agreement (MOA) 3(b) determination of impacts to Aquatic Resources of National Importance**

Based on the limited information provided within DEIS and Public Notice, we have determined that the proposed project will result in adverse impacts to aquatic resources of national importance. These impacts include elevated turbidity impacts to fish sensitive life stages, migration, and habitat; acoustic impacts through pile driving and blasting; direct loss of SAV, benthic communities, and shellfish resources; permanent fill and modification of bottom habitat; as well as potential elevations in temperature and electromagnetic fields along the substrate during project operation. Therefore, we must conclude that this project will have substantial and unacceptable adverse effects on aquatic resources of national importance pursuant to Part IV, Paragraph 3(b) of the 1992 Clean Water Act Section 404(q) Memorandum of Agreement (MOA) between the USACE and our agency. We recommend, pursuant to Part IV, Paragraph 3(b) of the MOA, that you provide us the following information so we may fully evaluate the impacts of this project on our trust resources.

**Additional Information Needs**

***EFH Assessment***

Your consultation requirements under the MSA and FWCA are outlined above. Unfortunately, our ability to assess potential impacts to EFH and associated marine resources is being complicated by a lack of information. The information required for us to consult on this project, specifically an EFH Assessment, is not included in either the DEIS or the Public Notice. Rather, the DEIS states that an EFH Assessment will be provided with the Final EIS. We are greatly concerned with this timeline, as our consultation cannot begin without receipt of an EFH Assessment. Incorporation of an EFH Assessment in the Final EIS does not provide us with sufficient time to review the information and provide comments or conservation recommendations. The EFH consultation should be conducted prior to the issuance of the Final EIS to ensure that EFH conservation recommendations may be incorporated into the project plans and included in the final document and permit conditions.

204-04

**204-04:** Because the proposed CHPE Project would cross under the East River via HDD and that sea turtles are occasional transients, no effects on sea turtles are expected. Text regarding such was added to the Final EIS (in Sections S.8.5, 2.6.5, and 3.4.5) and the BA.

204-05

**204-05:** These potential impacts have been addressed in EIS Sections 5.3.4 and 5.4.4 (which also incorporated discussion from Section 5.1.4 by reference), BA (in particular, note Table 5-1), and EFH Assessment (in particular, note Table 4-1).

204-06

**204-06:** The EFH Assessment has been prepared and made available for National Marine Fisheries Service (NMFS) review prior to the publication of the Final EIS. EFH consultation is ongoing, and EFH conservation recommendations have not yet been received.

We believe that the information included in the DEIS for this project is an incomplete assessment and lacks a full analysis of the project components. Before you proceed with preparing an EFH assessment, we recommend that you coordinate with us to ensure that the list of designations is complete and that we mutually agree that the nature and scope of issues that you plan to include in the EFH assessment will adequately present and analyze the direct, indirect, and cumulative effects of the project both during its construction and in the interim until it is decommissioned. The information provided in this letter is intended to assist in the development of a complete EFH assessment. Upon submittal of an EFH assessment, we will provide conservation recommendations for the proposed project, as necessary.

#### ESA Assessment

Your consultation requirements under the ESA are outlined above. As the DEIS states that a Biological Assessment (BA) will be prepared for purposes of ESA section 7 consultation, the additional informational and analyses requested below for the DEIS, should also be incorporated and used in the development of your BA. Please note, a BA must provide us with sufficient information to allow us to carry out a section 7 consultation for the action identified. That is, the information provided in the BA must be sufficient to demonstrate that the direct and indirect effects of the action on NMFS listed species are not likely to jeopardize the continued existence of any species or result in the destruction or adverse modification of critical habitat. We look forward to reviewing the information and analyses requested below in your BA. Prior to submitting your BA, if you have any questions or concerns regarding information or analyses requested, or the ESA section 7 process in general, please contact us.

#### Project Information Needs

The DEIS indicates an Environmental Management and Construction Plan (EM&CP) will be developed which would document environmental and construction management procedures and plans to be implemented during project construction and facility operation. This level of specific information on management and construction plans and procedures is necessary for review prior to completing a consultation under MSA, FWCA, and ESA. This information should be included as a component of the project description for the EFH Assessment and the BA. The DEIS also indicates the final EM&CP would be developed in consultation with the New York State Department of Public Service (NYSDPS) and the New York State Department of Environmental Conservation (NYSDEC). We would request the federal resource agencies also be consulted on the development of these plans, as we may have additional recommendations for ensuring impacts to our trust resources are minimized.

The DEIS indicates that there will be some locations throughout the project area where burial of the cable to the preferred depth is not possible due to existing utility lines and/or shallow bedrock substrate. In such cases, the cables would be buried at a shallower depth or laid on the bottom. Concrete mats or rip-rap would be installed on the substrate to help protect the proposed transmission line. The DEIS offers little information on the extent and locations of the concrete mats. The USACE Public Notice provides some information on anticipated non-burial locations, of which several are located within areas designated as Significant Coastal Fish and Wildlife Habitats (SCFWHs) (NYSDEC 2012). More information regarding the specific locations of the concrete mats, the extent of area to be impacted, the recovery rate within each of these affected locations, and the resources present in these locations is necessary. Additional information is

204-07

**204-07:** A BA has been prepared and made available to NMFS prior to the publication of the Final EIS. In addition, decommissioning has been addressed in the Final EIS (in Sections 2.4.15, 5.1.2, 5.3.2, and 5.4.2), BA, and EFH Assessment (at the end of Section 2.5.4, in the introduction to Section 4, and at the end of Section 4.2), as appropriate, as requested in the preceding paragraph in the comment.

204-08

**204-08:** While the EM&CP is not yet available, a comprehensive list of avoidance and minimization measures has been developed by the Applicant and provided in EIS Appendix G. These include pre- and post-installation monitoring surveys for benthic macroinvertebrates and sediment, bathymetry surveys, and Atlantic sturgeon hydrophone surveys that were identified in the NYSPSC Certificate of Environmental Compatibility and Public Need for the CHPE Project issued in April 2013. These measures have been considered in the impact analysis in the Draft EIS and are included in the EFH Assessment (Section 6) and the BA (Section 2.6). The Applicant will make the draft EM&CP available for public comment.

204-09

**204-09:** Additional information on concrete mats has been provided by the Applicant and added to the Final EIS (Section 5.3.5 and other similar sections), EFH Assessment (Section 4.1, starting on the second page of the *Riverbed Disturbance* subsection), and BA (Section 5).

also needed on the direct and indirect effects to our trust resources from placing these structures in the Hudson River. The placement of concrete matting or rip-rap will result in the removal of the underlying benthic community, as well as result in a permanent change in substrate from soft sediments to hard. These changes will not only effect the structure of the benthic community in the affected area, but also may affect our trust resources use of the affected area (e.g., relocate to different area for spawning, foraging, or overwintering), specifically if these changes are located in a SCFWH. As a result, additional analyses is necessary on the short and long term (i.e., 40 years) effects of such habitat modifications to our trust resources. This information needs to be included in the EFH Assessment and BA.

The Public Notice and DEIS indicate that burial at sites with bedrock substrate may be done to a shallower depth; however, no details are offered on how the cable would be buried to any depth in these areas. A reference in Chapter 2 of the DEIS indicates that blasting may be used to create a trench and bury the cable; however, no further details are provided. Blasting could have significant impacts on aquatic resources of national importance, resulting in physical injury and death in fish (i.e., peak pressure levels above, 75.6 psi, and peak impulse levels above 18.4 psi-msec, are believed to cause injury or mortality to species of fish, including sturgeon; Moser 1999; Hastings and Popper 2005, Popper *et al.* 2006, Popper and Hastings 2009). If the project includes any proposals for blasting, areas to be blasted need to be identified, and a thorough assessment of the acoustic impacts to our trust resources, as well as the short and long term effects to the benthic community and habitat from such activities is necessary. Additionally, a blast plan must be created and submitted for our review. Detailed information on other forms of burial that may be considered at sites with bedrock (e.g., scraping of bedrock), as well as an analysis of effects to our trust resources from such activities is also needed. This detailed information and analysis needs to be included in the EFH Assessment and BA.

Installation of the transmission cable will require multiple installation methods (e.g., jet plowing, placement of concrete matting, blasting (if required), excavation) which will affect the benthic community of the Hudson River. The DEIS states that effects to the benthic community will be temporary, and localized, with recolonization occurring over time. However, there is lack of information on recovery rates for benthic communities affected by different installation methods along the cable route, as well as a lack of information on the permanent changes to the benthic community that may occur. As a result, more detailed information and analyses is needed on expected recovery rates, the anticipated permanent impacts to benthic communities, as well as the short and long term effects to our trust resources as a result of these changes to the benthic community. Specifics should also be provided on proposed plans for surveys of the cable trench, monitoring of impacts to benthic communities, and backfilling of the trench to ensure the bathymetry is returned to existing conditions. All of this information and analysis needs be included in the EFH Assessment and BA.

A substantial amount of fill is also proposed throughout the project area, including low thermal backfill material, concrete mats, and rip rap. Additional information on the proposed locations for fill, extent of material, and a thorough assessment of impacts to benthic communities is needed. For example, Chapter 2 of the DEIS states that low thermal backfill material will be used instead of native soil in portions of the project. In addition to detailed information on project location and extent of material proposed, an evaluation of impacts including available

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204-09

**204-10:** The Applicant has indicated that the transmission line would be laid on the surface and covered with concrete mats for approximately 3.0 miles (4.8 km) of the 195-mile (314-km) aquatic portion of the project route, and one blasting location is proposed at MP 324.5 in the Harlem River. Additional information and analysis on concrete mats (see response to Comment 204-09) and blasting from the Applicant have been added to the Final EIS in various sections, EFH Assessment (*Blasting* subsection of Section 4.1), and BA.

204-10

**204-11:** The Applicant plans to include a detailed blasting plan as part of its EM&CP, which the Applicant will make available for public comment. The detailed blasting plan would not include any area beyond that identified for blasting in the EIS, and, therefore, would not exceed the effects identified in or require additional mitigation beyond that described in the EIS, EFH Assessment, and BA. Scraping of bedrock is not proposed, but burial with concrete mats over bedrock is and this method is fully described in the EIS, EFH Assessment, and BA. See response to Comment 204-10.

204-11

**204-12:** Information on recovery rates is provided in Sections 5.1.4 and 5.3.4 of the EIS. This information has been incorporated and additional information supplemented into Section 4.1 of the EFH Assessment.

204-12

**204-13:** Information on surveys and post-installation compliance monitoring studies, including for benthic and sediment monitoring and bathymetric monitoring, has been added to the BA (Section 2.6) and EFH Assessment (Section 6) from the attachments to the NYSPSC Certificate. The Certificate contains attachments that provide additional details about the surveys.

204-13

**204-14:** Use of backfill material would predominantly occur in the Overland Segment and other terrestrial portions of the proposed CHPE Project, which is not under NMFS jurisdiction. The cofferdam locations for the water exit points associated with the five HDD water-to-land transition points would also be backfilled with approximately 180 cubic yards of sand at each location. Approximately 1,200 tons of rock would be excavated from the 460-foot (140-meter) trench through bedrock in the Harlem River, which would be backfilled with sand and the excavated rock. This would be a negligible impact compared to the available habitat. See response to Comment 204-10 regarding concrete mats.

204-14

data on benthic infauna colonization in this material is needed. A discussion of invasive species should be included in any analysis that evaluates impacts of rip rap or concrete mat placement. Chapter 3 of the DEIS includes some discussion of invasive species, recognizing the concerns of invasive populations in the Hudson River; however, there is no further analysis on how the project may affect invasive species populations in the project area. Additional analysis should be provided on how the proposed project, particularly the increase of artificial habitat such rip rap or concrete mats may affect the proliferation of invasive species.

The total area of impact for the project is not clear based on the information provided in the Public Notice and the DEIS. The Public Notice defines the area of impact from cable burial in terms of the length in each water body, as well as the width and depth of the trench, which range from approximately 2 feet wide by 4 to 15 feet deep. However, Chapter 2 of the DEIS states the total benthic habitat impacts from cable installation throughout the project area would be small, with direct impacts ranging from 12-16 feet. The inconsistency between the Public Notice information and the DEIS should be clarified. Additionally, as multiple construction activities and equipment will be used to install the cable across the Hudson River (i.e., jet plowing, anchors, concrete matting placement, blasting (if required) or excavation), the total area of impact is not solely confined to the area of the trench. Depending on the installation method used at various points along the cable route, the total area of impact may vary depending on the installation method used, and the direct and indirect effects (e.g., extent of turbidity and sediment resettlement) of that method on the benthos. As such, consideration of the cumulative effects to the physical environment (including water quality, see below) from construction activities along the cable route is needed to accurately define the total area of the Hudson River impacted by the proposed project. This information and analysis needs to be included in the EFH Assessment and BA.

In Chapter 3 of the DEIS, the region of influence for impacts to water resources and water quality in the Hudson River is defined as the entire width of the water body. Impacts to water quality have the potential to impact our trust resources directly and indirectly. The DEIS states that “the sensitivity of fish to localized and temporary increases in turbidity, suspended sediment, and downstream sedimentation is species- and life stage- specific, and associated impacts might include impairment to feeding, predator detection and reduced breeding activity.” The DEIS does not expand upon this statement to address these potential effects to our trust resources. As a result, detailed information and analysis is needed to address these concerns in relation to our trust resources. Additionally, the DEIS states that water quality degradation may also affect DO, pH and light levels, but again, does not expand upon its statement in relation to the effects of these changes in water quality to our trust resources. As a result, additional analysis is needed to address these concerns.

The DEIS states that there will be impacts to SAV, shellfish and benthic habitats; however, there is limited detail on these impacts within the DEIS or Public Notice. With regards to SAV, there are no specifics on the species of SAV to be impacted, the location of the impacted beds, or the extent of area to be impacted. There is also no discussion on any proposed mitigation to compensate for loss of this valuable habitat. These details are also missing for the evaluation of impacts to shellfish species, including the extent of impacts to shellfish beds, the specific location and species being impacted, and any proposed mitigation. As areas of SAV and shellfish

- 204-14 204-15 **204-15:** A discussion of impacts from concrete mats is provided in EIS Section 5.1.4. This discussion has been expanded to include impacts from invasive species, which is now included in the Final EIS and EFH Assessment (Section 4.1).
- 204-16 **204-16:** The EIS assumed a 50-foot-wide impact area that is wider than the trench and also accounts for nearby and downstream settling of suspended sediment following installation of the transmission line, and the assumptions used to determine this area were presented in EIS Section 5.1.4. The impact area is within the 50-foot construction corridor for the aquatic portions of the proposed CHPE Project route shown in EIS Table 2-1 and construction zone shown in Attachment 2 of the USACE Public Notice for the proposed CHPE Project. The 50-foot-wide impact area used in the EIS is wider than that identified in the Public Notice introduction, which only appears to reflect the physical width of the trench.
- 204-17 **204-17:** Turbidity impacts are discussed in Sections 5.3.4 and 5.4.4 of the EIS (and incorporate discussion in Section 5.1.4 by reference).
- 204-18 204-18 Additional information about use of anchors and measures to minimize impacts during installation has been added to the Final EIS (Section 5.3.4), BA (Section 5), and EFH Assessment (*Riverbed Disturbance* subsection of Section 4.1). However, cumulative impacts from turbidity would be expected to be temporary. This information also has been incorporated into the EFH Assessment.
- 204-19 **204-18:** An assessment of the impacts from the issues raised in the comment on aquatic resources was provided in Sections 5.1.4 and 5.3.4 of the EIS.
- 204-19:** Detailed analyses of impacts on submerged aquatic vegetation (SAV), shellfish, and benthic habitats are provided in Sections 5.3.4 and 5.4.4 of the EIS. According to this analysis, because the transmission line would avoid all mapped SAV beds in the Hudson River and the water depth where the transmission line would be buried would be greater than where SAV is typically found, any impacts on SAV would be negligible and any impacted SAV would be expected to recover. Installation of the transmission

line in the Hudson River would result in potential impacts on shellfish and benthic communities from localized removal or burial of communities, from turbidity, and potentially from spills or leaks of hazardous materials; and would interfere in localized areas with spawning of some shellfish species, such as blue mussel, northern quahog, and softshell clam. Significant impacts on benthic resources would not be anticipated from temperature increase during operation of the transmission line.

beds also serve as important habitat for the completion of essential life functions (e.g., spawning or foraging) for both listed (i.e., Atlantic and shortnose sturgeon) and non-listed federally managed species of fish, information and analysis is also needed on the short and long term (i.e., 40 years) effects to fish species from the removal of or disturbance to these areas. Detailed information and analysis on the above is needed in the EFH Assessment and the BA to fully evaluate the direct and indirect effects of this project on all trust resources.

The DEIS includes some discussion on electric and magnetic fields and temperature impacts; however, the conclusion outlined in the DEIS which states insignificant impacts are anticipated, is not well supported with references to specific studies. Furthermore, the discussion of species impacts is limited in scope. There is no discussion on how electric fields, magnetic fields, or temperature changes could impact sensitive life stages for ESA listed species or federally managed species with EFH designations in the project area. There is also no discussion on how, over the 40 year life of the project, these electric or magnetic fields, or temperature changes may affect our trust resources and their habitat. A thorough review and assessment of the direct and indirect effects of electric and magnetic fields on our trust resources, as well as the aquatic resources they depend on for survival (e.g., forage species), is needed. For instance, there is limited discussion on impacts of electric or magnetic fields to American eel, a species which may be impacted throughout its entire range from the lower Hudson to Lake Champlain. Chapter 5 of the DEIS provides some information on eel studies which indicate these species may respond to electromagnetic fields (EMF) from weak magnetic fields, though implications are unknown (Normandeau *et al.* 2011, Gill *et al.* 2012). In addition, there is limited discussion on the effects of electric and magnetic fields to species of sturgeon. Although some information is presented on magnetic fields effects on sturgeon behavior, the information presented on electric fields is limited and provides no substantive evidence to support an insignificant determination. The DEIS needs to provide information on the electric field to be emitted by the proposed project, as well as scientific studies on sturgeon responses to various levels of electric fields. Based on this information, implications to sturgeon from exposure to project related electric fields are needed to support a determination of effects. In regards to temperature effects, the DEIS states that any increase in temperature, as a result of the operation of the transmission line, will result in insignificant effects to our trust resources. The DEIS provides insufficient information to support this conclusion. Consideration of the ambient temperatures in the affected water body; temperature tolerances of our trust resources and the benthic community (e.g., infaunal and sessile organisms); whether the changes in temperature are within the species threshold of tolerance; and an assessment of short and long term effects of elevated temperatures on our trust resources and the benthic community, is necessary. Given the limited information available and the unknown implications of this project on American eel and Atlantic and shortnose sturgeon, the DEIS should include specific information on how the applicant proposes to minimize impacts to American eel, sturgeon, and other species as well as monitor any potential effects.

We understand that specific exclusion zones along the project area were delineated through coordination with NYSDEC in 2010 to ensure sensitive resource areas were avoided along the cable route. The State of New York and others have been conducting research in these water bodies since 2010. It is critical to ensure the best available information is used to evaluate impacts, particularly for a project of this scale. A full analysis of any new information should be

**204-20:** A detailed discussion of the impacts of magnetic and electric fields, including on species of sturgeon, is provided in Section 5.3.5 of the EIS. Note that this discussion also incorporates the analysis in Sections 5.1.4 and 5.1.5 by reference. Impacts from magnetic and electric fields are expected to be negligible. As such, long-term impacts are not expected. Additional information regarding impacts from magnetic and electric fields has been added to the EIS, BA (Section 5.1), and EFH Assessment (Section 4.2).

**204-21:** A detailed discussion of the impacts of temperature increases, including on species of sturgeon, is provided in EIS Section 5.3.5. Also see response to Comment 204-22 on temperature increases.

**204-22:** The analysis of impacts on benthic resources in Sections 5.3.4 and 5.4.4 of the EIS has been revised to reflect the analysis in Section 5.1.4. The temperature increase at the sediment surface directly above the cable is estimated to diminish by 1.8 degrees Fahrenheit ( $^{\circ}$ F) (1.0 degrees Celsius [ $^{\circ}$ C]), and the temperature change in the water column would be less than 0.01  $^{\circ}$ F (0.004  $^{\circ}$ C). Because the temperature increase is within the range of natural variability, a significant impact on the benthic community, including infaunal and sessile organisms, is not expected.

**204-23:** The exclusion zones were developed and the transmission line routed to avoid such in 2011 in cooperation with the State of New York (NYSDEC in particular). If new information has become available, the state would be expected to reevaluate the exclusion zones and the transmission line route. The NYSPSC and associated settlement parties (including NYSDEC) have approved and issued the NYSPSC Certificate for the proposed CHPE Project, and the state has not identified a need to revisit the exclusion zones or the construction windows.

provided to determine if any additional exclusion zones are warranted or if any modification of work windows is needed. An analysis of the most appropriate cable route should be based on the most updated and best available information. This information will be necessary to conduct our consultations on this project.

The DEIS needs to also provide specific information on the schedule of construction and installation of the transmission cable. A detailed timeline of when and where specific components of construction and installation will begin and end are necessary (e.g., mobilization, HDD operations, cofferdam installation, jet plowing). Additionally, more specific information on the time of year (TOY) work windows along the entire project is needed. The EIS, BA, and the EFH Assessment should clearly state what species are considered for each work window. Chapter 5 of the DEIS, states that some work may overlap with the spawning season for some forage fish. Additional information on the species of forage fish to be impacted as well as the expected impacts should be provided. Furthermore, there does not appear to be any TOY restrictions to protect sensitive life stages of species with designated EFH in the project area. Winter flounder have demersal eggs that sink and remain on the bottom until they hatch. These eggs, once deposited on the substrate, are vulnerable to sedimentation effects in less than 1 mm of sediment (Berry *et al.* 2011) and could be adversely impacted by this project. A full analysis of project impacts on species with designated EFH, in addition to plans to minimize impacts to EFH should be included in the EFH Assessment.

The DEIS provides limited information on vessel traffic and the potential for collisions with Atlantic and shortnose sturgeon. The DEIS does not provide information on the type or number of vessels that will be used during mobilization, installation or maintenance/repair of the transmission cable, or the speeds their operating. Although the DEIS states that within shallow water areas or within the construction corridor, vessels will operate at idle speeds, “idle speeds” are not defined. Additionally, the speeds of vessels operating outside of shallow water areas/construction corridors or during the mobilization, maintenance, or repair of the cable are not addressed. Information on the draft of each vessel involved in the construction, maintenance, and repair of the cable is also needed. In addition, the DEIS states that Atlantic sturgeon are demersal fish, that spend most of their time on the bottom and therefore, would avoid collisions due to the draft clearance available in the project area. This statement is not accurate. Atlantic sturgeon movements are not confined to the benthos. Although foraging behavior occurs on the benthos, while migrating, Atlantic sturgeon are often found in the water column and thus, there is the potential for an interaction if there is not sufficient clearance between the benthos and the draft of the vessel and vessels. Additional analysis and information is therefore needed to support the DEIS’s conclusion that vessel interactions with sturgeon are unlikely.

The DEIS lacks sufficient information on the underwater acoustic effects to listed species of Atlantic and shortnose sturgeon. Installation of cofferdams, the potential use of dynamic positioning vessels during cable laying operations, and blasting (see above for discussion) will result in elevated levels of underwater noise that have the potential to result in the injury or behavioral disturbance to sturgeon. Based on the best available information, underwater noise levels of 206 dB re 1  $\mu\text{Pa}_{\text{Peak}}$  and 187 dB accumulated sound exposure level (dB<sub>cSEL</sub>; re: 1  $\mu\text{Pa}^2 \cdot \text{sec}$ ) (183 dB accumulated SEL for fish less than 2 grams) are believed to result in injury or mortality to sturgeon (FWWG 2008), while underwater noise levels of 150 dB re 1  $\mu\text{Pa}_{\text{RMS}}$  are

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**204-24:** The construction schedule is presented throughout the EIS (e.g., Table 2-2, Table 5.3.5-1). As stated in EIS Section 5.3.4, “Based on the proposed CHPE Project aquatic construction schedule (August 1 through October 15), impacts on many spawning fish would be avoided (see Table H.2-3 in Appendix H for fish spawning seasons). However, it would overlap with parts of the spawning season for some forage fish such as bay anchovies, killifish, sticklebacks, and sheepshead minnows, and some commercially or recreationally important fish such as blueback herring, Atlantic menhaden, and weakfish.” Additional information on construction schedule timing and these potential impacts has been provided in the EFH Assessment. A detailed construction schedule will be provided by the Applicant in its EM&CP.

Section 5.3.4 of the EIS states that winter flounder eggs are demersal and are susceptible to light, noise, and turbidity-related impacts. These impacts would temporarily degrade EFH and would be localized in scope. The EFH Assessment provides a full analysis of impacts on species with designated EFH, and includes avoidance and minimization measures that the Applicant would undertake to avoid or reduce environmental impacts during construction and operation of the proposed CHPE Project.

**204-25:** The information on the number and types of vessels is provided in Sections 5.3.2 and 5.4.2 of the EIS. Additional information and an analysis for vessel drafts and idle speeds have been added to these sections of the EIS as well as the BA (Section 5) and EFH Assessment (*Vessel Strikes* subsection of Section 4.1).

**204-26:** This statement has been clarified in the EIS, BA, and EFH Assessment. The Biological Opinion for the Tappan Zee Bridge states, “Large vessels have been implicated because of their deep draft [up to 12.2-13.7 m (40-45 feet)] relative to smaller vessels [<4.5 m (15 feet)], which increases the probability of vessel collision with demersal fishes like sturgeon, even in deep water. Smaller vessels and those with relatively shallow drafts provide more clearance with the river bottom and reduce the probability of vessel-strikes. Because the construction vessels (tug boats, barge crane, hopper scow) have relatively shallow drafts, the chances of vessel-related mortalities are expected to be low.”

believed to result in the behavioral disturbance to sturgeon (Purser and Radford 2011; Wysocki *et al.* 2007). The DEIS needs to provide information on the source levels for type of acoustic disturbance; Peak, RMS, and cSEL levels of underwater noise for each noise producing activity; the distance from the source that injury or behavioral thresholds will be attained; and the duration of the disturbance.<sup>2</sup> Based on this information, the DEIS needs to provide a thorough analysis on the effects of this exposure to Atlantic and shortnose sturgeon. Consideration of the time of year, location of disturbance, and extent of ensonification will be necessary in this analysis. This detailed information and analysis needs to be included in the BA.

The DEIS states that no effects on federally listed sea turtles is expected. A portion of the transmission cable will be installed in the East River, an area where listed species of sea turtles may occur. Should construction occur during the months of June through October, when sea turtles are present, the DEIS needs to then provide a detailed analysis of the direct and indirect effects to sea turtles resulting from the installation of the transmission cable in the East River. This information and analysis also needs to be provided in the BA.

The DEIS indicates that the project will impact five areas designated as Significant Coastal Fish and Wildlife Habitat (SCFWH) by the State of New York. These habitats are recognized as the most significant habitats in the State and are designated for protection (NYSDDEC 2012). The DEIS indicates the project would impact SAV and spawning fish (non-sturgeon species) in these areas. However, there is very little detail on the resources present, the time of year and life stages of species present, the specific impacts expected to occur, or any proposal to avoid, minimize, and mitigate these impacts. The DEIS also does not appear to consider effects to ESA listed species, EFH or other aquatic species utilizing these areas as important overwintering habitat. Of particular concern are the Kingston-Poughkeepsie Deepwater Habitat and the Hudson Highlands, where the Public Notice anticipates burial of the cable will not be possible. Spawning and overwintering grounds for listed and non-listed species of fish are known to occur in these reaches of the Hudson River. If either blasting or scraping of rock is required for partial burial in these areas, substantial impacts to our trust resources and their habitat is expected (see above). As proposed, the project would result in permanent habitat loss within these SCFWHs through direct physical alteration and disturbance. The DEIS ,therefore, needs to consider the short and long term effects of any habitat modification to these and other sensitive areas in the Hudson River and their effects to our trust resources. Detailed information on construction plans,

<sup>2</sup> Peak sound pressure level: the largest absolute value of the instantaneous sound pressure and is expressed as dB re: 1  $\mu$ Pa.

Root Mean Square (RMS) pressure: the square root of the average squared pressures over the duration of a pulse; most pile-driving impulses occur over a 50 to 100 millisecond (msec) period, with most of the energy contained in the first 30 to 50 msec (Ilingworth and Rodkin, Inc. 2001, 2009). Therefore, RMS pressure levels are generally "produced" within seconds of pile driving operations and represent the effective pressure and its resultant intensity (in dB re: 1  $\mu$ Pa) produced by a sound source.

Cumulative Sound Exposure Level (cSEL): the energy accumulated over a period of time; the cSEL value is not a measure of the instantaneous or maximum noise level, but is a measure of the accumulated energy over a period of time to which an animal is exposed during any kind of signal. For impulsive noise sources, cSEL (dB) = Single-strike/impulse SEL + 10 Log (N); where N is the number of pulses or strikes (Bastasch *et al.* 2008; Stadler and Woodbury 2009). For continuous noise sources, cSEL (dB) = RMS pressure level + 10 Log (duration, in seconds, of the activity or installation).

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**204-27:** Information and analysis of potential impacts regarding underwater noise has been added to the Final EIS (primarily Sections 5.1.4 and 5.4.5), EFH Assessment (*Noise* subsection in Section 4.1), and BA (*Noise* subsection in Section 5.1). Added information includes thresholds of analysis of underwater noise for installation activities such as installation of cofferdams, vessel operations, and blasting. It was determined that while localized behavioral effects could occur from underwater noise, no physical injury to fish would occur. Generally, acoustic impacts on aquatic species requiring mitigation are not expected beyond temporary impacts at the blasting site in the Harlem River. In that case, appropriate acoustic monitoring and mitigation would be added to the Blasting Plan being developed as part of the EM&CP by the Applicant.

**204-28:** The Applicant currently proposes to install the transmission line entirely under the East River via HDD, which would avoid impacts on sea turtles in the East River. Construction windows were negotiated with New York State agencies and NMFS based on the time of year that sensitive resources occur in the SCFWHs. Each SCFWH narrative provided on the NYSDOS Web site discusses the windows when sensitive resources are present. This information and impacts on EFH and ESA-listed species are discussed in Sections 5.3.4 and 5.3.5 of the EIS. These sections specifically consider the impact of the construction windows on the assessed species. Information on the sea turtles, SCFWHs, and overwintering grounds has been considered and included in the Final EIS in various sections, BA, and EFH Assessment (Section 4.1), as appropriate.

including the extent of concrete mats and/or rip rap proposed for these areas, as well as any plans for blasting are necessary for our review in order to evaluate impacts to our trust resources.

The alternatives analysis in Appendix B of the DEIS gives little detail on alternatives considered to avoid these important habitats. The analysis only appears to evaluate alternatives immediately outside the river near these significant habitat sites. These included railroad right of ways (ROW) and roadways immediately outside the river, which have similar constraints with burial due to the rocky terrain. According to the analysis in Appendix B, it was determined that alternative transmission routes were not reasonable based on criteria including engineering feasibility, cost, and logistical considerations. Environmental impacts were not fully considered in the alternatives analysis and there does not appear to have been an evaluation of the least environmentally damaging alternatives. Given the critical habitat and resources present in the SCFWH designated areas, more information on alternatives to avoid these significant habitat areas should be provided along with a detailed evaluation of impacts to these sensitive habitat areas.

Further analysis of cumulative impacts of this project and the West Point Cable project should be provided. In the cumulative impacts analysis in Chapter 6 of the DEIS, it states that these projects could overlap for 65 miles in the Hudson River. Both projects are proposing to impact the Kingston-Poughkeepsie Deepwater Habitat and the Hudson Highlands significant habitat areas. If cable burial is not possible in much of this range, these projects together could result in significant permanent alteration of the riverbed. Given the potential cumulative impacts to aquatic resources, a more thorough analysis should be provided in the BA, EFH Assessment and the EIS. The analysis provided in Chapter 6 of the DEIS does not provide a full evaluation of all potential impacts that could result from two cable installation projects in these significant habitat areas.

The following are comments on Appendix G, section G.5, of the DEIS (Applicant Proposed Impact Avoidance and Minimization Measures):

- It states that, “any unanticipated sightings of threatened or endangered species...would be reported as soon as possible to NYSDPS Staff, NYSDEC, and USFWS.” Reporting should also be directed to NMFS Protected Resources Division (PRD) (Danielle Palmer, [danielle.palmer@noaa.gov](mailto:danielle.palmer@noaa.gov); 978-282-8468).
- It states that, “all in-water work would be conducted within applicable time windows agreed to by applicable Federal and State agencies.” Agreed to “time windows” should be specified here. However, prior review by Federal and State agencies is necessary.
- Coordination and review by NMFS PRD is needed for the Standard Operating Procedures Manual that would be prepared to outline sturgeon monitoring and reporting methods.
- Details of the emergency procedures to be taken should a listed species be struck need to be provided. NMFS PRD needs to be included as a point of contact should such an event occur (contact should occur within 24 hours of incidence).
- Plans for acoustic mitigation and monitoring need to be provided.
- Mitigation and monitoring plans need to be developed for listed species of sea turtles.

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**204-29:** The Least Environmentally Damaging Practicable Alternatives (LEDPA) analysis included in EIS Appendix B is provided as part of the Applicant’s Clean Water Act (CWA) Section 404 Permit Application, and to date, the USACE, who makes the decision on LEDPA sufficiency, has not objected to its analysis. In addition, because the alternatives were not feasible for a number of reasons as discussed in Sections 4 through 6 of the LEDPA analysis, a full environmental analysis of these alternatives is not required. It is DOE’s understanding that no federally designated critical habitat is designated for ESA-listed species in the Hudson River. Additionally, as identified in EIS Section 5.3.4, the state agencies have granted the Applicant conditional CZMA concurrence based on the negotiated construction work windows, which are designed to minimize impacts on the SCFWHs and the other sensitive habitats and species.

**204-30:** Section 6.1.2.4 of the EIS provides sufficient analysis that cumulative impacts would be negligible. The section states that in the unlikely event that cable installation activities were to occur at the same time, cumulative impacts from turbidity and on habitat and species would result, but the spacing between the projects would be expected to minimize impacts. Following construction, the riverbed would be expected to return to near-pre-installation activities over time due to tides and currents. This conclusion applies throughout the project overlap, including the Kingston-Poughkeepsie Deepwater Habitat and the Hudson Highlands SCFWHs.

**204-31:** Corresponding responses to the bulleted sequence in the comment follow.

1. Appendix G in the Final EIS has been revised per comment.
2. Reference to EIS Table 2-2 identifying the construction work windows has been added to Appendix G in the Final EIS. These windows have already been reviewed by state and Federal agencies and have been provided to NMFS for review.
3. The Applicant will provide NMFS the opportunity to review the Standard Operating Procedures Manual for sturgeon monitoring and reporting.
4. The Applicant will provide detailed plans, including the final EM&CP, to NMFS as they are further refined. The EM&CP will

include the same NMFS point-of-contact added to Appendix G of the Final EIS.

5. In general, acoustic impacts on aquatic species requiring mitigation are not expected beyond temporary impacts at the lone blasting site in the Harlem River. Appropriate acoustic monitoring and mitigation will be added to the Blasting Plan being developed as part of the EM&CP by the Applicant.
6. Analysis determined that impacts on sea turtles would not occur because HDD would be used to install the transmission cables under the East River. As such, mitigation would not be required.

**Conclusion**

In summary, the USDOE DEIS and the USACE Public Notice prepared for the Champlain Hudson Power Express Transmission Line Project do not provide us with the necessary information to consult on this project. An expanded EFH Assessment is necessary to begin consultation under the MSA. Additional project specific information and analysis is also needed to initiate consultations under the FWCA, and ESA. Based on existing information provided to us, we must conclude that the proposed projects will result in significant impacts to aquatic resources of national importance and invoke the elevation process outlined in Part IV Paragraph 3(b) of our interagency MOA. We look forward to your response to our comments on the DEIS as well as our comments on the Public Notice pursuant to Part IV, Paragraph 3(b) of the MOA between the USACE and our agency. We appreciate your attention to this matter. Should you have any questions about EFH and FWCA, please contact Sue Tuxbury at [susan.tuxbury@noaa.gov](mailto:susan.tuxbury@noaa.gov) or 978-281-9176. Should you have any questions regarding Section 7 ESA consultation requirements, please contact Danielle Palmer at [danielle.palmer@noaa.gov](mailto:danielle.palmer@noaa.gov) or 978-281-9468.

204-32

**204-32:** An expanded EFH Assessment and a BA have been prepared and have been provided for the respective consultation efforts. Additional information as identified in this letter has been incorporated into the Final EIS, EFH Assessment, and BA as appropriate.

Sincerely,

John K. Bullard  
Regional Administrator

cc: Mary Colligan, PRD  
Mark Murry-Brown, PRD  
Jun Yan, USACE  
Lingard Knutson, USEPA  
David Stilwell, USFWS  
Kathy Hattala, NYSDEC

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Comment 205



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

Regulatory Branch-Eastern Permits Section

JAN 16 2014

SUBJECT: Permit Application Number NAN-2009-01089-EYA  
by Transmission Developers Inc, Champlain Hudson Power Express  
Transmission Line Project, OE Docket N.O. PP-362. USACE comments on  
the Draft Environmental Impact Statement dated September 2013.

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Mills:

This is in response to the September 2013 Draft Environmental Impact Statement (DEIS) for the proposed Champlain Hudson Power Express Transmission Line Project.

Specific Comments on the Text of the Document:

Please see the USACE DEIS comments within the attached Comment Response Matrix.

Thank you for the opportunity to comment on the DEIS for the proposed Champlain Hudson Power Express Transmission Line Project. If you have any questions, need additional information, or wish to discuss any of the above issues in more detail, please contact Jun Yan, of my staff, at (917) 790-8092.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephan A. Ryba".

Stephan A. Ryba  
Chief, Eastern Section

- 2 -

**Enclosures**

Cc:

HDR – Patrick Solomon  
USCG – Jeff Yunker  
USCG – Michele E. DesAutels  
CENAN-OP-ST – Randall Hintz  
USFWS – Steve Sinkevich  
NOAA – NMFS – Sue Tuxbury  
NOAA – NMFS – Christopher Boelke  
NOAA – NMFS – Mary Colligan  
USEPA - John Cantilli  
NYSDOS – Jeffrey Zappieri

**USACE Comment Response Matrix**  
**For Draft Environmental Impact Statement (DEIS) dated September 2013**  
**Champlain Hudson Power Express Transmission Line Project (NAN-2009-01089-EYA)**

#	Location		USACE - Comment
	Page	Section	
1		General Comment	The proposed CHPE cable should be buried in accordance with industry standards. All potential adverse effects of not burying the cable should be evaluated. Potential adverse effects of not burying the cable include the risk of anchor snags resulting in damage and loss of use of cable, vessel and waterways. Other potential adverse effect could result as well. The FEIS should discuss the pros and cons of all costs of not burying the proposed cable, taking into account all potential adverse effects.
2	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the NOAA NMFS EFH comment letters and how the EFH comments will be incorporated into the proposed CHPE project.
3	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the NMFS ESA Section 7 comment letters and how the ESA comments will be incorporated into the proposed CHPE project.
4	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the USFWS ESA Section 7 comment letters and how the ESA comments will be incorporated into the proposed CHPE project.
5	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the NYS Historic Preservation Office (NHPA) Section 106 comment letters and how the NHPA comments will be incorporated into the proposed CHPE project.
6	S-34 S-36 2-64 2-66 5-2 5-5 5-148 5-151 5-152	S.8.1 Impacts from O&M S.8.2 Impacts from O&M 2.6.1 Land Use - O&M 2.6.2 Transportation - O&M 5.1.1 Land Use 5.1.2 Transportation and Traffic 5.4.1 Land Use 5.4.2 Transportation and Traffic 5.4.2 Transportation and Traffic	DEIS stated that restrictions would be placed on vessel anchorage within the cable ROW for the lifetime of the CHPE cable. USACE RECOMMENDATION: The restrictions on vessel anchorage for the lifetime of CHPE cable would create unsafe conditions for marine navigation. Vessel anchorage is a necessary safety requirement and is the only method of stopping a vessel in an emergency. We recommend inclusion in the FEIS, that the proposed CHPE cable installation will have NO restrictions on future marine vessel anchorage. We also recommend the Applicant solicit navigation comments from Mariners and incorporate the mariner's comments into the project design and the FEIS.

1

**205-01:** The cable burial depths provided in the Draft EIS were agreed upon during the NYSPSC Article VII process that culminated in April 2013 with the issuance of the NYSPSC Certificate for the proposed CHPE Project. Per the Certificate, in the event USACE imposes conditions conflicting with the Certificate, such conflicts must be reconciled with the USACE and the NYSPSC. The burial depths presented in the USACE Public Notice for the proposed CHPE Project are now reflected throughout the Final EIS. The EIS assumed that concrete mats would be used in areas where the transmission line could not be buried in sediment, and blasting would occur in one location in the Harlem River. The Final EIS reflects the latest information provided by the Applicant on both issues and potential anchor snags, and potential impacts from such.

**205-02:** Responses for all comments received on the Draft EIS are included in the Final EIS. Comments from NMFS (Comment 204), USFWS (Comment 201), and the New York SHPO (Comment 401) have been addressed as part of the consultation and development processes for the EFH Assessment, BA, National Historic Preservation Act Section 106, and the Final EIS, as appropriate. Responses to their comments are provided herein.

**205-03:** The Final EIS (various sections) has been updated to state that there would be no restrictions on marine vessel anchorage in the transmission line corridor. Additionally, as stated in the Draft EIS, the Applicant will coordinate with the USCG and local mariners to ensure impacts on navigation and anchorage would be avoided or minimized to the maximum extent practicable. Comments received from mariners on the Draft EIS (e.g., Comments 134, 203, 701, 717, 722, 812) have been addressed in the Final EIS.

#	Location		USACE - Comment
	Page	Section	
7	S-11 2-15	S.6.2 2.4.2 Aquatic DC Cable	DEIS stated that the proposed CHPE cable will have 3 - 6 feet of in-water burial depth. USACE RECOMMENDATION: We recommend inclusion in the FEIS that the proposed CHPE cable will be buried at least 4 - 7 feet in waterways outside of the federal navigation channel and the cable will be buried at least 15 feet below authorized depth within federal navigation channels in accordance with the CZM.
8	S-11 2-15 2-27 2-31 5-150	S.6.2 2.4.2 Aquatic DC Cable 2.4.10.1 Aquatic Cable Installation 2.4.10.1 Aquatic Cable Installation 5.4.2 Transportation and Traffic	DEIS stated the cable and mat would be laid on top of the riverbed when crossing existing utility; in deepwater sections of Lake Champlain; and where bedrock is near the water bottom. USACE RECOMMENDATION: Due to the safety requirement of water dependent marine navigation, we recommend inclusion in the FEIS that the proposed CHPE cable cannot be laid on top of the riverbed. The cable must be buried to ensure the safety of marine vessels anchorage, future maintenance dredging requirements and to satisfy the requirement of the CZM concurrence for the project. we recommend that the proposed CHPE cable would be buried at least 4 feet below the mud line within all section of Lake Champlain; at least 7 feet below the mudline within Hudson, Harlem and East River and at least 15 feet below authorized depth within any federally maintained navigation channels in accordance with the CZM.
9	S-32 S-35 2-64 2-65 5-2 5-5 5-13 5-146 5-148 5-150 5-151	S.8.1 Land Use S.8.2 Transportation 2.6.1 Land Use 2.6.2 Transportation 5.1.1 Land Use 5.1.2 Transportation and Traffic 5.1.4 Aquatic Habitats and Species 5.4.1 Land Use 5.4.1 Land Use 5.4.2 Transportation and Traffic 5.4.2 Transportation and Traffic	DEIS stated that the aquatic work site of the CHPE cable would be off-limits to other vessels, existing marine vessels could either transit around the work site or use a different area of the waterway. During installation of the aquatic transmission line, four vessels, a cable vessel, survey boat, crew boat, and tugboat with barge, would be employed at the work site. USACE RECOMMENDATION: Unlike terrestrial construction activities where detours are available around construction sites, the waterways along the path of the CHPE construction is the only route available for water dependent marine vessels. In narrow waterways, such as Narrows of Lake Champlain, Harlem River, or narrow deep channels on the Hudson River, navigating around the work site may not be feasible. To ensure the continued waterway access for water dependent marine vessels, we recommend inclusion in the FEIS that the Applicant ensure the aquatic construction or repair equipment does not interfere with navigation or adjacent facilities. If navigation conflicts occurs the applicant will relocate construction vessels to accommodate other water dependent users of the waterway.

2

**205-04:** The Draft EIS identified and addressed impacts from the CZM requirement for cable burial 15 feet below the authorized depth of the navigation channel. Whether or not this is reflected in the cable burial depths identified in the USACE Public Notice is subject to further negotiations between the Applicant and USACE. Burial depths in the EIS have been revised to match the Public Notice. The analysis of the burial depths in the EIS reflects the range of possible burial depths for the proposed CHPE Project. As stated in Sections S.6.2, 2.4.2, 2.4.10.1, and 5.1.2 of the Final EIS, the transmission cables would be buried beneath the bed of Lake Champlain at a depth of at least 8 feet (2.4 meters) in the sediment and at least 4 feet (1.2 meters) in rock within the federally maintained (i.e., dredged) navigation channel, and at least 4 feet (1.2 meters) in the lakebed outside of the federally maintained navigation channel. As stated in Sections S.6.2, 2.4.2, 2.4.10.1, and 5.3.2 of the Final EIS, cables installed in the Hudson River sediment bed would be buried to a minimum depth of 7 feet (2.1 meters); no burial would occur in a federally maintained navigation channel in the Hudson River. As stated in Sections S.6.2, 2.4.2, 2.4.10.1, and 5.4.2, cable installation in the Harlem River would be entirely within the federally maintained navigation channel at minimum depths of 8 feet (2.4 meters) in the sediment and 6 feet (1.8 meters) in rock. Transmission cables would be installed along the entire East River route using HDD; therefore, trench burial depths would not apply. Also see response to Comment 205-01 regarding transmission line burial.

**205-05:** Transmission line installation would not prohibit water-dependent recreational or commercial activities because vessels could transit around the work site. If conditions do not allow other vessels to transit around the work site, the Applicant would ensure that aquatic construction does not interfere with routine navigation by making adjustments to the work site as required; this measure has been incorporated into various sections of the Final EIS. These disturbances would be temporary and localized at the work site. The installation activities would be coordinated with USCG so that work areas are marked properly to ensure safety, and so that current information about the location of work zones can be broadcast to recreational users. This would minimize conflict with construction activity, and allow for advance planning for other users. Sections 5.1.2, 5.3.2, and 5.4.2 of the EIS provide specific information on avoidance of potential navigation conflicts for the aquatic segments of the installation route.

#	Location		USACE - Comment
	Page	Section	
10	S-52 2-80 2-82 3-7 3-36 5-9 5-39	S.8.15 Hazardous Material 2.6.12 Infrastructure 2.6.15 Hazardous Materials and Wastes 3.1.3.2 Proposed CHPE Project 3.1.15 Hazardous Materials and Wastes 5.1.4 Aquatic Habitats and Species 5.1.15 Hazardous Materials and Wastes	DEIS stated that 30 samples collected in Lake Champlain identified contaminants and the proposed CHPE cable installation may disturb contaminants in sediments. The DEIS also stated that the proposed CHPE Project would not include the remediation of existing contaminants within Lake Champlain because the Applicant would not be responsible for remediating contamination caused by others and the transmission line installation process would not exacerbate existing conditions. USACE RECOMMENDATION: We received public comments concerning contaminants in the waterways along the proposed route of CHPE transmission cable. Please see <a href="#">Attachment Number 1</a> . In the FEIS we recommend a response to the public comments concerning the installation disturbed contaminants along the proposed CHPE aquatic route.
11	S-57 2-87 3-46 3-80 5-145 5-188	S.8.19 Environmental Justice 2.6.19 Environmental Justice 3.1.19 Environmental Justice 3.2.19 Environmental Justice 5.3.19 Environmental Justice 5.4.19 Environmental Justice	Environmental Justice. It is unclear whether the minority and low income population discussed in the DEIS are EJ communities and whether those communities will be impacted by the project? USACE RECOMMENDATION: We recommend clarification whether EJ communities are present along the proposed CHPE route and whether the EJ community are impacted by the proposed CHPE project. Please see USEPA Region II EJ website: <a href="http://www.epa.gov/region2/cj/guidelines.htm">http://www.epa.gov/region2/cj/guidelines.htm</a> We also received public comment concerning outreach and potential impacts to the Hispanic Community. Please see <a href="#">Attachment Number 2</a> . We recommend a response to the public comments in the FEIS.
12	1-12	1.6.2 Federal Authorizations and Approvals	To maintain consistency with Public Hearing poster board, please remove from the USACE section the following "to issue the Section 10 and the Section 404 permits. The factors include conservation, economics, aesthetics, general environmental concerns, cultural resources, fish and wildlife values including threatened and endangered species and essential fish habitat (EFH), navigation, recreation, water quality, energy needs, safety, cumulative impacts, air quality, and marine security." and REPLACE with the following "the construction and installation of the proposed electric transmission line is not contrary to the public interest which would result in the issuance of a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, as amended."

**205-06:** A review of existing information for waterbodies that would be traversed by the proposed CHPE Project, including sediment contamination sources in the vicinity of the proposed route, was conducted as part of the CHPE Sediment Sampling Analysis Plan (SSAP) developed as part of the Applicant's original NYSPSC Article VII application and the USACE Section 404 permit application in 2010. This plan served as the protocol for conducting a marine route sampling survey along the route later in 2010, which included geotechnical surveys to collect information on the existing sediment type and quality along the proposed route. Sediment samples were collected at systematically determined intervals along the proposed transmission line route as part of the survey for either physical analysis or both chemical and physical analyses. The number of samples collected varied based on the existing sediment type, existence of recent historic sediment quality data, and proximity of the proposed route to historic sampling locations. Chemical analysis and water quality modeling was conducted to better characterize contaminants along the cable route. Chemical analyses included metals, polyaromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). Very few standard contaminant threshold exceedances were found. A summary of data results was provided in the 2010 Marine Route Survey Summary Report, which is included in the Joint Proposal and summarized in Sections 3.1.15, 3.3.15, and 3.4.15 of the EIS. The maximum concentrations of contaminants along the cable route as identified in the water quality modeling were graphically presented and compared to

New York State's and State of Vermont's water quality standards. The comparisons, which are also summarized in the EIS sections identified above, showed that the effects of the proposed project would comply with state water quality standards. The model results also indicated that the duration time of resuspended sediments would be relatively short at less than 1.5 hours.

**205-07:** Construction and operation of the proposed CHPE Project would impact minority and low-income populations the same as it would the general population, and, therefore, the impacts would not be considered disproportionately high. A detailed discussion on impacts to Environmental Justice populations is provided in EIS Sections 5.2.19, 5.3.19, and other similar sections. Please see response to Comment 718-01 regarding outreach to the Hispanic community. The comments provided by USACE in Attachments 1-4 of this comment letter were provided to USACE in response to their Public Notice. Any that were also submitted to DOE as comments on the Draft EIS have been addressed elsewhere in this comment response document.

**205-08:** The cited text has been revised in Section 1.6.2 of the Final EIS.

#	Location		USACE - Comment	
	Page	Section		
13	2-12 2-15 2-27 5-3 5-155	2.4.2 Aquatic DC Cable 2.4.2 Aquatic DC Cable 2.4.10.1 Aquatic Cable Installation 5.1.2 Transportation and Traffic 5.4.3 Water Resources and Quality	DEIS stated that aquatic cable installation will bury the proposed cable "to the extent practicable". DEIS also stated the proposed CHPE cable would be buried to a depth of 6 feet within the Harlem and East River. USACE RECOMMENDATION: In the FEIS, we recommend that the proposed CHPE cable would be buried to "at least" 4 feet below the mud line within all section of Lake Champlain; "at least" 7 feet below the mudline within Hudson, Harlem and East River; and "at least" 15 feet below authorized depth within any federally maintained navigation channels in accordance with the CZM.	205-09
14	2-29	2.4.10.1 Aquatic Cable Installation	USACE RECOMMENDATION: Please provide the trench width for aquatic jet plow installation. Similar to the trench description provided for shear plow installation on page 2-29 of DEIS.	205-10
15	2-31	2.4.10.1 Aquatic Cable Installation	DEIS stated that the proposed CHPE cable within deepwaters of Lake Champlain would be installed 20 feet apart. USACE RECOMMENDATION: Cable installation 20 feet apart is inconsistent with other sections of DEIS. On page 2-4 of DEIS it stated that the cable would be buried within a single trench. We recommend inclusion in the FEIS that the proposed CHPE cable should not be installed 20 feet apart. The aquatic cable should be buried within a single trench.	205-11
16	2-73 3-13	2.6.7 Terrestrial Protected Species 3.1.6 Terrestrial Habitats and Species	On October 2, 2013, USFWS published in the Federal Register a notice announcing the inclusion of Northern Long Eared Bat as a proposed endangered species throughout its range under the Endangered Species Act. Its ranges includes New York State. USACE RECOMMENDATION: We recommend inclusion of Northern Long Ear Bat ESA analysis within the FEIS.	205-12
17	2-75 5-70	2.6.8 Wetlands 5.2.8 Wetlands	DEIS stated the overland segment would directly impact approximately a total of 67 acres of wetlands. USACE RECOMMENDATION: The applicant provided conceptual wetland mitigation plan stated that a total of 77.7 acres of wetland would be impacted by the proposed CHPE cable (Temp Impact: 16.2 + 51.2 + Permanent Impact: 8.2 + 2 = 77.7 acres). We recommend inclusion within the FEIS to show a total of 77.7 acres of total wetland impact.	205-12
18	2-76	2.6.8 Wetlands	DEIS stated permanent impact to 2.0 acres of forested wetland. USACE RECOMMENDATION: The applicant provided conceptual wetland mitigation plan which stated there will also be 8.2 acres of permanent impact to non-forested wetland. We recommend inclusion in the FEIS the 8.2 acres of permanent impact to non-forested wetlands	

#	Location		USACE - Comment
	Page	Section	
19	2-80 6-11	2.6.12 Infrastructure Transmission Projects	DEIS stated that Electrical infrastructure in New York State would benefit in the long run. USACE RECOMMENDATION: We received public comments concerning the lack electrical infrastructure improvement proposed by the project. Please see the comment letter in <a href="#">Attachment Number 2</a> . We recommend the FEIS provide a response to the public comments.
20	3-21 3-105 5-30	3.1.9 Geology and Soils 3.3.9 Geology and Soils 5.1.9 Geology and Soils	DEIS Seismicity. USACE RECOMMENDATION: We received public comments concerning seismic activities dangers. Please see the comment letter in <a href="#">Attachment Number 2</a> . The DEIS provided the NYS seismic hazard rating but it is still unclear how seismic activities could impact the proposed CHPE cable. In the FEIS, we recommend a response to the public comment. Please include 1) the safety measures to be incorporated into the proposed CHPE cable design able withstand a seismic event. 2) what are the impacts to the environment, navigation, and public safety, should the CHPE cable be damaged during an earthquake.
21	3-42 5-47	3.1.18 Socioeconomics 5.1.18 Socioeconomics	USACE RECOMMENDATION: We received public comments concerning job loss due to the proposed project, please see <a href="#">Attachment Number 2</a> . We recommend a response to the public comment within the FEIS.
22	3-102	3.3.8 Wetlands	DEIS stated that Esopus Estuary SCFWH contains wetlands that would be intersected by the proposed CHPE Project. USACE RECOMMENDATION: Has the wetland impact in the Esopus Estuary already been included in the total wetland impact discussed in Section 2.6.8 Page 2-75? At what mile markers would the wetland impact occur?
23	5-4 6-13	5.1.2 Transportation and Traffic 6.1.2.2 Transportation and Traffic	DEIS stated that in the Lake Champlain the transmission cables would be laid along the side slopes in some locations of an existing Federal navigation channel (MPs 98 through 101). USACE RECOMMENDATION: According to the drawings provided by the applicant, between MP 98 -101, the proposed CHPE cable would be buried within the boundary of the existing federal Navigation Channel, not just the side slopes. Please see drawings in <a href="#">Attachment Number 3</a> . We recommend the FEIS state that proposed CHPE cable would be buried within the Federal Navigation Channel in Lake Champlain, not just the side slopes.

- 205-13

- 205-14

- 205-15

- 205-16

- 205-17

**205-13:** See response to Comment 137-01. The benefits of implementing the proposed CHPE Project on electrical infrastructure and demand were provided in Sections 1.1, 1.4, and 5.4.12 of the EIS.

**205-14:** Sections 5.1.9 and 5.3.9 of the EIS, and other similar sections, discuss seismicity and the potential for seismic events. Text regarding potential impacts and seismic safety measures have been added to these sections in the Final EIS. Also see response to Comment 109-08.

**205-15:** See responses to Comments 137-03 and 101-02.

**205-16:** A review of the transmission route and wetland data confirmed that the transmission line would traverse the Esopus Estuary SCFWH but would not traverse any mapped wetlands in the SCFWH. This revision is indicated in Section 3.3.8 of the Final EIS. The depth of the water at the transmission line burial points within this SCFWH would range from 20 to 60 feet, which precludes wetland habitat conditions.

**205-17:** Attachment 2 of the USACE Public Notice identifies transmission line placement in the existing Federal navigation channel or the side slopes. The text in Sections 5.1.2, 5.4.2, 5.4.9, and 6.1.2.2 of the Final EIS has been revised to indicate that the transmission line would be buried within the navigation channel.

#	Location		USACE - Comment
	Page	Section	
24	5-4	5.1.2 Transportation and Traffic	DEIS stated that on a case-by-case basis, the USACE New York District Engineer could modify the 15 feet burial depth requirement if deemed necessary. USACE RECOMMENDATION: The requirement to bury the proposed CHPE cable 15 feet below the authorized depth of a federal navigation channel is a requirement of CZM Concurrence. In accordance with Costal Zone Management Act, USACE, as a federal agency, will follow the requirement of the CZM concurrence. We cannot modify a requirement within the CZM Concurrence. We recommend revising the FEIS to reflect the CZM requirement.
25	5-52	5.2.1 Land Use	DEIS overland Eminent Domain. USACE RECOMMENDATION: We received comment letters concerning Eminent Domain in <u>Attachment Number 2</u> . We recommend responding to public comment in the FEIS.
26	5-72 5-73	5.2.8 Wetlands 5.2.8 Wetlands	DEIS stated the Applicant would monitor the success of the wetland restoration and provide a report to the permitting authorities at the conclusion of 2 years of monitoring. USACE RECOMMENDATION: We recommend inclusion in the FEIS that the a 5 year Monitoring plan will be required to ensure removal of invasive species and ensure establishment of wetland species. A wetland monitoring report should be provided for each year of monitoring.
27	5-72	5.2.8 Wetlands	DEIS stated permanent significant impacts would occur on 2.0 acres of forested wetlands and on 8.3 acres of non-forested wetlands. USACE RECOMMENDATION: we recommend inclusion in the FEIS that wetland mitigation will be required for permanent wetland impacts.
28	5-70	5.2.8 Wetlands	Temporary wetland impact. USACE RECOMMENDATIONS: For temporary wetland impacts, we recommend breaking out the acres of forested wetland impact and non-forested wetland impact in the FEIS.
29	5-72	5.2.8 Wetlands	DEIS stated that forested wetlands, where not maintained, would be expected to go through several stages of succession vegetation before returning to the preconstruction vegetation cover type. USACE RECOMMENDATION: We recommend the planned restoration of cleared forested wetland areas be augmented with active planting of forested wetland tree and shrub saplings, as mitigation for the temporary impacts to 16.2 acres of forested wetland. A 5 year Monitoring plan will be required to ensure removal of invasive species and ensure establishment of wetland species. A wetland monitoring report should be provided for each year of monitoring. Please see US EPA comment as <u>Attachment 4</u> .

**205-18:** Text regarding USACE modifying the 15-foot burial depth requirement has been deleted from Section 5.1.2 of the Final EIS, and the EIS sufficiently reflects the CZM concurrence. Also see response to Comment 205-04.

**205-19:** See response to Comment 105-04.

**205-20:** Comment noted. Page 5-73 of the Draft EIS identified a wetland restoration monitoring program. The Applicant will coordinate with the USACE on the requirements for mitigation and the development, duration, and reporting requirements for the monitoring plan to ensure removal of invasive species and establishment of wetland species. The Conceptual Wetland Mitigation Plan provided by the Applicant (and in the Document Library on the CHPE EIS Web site [<http://www.chpexpresseis.org>]) identifies that an annual report will be provided for 5 years and that invasive species will be removed and monitored to avoid reestablishment, and establishment of wetland species monitored.

**205-21:** Page S-45 (Section S.8.8) of the Draft EIS (and same section of the Final EIS) reflected the mitigation that the Applicant has committed to implementing to offset permanent wetland impacts, and Section S.8.8 of the Final EIS identifies the breakout of temporary impacts in acres of forested and non-forested wetlands for the entire proposed CHPE Project. The Wetlands sections in EIS Chapter 5 identify wetland impacts per route segment.

**205-22:** See response to Comment 205-20.

#	Location		USACE - Comment
	Page	Section	
30	5-146	5.4.1 Land Use	DEIS state that the construction activities could temporarily disrupt (i.e., disturb, interrupt, or change) use of the Peter Jay Sharp Boathouse, a floating boathouse in Swindlers Cove on the Harlem River, which is within the ROI and directly adjacent to the proposed CHPE Project route. Access to the Harlem River near this facility could be limited for safety reasons while construction occurs in the vicinity. USACE RECOMMENDATION: we recommend inclusion in the FEIS that the Applicant will coordinate with owners of the Boathouse to ensure construction takes place at a time where it will not impact navigation.
31	5-150	5.4.2 Transportation and Traffic	DEIS stated that applicant would coordinate with the USACE regarding appropriate burial depth and the location in the Harlem River navigation channel. USACE RECOMMENDATION: The Harlem River is a Federal Navigation Channel. The CZM Concurrence requires the proposed CHPE cable to be buried 15 feet below the authorized depth of a federal navigation channel. In accordance with Costal Zone Management Act, the USACE, as a federal agency, will follow the requirement of the CZM concurrence. We recommend incorporating the CZM requirement into the FEIS.
32	6-3 6-11	6.1.1.4 Present and Reasonably Foreseeable Future Actions in the Hudson River Segment 6.1.2.2 Transportation and Traffic	DEIS stated that the proposed CHPE Project would traverse a Federal Anchorage Ground approximately between MPs 319 and 320. USACE RECOMMENDATION: we recommend relocating the proposed CHPE cable to be outside of the anchorage grounds. As stated in comment number 6, vessel anchoring is essential for safe marine navigation. It is unsafe to initiate restrictions on a water dependent activity such marine vessel anchoring.
33	6-8	Generation Projects	USACE RECOMMENDATION: we received comment letters concerning energy independence to generate power within New York State, please see <u>Attachment Number 2</u> . We recommend the FEIS provide a response to the public comments letters.

**205-23:** As with the marinas that would be encountered along the transmission line installation route, the boathouse owners would be given advance notice of cable laying in their area and an opportunity to identify and discuss any concerns with the contractor as stated in Section 5.4.1 of the Final EIS. In addition, the latest information from the Applicant indicates that the transmission line would be placed in the middle of the Harlem River, about 200 feet southeast of the boathouse.

**205-24:** See response to Comment 205-04.

**205-25:** See response to Comment 203-07.

**205-26:** See response to Comment 137-01.

#	Location		USACE - Comment
	Page	Section	
34	6-13	6.1.2.2 Transportation and Traffic	On page 6-13, the DEIS stated, since proposed CHPE Project would be buried under the East River navigation channel using HDD, and 15 feet below the authorized navigation channel depth as required by the USACE in the Hudson, Harlem, and East rivers, cumulative impacts are not anticipated from future dredging. USACE RECOMMENDATION: As it is currently presented in the DEIS there will negative cumulative impact on future maintenance dredging. On page 5-150, the DEIS stated that in instances where environmental or engineering constraints are present that the cables should be laid on Harlem River Channel Bottom. On page 2-27 the cable will be laid on top of the riverbed when encountering existing utilities or other obstructions. Laying the cable on the bottom of federal navigation channel would have a negative cumulative impact on future dredging. In accordance with the CZM, we recommend that the FEIS state the proposed cable shall be buried to 15 feet below the authorized channel depth in all areas of the federal navigation channel.
35	8-1	8. List of Preparers	USACE RECOMMENDATION: The USACE representative name is spelled incorrectly. Please revise to Jun Yan

Reviewer: Please provide your name, title, commercial phone number, email address, and date of comments

**205-27:** The EIS is based on information provided by the Applicant (and reflected in the Public Notice) that concrete mats would be used where the transmission line cannot be buried. Whether or not this is ultimately permitted is subject to further negotiations between the Applicant and USACE. Also see responses to Comments 205-01 and 205-04.

**205-28:** The USACE representative's name has been corrected in Chapter 8 of the Final EIS.

## ATTACHMENT 1

**ATTACHMENT 1**

Yan, Jun NAN1

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 03, 2013 11:37 AM  
**To:** Baden, Annette NAN02; CENAN-OC NAN02; Yan, Jun NAN1  
**Cc:** Ryba, Stephan A NAN02  
**Subject:** FW: [EXTERNAL] Fwd: FOIA FA-13-0217 (UNCLASSIFIED)  
**Attachments:** FA-13-0217 Response.pdf, Whitham.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Annette - Please see attached response received from our Public Notice inbox with respect to this FOIA request. R/JM

-----Original Message-----

From: Judson Witham [mailto:[jurisnot@gmail.com](mailto:jurisnot@gmail.com)]  
Sent: Tuesday, December 03, 2013 9:33 AM  
To: RFO, CENAN NAN02; PublicNotice, CENAN NAN02; CENAN-OC NAN02; [ejacobs@neiwpcc.org](mailto:ejacobs@neiwpcc.org); [sking@neiwpcc.org](mailto:sking@neiwpcc.org); Foil r5foil; FOIL; John Warren; Records Access; [info@lgpc.state.ny.us](mailto:info@lgpc.state.ny.us); [public@gw.dec.state.ny.us](mailto:public@gw.dec.state.ny.us); Dale Hobson; R5 Info; Richard Hayes Phillips; Ellen Brown  
Subject: [EXTERNAL] Fwd: FOIA FA-13-0217

Dear Ms. Baden Et Al.

The Toxics in Lake Champlain's Sludge and Sediment deposits cover a vast area of the bottom of Lake Champlain. The AUDIO TESTIMONY and RECORDED ARGUMENTS before the US Supreme Court reveal The Village of Ticonderoga, International Paper and Every Industry and Factory, Radiator Shop, Paint and Body, Hospital, Dental Clinic, Doctors Office and House Hold in Ticonderoga and along the LaChute River used the River to Flush the Sewage and Industrial Wastes from the Ticonderoga Area into Lake Champlain. The Sediments and Sludge are FULL of Chemicals and Toxins of all kinds AND Combinations thereof.

Because of the TOXIC Mixtures in these Sludge and Sediment Deposits a THOROUGH Clean Up and Removal of the Huge Mess should occur. Plowing through the Toxic Materials for burial of an electrical cable is INSANELY UNSAFE. The Project should NOT be permitted until a Full Clean Up is Finished.

I have spent more than 3 years seeking the materials Just Now Released from the US Government. It is abundantly obvious that there is EPA and Vermont Scientific Materials and University Testings and Laboratory Data still missing.

Waiting until 9 Days before the expiration of Public Comment and Dissent to the Project reveals that all the details of the TOXIC NIGHTMARE in Lake Champlain have NOT been explained to the Public. The Public has been denied the information and frankly this is more than a 100 Year Old SECRET.

This is a Formal Complaint and Demand that the Project Be Suspended until a Full and Complete Clean Up of the TOXIC NIGHTMARE is Completed.

Thank You

Judson Witham  
North Country For Clean Water and Safe Environmental Policy

----- Forwarded message -----

From: CENAN-OC NAN02 <[CENAN-OC@nan02.usace.army.mil](mailto:CENAN-OC@nan02.usace.army.mil)>  
Date: Tue, Dec 3, 2013 at 8:56 AM  
Subject: FOIA FA-13-0217  
To: Judson Witham <[jurisnot@gmail.com](mailto:jurisnot@gmail.com)>, CENAN-OC NAN02 <[CENAN-OC@nan02.usace.army.mil](mailto:CENAN-OC@nan02.usace.army.mil)>

Annette Baden  
Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: [annette.baden@usace.army.mil](mailto:annette.baden@usace.army.mil)  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

Dear Ms. Baden,

I was advised by You that Hurricane Sandy destroyed all the records. You advised Me that there were No Records. In any event .... Scanning these documents and sending them to Me electronically can be accomplished. I am currently traveling for a Christmas related Family engagement and as such please send what You can electronically by scanning such.

I have discovered that New York State owns the Dam at the Lake George end of the LaChute River and I have discovered the electronic record of the US Supreme Court arguments that are on audio file revealing that International Paper Company and New York State's Lawyers ADMIT that Ticonderoga NY and other Industries in New York caused the vast Sludge Bed and Silting ( Contamination ) of Lake Champlain. I have also learned Ticonderoga's NEW Paper Mill owned by International Paper continues to dump and add to the Sludge and Poisoning of Lake Champlain.

When I return from my trip I will address anything You are unable to send electronically.

Thank You

Judson Witham

On Mon, Dec 2, 2013 at 9:10 AM, Baden, Annette NAN02 <[Annette.Baden@usace.army.mil](mailto:Annette.Baden@usace.army.mil)> wrote:

Mr. Witham, On November 5, 2013 we attempted to send you a response to FOIA Number FA-13-0217. It came back to us over the weekend stamped "Insufficient Address". The address we have on file is Barrow Cemetery and Highway 58, Martinsville, VA 24112. Please send us your correct mailing address so we may re-mail your documents because they are too large to send by email.

Annette Baden

Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: [annette.baden@usace.army.mil](mailto:annette.baden@usace.army.mil)  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

Classification: UNCLASSIFIED  
Caveats: NONE

## ATTACHMENT 1

Yan, Jun NAN1

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 03, 2013 11:34 AM  
**To:** Delorier, Christine NAN02; Yan, Jun NAN1  
**Cc:** Gitcheil, Amy L NAN02; Bruce, Kevin J NAN02  
**Subject:** RE: [EXTERNAL] Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Christine - Thanks. We've gotten them from PAO and OC as well. We are treating these as comments to the PN. R/JM

-----Original Message-----

**From:** Delorier, Christine NAN02  
**Sent:** Tuesday, December 03, 2013 11:29 AM  
**To:** McDonald, Jodi M NAN02; Yan, Jun NAN1  
**Cc:** Gitcheil, Amy L NAN02; Bruce, Kevin J NAN02  
**Subject:** FW: [EXTERNAL] Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Are you receiving these messages from the public mailbox? There should be three from this person. If you need the other two, please let me know and I will forward them.

Christine

-----Original Message-----

**From:** Judson Witham [mailto:jurisnot@gmail.com]  
**Sent:** Monday, December 02, 2013 10:56 PM  
**To:** RFO, CENAN NAN02; PublicNotice, CENAN NAN02  
**Cc:** CENAN-OC NAN02; ejacobs@neiwpcc.org; sking@neiwpcc.org; Foil r5foil; FOIL; John Warren; Records Access; info@lgpc.state.ny.us; public@gw.dec.state.ny.us; Dale Hobson; R5 Info; Richard Hayes Phillips; Ellen Brown  
**Subject:** [EXTERNAL] Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain

Attention Upstate New York Field Office .... This is a PROTEST and as well an FOIA Demand for all records on Sludge and Sediments in Lake Champlain as well as the Hudson River.

The Champlain Hydro Express Project's plans to plow through the TOXIC Sludge Bed and Sediment areas on the bottom of Champlain Need a FULL Scientific Study. The US Army Corp of Engineers, EPA, NYDEC and the US Coast Guard all need to produce the Scientific Studies on the Chemicals in the Sludge and Sediments. Fact is the EIS Environmental Impact Studies are NOT complete with out the Chemical Analysis that should be done BEFORE any Permits are Approved for this Project.

The Fact is Many Other Industries besides International Paper's Chemicals were dumped and MIXED TOGETHER with Ticonderoga's Open Sewers. There is a Giant TOXIC Mixture on the

bottom of the Lake Champlain NOT solely Paper Wastes and the Chemicals Associated with BLACK LIQUOR and Wastes from the other Industries.

LISTEN to the US Supreme Court Discussion by International Paper's Lawyers and Vermont's Lawyers. [http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

Full Chemical Studies MUST Be Done FIRST and ALL Records must be Fully Released in connection with My Marathon FOIA Requests for the DATA, MAPS, CHARTS and RECORDS associated with the Chemical Contamination of the Sludge and Sediments.

This is AGAIN a protest to the Project and a Continuing Demand Under the FOIA for the full records on the Chemical Tests of the Sludge and the Sediments. FULL EIS Statements Must FIRST Be Compiled including the Chemical Testing.

If You listen to the attached US Supreme Court recording You will discover far far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

The Reality Is The Village of Ticonderoga's Sewers and many other Industries and Chemicals were all MIXED together with International Paper's Giant Mess.

Here's the REALITY of the Vast Pile of Toxins that International Paper flushed into Lake Champlain ..... Listen to the Case ....[<http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig>](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yQFZ\\_UwhBenc=AZMoqvPltJq8-eovgQ8cih8fs9bjtslila8ASELOf43fecfvIvOcE72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsmVvteu5QfztDsU7fft2UsyqJP6o0-3Dq60vDyT6o\\_wAMP1Ufa5MI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yQFZ_UwhBenc=AZMoqvPltJq8-eovgQ8cih8fs9bjtslila8ASELOf43fecfvIvOcE72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsmVvteu5QfztDsU7fft2UsyqJP6o0-3Dq60vDyT6o_wAMP1Ufa5MI&s=1)>

<[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>

Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
[www.oyez.org](http://www.oyez.org)  
On November 6, the Court will hear arguments in a major Establishment Clause case. Check out our deep dive on the topic to find out more about the case.

The Reality IS ... The Champlain Hudson Power Express plans to PLOW through the Sludge that is Laced with all sorts of Chemicals is CRAZY. Thye Environmental Impact Studies need to Scientifically Determine the content of the Giant Mess all over the Bottom of Lake Champlain. The Solubles and Nano Particles contaminated the ENTIRE LAKE. So dangerous is this mess Removing it and placing it on shore creates a LEACHING of the Toxins.

Judson Witham

----- Forwarded message -----  
From: Judson Witham <jurisnot@gmail.com>  
Date: Mon, Dec 2, 2013 at 12:16 PM

Subject: The Mess In Champlain  
To: "Baden, Annette NAN02" <Annette.Baden@usace.army.mil>

Dear Army Corp, Ms. Baden,

If You listen to the attached US Supreme Court recording You will discover far far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

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<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eovgQBcih8fS9bjtslilia8SEL0f43Zfecfiv0cE72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsrmVvteu5QfztDsU7ft2UosyqJP6oB-3Dq60vDyT6o\\_wAMP1ufaSMI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eovgQBcih8fS9bjtslilia8SEL0f43Zfecfiv0cE72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsrmVvteu5QfztDsU7ft2UosyqJP6oB-3Dq60vDyT6o_wAMP1ufaSMI&s=1)>  
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Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
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The PROOF is in this US Supreme Court Testimony and Arguments.

The Safety Of the Cable being BURIED is NOT a Reality and I OBJECT and DISAPPROVE of any plans to bury anything in or through it. The Power Project MUST include a REMOVAL of the huge mess from the Lake.

LISTEN TO THE RECORD.

Here's the REALITY of the Vast Pile of Crap that International Paper flushed into Lake Champlain ..... Listen to the Case .....[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig) <[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>

<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eovgQBcih8fS9bjtslilia8SEL0f43Zfecfiv0cE72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsrmVvteu5QfztDsU7ft2UosyqJP6oB-3Dq60vDyT6o\\_wAMP1ufaSMI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eovgQBcih8fS9bjtslilia8SEL0f43Zfecfiv0cE72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsrmVvteu5QfztDsU7ft2UosyqJP6oB-3Dq60vDyT6o_wAMP1ufaSMI&s=1)>  
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Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
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Judson Witham

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Thank You

Judson Witham

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Annette Baden  
Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: [annette.baden@usace.army.mil](mailto:annette.baden@usace.army.mil)  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

**ATTACHMENT 1**Yan, Jun NAN1

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 03, 2013 11:35 AM  
**To:** Yan, Jun NAN1; Baden, Annette NAN02  
**Cc:** Ryba, Stephan A NAN02  
**Subject:** FW: [EXTERNAL] Re: FOIA Demand PROTEST / Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

FYI. Additional comments from Mr. Witham. R/JM

-----Original Message-----

From: Judson Witham [mailto:[jurisnot@gmail.com](mailto:jurisnot@gmail.com)]  
 Sent: Monday, December 02, 2013 11:24 PM  
 To: RFO, CENAN NAN02; PublicNotice, CENAN NAN02  
 Cc: CENAN-OC NAN02; ejacobs@neipcc.org; sking@neipcc.org; Foil r5foil; FOIL; John Warren;  
 Records Access; info@lgpc.state.ny.us; public@gw.dec.state.ny.us; Dale Hobson; R5 Info;  
 Richard Hayes Phillips; Ellen Brown  
 Subject: [EXTERNAL] Re: FOIA Demand PROTEST / Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain

Judson Witham <[jurisnot@gmail.com](mailto:jurisnot@gmail.com)>

11:20 PM (0 minutes ago)

<<https://mail.google.com/mail/u/0/images/cleardot.gif>><<https://mail.google.com/mail/u/0/images/cleardot.gif>><<https://mail.google.com/mail/u/0/images/cleardot.gif>>  
 to Annette, ejacobs, sking, CENAN-OC, Foil, FOIL, John, Records, foia-nan, info, public,

Dale, R5, Richard, Ellen

<<https://mail.google.com/mail/u/0/images/cleardot.gif>>

Stalling Production of the Records and allowing the Public Protest Period and Public Dissent Period to Expire on December 13th is a Real Neat TRICK Ms Baden. The Hurricane Sandy Story was COMICAL .

I and Our Group Protest the Cable Plowing because Full Scientific Studies on the TOXINS and CHEMICALS in the Sediments and Sludge have never been done. The EIS Information is Horridly Incomplete and Lacking as the Analysis of the Toxic Contents of the Sediments and Sludge have NOT been done.

In any event US Army Corp Of Engineers and NYS DEC and EPA and US Coast Guard and DOE need to understand FULL EIS Information Has NOT been provided to the Public. The December 13th Cut Off for Public Dissent is NOT to be considered Because the EIS and Scientific Information on the TOXINS and BIO-HAZARDOUS WASTES in the Sediments and Sludge Field has been HIDDEN and SECRETED and NOT Provided even though FOIA Demands have been served on the US ARMY now for at least One Year.

This is a FORMAL Protest to the Champlain Hudson Power Express Project as Well as a Continuing FOIA Demand.

On Mon, Dec 2, 2013 at 10:55 PM, Judson Witham <[jurisnot@gmail.com](mailto:jurisnot@gmail.com)> wrote:

Attention Upstate New York Field Office .... This is a PROTEST and as well an FOIA Demand for all records on Sludge and Sediments in Lake Champlain as well as the Hudson River.

The Champlain Hydro Express Project's plans to plow through the TOXIC Sludge Bed and Sediment areas on the bottom of Champlain Need a FULL Scientific Study. The US Army Corp of Engineers, EPA, NYDEC and the US Coast Guard all need to produce the Scientific Studies on the Chemicals in the Sludge and Sediments. Fact is the EIS Environmental Impact Studies are NOT complete with out the Chemical Analysis that should be done BEFORE any Permits are Approved for this Project.

The Fact is Many Other Industries besides International Paper's Chemicals were dumped and MIXED TOGETHER with Ticonderoga's Open Sewers. There is a Giant TOXIC Mixture on the bottom of the Lake Champlain NOT solely Paper Wastes and the Chemicals Associated with BLACK LIQUOR and Wastes from the other Industries.

LISTEN to the US Supreme Court Discussion by International Paper's Lawyers and Vermont's Lawyers. [http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

Full Chemical Studies MUST Be Done FIRST and ALL Records must be Fully Released in connection with My Marathon FOIA Requests for the DATA, MAPS, CHARTS and RECORDS associated with the Chemical Contamination of the Sludge and Sediments.

This is AGAIN a protest to the Project and a Continuing Demand Under the FOIA for the full records on the Chemical Tests of the Sludge and the Sediments. FULL EIS Statements Must FIRST Be Compiled including the Chemical Testing.

If You listen to the attached US Supreme Court recording You will discover far far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

The Reality Is The Village of Ticonderoga's Sewers and many other Industries and Chemicals were all MIXED together with International Paper's Giant Mess.

Here's the REALITY of the Vast Pile of Toxins that International Paper flushed into Lake Champlain ..... Listen to the Case ....[<http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig>](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig) [<http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig>](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eovgQ8cinh8f59b1tslila8ASELOf432fecfivcOeT2FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbhsmVvteu5QfztDsU7Fft2UosyaJP6o0-3Dq60vDyT6o\\_wAMP1ufa5MI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eovgQ8cinh8f59b1tslila8ASELOf432fecfivcOeT2FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbhsmVvteu5QfztDsU7Fft2UosyaJP6o0-3Dq60vDyT6o_wAMP1ufa5MI&s=1)>  
Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
[www.oyez.org](http://www.oyez.org)  
On November 6, the Court will hear arguments in a major Establishment Clause case.  
Check out our deep dive on the topic to find out more about the case.

The Reality IS ... The Champlain Hudson Power Express plans to PLOW through the Sludge that is Laced with all sorts of Chemicals is CRAZY. The Environmental Impact Studies

need to Scientifically Determine the content of the Giant Mess all over the Bottom of Lake Champlain. The Solubles and Nano Particles contaminated the ENTIRE LAKE. So dangerous is this mess Removing it and placing it on shore creates a LEACHING of the Toxins.

Judson Witham

----- Forwarded message -----

From: Judson Witham <jurisnot@gmail.com>  
Date: Mon, Dec 2, 2013 at 12:16 PM  
Subject: The Mess In Champlain  
To: "Baden, Annette NAN02" <Annette.Baden@usace.army.mil>

Dear Army Corp, Ms. Baden,

If You listen to the attached US Supreme Court recording You will discover far far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

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<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=A2MoqvPieJg8-QBcih8fS9bjtsli8ASELof432fecfIv0E72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsrmVvteu5QFzDsu7Fft2UsosyqJP6o0-3Dq60vDyT6c\\_wAMPLUfa5MI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=A2MoqvPieJg8-QBcih8fS9bjtsli8ASELof432fecfIv0E72FKceMBGeNtuRx10cn1YR4keEjfVb3Q0017BKjMbHsrmVvteu5QFzDsu7Fft2UsosyqJP6o0-3Dq60vDyT6c_wAMPLUfa5MI&s=1)>  
[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)  
Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
[www.oyez.org](http://www.oyez.org)  
On November 6, the Court will hear arguments in a major Establishment Clause case.  
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The Reality IS ... The Champlain Hudson Power Express plans to PLOW through the Sludge that is Laced with all sorts of Chemicals is CRAZY. Thy Environmental Impact Studies need to Scientifically Determine the content of the Giant Mess all over the Bottom of Lake Champlain. The Solubles and Nano Particles contaminated the ENTIRE LAKE. So dangerous is this mess Removing it and placing it on shore creates a LEACHING of the Toxins.

The PROOF is in this US Supreme Court Testimony and Arguments.

The Safety Of the Cable being BURIED is NOT a Reality and I OBJECT and DISAPPROVE of any plans to bury anything in or through it. The Power Project MUST include a REMOVAL of the huge mess from the Lake.

LISTEN TO THE RECORD.

Here's the REALITY of the Vast Pile of Crap that International Paper flushed into Lake Champlain ..... Listen to the Case ....[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_UwhBenc=AZMoqvPIeTjg8-eovgQBc1h8f9b0jtsllia8ASELof43JfecfvOcE72FKcemBGGenTuRx10cn1YR4kefjfVb3Q0017BKjMbHsrmVvteu5QfztDsU7Fft2UsosqJP6o0-3Dq60vDyyT6o\\_wAMP1ufaSMI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_UwhBenc=AZMoqvPIeTjg8-eovgQBc1h8f9b0jtsllia8ASELof43JfecfvOcE72FKcemBGGenTuRx10cn1YR4kefjfVb3Q0017BKjMbHsrmVvteu5QfztDsU7Fft2UsosqJP6o0-3Dq60vDyyT6o_wAMP1ufaSMI&s=1)>  
<[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>  
Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
[www.oyez.org](http://www.oyez.org)  
On November 6, the Court will hear arguments in a major Establishment Clause case.  
Check out our deep dive on the topic to find out more about the case.

Judson Witham

On Mon, Dec 2, 2013 at 12:00 PM, Judson Witham <jurisnot@gmail.com> wrote:

Dear Ms. Baden,

I was advised by You that Hurricane Sandy destroyed all the records. You advised Me that there were No Records. In any event .... Scanning these documents and sending them to Me electronically can be accomplished. I am currently traveling for a Christmas related Family engagement and as such please send what You can electronically by scanning such.

I have discovered that New York State owns the Dam at the Lake George end of the LaChute River and I have discovered the electronic record of the US Supreme Court arguments that are on audio file revealing that International Paper Company and New York State's Lawyers ADMIT that Ticonderoga NY and other Industries in New York caused the vast Sludge Bed and Silting ( Contamination ) of Lake Champlain. I have also learned Ticonderoga's NEW Paper Mill owned by International Paper continues to dump and add to the Sludge and Poisoning of Lake Champlain.

When I return from my trip I will address anything You are unable to send electronically.

Thank You

Judson Witham

On Mon, Dec 2, 2013 at 9:10 AM, Baden, Annette NAN02 <Annette.Baden@usace.army.mil> wrote:

Mr. Witham, On November 5, 2013 we attempted to send you a response to FOIA Number FA-13-0217. It came back to us over the weekend stamped "Insufficient Address". The address we have on file is Barrow Cemetery and Highway 58, Martinsville, VA 24112. Please send us your correct mailing address so we may re-mail your documents because they are too large to send by email.

Annette Baden  
Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: [annette.baden@usace.army.mil](mailto:annette.baden@usace.army.mil)  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

Classification: UNCLASSIFIED  
Caveats: NONE

## ATTACHMENT 1

Yan, Jun NAN1

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 17, 2013 12:48 PM  
**To:** Yan, Jun NAN1; Ryba, Stephan A NAN02  
**Subject:** FW: [EXTERNAL] Extention of Public Comment and Protest. FOIL 13-3388 reply  
(UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

FYI

-----Original Message-----

From: Judson Witham [<mailto:jurisnot@gmail.com>]  
Sent: Monday, December 16, 2013 8:48 PM  
To: RFO, CENAN NAN02; PublicNotice, CENAN NAN02  
Cc: CENAN-OC NAN02; [ejacobs@eilwpcc.org](mailto:ejacobs@eilwpcc.org); [sking@eilwpcc.org](mailto:sking@eilwpcc.org); Foil r5foil; FOIL; John Warren;  
Records Access; [info@lgpc.state.ny.us](mailto:info@lgpc.state.ny.us); [public@gw.dec.state.ny.us](mailto:public@gw.dec.state.ny.us); Dale Hobson; R5 Info;  
Richard Hayes Phillips; Ellen Brown  
Subject: [EXTERNAL] Extention of Public Comment and Protest. FOIL 13-3388 reply

To all Concerned,

On December 13th the cut off date for Public Comment and Protest for the Champlain Hudson Power Express Permitting, NY DEC finally produces Notice to Me that the Charting and Records for Hudson River Poisoning and Lake Champlain Poisoning have been discovered in DEC's files. Yes on the Day of the 13th deadline and cut-off for dissent.

The problem here is thorough and proper Scientific testing of the contamination zone in the Hudson and Champlain have NOT been done. The EIS reports are NOT complete and professional and the PUBLIC has been denied the materials in VIOLATION of FOIL and FOIA. The contamination areas in the Hudson and Champlain have never been properly or thoroughly tested. The Mess in Champlain contains dozens of chemicals and combinations thereof for instance.

I would ask that the Permit Approvals be suspended for at least 120 Days to allow the release of the US Army Materials and the NYS DEC Materials to be properly made available to and disseminated to the Public. This is an addendum to and an addition protest and objection regarding the permitting. I would argue a full clean up is first in order.

Judson Witham

----- Forwarded message -----  
From: Judson Witham <[jurisnot@gmail.com](mailto:jurisnot@gmail.com)>  
Date: Fri, Dec 13, 2013 at 8:54 PM  
Subject: Re: FOIL 13-3388 reply  
To: Records Access <[foil@gw.dec.state.ny.us](mailto:foil@gw.dec.state.ny.us)>

Dear Ms. EARL.

SCAN the Records and Send Them ELECTRONICALLY. OH by the way the response is many many many many months late. BUT yes SCAN the 4 Linear Inches of Records and EMail Them. Thanks for being so timely.

Judson Witham

On Fri, Dec 13, 2013 at 11:26 AM, Records Access <[foia@gw.dec.state.ny.us](mailto:foia@gw.dec.state.ny.us)> wrote:

Please see the attached. A hard copy will not follow.

Ruth L. Earl  
Records Access Officer  
NYSDEC  
625 Broadway  
Albany, NY 12233-1500  
ph: 518-402-9522  
fax: 518-402-9018

Classification: UNCLASSIFIED  
Caveats: NONE

**ATTACHMENT 2**

Yan, Jun NAN1

## ATTACHMENT 2

**From:** Assemblywoman Rabbitt [rabbita@assembly.state.ny.us]  
**Sent:** Monday, December 02, 2013 12:17 PM  
**To:** Brian.Mills@hq.doe.gov; Yan, Jun NAN1  
**Cc:** Susan Filgueras  
**Subject:** [EXTERNAL] Re: "Draft EIS Comments" and -I am requesting a 180 day extension for Comments to the Dept of Energy and Army Corps of Engineers DEIS Public Comment Period for the Champlain Hudson Power Express

Dear Mr. Mills & Ms. McDonald:

Below please find an email I have received from my constituent Susan Filgueras who is concerned about a 330 mile High Voltage transmission line from Quebec to Queens proposed by Champaign Hudson Power Express(CHPE). I would like to request the Department of Energy and Army Corps of Engineers please take into consideration our constituent's requests to extend the Public Comment period by 180 days due to the amount of time needed to review over 5,000 pages of draft-DEIS documentation.

I appreciate your consideration of this request.

Sincerely,

Annie Rabbitt  
Assemblywoman 98th District

Susan Filgueras wrote:

> Please find attached the first copies of our request for a 180 day  
> extension to the comment period for the Draft EIS for the Champlain Hudson  
> Power Express.  
>  
>  
>  
> Request to the DOE and USACE for extension of comment period, "Draft EIS  
> Comments"  
>  
> Army Corps of Engineers - "USACE" - NAM-2009-01089-EVA  
>  
>  
>  
> Mr. Mills,  
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>  
>  
> Please find attached a first set of letters requesting  
>  
> This letter serves to reiterates multiple requests at the Public Hearing on  
> Nov 18, 2013, in the Town of Stony Point for a reasonable extension of a 180  
> days for the comment period. In NYS the Developers for proposed power plants  
> are required to provide intervener funds for the impacted communities. In  
> this case there are no intervener funds from the developer which would  
> allow, the residents, business owners and other stake holders to hire  
> experts to review and respond adequately to the "Draft EIS Comments" to both  
> the DOE and USACE.

>  
>  
>  
> From: Susan Filgueras [mailto:sfilgueras@optonline.net]  
> Sent: Sunday, December 01, 2013 12:29 PM  
> To: 'Keegan, Pat'; sara.levine@mail.house.gov; James Skoufis; Peter D Lopez;  
> Ellen C Jaffee; Howard Phillips; Geoff Finn; Edwin J. Day; Kenneth  
> Zebrowski; Andrew Cuomo; Annie Rabbitt; Brian.Mills@hq.doe.gov; Christopher  
> P. St. Lawrence; hoodj@co.rockland.ny.us; Susan Spear;  
> sara.levine@mail.house.gov; Harriet D. Cornell  
> Cc: David Carlucci; JobsonD@co.rockland.ny.us; William Larkin Jr.; andrew;  
> Arlene Miller; Barbara Kendall; Bob Knight; Barry Brooks;  
> wsheehan@townofstonypoint.org; Breda&Steve Beckerle; Breda Beckerle; Brian  
> Yates; Carol M. Borgstrom; cmhogan@gw.dec.state.ny.us; Christian A.  
> Corrales; Christian M. Wade; JobsonD@co.rockland.ny.us; Eric Ortner; Frank  
> Sparaco; George Potanovic Jr.; Gurran Kane; Ileana Eckert; Jaclyn A.  
> Brilling; James Kraus; James Slevin; Jessica Stein; Akiko Matsuda; Al  
> Samuels; Alex Guarino; Annie Wilson; Donald (Doc) Bayne; Dustin; Dustin;  
> editor@rocklandcountytimes.com; Cheryl; casscleaselec@aol.com; Wayne Cortes;  
> Vincent D. Reda; planning@townofstonypoint.org; Tom Basile; Steven  
> Ludwigson; Steve Scurti; R. Allan Beers; Peter Mueller;  
> towncouncil@clarkstown.org; Patrick Guidice; Maximillian A. Stach; Mathew  
> Nelligan; Madelaine & Joseph Ca; Luanne Konopko; Lori DuBord; Kevin Maher;  
> Kevin.casutto@dps.ny.gov; Karl Javenes; C279slavin; Annie Wilson; Annie  
> Wilson; becky.casscles@aol.com; Laurrie Cozza; Susan Filgueras  
> Subject: We need Congresswoman's Lowey's assistance - re extension of the  
> Comment period for the CHPE DEIS  
>  
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>  
> Congresswoman Lowey,  
>  
>  
>  
> Thank you for sending your representative to Sara Levine to the DOE/USACE  
> Hearing on November 18, 2013, at the Stony Point Center, for the Champlain  
> Hudson Power Express Draft Environmental Impact Statement (DEIS). We want  
> to thank you for your letter (attached) to the DOE requesting that a Hearing  
> would be held in Stony Point when the DEIS for the Champlain Hudson Power  
> Express was released. Because without your representation and request for  
> the Hearing, the Hearing would not have happened. We ask once again for your  
> support, we need an extension to review the volumes of information, so that  
> we can compare the misinformation that has been given to us by CHPE to what  
> is actually contained in the DEIS. We ask you to request the DOE to a 180  
> day extension to review the new information as stated below.  
>  
> The Champlain Hudson Power Express is not needed. The Federal Energy  
> Regulatory Commission has taken action to strengthen instate power  
> generation. By creating a new Hudson Valley Capacity zone. This market  
> mandate will provide the incentive to repower closed power plants or build  
> new ones within the Region, resulting in a fresh injection of much needed  
> tax dollars and jobs needed by New Yorkers. In Rockland County, we currently  
> send millions of tax dollars to corporations who own power plants in our

> Hydro Quebec is seeking US funds to build the CHPE transmission line- CHPE  
> states they are not seeking the funds HYDRO -Quebec is -  
> <http://www.capitalnewyork.com/article/albany/2013/11/8536130/canada-owned-co>  
> mpany-seeks-us-dollars-electric-line?--bucket-headline

>  
>  
>

> 2- New End Points, and connections not in the ORGINIAL DOCUMENTATION

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>

> a. Cost and Feasibility Analysis of a Third Converter Terminal for the  
> Champlain Hudson Power Express Project Prepared by TRC Solutions for  
> Transmission Developers Inc(see attached)

>  
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>

> b. A new end point the Ravenswood Generating Station owned by  
> TransCanada - (all prior documents show CHPE ending at the Rainey  
> sub-station). This is a NEW leg of the project that was never reviewed. I  
> have asked the NYS PSC about this in writing and they have not yet answered.

>  
>  
>

> 3- "NEW" What is the impact of the Federal Energy Regulatory Commission  
> action to strengthen instate power generation,by creating a new Hudson  
> Valley Capacity zone.

>  
>

> 4- CHPE is required to deliver 1550 MW's to NYC per the Joint Proposal  
> - they are a DC (Direct Current) provider which, to my understanding,  
> receives preference over AC power in NYC. The consequences, are higher  
> power prices and billions of rate payer dollars going north of the borders.  
> This would significantly undermine our ability to keep and create jobs in  
> NY, eliminating the incentives to investment into NYS electric  
> infrastructure.

>  
>

> 5- I have attached a article from Bloomberg Business Week, on June 17,  
> 2013 discussing the abrupt rise in electric prices in the middle of the day  
> due to a Canadian transmission failure.

>  
>

> 6- There are over 5,000 pages for the DOE's filing alone and I have  
> just found the USACE (U.S. Army Corps of Engineers) filing on CHPE's web  
> site.(U.S. Army Corps of Engineers). The instructions at the meeting were  
> confusing, and at no time was it made clear that we must respond to both  
> entities, the DOE and the USACE. The handouts in the back of the meeting  
> room were similar and some of us picked up the DOE and some of us picked up  
> the USACE's notification instructions.

>  
>  
>

> 7- (see below web site listings) The filings are not clearly posted,  
> the USACE web site contains Maps, however to get to CHPE's USACE filing you  
> need to go to CHPE's web site (see below) . You need to make sure to read  
> the pp at the bottom of the page on the USACE's web site to understand that  
> there is more documentation than shown on the front page. If you go to the  
> page you will see how difficult to understand it is.

>  
> Deliberate misinformation from CHPE must be documented and referenced  
>

> <<http://www.chpexpresseis.org/>> for the latest information concerning the  
> DEIS."  
>  
>  
>  
> You are redirected to this site -DOE web site link  
>  
> NEW!  
> October 21, 2013: DOE is releasing a Notice of Availability  
> <<http://www.chpexpresseis.org/docs/CHPE-EIS-NOA.pdf>> announcing that the  
> Draft EIS is available for public review and comment. The public comment  
> period will be open from November 1, 2013 to December 16, 2013. An  
> electronic copy of the Draft EIS can be found  
> <<http://www.chpexpresseis.org/library.php>> here. <<<CLICK HERE for DEIS  
> filing Comments can be submitted via this website by clicking here  
> <<http://www.chpexpresseis.org/public-involvement.php#comments>> . <<< click  
> here to write your comments directly into the DOE web site  
>  
>  
>  
> To Find CHPES USACE filing you need to go to their web site -  
> <http://www.chpexpress.com/regulatory-documents.php>  
>  
>  
>  
>  
> Susan Filgueras  
>  
>  
>  
> Susan FIlgueras  
>  
> 845-429-3229  
>  
> Committee,  
>  
> Just Say NO!, to the Champlain Hudson Power Express  
>  
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>  
> 87 Mott Farm Rd  
>  
> Tomkins Cove, NY 10986  
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>  
> From: Susan Filgueras [mailto:[sfilgueras@optonline.net](mailto:sfilgueras@optonline.net)]  
> Sent: Monday, October 28, 2013 4:53 PM

>  
>  
> From: Reichlin-Melnick, Elijah  
> [mailto:Elijah.Reichlin-Melnick@mail.house.gov]  
> Sent: Tuesday, July 02, 2013 5:40 PM  
> To: Susan Filgueras  
> Cc: Keegan, Pat  
> Subject: RE: Contact to the Department of Energy?  
>  
>  
>  
> Hi Susan,  
>  
>  
>  
> Thanks for getting back to me on this issue--I appreciate all the  
> information you've shared with our office. Pat Keegan and I both thought  
> that you would want to see the attached letter from Congresswoman Lowey,  
> which was sent today to the Department of Energy, regarding the CHPE line.  
>  
>  
>  
> Best,  
>  
> Elijah  
>  
>  
>  
> Elijah Reichlin-Melnick  
>  
> District Representative & Grants Coordinator  
>  
> Congresswoman Nita Lowey (NY-17)  
>  
> 67 N. Main St. 1st Floor  
>  
> New City, NY 10956  
>  
> 845-639-3485 (ph)  
>  
> 845-634-4079 (fax)  
>  
>  
>  
> From: Susan Filgueras [mailto:sfilgueras@optonline.net]  
> Sent: Thursday, June 27, 2013 3:32 PM  
> To: Reichlin-Melnick, Elijah  
> Cc: 'George Potanovic'; Frank Collyer; Geoff Finn; Annie Wilson;  
> cassclease@aol.com; Laurrie Cozza; Susan Filgueras  
> Subject: RE: Contact to the Department of Energy?  
>  
>  
>  
> Elijah,  
>  
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>  
>  
> In our phone call Steven kept responding that we could make our comments  
> when the DEIS came out which should be soon. In my opinion that is too late,  
> for the reasons stated in the NYS PSC approval of April 18, 2013  
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>  
>  
> 1. Transmission Corridor Developers- - pgs 19 &74- how many transmission  
lines are proposed for this area?  
>  
>  
>  
> 2. Eminent Domain- Article VII application rooted in Eminent Domain Law,  
how can CSX offer a ROW for the land installation throughout the State of NY  
when that ROW is not adequate to accommodate CHPE's transmission lines and  
meet CSX's construction guidelines. CHPE's solution is acquiring land  
through Emanate Domain, aka....  
>  
> a. "Deviation Zone", when was this approved and by who and when did NYS  
residents decide to give up their property for a foreign transmission Line?  
>  
> 3. Production Cost Analyses - pg-33, pp2, PSC decision  
>  
> a. Dr. Paynter's rebuttal savings estimate as a "societal" benefit" even  
though such a finding is at odds with the JP's (Joint Proposal's) statement  
that such savings, "should not be interpreted as ratepayer benefits" as they  
will be "captured by the Applicants, their financial backers and/or users of  
the Facility."  
>  
>  
>  
> 4. Jobs- Pg 84- PSC decision  
>  
> a. Pp-3 "The Applicants' evidence on job creation was incomplete in a  
fundamental way."  
>  
> b. Pp-3 "the record is void on the critical question of whether those  
jobs would be offset, or more  
>  
than offset, by the jobs displaced at the conventional generation facilities  
that will not be built as a consequence."  
>  
>  
>  
> 5. Green Power - at no time does the PSC decision confirm the percentage  
of "Green Power."  
>  
>  
>  
> 6. Fracking - will be used to install the transmission line.  
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>  
>  
> 7. No Environmental Impact Statement was done for the land installation  
for Rockland County!  
>

> 87 Mott Farm Rd  
>  
> Tomkins Cove, NY 10986  
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>  
> From: Reichlin-Melnick, Elijah  
> [mailto:Elijah.Reichlin-Melnick@mail.house.gov]  
> Sent: Wednesday, June 26, 2013 5:14 PM  
> To: sfilguera@optonline.net  
> Subject: Contact to the Department of Energy?  
>  
>  
>  
> Good Afternoon Susan,  
>  
>  
>  
> Nice seeing you at the Stony Point Town Board meeting last week, though  
> unfortunately not under the best of circumstances. As we're continuing to  
> look into this issue and work on possible letters from Congresswoman Lowey,  
> can you just clarify for me and my boss Pat Keegan whether you or anyone  
> that you know of from SPACE has yet contacted the Dept. of Energy with your  
> concerns about the routing of the CHPE project?  
>  
>  
>  
> Thanks, and have a great afternoon.  
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>  
>  
> Elijah  
>  
>  
>  
> Elijah Reichlin-Melnick  
>  
> District Representative & Grants Coordinator  
>  
> Congresswoman Nita Lowey (NY-17)  
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> 67 N. Main St. 1st Floor  
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> New City, NY 10956  
>  
> 845-639-3485 (ph)  
>  
> 845-634-4079 (fax)  
>

**ATTACHMENT 2**

Mr. Brian Mills  
 Department of Energy  
 Office of Electricity Delivery & Energy Reliability (OE20)  
 U. S. Department of Energy  
 1000 Independence Ave, SW  
 Washington, DC 20585  
 Phone: 202-586-8267  
 FAX: 202-586-8008

Jun Yan,  
 USACE Project Manager, Eastern Section  
 Regulatory Branch New York District  
 U.S. Army Corps of Engineers  
 26 Federal Plaza, Room 1937  
 New York, NY 10278  
 212-000-0000  
 212-264-4260

**Comments can be submitted via email to:** [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)    [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)

Deadline for Comments: **December 16, 2013**

Request to the DOE and USACE for extension of comment period, "**Draft EIS Comments**"

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervenor funds for the impacted communities. In this case there are no intervenor funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE.

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left.

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail.

There was no outreach and translated information for the Hispanic population.

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents?

I am respectfully requesting the extension based on the above reasons.

Resident: Thomas F. Ryan  
 Address: 2827 Hedge Street  
Yorktown, NY 10598

Phone: 914-255-0274  
 E-mail: Tryanbm@aol.com

**ATTACHMENT 2**

**Yan, Jun NAN1**

**From:** Brian Buel [briannnedie@yahoo.com]  
**Sent:** Monday, November 25, 2013 3:17 PM  
**To:** Yan, Jun NAN1  
**Subject:** [EXTERNAL] Champlain Hudson power express transmission line project  
**Attachments:** Conclusion.jpg

Please review the enclosed attachment which illustrates my objection as an IBEW union member to this project.

Brian Buel

Conclusion

- New York State is finally poised to address its aging energy infrastructure, and this will create opportunities for our unionized construction and utility workers.
- The governor's "Energy Highway" calls for tapping cheap, upstate generation to meet expensive, downstate demand which is consistent with the New York Transmission Owner's STARS report.
- The Champlain Hudson Express DC line does:
  - *Not allow* for increases in upstate renewable goals and does not create renewable construction and utility jobs;
  - *Not allow* for future expansion at the Oswego Energy Complex prohibiting the creation of more construction and utility jobs;
  - *Not allow* for existing upstate generators to compete, ultimately leading to their dissolution, and the termination of existing utility jobs;
  - Connect Canadian generation to New York loads;
  - Drain jobs and revenues from NYS and provides jobs and revenues to a foreign country.
- Upgrading AC transmission lines on existing ROWs (STARS) allows:
  - For more construction and utility jobs to increase the capacity of the existing lines;
  - For the increased development of renewable resources which means NYS can achieve its ambitious renewable goals, and more unionized construction and utility jobs;
  - For future expansion at the Oswego Energy Complex which means more unionized construction and utility jobs;
  - For upstate power plants to continue to partner with communities, providing millions of dollars for local communities;
  - For relief of congested transmission lines, allowing upstate generation to flow to NYC loads, maintaining existing utility jobs at upstate power plants;
  - Construction and utility jobs to stay and grow in New York State – Homegrown, New York solutions for New York's energy problems.

**ATTACHMENT 2**

**UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA**  
**NEW YORK CITY & VICINITY DISTRICT COUNCIL OF CARPENTERS**



**STEPHEN C. McINNIS**  
Executive Secretary - Treasurer Pro Tem  
President

**MICHAEL P. CAVANAUGH**  
Vice President

INSTITUTED AUGUST 12TH, 1881

395 HUDSON STREET - 9<sup>th</sup> FLOOR  
NEW YORK, N.Y. 10014  
PHONE: (212) 366-7500  
FAX: (212) 675-3118  
[www.nycdistriccouncil.com](http://www.nycdistriccouncil.com)

December 12, 2013

RECEIVED BY REGULATOR

Jodi McDonald  
Chief, Regulatory Branch  
US Army Corps of Engineers – New York District  
Jacob K. Javits Federal Building  
26 Federal Plaza, Rm 2113  
New York, NY 10278

NY DIST. CORPS OF ENGINEERS

RE: Public Notice NAN-2009-01089-EYA for Champlain Hudson Power Express Project

Ms. McDonald:

I write on behalf of the 25,000 members of the New York City District Council of Carpenters and the tens of thousands of hard-working, middle class union families across New York State to express our opposition to the Champlain Hudson Power Express Transmission line project.

CHPE is nothing more than a large extension cord from Canada to Queens with a single customer – Hydro Quebec. The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. Across New York, power generators are struggling to stay in business. This project would divert funds that might help them and their workforce.

Not only would CHPE's development make New York unnecessarily reliant on foreign-produced power, the transmission line's owner, Hydro Quebec, recently filed a request for access to dollars from the state's renewable energy development fund to help pay for the project's construction costs. The fund itself is supported by New York ratepayers through surcharges on their utility bills. If the request is approved, New Yorkers will have to shell out millions of dollars for a power line that tunnels Canadian power directly into New York City. Meanwhile, communities across the state will lose critical tax revenues from New York generators that are forced to shut down because they cannot compete with cheap imported hydro power from Quebec.

The Champlain Hudson power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity. Every Megawatt of

electricity made in NY represents jobs and tax revenues – every Megawatt power imported from Canada threatens those jobs and tax revenues!

CHPE is a harmful project that is not in the best interest of New York and its residents. It makes no sense to build a transmission line across the state that only benefits a single Canadian energy exporter, especially when we have more than adequate power generation already available in New York State.

We urge the US Army Corps of Engineers to deny permitting the development of the Champlain Hudson Power Express Project as it will cause more harm than good both environmentally and economically to the State of New York.

Thank you for your time.

Sincerely,



Stephen C. McInnis  
Executive Secretary-Treasurer

**ATTACHMENT 2****BOILERMAKERS • IRON SHIP BUILDERS**

STEVEN LUDWIGSON  
Business Manager  
Secretary-Treasurer

**BLACKSMITHS • FORGERS & HELPERS**

TOM RYAN  
Assistant Business Manager  
President

**BOILERMAKERS LOCAL LODGE No. 5**

RECEIVED BY REGULATORY

GREG PETERSON  
Assistant Business Manager  
Zone 179

KEVIN O'BRIEN  
Vice President

MATT LOPRESTI  
Assistant Business Manager  
Zone 197

**NY DIST. CORPS OF ENGINEERS**

**Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5**

November 19, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. – Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure – such as upstate New York plants that have an excess of available power – instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill.

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation.

New York needs to improve the transmission grid in the Upstate and Western regions so that in-state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state.

ZONE F • 31 VAN SICKLEN AVE., FLORAL PARK, NY 11462 • 816-326-2396 • FAX: 816-326-3457  
ZONE 1<sup>st</sup> • 24 1/2 EAST WENTWORTH ST., OZONE PARK, NY 11420 • 718-343-3831 • FAX: 718-343-3839  
ZONE 197 • 755 E. HOA ST., ALBANY, NY 12206 • 518-423-0718 • FAX: 518-423-2726

BOILERMAKERS LOCAL LODGE No. 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state.

In order to have a strong 21<sup>st</sup> century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure – rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York.

Thank you,

  
Steven Ludwigson  
Business Manager  
Boilermakers Local 5

**ATTACHMENT 2**

BOILERMAKERS • IRON SHIP BUILDERS



STEVEN LUDWIGSON  
Business Manager  
Secretary-Treasurer

BLACKSMITHS • FORGERS &amp; HELPERS

TOM RYAN  
Assistant Business Manager  
President

**BOILERMAKERS LOCAL LODGE No. 5**

RECEIVED BY REGULATOR

GREG PETERSON  
Assistant Business Manager  
Zone 175

KEVIN O'BRIEN  
Vice President

MATT LOPRESTI  
Assistant Business Manager  
Zone 197

NY DIST. CORPS OF ENGINEERS

November 18, 2013  
East Elmhurst, New York

Distinguished members from the United States Department of Energy, thank you for providing this opportunity to the people of New York to weigh in on some of their concerns with the Champlain Hudson Power Express. I am here today as the President of Boilermakers Local 5, representing over 500 members from Long Island and New York City, from the Southern Tier and throughout the North Country. But, I am also here as a proud New Yorker and father of four children with further reservations about this proposed project and the negative environmental impact it would have for the next generation.

The developers of this line that would snake its way through New York and its great water ways have touted the signatures of some Representatives of the New York delegation in support of the line. Yet, when my colleagues and I personally met with the vast majority of those Congressmen and Congresswomen last Spring, we were met with blank stares and disbelieving shakes of their heads. Some had no recollection of signing; others seemed not overly committed to the project. But, all of them had second thoughts and promised to look into the matter further and revisit their commitment. For that we are grateful to them and their staffs.

ZONE 5 • 24 VAN SICKLEN AVE., FLORAL PARK, NY 11001 • 516-326-2500 • FAX: 516-326-3435  
ZONE 175 • 28 WEST BRIDGE ST., OSWEGO, NY 13126 • 315-343-3821 • FAX: 315-343-3863  
ZONE 197 • 78 S. DOVE ST., ALBANY, NY 12201 • 518-438-0718 • FAX: 518-459-3720

The CHPE will be a jobs killer for the greater NYC area, outsourcing skilled labor positions to a foreign country in exchange for a product we can and should be making right here in New York. Our economy, environment, and our quality of life now hang on a delicate thread. Do we as a nation, give our environment over into the hands of another country, albeit a friendly one? I, my family, and the tens of thousands of vital Building and Construction Trades members in this great metropolis, emphatically respond, NO!

Just in the last couple of years our great city and state has had a tragic loss to life, infrastructure, and the environment due to severe storms. As catastrophic a loss as they were, could we imagine if we were held hostage by power travelling hundreds of miles on towers over land and within our rivers and lakes. We need to rely on power generation produced in our backyards to survive whatever storms we must weather.

I have swam in the Hudson River, and lived to tell about. I wish my children and my children's' children the same. But, this Canadian power line is nothing more than a large extension cord, with a single customer, whose only vested interest in the delicate environment of the Great State of New York is one of commercialism and greed.

Just in my short life span, I have seen where dependence on foreign energy and foreign natural resources has led this great nation of ours: embargo, rationing, and war. We should not depend on others for our vital needs, but ourselves and our fellow New Yorkers. Americans should not sacrifice their environment, their energy independence, or their children's future, for the promise of miniscule savings on an electrical bill.

Thank you again for this opportunity and we trust the United States Department of Energy and ultimately the Office of the President of the United States hear the cry of its citizens, "SAY NO to the Champlain Hudson Power Express!"

Sincerely,



Thomas F. Ryan

President

## ATTACHMENT 2

November 30, 2013

Mr. Jun Yan, USSACE Project Manager  
Eastern Section, Regulatory Branch  
New York District  
U. S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, New York 10278

Request to the DOE and USACE for extension of comment period,

DOE: ***Draft EIS Comments***

USACE: **NAN-2009-01089-EYA**

Dear Mr. Yan,

We would like to start this letter by letting you know that we are vehemently opposed to the Champlain-Hudson Power Express. We would also like to request a 180 day extension in order to be able to read and digest volumes 1-Impact Analyses and Volume 2-Impact Analyses of the USDOE, Champlain Hudson Power Express Transmission Line Project. We are neither lawyers nor engineers we are lay people; I am sure you will agree these filings can be difficult for anyone to digest.

November 18, 2013, a public hearing regarding the Champlain-Hudson Power Express was held at the Stony Point Center, 17 Cricketown Road, Stony Point, NY. This was at best a very poor, but well thought out location for Mr. Jessome and TDI; the meeting was held in an arena that offered very limited parking to the public. In addition to this Mr. Donald Jessome, CEO, of Transmission Development, Inc., had hired the center to host a dinner for approximately 220 members of Laborers' Union, 274, thus ensuring that most of the available parking would be taken up by union members, virtually leaving very few slots for parking so that many people in opposition to this project were not able to find spaces available to park. The James A Farley Middle School would have been a much better space given it has ample parking and other meetings had been held there in the past. Those meetings accommodated over 300 plus people with more than ample parking for all, also the residents of Stony Point who arrived later and saw the sea of Union members in orange tee shirts - would have not been so intimated and left.

We would also like to comment on the fact we were given a three minute opportunity to voice our opposition to this project, which is really disturbing. How can one be expected to give testimony regarding this huge project in a matter of three short minutes. We were told that if we couldn't finish our testimony in three minutes we could go to the end of the line and after everyone had spoken we could then finish our statements. We did this but it was extremely difficult because our testimony was fragmented at best. We are hopeful that our passion for our town and our objections to this project were heard loud and clear.

We have been opposed to this project since we first heard about it at the April 2012 Stony Point Town Board meeting, as there was no notification given to any property owners on this route in the Town of Stony Point, regarding the taking of our properties.

The NYS Public Service Commission decision for approval of the CPHE project, granted on April 18, 2013, generously gifted CHPE with a 1/8 mile (666 feet) deviation zone in any direction from the center rail of the CSX railroad. The Article VII application, which is rooted in the Eminent Domain Law, will allow CSX Railroad to take our properties without our consent. This is a travesty of justice to think that CSX will be able to take our property without our consent to be used by a foreign entity. How can CSX offer a ROW for the land installation throughout the State of New York when the ROW was never wide enough for to accommodate CHPE's transmission lines and meet CSX's construction guidelines? Through Eminent Domain that's how.

Our town has 2.2 miles of rail lines from the Stony Point Battlefield to the Haverstraw town line; within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of one mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent Domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way.

When was the deviation zone approved and by whom? When did New York State residents decide to give their property away for a foreign transmission line? We certainly have not nor do we have any intentions to do so. This project will do nothing to help this town, county, state or this nation, except to make us once again dependent on foreign energy and we all know how well that has worked in the past.

The 2.2 miles of property in Stony Point yield an estimated \$1.2 million dollars annually in simple property taxes and this is merely using just the homes and businesses that border the railroad. The CHPE project has estimated according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Guidelines," states approximately \$796,640.00 annually to be paid to the three Towns, County, and three School Districts equals \$113,805.70 each, if divided equally. The above mentioned properties currently generate approximately \$1.2 million dollars annually for the Town of Stony Point. CHPE's stated tax revenues are significantly less than what is currently being paid. Furthermore the Town will lose more revenue as each individual touched by this project asks for a reduction in taxes because our properties will be worth significantly less.

The CHPE project is not about just one transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS entire energy infrastructure and will

create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. By The Army Corp of Engineers own letter dated June 14, 2012 you state that other entities have proposed similar projects and you have questioned "how many other transmission lines could be located along the same route?". An interesting question one that we would like the answer to before the Presidential Permit is ever issued.

The CHPE transmission line is coming out of the Hudson River on to land at the site of the Stony Point Battlefield, one of the most important and significant historical sites in this nation. It is here that battles were begun in 1775 being fought by citizen-soldiers and would last 5 years. There would be five years of battles and significant deprivation to our forefathers ultimately resulting in defeating the most powerful army of the age and winning independence for this new country, the United States of America. Many of our local citizen-soldiers are buried in the Waldron Revolutionary War and the War of 1812 cemetery located west of the CSX Railroad ROW, and numerous members of their ancestors are still living in this town to this day. There are over 200 bodies in this cemetery, many without any headstones because of the length of time they have been interred. The cemetery is in the deviation zone for this project, our committee the "Just Say No to CHPE" informed Mr. Jessome about the cemetery and its historical importance and we informed him about the many burial plots that were disturbed in the mid 1800's when the railroad came through and the bodies were moved and disposed of, what a horrible tragedy for our nation. More bodies were disturbed when Orange & Rockland Utilities, Inc. constructed high-tension lines through our town. When the cemetery was mentioned as being in the way of this project Mr. Jessome's answer to the problem was "We'll just shoot a bullet under the graves"; a distasteful and most irreverent insult to our forefathers. This is a highly sensitive matter and we in this town take this very seriously and were deeply offended by this remark.

Next we must discuss the jobs issue. The NYSPSC decision (Pg. 84 Pp. 3) states "The Applicants' evidence on job creation was incomplete in a fundamental way" and further states "the record is void on the critical question of whether those jobs would be offset, or more than offset, by the jobs displaced at the conventional generational facilities that WILL NOT be built as a consequence." New generating stations can be built in this state and some can be re-tooled thereby creating hundreds of new jobs. Why not put American workers back to work allowing them to improve or to create the new infrastructure we need, thereby making us energy independent. This is what will increase local and state tax bases over the long haul.

The Town of Stony Point has been nearly bankrupted by the Blackstone Group, which owns Transmission Developer's, Inc. The Blackstone Group is the very same company that were the financial advisors to Mirant Corporation, when they filed for Bankruptcy. Blackstone was the financial advisor to Mirant before, during, and after the bankruptcy of the Lovett and Bow Line Power plants. The towns of Stony Point and Haverstraw will continue to struggle financially as a result of this. In addition Blackstone is the company representing United Water, GDF Suez, which is attempting to build a desalination plant which converges on the Stony Point and Haverstraw town line. This is yet another project that will most assuredly help to deepen the town's financial crisis.

CSX Railroad has also undertaken a \$26 million dollar rail rehabilitation project in this same area. We have been personally approached by CSX, three times, in an effort to lease them the identical piece of property that CHPE wants from us. We have refused and we will continue to refuse. We were told by William Braman of CSX Real Estate, Jacksonville, FL., that CSX will use Eminent Domain to obtain the property they want; is this an intimidation tactic being used to force us to something we do not want to do?

*On page 2 of the Joint Proposal CHPE states – “none of the provisions of the JP are opposed by any land owners along the route other than at the location of the Converter Station, by any municipalities or residents along the route, or by any business entities outside of the electric power industry.” FALSE! How can CHPE state that there is no objection to their project and that they say they have overwhelming support when so many people in Rockland County and entities have come out against this project?*

The Rockland Legislature came out against this project on June 12, 2012 with Resolution 10 C 1 that was signed by every legislator (16) except one that has ties to the local utility company. Our current County Executive, Scott Vanderhoff as well as our newly elected County Executive, Edward Day have stated numerous times that they are against this project. The current members of the Town of Stony Point Town Board, as well as the newly elected members of the board, are and have been solidly against this project from the beginning. Geoff Finn, Town Supervisor of Stony Point and Howard Phillips, Town Supervisor of Haverstraw have been against this project and continue to object to it.

Congresswoman Nita Lowey alerted Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, in a letter dated July 1, 2013 of our numerous concerns and wanted to make sure our voices were heard, please hear us now before it is too late.

New York State Senators William Larkin, David Carlucci, and New York State Assemblyman James Skoufis all have opposed this project, and have said so many times and they continue to support our efforts against this project to date.

On July 1, 2013, Patrick Guidice, Senior Business Representative of Local 1049 of the International Brotherhood of Electrical Workers stood on the steps of Stony Point Town Hall and again affirmed his opposition and the opposition of his Union brothers to this project.

Phil Wilcox, Business Representative for IBEW Local 97 states, “Thousands of existing New York state jobs will be lost and thousands of potential new ones as well.” (Albany Times-Union, February 25, 2012). The International Brotherhood of Electrical Workers Local 97 state, “The CHPE project’s failure to provide access to New York’s valuable generation resources is contrary to the policy laid out by Governor Cuomo in his State of the State address.” (Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc., March 16, 2012). The New York Power Authority states “[NYPA] it is also concerned about the accuracy of CHPE’s current estimates of its projected construction costs

and the results of its cost/benefit analysis. Based upon NYPA's experience, the construction costs are significantly underestimated and the cost benefits are significantly overestimated in light of current projections of load and electric prices." (Statement Regarding the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc., March 16, 2012).

On October 23, 2012 The New York State Senate Standing Committee on Energy and Telecommunications, hosted by State Senators George Maziarz, William Larkin, David Carlucci and Nancy Calhoun held a public hearing at the RHO Building in the Town of Stony Point to garner testimony regarding the CHPE project, at which time numerous people spoke against this project. Bart Brooks, Compatriot and President of the Stony Point Battle Chapter of the Sons of the American Revolution came out in opposition. Susan Filgueras, President of the Stony Point Historical Society opposed this project. Laurie Cozza, Anita Babcock, Tim Waldron, George Patonovic, President SPACE, Stony Point Action Committee for the Environment. Michele Cornish, Rebecca J. and Wellington T. Casscles, Stephen and Breda Beckerle, affected homeowners, are against the CHPE project, these are simply a few of the names of record.

Al Samuels, President, Rockland Business Association – against, Scott Jensen, Business Manager IBEW 503 – against. Mike Hichak, Recording Secretary, IBEW Local 320 (representing John P. Kaiser, President and Business Manager IBEW, Local 320) – against.

Tom Rumsey, Vice-President – External Affairs, NY Independent System Operator – against.

Gavin Donohue, President & CEO of Independent Power Producers of New York, Inc. – against.

Michael Twomey – on behalf of Entergy – against.

Arthur "Jerry" Kremer, Chairman of the New York Affordable Reliable Electricity Alliance – against.

All these people testified at the October 23, 2013 Senate hearing and all opposed this project, how could it possibly have been approved by the NYSPSC?

These are only the names of our community; we know that in Canada, there is also strong opposition. With such opposition how does this project continue to move forward, perhaps politics has quite a bit to do with it.

The maps used by CHPE have changed numerous times, sometimes the line appears on our property sometimes off of our property. Which is it? These maps showed the CPHE line ending at the Astoria-Queens sub-station and suddenly now it shows it will end at the "Big Alice" Ravenswood Generating Station. What happened to the Astoria-Queens sub-station plan? Also the Danskammer Generating Station was taken off line and suddenly put back on line – why?

We feel that there are so many unanswered questions regarding this project, that the Presidential Permit must be held up until all of the queries can be answered openly and honestly by CHPE.

These are just a few of the overriding reasons we feel we need the 180 day extension.

Sincerely,  


Rebecca J. Casscles  
Wellington T. Casscles  
69 & 71 Beach Road  
Stony Point, NY 10980  
(845) 786-2416 (Home phone)  
[cassclestec@AOL.com](mailto:cassclestec@AOL.com)  
[becky.casscles@AOL.com](mailto:becky.casscles@AOL.com)

## **ATTACHMENT 2**

November 18, 2013

U.S. Department of Energy – Draft DEIS – Champlain Hudson Power Express

Stony Point Center  
17 Cricket Town Road  
Stony Point, NY 10980

I would like to take this opportunity to thank the Department of Energy for holding this public hearing regarding the Champlain Hudson Power Express. I especially want to thank Congresswoman Nita M. Lowey for her letter dated July 1, 2013 to Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, alerting her to our important concerns regarding this project and asking her to hold a public hearing as part of the DEIS process. Congresswoman Lowey wanted to make sure we here in Rockland County had the opportunity to express our concerns and that our voices were heard by the DOE.

I would like to begin by saying that Transmission Developers, Inc. - USA is wholly owned by the **Blackstone Group**, one of the world's leading investment and advisory firms with earning assets under management in the hundreds of billions of dollars. Blackstone specializes in private equity and has emerged as one of the largest private equity firms in the world. **Blackstone Group** is the very same company who were the financial advisers to Mirant before, during and after the bankruptcy of the Bowline and Lovett Power Plants. The towns of Stony Point and Haverstraw are still struggling financially as a result of this.

Ms. Lowey rightly states in her letter, dated July 1, 2013 that originally the CHPE line was to run under the Hudson River for most of the project, including the southern section near Rockland County; but the route has been changed so that it now runs parallel to the CSX railroad tracks, which is strongly opposed by local residents, business groups, and elected officials.

Ms. Lowey further states that eminent domain may be used to take residential and commercial properties; let there be no doubt, eminent domain must be used to achieve CHPE's goals. This project is coming out of the Hudson River in two areas, one being Albany and the second one being in Rockland County, at the Stony Point Battlefield. The Stony Point Battlefield is one of the most significant historical sites in this nation. Battles won here against the British secured our freedom and granted us the right to call ourselves the United States of America. Many of our citizen-soldiers fought and died for our freedom and those who survived the harsh battles suffered unspeakable hardships, no food, lack of training, lack of equipment and clothing, but they persevered. Some of those who perished are buried in the Waldron Revolutionary Cemetery. Many of their descendants still live in our town to this day.

Our town has 2.2 miles of rail lines from the Battlefield to the Haverstraw Town line. Within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of a mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail; which is equivalent to the size of two football fields or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way. CHPE and CSX have stated clearly in all their documents that they will maintain the right to lease the ROW, thereby making a profit off the taking of any land deemed necessary to complete their project.

The above mentioned properties generate approximately \$1 million dollars in annual taxes for Stony Point. The CHPE project, according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Settlement Guidelines dated June 23, 2011, states and I quote "The rough estimate totals are as follows:

Rockland County, 7.66 miles estimated taxes - \$796,640.00.

Please understand that this means Rockland County and all of the towns and school districts involved in this project will share this amount of money. Exactly how much in taxes will Stony Point get; we are unsure. The financial impact of this project could be catastrophic to this county and in particular to our town. Should this project go through many of our homes will be devalued, thereby costing the town perhaps several hundred thousand dollars of tax money yearly, as affected local homeowners within the deviation zone will file for tax reductions because their properties no longer maintain their original value. There is the distinct probability that future residential or commercial endeavors will be eliminated due to this project; thereby costing potentially millions of dollars in lost revenue to the Town of Stony Point further eroding our tax base. The CHPE project is a no win situation for our town, county, state and nation.

The CHPE project is not about just 1 transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS's entire energy infrastructure and will create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. According to a letter from the Army Corps of Engineers, dated June 14, 2012, they state that other entities have proposed similar projects and they have questioned "how many other transmission lines could be located along the same route?

CHPE states 300 jobs will be created during the construction of this project. This is misleading information, there will be very few jobs, less than 30, and these highly skilled jobs will be filled by Canadian workers, not Americans.

We Americans can re-tool our infrastructures; re-build our own power houses, most notably the Lovett site and the Bowline Power Plant. We, the American people will then be able to keep American jobs in America where they belong! These long lasting jobs will bolster our local, county, state and national economies. I say let's keep American jobs in America! We do not need foreign power; we all know what happens when America becomes dependent on foreign energy.

I would also like to address the issue of safety regarding the CSX Railroad. CSX rails run through our town parallel to the proposed CHPE project. What will happen if there is a derailment and a subsequent explosion of the power cable contacting a derailed tanker car? In one such derailment outside of Baltimore, MD on February 6, 2011, a derailment damaged Verizon's equipment, disrupting land-line telecommunications services. The problems reached all the way to the U.S. Navy Base in Guantanamo Bay, Cuba, where pre-trial hearings were delayed for a day for 5 men charged with orchestrating and aiding the Sept. 11<sup>th</sup> attacks, because files on government servers were temporarily unavailable. We have an international underground telecommunications line spanning the Hudson River, just south of the Stony Point Battlefield.

These rails carry many different materials not the least of which are ethanol, heptane, and sulfuric acid , all of which are extremely volatile substances, some potentially deadly. In the event of a derailment can the hundreds of people living along the rail lines be evacuated quickly? Do our local fire departments have the necessary equipment, knowledge, and training to deal with such a situation? Where will the man power come from should this happen during the day when most of our volunteers fire personnel are at work? Is there even an evacuation plan in place, which by the way is a federal mandate.

Ladies and gentlemen I would like to state clearly that the New York State Public Service Commission's decision of April 18, 2013 clearly states there will be no jobs created by this project, no new conventional generation facilities will be built as a direct consequence of the decision, the use of eminent domain (aka /deviation Zone) will be used to take NYS residents homes for foreign profit and there will be no savings to the consumer, as these savings will be captured by the applicants and their financial backers and/or users of the Facility. No environmental Impact Statement study was done for the land installation for Rockland County. How do we recoup the lost tax revenue for the devaluation of our properties, should the CHPE transmission line in fact be built?

I believe that it is imperative the Presidential permit not be granted for the above listed reasons and I encourage the Department of Energy to withhold this permit. Please keep in mind we do not need this extension cord from Canada. I encourage you to deny this presidential permit for the CHPE project, indefinitely.

In closing I would like to say that we must be mindful of what precedents will be set if this project proceeds and more importantly what the effects on us will be. What kind of a legacy are we leaving future generations? Please understand once the damage is done to our environment there will be no turning back. Our homes, our majestic Hudson River and our communities will be forever and irreparably changed.

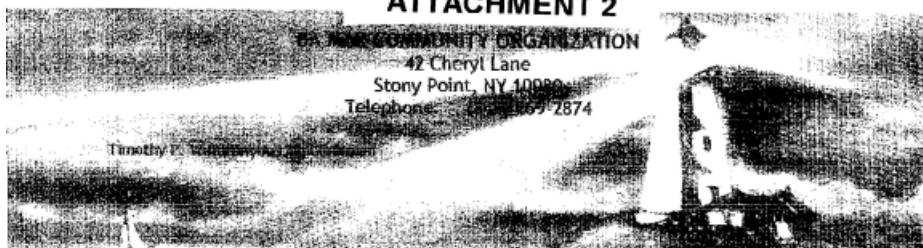
  
Rebecca J. Casscles

69 Beach Road  
Stony Point, NY 10980  
"JUST SAY NO COMMITTEE"

01/03/2014 21:05 8454294514

**ATTACHMENT 2**

PAGE 01



December 14, 2013

**Mr. Jun Yan**  
**USACE Project Manager, Eastern**  
**Regulatory Branch New York District**  
**U. S. Army Corps of Engineers**  
**26 Federal Plaza, Room 1937**  
**New York, New York 10278**

Re: Champlain Hudson Power Express

Dear Mr. Mills:

The Ba-Mar Community Organization is greatly concerned with this project. The CSX Railway is only a good stone's throw away so this project is very close to where we live and will have a great impact on us. The Ba-Mar Manufactured Community to date has received no outreach from Champlain Hudson River Express, Inc., New York State, or New York City, apparently the only beneficiary of this power line. No correspondence in English or Spanish has been received yet as Ba-Mar has a significant Spanish speaking population, whose first language is Spanish.

Our community was hit hard by Hurricane Sandy just over a year ago which has left us with a lot of uncertainty. Now we learn we have more uncertainty placed upon us. This time it come in the form of a man made storm.

The high voltage power line that is set to be placed so close to us is extremely troublesome to us and hopefully all of Stony Point and Rockland County, if not all, along its path. Currently Ba-Mar property may have little impact, as one map shows, but there is no guarantee here. The path may change. As it stands now, the line will disrupt the Stony Point Battlefield, a State Historic Site, the Historic Waldron Cemetery and a number of homes here in Stony Point where good decent people live. Let it be said now, people are no better than second on the protection line. The Sturgeon of Haverstraw Bay come first, which is why the line comes out of the Hudson into the battlefield and runs along the CSX line right of way and also will run through Stony Point's wetlands. None of this sounds

very good for Stony Point families, the Battlefield, the Waldron Cemetery, our wildlife and our environment. Along with the real possibility of the line that already traverses the tracks could end up on the east side of the tracks to disrupt Ba-Mar causing great risk to its residents.

Therefore, the Ba-Mar Community Organization must soundly, loudly and clearly call for an end to this project. If there is no way to stop it, then put it in the river.

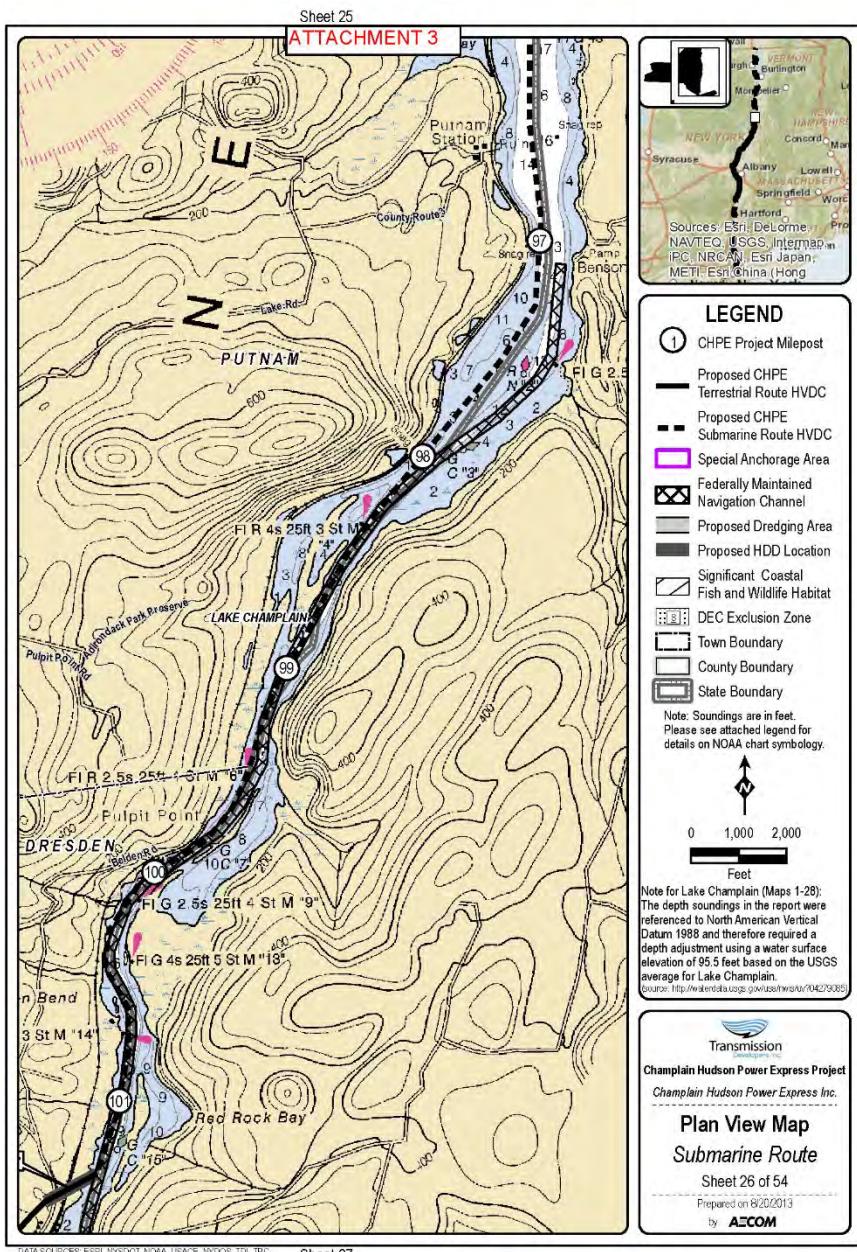
Ba-Mar says.....People over Sturgeons.

Timothy P. Waldron,

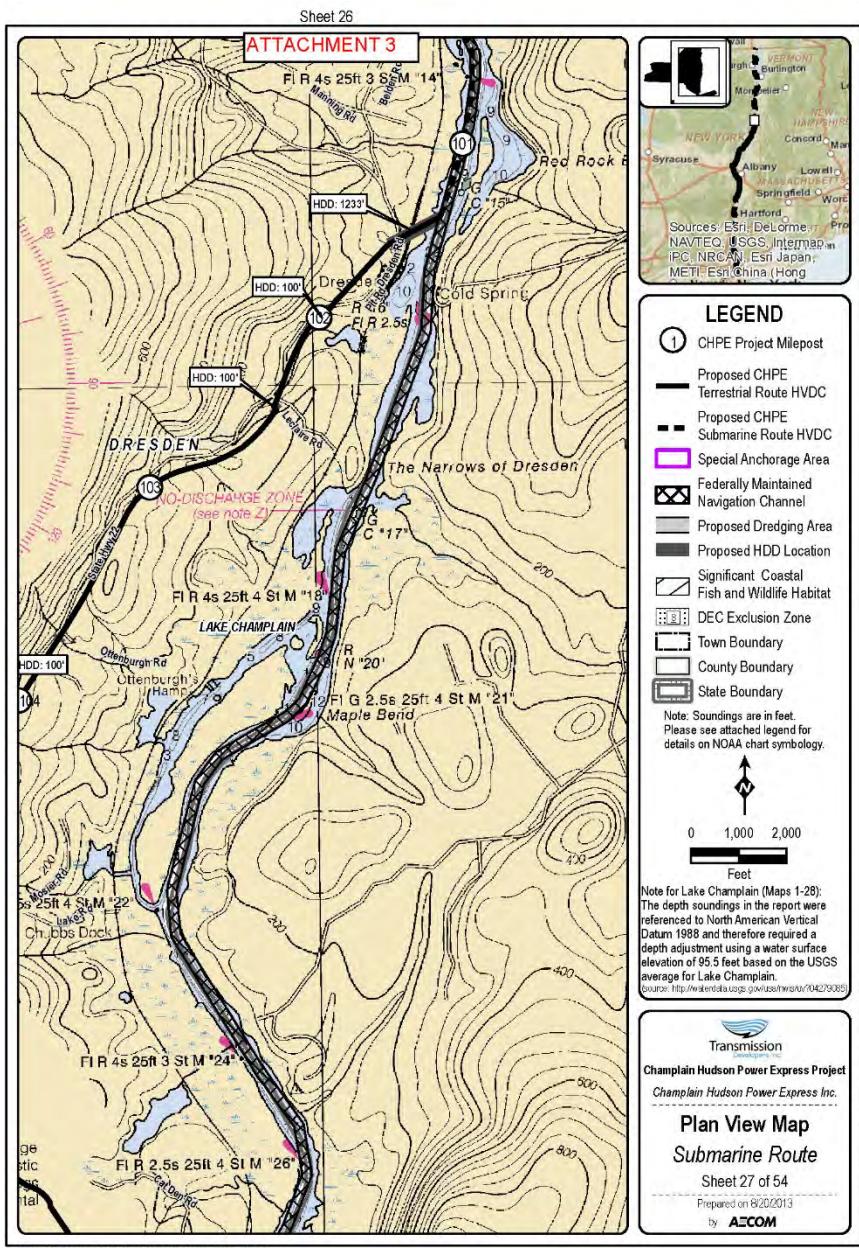


Chairperson, Ba-Mar Community Organization

**ATTACHMENT 3**



Sheet 27



**ATTACHMENT 4**

**ATTACHMENT 4**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

DEC 11 2013

Jodi M. McDonald  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
Javits Federal Building  
New York, NY 10278-0090

Dear Ms. McDonald:

The U.S. Environmental Protection Agency has reviewed Public Notice number NAN-2009-01089-EYA concerning an application for a wetland permit submitted by Champlain Hudson Power Express, Inc. The applicant plans to perform regulated activities in 13 New York counties and in New York City.

The applicant proposes to construct a 333-mile high voltage electric transmission cable from the U.S. - Canada border to New York City. Cable will be buried within 101 miles of Lake Champlain and 88 miles of the Hudson River. Overland installation will total approximately 140 miles. The overland portions of the cable will cross 6.3 miles of wetland. Temporary wetland impacts consist of clearing 16.2 acres of forested wetland and 51.2 acres of non-forested wetland. Permanent impacts consist of converting 2.0 acres of forested wetland to scrub-shrub or emergent wetland and periodically cutting woody plants in 8.3 acres of non-forested wetland.

As compensation for the 10.3 acres of permanent wetland impacts, the Corps will require at least a 1:1 acreage ratio for wetland mitigation and a 10:1 ratio for preservation of existing wetlands. The applicant has identified nine potential mitigation and preservation sites in Schenectady, Saratoga and Albany Counties. Given the incomplete and conceptual nature of the wetland mitigation proposal, EPA requests an opportunity to review the future draft mitigation plan.

According to Section 5.2.8 of the *Draft Champlain Hudson Power Express Environmental Impact Statement*, restoration of the temporary wetland impact areas will consist of re-grading to original contours and seeding with annual ryegrass, which will be followed by natural plant establishment and succession. Some tree species may re-sprout from stumps and roots, but this passive restoration of 16.2 acres of forested wetland will likely take 30 to 50 years to yield a mature wetland community. We recommend that the planned restoration of cleared forested wetland areas be augmented with a wetland seed mix and installation of tree and shrub saplings.

Most of the subaqueous power cable will be installed by jet plow. In limited circumstances, anchor-positioned vessels will be used in shallow water. Anchor chain sweep may disturb benthic habitat. We recommend that Corps permit conditions include use of mid-line buoys to hold up anchor chains.

Internet Address (URL): <http://www.epa.gov>  
Recycled/Recyclable • Printed with Vegetable Oil Based Ink on Recycled Paper (Minimum 30% Postconsumer)

EPA has no objection to issuance of a Section 404/10 permit for the Champlain Hudson power cable, provided our concerns about wetland mitigation and restoration are satisfactorily addressed by the applicant. If you have any questions regarding this matter, please contact John Cantilli at (212) 637-3810 or cantilli.john@epa.gov.

Sincerely,



Richard P. Balla,  
Chief, Watershed Management Branch

cc: USFWS, Cortland, NY

## Comment 301

COMMITTEE ON APPROPRIATIONS,  
RANKING MEMBER  
  
SUBCOMMITTEE ON STATE, HOMELAND  
OPERATIONS, AND RELATED PROGRAMS,  
RANKING MEMBER



**Nita M. Lowey**  
Congress of the United States  
17th District, New York

December 6, 2013

Ms. Patricia Hoffman  
Assistant Secretary  
Office of Electricity Delivery and Energy Reliability  
Department of Energy  
1000 Independence Avenue, SW  
Washington, District of Columbia 20585

Dear Ms. Hoffman:

I am writing on behalf of many North Rockland County constituents, including the elected officials of the Towns of Haverstraw and Stony Point, who have contacted me regarding the proposal by Transmission Developers, Inc. (TDI) to construct the Champlain Hudson Power Express transmission line (CHPE). I understand the comment periods both for the Department of Energy (DOE) Draft Environmental Impact Statement (DEIS) and the Army Corps of Engineers (ACOE) Announcement of Public Hearings and Request for Public Comment on the Department of the Army Permit (Announcement) are scheduled to end December 16, 2013. I request that they be extended for sixty (60) days.

When first proposed, the CHPE transmission line was to run under the Hudson River for most of the project route, including the southern section near Rockland County. However, the current proposal has the line within the CSX Freight Railroad Tracks (CSX) right-of-way in the Rockland County towns of Stony Point, Haverstraw, and a small section of Clarkstown. This route is strongly opposed by many local residents, business groups, and elected officials. In particular, Town of Stony Point Supervisor Geoff Fiume has expressed his concern that the construction of CHPE will involve the taking of residential and commercial property through eminent domain, which will further exacerbate the town tax bases after losing the Bowline and Lovett power plants.

There is also significant concern regarding the manner in which the DEIS and Announcement were communicated to the community and discrepancies in the content of these documents. Several constituents from the North Rockland community complained that no notice was received regarding the Announcement, and they only learned of the Announcement and its comment period at the Hearing held at the Stony Point Center on November 18, 2013. Notice of the DEIS was delivered to residents in the mail, but many reported inconsistent and spotty

lowey.house.gov  
WASHINGTON, DC  
20515-0001  
MAILING ADDRESS:  
2209 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: (202) 225-6501  
FAX: (202) 225-6546  
  
WILMINGTON  
2223 K STREET, N.W.  
SUITE 205  
WHITE PLAINS, NY 10601  
PHONE: (914) 328-1600  
FAX: (914) 328-1605  
  
ROCKLAND  
35 WASHINGTON STREET  
SUITE 131  
NEW YORK, NY 10536  
(212) 639-9485  
FAX: (212) 639-9486

**301-01:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

**301-02:** The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. The Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the project facilities that are taxable as real property. Property owners would receive just compensation for use of a portion of their property for the transmission line ROW. It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. However, the NYSPSC has authorized the use of eminent domain for the Applicant to obtain limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs if negotiations with private landowners are not successful (see EIS Section 2.4.4).

**301-03:** DOE followed accepted practices in notifying the public about the availability of the Draft EIS and the planned public hearings (see response to Comment 109-02). No special accommodation requests were submitted in advance of the hearings.

301-01

301-02

301-03

delivery. Additionally, the notice of the DEIS was only provided in English, despite the large Hispanic community in North Rockland. Furthermore, several residents of the Ba-Mar area on the Hudson River waterfront in Stony Point complained that they did not receive any notice of the DEIS.

Discrepancies in the content of the DEIS and the Announcement also remain. These include that the route proposed in the DEIS extends the CHPE transmission line by three miles to the Ravenswood Generating Station in Long Island City, while the route discussed in the Announcement still reflects the original 333-mile route ending in Astoria.

Given the high level of ongoing local opposition to this project, the questions about timely and complete dissemination of the DEIS and Announcement, and the inconsistencies in the two documents, it is important that Rockland elected officials, business leaders, and residents feel confident that the DOE and ACOE have thoroughly reviewed all pertinent information about the routing of the CHPE line before a final Environmental Impact Statement and ACOE Permits are issued. As such, I ask that you give full consideration to the concerns raised by my constituents regarding this project. I also request that you provide a sixty (60) day extension to the comment periods for both the DEIS and Announcement, so that my constituents have the opportunity to review the documents and make comments accordingly.

Sincerely,

Nita M. Lowey  
Member of Congress

NML:sl

cc: Brian Mills, NEPA Document Manager, Department of Energy  
Jodi McDonald, Chief, Regulatory Branch, Army Corps of Engineers

301-03  
301-04

**301-04:** The proposed CHPE Project transmission line terminates at the Rainey Substation. There have been no changes to the proposed CHPE Project, including no proposal to terminate the transmission line at the Ravenswood Generating Station.

## Comment 302

From: Assemblywoman Rabbitt [<mailto:rabbita@assembly.state.ny.us>]  
 Sent: Monday, December 02, 2013 12:17 PM  
 To: Mills, Brian; [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)  
 Cc: Susan Filgueras  
 Subject: Re: "Draft EIS Comments" and -I am requesting a 180 day extension for  
 Comments to the Depart of Energy and Army Corps of Engineers DEIS Public Comment  
 Period for the Champlain Hudson Power Express

Dear Mr. Mills & Ms. McDonald:

Below please find an email I have received from my constituent Susan Filgueras who is concerned about a 330 mile High Voltage transmission line from Quebec to Queens proposed by Champaign Hudson Power Express(CHPE).

I would like to request the Department of Energy and Army Corps of Engineers please take into consideration our constituent's requests to extend the Public Comment period by 180 days due to the amount of time needed to review over 5,000 pages of draft-DEIS documentation.

I appreciate your consideration of this request.

Sincerely,

Annie Rabbitt  
 Assemblywoman 98th District

Susan Filgueras wrote:

- > Please find attached the first copies of our request for a 180 day extension to the comment period for the Draft EIS for the Champlain Hudson Power Express.
- >
- >
- > Request to the DOE and USACE for extension of comment period, "Draft EIS Comments"
- >
- > Army Corps of Engineers - "USACE" - NAN-2009-01089-EYA
- >
- >
- > Mr. Mills,
- >
- >
- > Please find attached a first set of letters requesting
- >
- > This letter serves to reiterates multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of a 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervener funds for the impacted communities. In this case there are no intervener funds from the developer which would allow the residents, business owners

302-01

**302-01:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

The email chain included in Comment 302 is the same as Comment 809. See responses to Comments 809-01 through 809-06.

> and other stake holders to hire experts to review and respond  
> adequately to the "Draft EIS Comments" to both the DOE and USACE.  
>  
>  
>  
> The venue for the Hearings in both Stony Point and Queens were not the  
> most appropriate. The Hearing in Queens was not within the impacted community.  
> The Hearing in Stony Point, would have been better held in the local  
> Middle School, more seating and better parking.  
>  
>  
>  
> Public Notice in Rockland County was not adequate. For example, when  
> the Stony Point Center, was called they could not confirm the Hearing  
> on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE  
Hearing.  
> Apparently the Hearing Notice distribution within Rockland County was  
> inconsistent, some received a simple sheet of paper with a sticker,  
> easily lost in the general bulk mail.  
>  
>  
>  
> There was no outreach and translated information for our Hispanic  
> population.  
>  
>  
>  
> Stony Point was promised by CHPE that they would not go through the  
> Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS  
> show differently. There are many contradictory installations issues,  
> that require due diligence.  
>  
>  
>  
> I sent a request to the New York State Public Service Commission,  
> regarding the new trajectory of the CHPE project. (see attached)  
>  
>  
>  
> We are respectively requesting the extension based on the above reasons.  
>  
>  
>  
>  
>  
> Susan Filgueras  
>  
> 845-429-3229  
>  
> Committee,  
>  
> Just Say NO!, to the Champlain Hudson Power Express

>  
>  
>  
> 87 Mott Farm Rd  
>  
> Tomkins Cove, NY 10986

## Comment 303

**CHAIR**  
MENTAL HEALTH AND DEVELOPMENTAL  
DISABILITIES

**COMMITTEES:**

- CRIME VICTIMS, CRIME AND CORRECTIONS
- ENERGY AND TELECOMMUNICATIONS
- INFRASTRUCTURE AND CAPITAL INVESTMENT
- INSURANCE
- INVESTIGATIONS AND GOVERNMENT OPERATIONS
- RULES
- TRANSPORTATION
- VETERAN AFFAIRS & HOMELAND SECURITY



THE SENATE  
STATE OF NEW YORK  
**DAVID CARLUCCI**  
**SENATOR, 38TH DISTRICT**

*US Department of Energy*  
DEC 11 2013  
*Electricity Delivery and Energy Reliability*  
DISTRICT OFFICE:  
65 SOUTH MIDDLESTOWN ROAD  
NEW YORK 10591  
609-623-5627 OFFICE  
(845) 621-0421 FAX  
E-MAIL ADDRESS:  
CARLUCCI@SENATE.GOV

December 3, 2013

Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585

Dear Mr. Mills:

I am writing in reference to the public commenting period of the Presidential Permit Application Draft Environmental Impact Statement for the Champlain Hudson Power Express.

This project stands to have an enormous impact on the County of Rockland, and, in particular, the Town of Stony Point, NY, where the power line emerges from the Hudson River. Citizens have expressed concerns that they have not had enough time to thoroughly review the hundreds of pages of case documents to develop adequate responses. I believe the citizens of New York State would be well served by an extension to the public commenting period for the Draft Environmental Impact Statement, which is part of the Presidential Permit Application for the Champlain Hudson Power Express project.

Therefore, I respectfully request that the Department of Energy consider extending the public comment period by 180 days. This 180 day extension would guarantee that the public has adequate time to analyze and respond to thousands of pages of information that is contained in the Draft Environmental Impact Statement. Please contact my office if you have questions or are in need of further information. Thank you for your attention to this matter.

Sincerely,

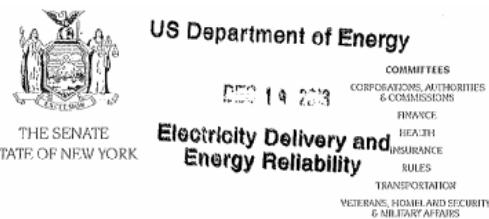
Senator David Carlucci  
38th Senate District

]- 303-01

**303-01:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

## Comment 304

WILLIAM J. LARKIN, JR.  
SENATOR, 39TH DISTRICT  
MAJORITY WHIP  
PLEASE RESPOND TO:  
 ROOM 500 CAPITOL  
ALBANY, NY 12247  
DIAL 42-2200  
 2093 LITTLE RUSTIN ROAD  
NEW WINDSOR, NY 12550  
DIAL 507-1200  
EMAIL: ANDRASS  
LARKIN@SENATE.GOV  
WEB ADDRESS:  
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December 9, 2013

Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585

Dear Mr. Mills:

I am writing in reference to the public commenting period of the Presidential Permit Application Draft Environmental Impact Statement for the Champlain Hudson Power Express.

I respectfully request that the Department of Energy consider extending the public comment period by 180 days. This 180 day extension will ensure that the public has a fair amount of time to review and respond to the 5,000 pages of draft-DEIS documentation.

Please feel free to contact my office if you have any questions or need any other information pertaining to this project. Thank you for your careful attention and consideration to this matter.

304-01 304-01: See response to Comment 303-01.

Sincerely,

William J. Larkin, Jr.  
Member of Senate

WJL:mf

## Comment 305



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Agriculture  
Consumer Affairs and Protection  
Insurance  
Labor  
Transportation

December 6, 2013

Mr. Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585

Dear Mr. Mills:

One of the most important issues in my Assembly District is the proposed Champlain Hudson Power Express (CHPE) being developed by Transmission Developers Inc (TDI). My office staff and I have personally attended a number of public forums on the CHPE project to listen to TDI representatives as well as Stony Point residents. The message from Stony Point has been continuous and clear. CHPE has the potential to do serious harm to the community—residential, commercial, industrial, and municipal.

I share many of the concerns that residents and business owners have expressed regarding CHPE. First and foremost, the exact location and boundaries of the project are unclear at best: plans presented by TDI to the community differ from the ones on the company's website and, possibly, submitted to regulating agencies. Some versions of these plans include the transmission line running through the Waldron Revolutionary War Cemetery and Stony Point Battlefield, two historic sites that should never be touched by a project like this. Likewise, at a public forum that I attended and spoke at TDI's representative refused to rule out the possibility of eminent domain being used in Stony Point, causing justified fear amongst residents and businesses alike.

Stony Point is one of a select few municipalities chosen as part of the NY Rising program, tasked with rebuilding after Superstorm Sandy. As someone who has worked with the NY Rising committee, it is possible that serious disruptions to Stony Point's efforts to rebuild will be caused by the CHPE project, adding further heartbreak and financial loss to those who have already lost so much. I respectfully ask that you ensure this not be allowed.

The argument for American jobs and American energy have likely been made by many other people which is why I am focusing on the direct, local impacts to my constituents in Stony Point. I understand a claim has been made suggesting that the transmission line is running through Stony Point because

305-01

305-02

305-03

**305-01:** See response to Comment 810-08 for discussion addressing potential impacts on Stony Point.

**305-02:** The proposed CHPE Project location and boundaries have changed numerous times since the Applicant first applied for the Presidential permit in 2010 as a result of negotiations through the NYSPSC Article VII process that culminated with the issuance of the NYSPSC Certificate issued in April 2013. The maps currently in the Draft EIS represent the most up-to-date project route for the CHPE project. See response to Comment 121-03 regarding the siting of the transmission line at Waldron Cemetery and the Stony Point Battlefield Historic Site.

**305-03:** The proposed CHPE Project would not be expected to preclude redevelopment of Stony Point as stated in Section 6.1.1.4 of the Final EIS. The transmission line for the proposed CHPE Project would be sited in or along the edge of an existing railroad ROW. Impacts as a result of this project would be negligible and temporary because they would be related to short-term trenching and construction of the transmission line. Impacts also would be site-specific and would not interfere with efforts to rebuild Stony Point.

ALBANY OFFICE: Room 821, Legislative Office Building, Albany, New York 12248 • 518-455-3441 • FAX: 518-455-5884  
DISTRICT OFFICE: 11 Main Street, Chappaqua, New York 10514 • 845-469-6939 • FAX: 845-469-0914  
EMAIL: [sjouls@assembly.state.ny.us](mailto:sjouls@assembly.state.ny.us)

of an adjoining, environmentally-sensitive area in the Hudson River. I urge you to re-explore all options to keep the transmission line in the Hudson River, thereby avoiding any and all local impact in the community I represent.

Last but not least, on behalf of my constituents, I would like to request a 180-day extension for public comment to allow as many residents and businesses to further study the proposal and voice their concerns to you. I know you are taking this application very seriously – you understand the magnitude of this project and its potential ramifications. Given the scope and interest demonstrated at the November public hearing you held, I believe an extension to be reasonable.

Thank you for your service to our state and country as well as your consideration to the points I have highlighted in this letter.

Sincerely,

James Skoufis  
Member of Assembly

305-04

305-05

**305-04:** A variety of routing options have been explored as a result of planning associated with the proposed CHPE Project as discussed in Section 2.3.1 of the EIS. The proposed route is one that has been cooperatively worked and agreed on by more than 30 different stakeholder groups and government agencies. The current project location and route are the most practical for the proposed CHPE Project.

**305-05:** See response to Comment 303-01.

ALBANY OFFICE: Room 621, Legislative Office Building, Albany, New York 12248 • (518) 455-5841 • FAX: (518) 452-5000 •  
DISTRICT OFFICE: 11 Main Street, Cheektowaga, New York 14225 • (716) 659-6209 • FAX: (716) 659-0314  
EMAIL: [skoufis@assembly.state.ny.us](mailto:skoufis@assembly.state.ny.us)

## Comment 306



KENNETH P. ZEBROWSKI  
Assemblyman 98<sup>th</sup> District  
Rockland County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Administrative Regulations  
Review Commission  
  
COMMITTEES  
Codes  
Environmental Conservation  
Governmental Employees  
Judiciary  
Labor  
Libraries & Education Technology

January 15, 2014

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, D.C. 20585

Dear Mr. Mills:

I am writing to express my concerns with the proposed EIS draft of the Champlain Hudson Power Express Project.

As a State Representative for Rockland County where the proposed project will travel underneath, I am concerned with the impact it will have on residents, businesses and two state parks, Rockland Lake State Park and Hook Mountain State Park. The proposed path of the transmission line travels throughout my district and could negatively impact the integrity of the land.

In addition to the environmental concerns, the proposed project will transport 1,000 megawatts of energy from Canada to New York City for consumption. Our regional energy plan would best be served by local energy production. The State should concentrate major energy infrastructure investments within New York State and the Hudson Valley region. There are several older power plants in the region, including Bowline in Haverstraw, which could benefit from investments that improve production efficiency. The proposed plan offers 300 temporary jobs over a 3 ½ year period as where the re-tooling of the Bowline power plant could lead to more permanent jobs that will strengthen the Hudson Valley's economy and local tax base.

Thank you in advance for your consideration of my concerns over the Champlain Hudson Power Express project. If you have any questions, please feel free to contact my office.

Sincerely,

Kenneth P. Zebrowski  
Member of Assembly

ALBANY OFFICE: Room 037, Legislative Office Building, Albany, New York 12248 • 518-455-5735, FAX: 518-455-5981  
DISTRICT OFFICE: 67 North Main Street, 2<sup>nd</sup> Floor, New City, New York 10565 • 845-634-8791, FAX: 845-634-1091  
zebrowski@assembly.state.ny.us

306-01

306-02

**306-01:** The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and revenue, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the project facilities that are taxable as real property. The Applicant would use HDD techniques to install the transmission line without disturbing the surface in Rockland Lake State Park and Hook Mountain State Park, thus maintaining the visual integrity of the land (see Section 5.3.11 of the EIS).

**306-02:** Local power generation is not within the scope of this EIS.

## Comment 401



**New York State Office of Parks,  
Recreation and Historic Preservation**

Division for Historic Preservation  
P.O. Box 189, Waterford, New York 12188-0189  
518-237-8643

December 13, 2013

Andrew M. Cuomo  
Governor

Rose Harvey  
Commissioner

Mr. Brian Mills  
Permitting, Siting, and Analysis, OE-20  
Office of Electricity Delivery and Energy Reliability  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Re: CORPS PERMITS, DEC, OGS, PSC, OGS, PSC (*DOE/EIS-0447*)  
*Draft – Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement, Volume I: Impact Analyses*  
09PR03910

Dear Mr. Mills:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the submitted document *Draft – Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement, Volume I: Impact Analyses* received by our office October 25, 2013 in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800 – Protection of Historic Properties.

It is the understanding of our office that ground-disturbing activities associated with the installation of the transmission cables could result in adverse effects on historic properties in the proposed CHPE Project area of potential effect (APE). Geographic Information System (GIS) analysis indicates that there are 51 terrestrial archaeological sites, 2 terrestrial sites that extend into Lake Champlain, 11 underwater sites, 36 National Register of Historic Places (NRHP)-listed or -eligible architectural properties, and 2 historic cemeteries in the APE.

Ground-disturbing activities associated with construction could damage archaeological features and would disturb the context of artifacts of terrestrial archaeological sites, underwater sites, and historic cemeteries. In the case of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP, this could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation of adverse effects. Because the transmission line would be underground or underwater and would avoid any standing structures, the adverse effects from construction on the NRHP-listed and -eligible architectural properties in the APE would be limited to exposure to temporary noise, dust, and vibrations and short-term visual effects from the proximity of construction activities and equipment. The effects would not be considered adverse and therefore not require mitigation. Horizontal Directional Drilling (HDD) would be used to install the transmission line under Stony Point Battlefield Historic Park.

401-01

**401-01:** Sections S.8.10 and 2.6.10 of the EIS identify this information.

401-02

**401-02:** Sections S.8.10 and 2.6.10 of the EIS identify this information.

Mr. Brian Mills  
 December 13, 2013  
 09PR03910  
 Page 2

As specified in the conditions of the NYSPSC Certificate for the proposed CHPE Project ("Certificate Conditions"), Part Q, Conditions 107–112, the Applicant shall develop a Cultural Resources Management Plan (CRMP) that would include an outline of "the processes for resolving adverse effects on historic properties within the APE and determining the appropriate treatment, avoidance, or mitigation of any effects of the [CHPE Project] on these resources." Proposed and approved measures would be implemented to mitigate the CHPE Project's adverse effects on known terrestrial and underwater archaeological sites found to extend into the APE. Avoidance, minimization, and mitigation measures might include minor rerouting to avoid the sites, Phase III data recoveries of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP and cannot be avoided, and documentation following Section 106 of the NHPA for NRHP-listed or -eligible architectural properties that cannot be avoided by project activities.

Avoiding known underwater sites or anomalies would avoid potential damage to the integrity of the site. Development of a Programmatic Agreement (PA) pursuant to 36 CFR Part 800.14(b) is underway and additional formal surveys and evaluations must be conducted before it can be fully determined in detail what cultural resources require mitigation measures under Section 106 of the NHPA. Measures identified at this time, including development of a CRMP by the Applicant and addressing unanticipated cultural resources discoveries, are discussed in detail in Appendix G of the DEIS.

The operation of the proposed CHPE Project would have no effects on terrestrial and underwater archaeological sites in the APE. Because the proposed CHPE Project would involve an underground transmission line, operations would have no adverse effects on 33 of the 36 architectural properties in the APE. The operation of the proposed cooling station at MP 112 could have noise and visual impacts on the McMore Residence (National Register Eligible [NRE] 15) and the Main Street Historic Bridge (National Register Listed [NRL] 19).

Operation of the proposed cooling station at MP 296 could have noise and visual impacts on Stony Point Battlefield Historic Park. Depending on the exact location of the cooling station, these impacts could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation implemented by the Applicant to avoid or minimize effects, such as using architectural treatments and maintaining and planting vegetative buffers in and around the cooling stations as part of cooling station design. Consultation regarding measures to avoid or mitigate adverse effects is ongoing through the Section 106 process. Vegetation maintenance activities and emergency repairs, if necessary, would occur in areas previously disturbed by construction of the transmission line and, in some cases, in areas purposefully selected to avoid cultural resources sites; therefore, effects would not be expected from such activities.

Due to the scope of the proposed undertaking and potential effects to significant historic properties, our office looks forward to continued consultation with your agency on the proposed undertaking. Should you have any questions, please feel free to contact me directly at (518) 237-8643, Extension 3288 or via electronic mail at [brian.yates@parks.ny.gov](mailto:brian.yates@parks.ny.gov). If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number 09PR03910.

Sincerely,  
  
 Wm. Brian Yates  
 Historic Preservation Specialist

cc: Mr. Rob Quiggle, HDR, Inc.

401-03

**401-03:** Comment noted. The Applicant continues to coordinate with the New York SHPO regarding installation of the proposed cooling station at MP 296 to determine measures that would reduce or eliminate potential impacts.

Comment 402

123 Main Street  
White Plains, New York 10601  
914 681.6200



December 13, 2013

Mr. Jun Yan, USACE Project Manager  
Eastern Section, Regulatory Branch  
New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, NY 10278

**Re: Public Notice Number- NAN-2009-01089-EYA – Application of Champlain Hudson Power Express, Inc. for a Department of Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344)**

Dear Mr. Yan:

The New York Power Authority ("NYPA") is a corporate municipal instrumentality and political subdivision of the State of New York, created and operating pursuant to Public Authorities Law §§ 1000-1017, and has its principal office at 30 South Pearl Street, Albany, New York 12207. NYPA operates 17 generating facilities and more than 1,400 circuit- miles of transmission lines. The Champlain Hudson Power Express, Inc.'s ("CHPE") project proposes to cross existing NYPA infrastructure in Lake Champlain, the Hudson River and will ultimately connect to a substation owned by NYPA and located in Astoria, NY. NYPA neither supports nor opposes CHPE's permit application to the U.S. Army Corps. of Engineers ("Corps.") pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Based on the current proposed route of the line, NYPA believes that the Certificate Conditions set out in the Certificate of Environmental Compatibility and Public Need in Case No. 10-T-0139 issued by the New York Public Service Commission on April 18, 2013 ("PSC Certificate Conditions") provide adequate protection, if followed, to affected NYPA property. NYPA also agrees with Paragraphs 3.3.4.1, 9.41 and 10.3 in CHPEI's Corps. application, in which CHPE states, in pertinent part:

3.3.4.1:

"When crossing utilities that are owned by a third party, the design of the protection at existing cables and pipelines will require formal consultations with the owners and/or operators of this collocated infrastructure. Detailed discussions on coordination, design and installation methodologies and safety issues will be conducted with the owners of these infrastructures, as specified in the recommended Article VII Certificate Conditions. The detailed designs for each crossing will be provided as part of the final design stage."<sup>11</sup>

9.41:

"For utility crossings, the owner of the utility will be contacted to coordinate the crossing and to identify owner requirements. The selection of a method of protection will include consideration of the utility owner's requirements."

10.3:

"Existing facility owners will be contacted prior to the beginning of any pre-construction activities and throughout the Facility design process, and protection measures and specifications for existing utility facilities will be negotiated with the facility owners and filed with the Commission for approval in EM&CP documents and plans. Additional measures for the protection of utility infrastructure are set out in Certificate Conditions 27 to 29 and must also be complied with."

NYPA respectfully requests that the Corps incorporate PSC Certificate Conditions 27 through 29 in its permit. The PSC Certificate Conditions are as follows:

27. The Certificate Holders shall engineer, construct, and install the Facility so as to make it fully compatible with the continued operation and maintenance of Co-located Infrastructure ("CI"), as herein defined, and affected railroads, railways, highways, roads,

-402-01

**402-01: Comment noted.**

streets, or avenues. CI shall consist of electric, gas, telecommunication, water, wastewater, sewer, and steam infrastructure and appurtenant facilities and associated equipment, whether above ground, below ground, or submerged that:

- a. are located within the Construction Zone approved in the EM&CP for the Facility or a proposed Construction Zone as provided for in Certificate Condition 28(d); and
- b. are either owned by a State agency or municipality or a subdivision thereof or owned or operated for public utility purposes by a regulated electric, gas, telecommunication, water, wastewater, sewer, or steam service provider;
- c. but do not include railroads, railways, highways, roads, streets, or avenues.

28. In order to protect CI, Certificate Holders shall:
- a. within sixty (60) days of Commission issuance of a Certificate, consult with the owners and/or operators of all known electric, gas, telecommunication, water, wastewater, sewer, and steam infrastructure and appurtenant facilities and associated equipment, whether above ground, below ground or submerged, other than railroads, railways, highways, roads, streets and avenues, located either: (i) within the Allowed Deviation Zone, (ii) within three hundred (300) feet of any location outside the Allowed Deviation Zone where Certificate Holders intend to undertake any pre-construction activities; or (iii) sufficiently close to areas of anticipated pre-construction activities such that Good Utility Practice, as defined in Condition 20 of this Certificate, requires discussion of the impacts of such preconstruction activities between Certificate Holders and the owners and/or operators of such facilities ("Potential CI"). Such consultations shall include

discussion of the likely routing of the Facility and the measures that will be employed by Certificate Holders to protect CI, including the studies required by the exercise of Good Utility Practice regarding the manner in which the Facility will be designed and installed wherever they are expected to cross CI or are expected to come in such proximity to CI that Good Utility Practice would require a specific design to be developed. All agreements and requirements resulting from this consultation shall be reflected in the proposal prescribed in subsection (d) of this Condition and the notice prescribed in subsection (e) of this Condition; and

- b. within sixty days (60) of Commission issuance of a Certificate, begin the process of consulting with the owners and/or operators of Potential CI to develop a construction schedule for the Facility that, among other things, coordinates system outage requirements, if any, and avoids conflicts with the internal construction programs of each affected owner and/or operator. This consultation shall continue throughout each phase and portion of the construction of the Facility that affects any CI or Potential CI, as applicable. As a part of this consultation, the Certificate Holders will identify to a reasonable degree of certainty the appropriate representative of the party, whether owner or operator, having primary care, custody, and control of a particular segment of Potential CI or CI (each such representative being a “Designated Representative”). All agreements and requirements resulting from this consultation shall be reflected in the proposal prescribed in subsection (d) of this Condition and the notice prescribed in subsection (e) of this Condition and in the Certificate Holders’ EM&CP; and

- c. comply with all procedures identified by the Designated Representative(s) of the owners and/or operators of such CI or Potential CI, including, without limitation, application procedures and compliance with requirements for obtaining relevant rights, permission, permits, or authorization, whenever the Certificate Holders seek to undertake any studies, surveys, testing, sampling, preliminary engineering, pre-construction, construction, operation, maintenance, or repair activities that involve CI or Potential CI, except in cases where such actions must be taken on an expedited basis to protect the public or to ensure reliable operation of the Facility, whereupon Certificate Holders shall provide such Designated Representatives with such notice and obtain such approvals as is reasonable under the circumstances, and except where such procedures are subject to the Commission's jurisdiction and the Commission or its designee finds such procedures to be unreasonable or unduly restrictive. Notwithstanding the foregoing, the Certificate Holders shall not be required to comply with the requirements of subsection (c) of this Condition for the transport or travel over or under CI or Potential CI by the Certificate Holders and their agents, employees, and contractors where such CI or Potential CI is located in, over, or under public waterways, roads, streets, highways, or railroad ROW, unless such transportation would be subject to special approval by state and/or local authorities due to the size or weight of load(s) transported; and
- d. provide to the owner(s) and operator(s) of Potential CI or CI, at least one hundred-and-eighty (180) days prior to the filing of the relevant Segment EM&CP, a proposal for the location and design of the Facility (including a

proposed Construction Zone) and the methods of construction to be employed with respect to all locations involving CI (“Proposal”). The Certificate Holders’ Proposal must include all studies, calculations, tests, results, explanations, protocols, drawings, proposed construction schedules, and documents developed through the consultations described in subsections (a) and (b) of this Condition, other documentation identified in Condition 162, and any other information that supports the proposal. To the extent that any such Proposal addresses CI that was not previously identified as Potential CI, the Certificate Holders shall conduct the consultations described in subsections (a) and (b) of this Condition 28 with the Designated Representative(s) of the owner(s) or operator(s) of such CI and shall perform all other activities required by such paragraphs with respect to such CI in as reasonably expeditious a manner as possible and shall provide any resulting studies, calculations, tests, results, explanations, protocols, drawings, proposed construction schedules, and documents to the appropriate Designated Representative in a timely fashion; and

- e. advise owner(s) and operator(s) of CI at least thirty (30) days prior to commencing any planned repair, construction, operation, or maintenance activity relating to the Facility affecting or occurring in the vicinity of such owner’s or operator’s CI, unless such actions must be taken in less than thirty (30) days to protect the public or to ensure reliable operation of the Facility, whereupon Certificate Holders shall provide such notice as is reasonable under the circumstances; provided that, in any event, “vicinity” with respect to CI used to transmit or distribute natural gas shall mean all areas within two hundred (200)

feet thereof and with respect to all other CI shall mean all areas within one hundred (100) feet thereof; and

- f. immediately upon knowledge or discovery of any damage to or adverse effect on any CI or Potential CI resulting from any studies, surveys, testing, sampling, preliminary engineering, pre-construction activities, construction, operation, maintenance, or repair of the Facility, report to the owners and operators of the affected CI or Potential CI the nature and existence of such damage or effect and other known facts relating to the cause thereof; and
- g. notify the owners or operators of CI or Potential CI as soon as possible in the event of any situation involving imminent risk to health, safety, property, or the environment requiring the Certificate Holders to cross such CI or Potential CI or to use any associated property to address the emergency. Such notice shall not be required for the transport or travel over or under CI or Potential CI by the Certificate Holders or their agents, employees, or contractors where such CI or Potential CI is located in, over, or under public waterways, roads, streets, highways, or railroad ROW unless such transportation would be subject to special approval by state and/or local authorities due to the size or weight of load(s) transported; and
- h. include within any Project Segment EM&CP filing relating to the Astoria-Rainey Cable a study demonstrating that the proposed installation of the Astoria-Rainey cable will have not have a negative impact on the continued operation of any Parallel CI. A draft of that study will be included in the materials that Certificate Holders are required to provide to the owner or operator of such CI pursuant to

Certificate Condition 28(d) and will be subject to review and comment as provided therein. For purposes of this subsection, Parallel CI means electric transmission facilities that are located in the same public ROW and are generally parallel to the Astoria-Rainey Cable.

29. Reimbursement of Owners or Operators of CI and/or Potential CI for Certain Expenses:

- a. Subject to the provisions of subsections (b) and (c) of this Condition, the Certificate Holders shall reimburse owners and/or operators of Potential CI or CI for the reasonable costs they incur in the following activities:
  1. consulting with Certificate Holders as described in Certificate Conditions 28 (a) and (b).
  2. reviewing pre-construction activities, designs, construction methods, maintenance and repair protocols, and means of gaining access to Potential CI or CI proposed by Certificate Holders.
  3. reviewing studies and design proposals described by Condition 28(d) and the EM&CP filings described in Certificate Condition 162.
  4. conducting or preparing such additional studies and designs as may be agreed to by Certificate Holders or approved by the Commission pursuant to Condition 29(a)(3).
  5. coordinating with, and monitoring the activities of, the Certificate Holders during pre-construction activities, construction, maintenance and repair of the Facility.

6. conducting maintenance and repair work on CI property or facilities, but only to the extent of increases in such costs that result from the presence of the Facility.
  7. repairing damage to Potential CI or CI or associated property caused by Certificate Holders or their representatives in connection with any studies, surveys, testing, sampling, preliminary engineering, pre-construction activities, construction, operation, maintenance or repair of the Facility.
  8. scheduling and implementing electric system outages required by any studies, surveys, testing, sampling, preliminary engineering, preconstruction activities, construction, operation, maintenance, or repair of the Facility.
- b. For the purposes of this Certificate Condition 29, cost shall be deemed to be reasonable if in the case of each separate review of a study or design proposal described in subsection (a)(3) of this Certificate Condition, the total cost to be borne by the Certificate Holders is five thousand dollars (\$5,000) or less.
- c. Certificate Holders' cost responsibility is limited as follows: a Potential CI or CI owner or operator who intends to incur costs as described in subsection (a) of this Certificate Condition 29 for which reimbursement will be sought for activities other than reviewing a study or design proposal described in subsection (a)(3) of this Certificate Condition 29, or for reviewing such a study or design proposal but in an amount greater than five thousand dollars (\$5,000), must provide Certificate Holders with a written description of the scope of the planned studies or activities and a good faith estimate of the expected costs, except where such studies or activities are undertaken in a situation involving unscheduled electric outages or

an imminent risk to health, safety, property, or the environment, in which case Certificate Holders' reimbursement obligations shall be limited to reasonably incurred costs. Within sixty (60) days of the expenditure by the owners and/or operators of affected Potential CI or CI of any funds which are eligible for reimbursement by the Certificate Holders under this Certificate, the Potential CI or CI owner or operator shall present Certificate Holders with a final invoice for the actual costs incurred, but not to exceed twenty-five percent (25%) over the good faith estimate unless approved by Certificate Holders in advance in writing or, in the case of a dispute between the Certificate Holders and the Potential CI or CI owners or operators, by the Commission. Certificate Holders shall pay the authorized invoice amount within thirty (30) days of receipt.

- d. Disputes concerning the Certificate Holders' cost reimbursement responsibility shall be brought to the Commission for resolution. The time required to resolve any dispute arising under this Certificate Condition 29 shall not be counted for the purpose of any limitation on the time available for commencement or completion of construction of the Facility.

Respectfully submitted,

THE NEW YORK POWER AUTHORITY

By: s/ Javier E. Bucobo  
JAVIER E. BUCOBO  
PRINCIPAL ATTORNEY

cc: Mr. Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW,  
Washington, DC 20585

William Helmer  
Executive Vice President, General Counsel, and Secretary  
Transmission Developers, Inc.  
600 Broadway  
Albany, NY 12207

Comment 403

January 15, 2014

Mr. Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585

**RE: DOS/EIS-0447**

Dear Mr. Mills:

The signatories to this letter are parties to the February 24, 2012 Joint Proposal of Settlement (the “JP”) filed in Case 10-T-0139 before the New York Public Service Commission (“PSC”), and adopted without significant alteration by the PSC in its Order issuing a Certificate of Environmental Compatibility of and Public Need for the Champlain Hudson Power Express Project (the “Facility”) on April 18, 2013 (the “Certificate Order”). We note that the above-referenced draft environmental impact statement for the Facility (the “DEIS”) focuses on the analysis of two alternatives: a “no action” alternative and the Facility as understood, assumed, and recommended for approval by the JP.

We write to advise you that the JP parties concur with the decision to analyze these alternatives and that we consider the DEIS’s analysis of environmental impacts attributable to the Facility to be fully consistent with and confirmatory of the conclusions set forth in both the JP and the Certificate Order. In particular, we believe that the DEIS fully supports the JP’s statement that “the Facility, located and configured as provided in this Joint Proposal, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.” (JP ¶ 24).

In conclusion, we urge your agency, as well as all federal agencies involved in reviewing the Facility proceed to finalize the relevant approvals so that this important project can go forward.

403-01   **403-01: Comment noted.**

Very truly yours,

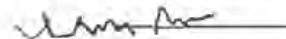
New York State Department of Public Service  
New York State Adirondack Park Agency  
City of New York

SIGNATURE PAGES TO FOLLOW

7766005.1

**Re: DOS/EIS-0447**

New York State Department of Public Service



January 15, 2014

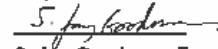
**Re: DOS/EIS-0447**

**New York State Adirondack Park Agency**

  
\_\_\_\_\_  
Terry Martino, Executive Director

January 15, 2014

**Re: DOS/EIS-0447**

**City of New York**  
  
S. Jay Goodman, Esq.  
Couch White, LLP  
Counsel for the City of New York

January 15, 2014

Comment 501

1

REMARKS OF  
THOMAS J. BASILE  
COUNCILMAN-ELECT TOWN OF STONY POINT, NEW YORK  
TO  
DOE/ACE CHAMPLAIN HUDSON POWER EXPRESS HEARING  
NOVEMBER 18, 2013

Good evening.

In my time at the EPA, the Defense Department and in private business I have had occasion to work with both the DOE and the Army Corps and I've always appreciated your professionalism – and I appreciate your presence here tonight.

The issue of increasing energy supply and providing for our state and nation's energy future has been long debated in government, among private sector interests and activists.

At a time when our nation is still struggling to create jobs and modernize its aging electrical infrastructure to meet higher demand, it is unfortunate that as a state and as a nation that we have taken the nonsensical position of attempting to accomplish both of those goals while throwing up roadblocks to generating additional domestic sources of energy.

The best way to create jobs in this town, in this state and in this country is to produce energy HERE – and in so doing NOT the undercut economic development potential of this region.

That being said, it is clear from cross border discussions that have been held over a number of years, that both the State of New York and the Obama Administration are in favor of increasing the flow of hydroelectric power from Canada into the United States and into New York state.

If the Federal Government is going to back this project – know that the Town of Stony Point will fight in the courts and in the court of public opinion to prevent this cable and the others that would likely follow it, from coming on shore here in our historic town.

501-01    **501-01:** Comment noted.

If CHPE is to proceed it should be routed through the Hudson River bed where it is currently slated to run for hundreds of miles bypassing every other town on its way to New York City.

There is no conclusive or convincing evidence that the cable will adversely impact the river's ecosystem adjacent to HERE in Stony Point as opposed to anywhere else.

And were there some evidence – Let me tell you - I've always been of the option that the needs of PEOPLE be considered a higher purpose and priority than those of FISH.

This is not about NIMBYism. This is not about opposing progress and this is not political in any way. It's about the lives of the people of this Town and the economic future.

The residents of historic Stony Point would be dealt a grave injustice should CHPE be allowed to come on land here.

The cable is slated to come on land just north of the Stony Point Battlefield State Historic Site and Revolutionary War Cemetery and redirect back out into the river further south in Rockland.

Details about the route have been sketchy and according to documents provided no environmental impact testing has been done in the town.

I understand that the Administration purports to have a desire to increase the supply of clean energy to our state, particularly to New York City. However, the proposed project would clearly provide no public benefit to the people of Stony Point, while causing enormous, irreparable economic harm to our community.

Stony Point residents will be particularly hit hard due to what appears to be an arbitrary and fundamentally unfair route for the cable through our community.

According to the most recent route maps, the land-based route through Stony Point will require CHPE to pursue eminent domain or condemnation

2

501-02

**501-02:** The Haverstraw Bay alignment, under which the transmission line would have continued in the Hudson River through Haverstraw Bay rather than transition to land at Stony Point and continue to Clarkstown, was initially proposed by the Applicant in its 2010 amended Presidential permit application, but was not included in the Joint Proposal or in the NYSPSC Certificate issued for the proposed CHPE Project (see response to Comment 105-02). Therefore, this previously proposed component is not part of the proposed CHPE Project route as approved in the NYSPSC Certificate, and was not analyzed in the EIS. There could be impacts resulting from installation of the proposed CHPE Project outside of Haverstraw Bay, which the transmission line would bypass on land. Some of these non-significant impacts would include localized disruptions to river traffic, short-term decreased water quality, and sediment disturbance. There is also potential for non-significant effects on individual aquatic species, including federally listed and state-listed species, which could result from habitat degradation/loss and exposure to noise/vibration and hazardous materials.

501-03

**501-03:** According to the NYSPSC Certificate, the Applicant would develop more detailed route plans that take into account site-specific factors such as utility locations. DOE has relied on route mapping prepared in support of the NYSPSC Article VII process to prepare this EIS (see Section 2.3.1 of the EIS). DOE believes the maps and plans provided during the project development stage provide a suitable level of information to allow appropriate evaluation of the potential environmental impacts associated with the proposed CHPE Project.

501-04

**501-04:** The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings (see response to Comment 133-09), and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and retail revenues, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities for the project facilities that are taxable as real property.

501-05

**501-05:** See response to Comment 105-04.

proceedings against homeowners and other private and commercial entities in the town to accommodate a 50 foot Deviation Zone for the cable.

Further, the State's own Public Service Commission's findings of April, 2013 confirm that this project will not generate savings to New York's electricity consumers. They have concluded any savings from the project and its current routing plan would be realized by corporate interests, not ratepayers.

The number of jobs that would be created by this project has been hotly debated, continues to be questioned and is by no means settled considering CHPE's own reports that indicate any jobs would be highly specialized and therefore may be imported.

What is clear, is that the number of jobs created by this project IF ANY, would have the effect of killing, by my calculations, nearly 1000 local jobs particularly in the construction trades but also in engineering, retail and facility management.

The Town of Stony Point is currently advancing an economic development program and Sandy Recovery strategy that will revitalize our community, drive hundreds of millions of dollars in capital investment, and generate millions in tax revenue to help make this town sustainable and affordable for the future.

The program as- I view it -has its foundations in the creation of a thriving waterfront district on previously underutilized prime Hudson River waterfront property and the redevelopment of a major industrial site on the southern end of the town.

Let me be very clear – should CHPE be allowed to come on land, not only will dozens of residential properties be adversely impacted, and the property value of hundreds of homes decrease costing residents millions in personal wealth - both the aforementioned commercial projects and ancillary economic development derived from them may not be possible.



**501-06:** The goal of the proposed CHPE Project is to provide 1,000 megawatts (MW) of electricity to the New York City markets and to improve the stability of the electrical grid serving New York City. According to modeling conducted by the NYSDPS, ratepayer benefits would average approximately \$405 million to \$720 million per year.

**501-07:** As identified in Section 5.1.18 of the EIS, the proposed CHPE Project would call on specialized workers for direct and indirect jobs; however, most jobs would be direct, non-specialized, temporary jobs during the construction phase of the project, which is estimated to take approximately 4 years. The number of jobs needed for construction would vary based on the part of the transmission line being constructed, with the average number of direct jobs being 300 at a time. Direct construction jobs could peak at as much as 420 during some portions of construction. There would also be indirect jobs generated throughout New York as a result of the proposed CHPE project. The indirect jobs associated with this project would include persons providing vegetation maintenance services and utility contractors for potential emergency repairs. As many as five permanent jobs per segment (as many as 21 in the New York City Metropolitan Area Segment) would be created as a result of this project as well. These jobs would be primarily administrative in nature and would be required for the commercial operation of the transmission line. Because the total number of jobs that would be generated from this project is not expected to be significant, the existing workforces within the Lake Champlain, Hudson River, Overland and New York City Metropolitan Area Segments would be adequate to meet the demands.

**501-08:** The terrestrial portion of the transmission line would be underground and not visible along the perimeter of properties; therefore, its presence would not generally result in a negative impact on private property values. Easement payments to landowners would compensate landowners for any access or use restrictions placed on private properties and would offset any potential impacts on property values. The Applicant would also pay for any land restoration costs associated with construction and any emergency repairs that might be required. See Section 5.3.18 of the EIS for the discussion of property values within the terrestrial portion of the Hudson River Segment.

The route and deviation zone will scar the landscape of this town through its most vital areas leaving a trail of human and economic wreckage in its wake.

In short, the economic impact on businesses, residents and the municipality will be enormous and clearly does not out way any public benefit from the cable coming on land in our historic town.

Significant State and Federal legal questions also remain, for instance, whether CSX Railroad can offer CHPE a facility right of way even though the land-based installation will require the use of eminent domain and whether condemnation is in this case is in keeping with state and federal case law on the subject.

Take this message back to General Bostick and Secretary Moniz – Do not underestimate the amount of opposition to this cable being brought on land in Stony Point and Rockland County.

You want your cross-border hydro power – put the cable in the river where it belongs. Do not underestimate our willingness or ability to fight this proposed route in the courts and in the court of public opinion.

It will not be difficult both here in New York and in Canada for this issue to become the poster child – and we have a lot of them lately – of the heavy hand of government advancing its goals at all costs without regard to the economic and personal damage done to its people.

Jobs will be lost. Personal wealth will be lost. Economic development will be stifled here and the damage will be irreparable. We will not permit this discrimination. We will not permit this injustice to be perpetrated on the people of this historic town.

Thank you.

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501-09

**501-09:** Construction of the proposed CHPE Project within the Hudson River Segment would result in short-term impacts on visual and aesthetic resources from the presence of construction equipment and activities along the project route. As described in Section 2.4.3 of the EIS, the Applicant would use HDD techniques to avoid disrupting the surface features of the landscape, where necessary. For more information on the visual impacts of the proposed CHPE Project, see EIS Section 5.3.11.

501-10

**501-10:** See response to Comment 501-04.

501-11

**501-11:** Agreements between CSX and the Applicant are subject to any applicable Federal and state regulations. As discussed in EIS Section 5.2.1, the siting of the transmission line in the State of New York, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the Applicant the right to use eminent domain for this project, if required.

501-12

**501-12:** The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and revenue, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the transmission system facilities that are taxable as real property. See response to Comment 501-07 for jobs created as a result of this project.

Comment 502

**From:** Legislator Ed Day [<mailto:legislatorday@yahoo.com>]  
**Sent:** Saturday, December 14, 2013 12:16 PM  
**To:** Mills, Brian; [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)  
**Subject:** CHAMPLAIN POWER EXPRESS PROPOSED PROJECT - DEIS COMMENT PERIOD

Dear Mr. Mills:

With respect to the above subject, you are no doubt understanding of the enormous impact that this project will have on the North Rockland community and beyond. As witness to that are the volume of comments and information you have received to date, all of which offer genuine concern to this observation.

Key to ensuring a comprehensive and proper DEIS is that these concerns are heard and heeded. Many in the community have only recently learned of many of the details and it is imperative that they are part of the process.

To that end, I respectfully request you consider extending the public comment period by 180 days. I believe that is a reasonable request that maximizes that key issue I mention - that all the people and businesses affected by this project are a complete part of this process. It also will allow for the community to fully assess, analyze, and respond to the thousands of pages of documents that are submitted as part of the DEIS process.

Thank you for your consideration

Sincerely,

Ed

Edwin J. Day  
Rockland County Legislature  
Rockland County Executive-Elect  
[www.edday.us](http://www.edday.us)

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[www.facebook.com/edwin.j.day1](http://www.facebook.com/edwin.j.day1) - **And ... make sure you "Like" us!**

] 502-01   **502-01:** See response to Comment 303-01.

## Comment 503



**TOWN OF HAVERSTRAW**  
HOWARD T. PHILLIPS, JR.  
Supervisor

ISIDRO CANCEL  
JOHN J. GOULD  
Councilmen

MICHAEL J. GAMBOLI  
Director of Finance

January 13, 2014

VINCENT J. GAMBOLI  
HECTOR I. SOTO  
Councilmen

WILLIAM M. STEIN  
Town Attorney

Via Facsimile: (202) 586-8008  
Email: [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov) & First Class Mail

Mr. Brian Mills, NLPA Document Manager  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

RE: CHPE RIS

Dear Mr. Mills:

On behalf of the Town of Haverstraw and its residents, I would like to express our deep concern for the proposed application of the Champlain Hudson Power Express Project (CHPE). I am sending this letter to reiterate our great displeasure and opposition to this proposal. We cannot understand the logic of going outside of the United States for power and believe that this proposal, if implemented, will set a terrible precedent.

The CHPE Project suggests that the United States cannot produce its own energy. Should we rely on a foreign country for our energy needs and also how reliable is this source? The potential detrimental consequences to the residents and land owners of the Town of Haverstraw and neighboring Town of Stony Point, including the application of eminent domain, are cause for great concern.

The North Rockland community has their own power capabilities at Bowline in Haverstraw as well as the site at Lovett in Stony Point. Why not upgrade Bowline and rebuild Lovett? This would keep power production local as well as putting many people back to work. It is greatly disappointing that our power sources might not be in our own country.

Sincerely,  
  
 HOWARD T. PHILLIPS, JR.  
 Supervisor

Cc: Senator William Larkin  
Assemblyman Kenneth Zebrowski

ONE ROSMAN ROAD | GARNERVILLE, NEW YORK 10523 | (845) 429-2200 | (845) 429-4701 FAX | [www.townofhaverstraw.org](http://www.townofhaverstraw.org)

]- 503-01   **503-01:** Comment noted.

]- 503-02   **503-02:** Production of energy within the United States is not within the scope of this EIS. The purpose of this EIS is to analyze impacts on New York State, and local municipalities, including the Towns of Haverstraw and Stony Point, as a result of the proposed CHPE Project.

]- 503-03   **503-03:** The upgrading of existing utility lines and production of locally generated power for Rockland County is not within the scope of this EIS.

Comment 504

----Original Message----

From: Douglas Jobson [<mailto:JobsonD@co.rockland.ny.us>]  
Sent: Wednesday, January 22, 2014 4:58 PM  
To: Mills, Brian  
Subject: CHPE Draft EIS" Comments/Public Notice NAN-2009-01089-EYA

CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

To: Brian Mills, Senior Planning Advisor  
Department of Energy  
Office of Electricity Deliverability and Energy Reliability

E-mail: [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)

As the Rockland County Legislator representing District 1, which includes Stony Point, N.Y., I co-sponsored the attached Rockland County Resolution, dated June 19, 2012, opposing the Champlain Hudson Power Express, which soundly states Rockland County's opposition to this project. The resolution enumerates the numerous reasons why this proposed project is of particular concern to my constituents. The communities affected in North Rockland seek to have the opportunity to address their concerns at further public hearings and to obtain more information.

504-01   **504-01: Comment noted.**

I thank you in advance for giving this your most careful consideration.

Very truly yours,

DOUGLAS J. JOBSON  
Rockland County Legislator, District 1

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## 10 C 1

## Introduced by:

Hon. Jay Hood, Jr., Sponsor  
 Hon. Douglas J. Jobson, Sponsor  
 Hon. Edwin J. Day, Sponsor  
 Hon. Iian S. Schoenberger, Co-Sponsor  
 Hon. Aney Paul, Co-Sponsor  
 Hon. Frank Sparaco, Co-Sponsor  
 Hon. Philip Soskin, Co-Sponsor

Referral No. 1021  
 June 19, 2012

**RESOLUTION NO. 314 OF 2012**  
**OPPOSING THE PROPOSED CHAMPLAIN HUDSON POWER EXPRESS INC.,**  
**TRANSMISSION LINE IN ROCKLAND COUNTY**

**HOOD, JR./CAREY, DAY, EARL, JOBSON, PAUL, SOSKIN, SPARACO, WIEDER: M.V.**

WHEREAS, New York Public Service Commission recently held a hearing on the request to build a 1,000 megawatt Champlain Hudson Power Express transmission line, which line would come from upstate New York come out of the Hudson River in Stony Point, run underground along CSX rail right-of-way to West Haverstraw and then through Rockland Lake State Park before heading back to the Hudson, and

WHEREAS, the residents of Rockland county believe that the Public Hearing held to date on the proposal was not timely noticed to the people, nor was a complete study done of the potential impact of this line in the Hudson River and routed through Rockland County, as to the environment, and

WHEREAS, additionally this project would produce an extreme ecological impact on the unique environment of the Hudson River and will negatively affect the current flora and fauna that are dependent on the Hudson River; and

WHEREAS, the laying of submarine cables presents a number of environmental problems, including stirring up industrial chemicals resting on the bottom of the River and cause disturbance to the fish habitats and endangered species in the Hudson River, and

WHEREAS, the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and

WHEREAS, additional hearings with Rockland County should be conducted with more information on the project, and

504-02

504-03

504-04

504-05

**504-02:** DOE followed accepted practices in notifying the public about the planned public hearings (see response to Comment 109-02). See response to Comment 703-07 for more information regarding notifications of public hearings.

Section 5.3 of the EIS provides a full analysis of the potential environmental impacts associated with installing and operating the proposed buried transmission line in the Hudson River and Rockland County.

**504-03:** Potential environmental impacts on aquatic and terrestrial habitats and species, including threatened and endangered species, are discussed in Sections 5.3.4, 5.3.5, 5.3.6, and 5.3.7 of the EIS.

**504-04:** Sections 5.3.3 and 5.3.15 of the EIS provide analyses of the potential impacts of disturbing contaminated sediments during installation activities, and Sections 5.3.4 and 5.3.5 of the EIS discusses the potential impacts of sediment disturbance on aquatic habitats and species, including threatened and endangered species.

**504-05:** DOE provided a 45-day public review period for the Draft EIS starting November 1, 2013, which was extended for an additional 30 days and ended on January 15, 2014. Verbal comments could be provided at any of four public hearings for the Draft EIS. Written comments could be submitted through the CHPE EIS Web site or via mail, email, or fax. DOE conducted four public hearings for the Draft EIS, including one in Stony Point, New York on November 18, 2013. Other public hearing locations were Queens, Albany, and Plattsburgh in New York.

WHEREAS, from an economic perspective, purchasing energy from outside New York State does not make sense for the state's as well as the national balance of payments; and

WHEREAS, allowing this power line to adversely affect the North Rockland Community and beyond is an insult to that community when there are presently two properties which are options to generate more electricity. The former Lovett and Bowline properties are available for developing new and more efficient plants which will create jobs and stabilize the local tax base which has been destroyed by the aging plants, and

WHEREAS, it is incumbent upon the Public Service Commission to encourage local generation of electricity on available properties instead for allowing a disruptive and damaging power line to import Canadian electricity; and

WHEREAS, it is likewise incumbent upon the Public Service Commission to conduct another hearing so that sufficient notice to the public can be given and Rockland residents have an opportunity to voice their many concerns and absent more information from the Public Service Commission and further comment period, the County opposes this project; and

WHEREAS, the Planning and Public Works Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

**RESOLVED**, That the Legislature of Rockland County hereby opposes the proposed Champlain Hudson Power Express Inc., transmission line in Rockland County and be it further

**RESOLVED**, that the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and be it further

**RESOLVED**, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, Member of the New York State Senate; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

**VOTE:**

Ayes: 16

Abstain: 01 (Legislator Grant)

LG3131

RM/cs

JH 6/12/12cs; 6/20/12

504-06

**504-06:** Comment noted. The use of local electric power generating stations and development of in-state electric power generation is outside the scope of the EIS.

504-07

**504-07:** See first paragraph of the response to Comment 504-02 and response to Comment 504-05.

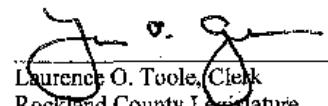
STATE OF NEW YORK )  
                      ) ss.:  
COUNTY OF ROCKLAND )

I, the undersigned, Clerk to the Legislature of the County of Rockland  
DO HEREBY CERTIFY that the attached is an original resolution of such Legislature,  
duly adopted on the 19<sup>th</sup> day of June 2012 by a majority of the members elected to the  
Legislature while such Legislature was in regular session with a duly constituted quorum  
of members present and voting.

I FURTHER CERTIFY that at the time said resolution was adopted said  
Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate  
seal of said Legislature this 20<sup>th</sup> day of June 2012.

Date sent to the County Executive:  
June 20, 2012

  
Laurence O. Toole, Clerk  
Rockland County Legislature

Certified or Approved  
C. Scott Vanderhoef, County Executive  
County of Rockland

(Date)

**RESOLUTION NO. 314 OF 2012**

Comment 601

**From:** O'Brien, Wesley [<mailto:WOBrien@cityhall.nyc.gov>]  
**Sent:** Wednesday, December 18, 2013 1:40 PM  
**To:** Mills, Brian  
**Subject:** Champlain Hudson Power Express - DEIS Comments

Mr. Mills,  
Please see the attached comment letter, which I am submitting on behalf of the City of New York.

Thank you,  
**WESLEY O'BRIEN | General Counsel / Interim Director**





THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

MAYOR'S OFFICE OF OPERATIONS  
OFFICE OF ENVIRONMENTAL COORDINATION  
WESLEY O'BRIEN, GENERAL COUNSEL & INTERIM DIRECTOR

December 18, 2013

Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

RE: Comments on Champlain Hudson Power Express DEIS

Dear Mr. Mills:

The City of New York has reviewed the DEIS for the Champlain Hudson Power Express ("CHPE") and would like to thank you for this opportunity to provide comments.

The CHPE transmission project is a development project that as proposed would bring 1,000 megawatts of renewable wind and hydropower from the Canadian Province of Quebec directly into New York City using submarine and subterranean high-voltage direct current lines.

Following a comprehensive review, the New York State Public Service Commission ("PSC") on April 18, 2013 issued a Certificate of Environmental Compatibility and Public Need for CHPE pursuant to Public Service Law Article VII, thereby authorizing construction and operation of the CHPE line in New York State. The City of New York was a party to the Article VII proceeding, and fully supported the action of the Commission.

**CHPE advances a number of City and State energy policy goals**

The operation of the proposed CHPE would advance major energy and environmental policies of the City of New York. The City policies and objectives advanced by the Facility also are consistent with major State policies and objectives.

The City has developed an ambitious slate of energy policies that is set forth in its PlaNYC 2030: A Greener, Greater New York ("PlaNYC"). PlaNYC is a policy blueprint intended to synthesize the economic and population growth in the City with broad, multi-faceted efforts to protect and enhance the City's environment. Programs implemented under PlaNYC are intended to reduce

601-01    **601-01: Comment noted.**

energy consumption throughout the City, achieve the cleanest air quality of any major city in the United States, and reduce municipal greenhouse gas emissions by 30% by 2017 (i.e., "30 by 17") and Citywide greenhouse gas emissions by 30% by 2030.

With respect to renewable energy, PlaNYC set forth a plan based, in part, on "making our energy supply cleaner, more affordable, and more reliable." PlaNYC also recognizes the value and importance of public health benefits associated with reduced emissions. The City has a compelling interest in implementing PlaNYC in order to ensure that its residents and businesses realize the economic, environmental and health benefits associated with an increased reliance on renewable energy.

To that end, PlaNYC includes a goal of increasing the City's clean energy supply by 2,000 MW by 2015. Currently, the amount of electricity that may be imported to the City is limited by congested north-south transmission lines in New York State. One strategy adopted to achieve the clean energy goal is to increase the amount of renewable energy that can be imported into the City.

The City's general support for CHPE is consistent with this strategy, and with the overarching City policy goals the strategy intends to promote. As noted, it is anticipated that the proposed transmission line would deliver up to 1,000 MW of renewable energy, thereby representing a unique opportunity to increase dramatically the amount of clean energy available in-City via a project that will be developed on a merchant basis and will not burden electric delivery ratepayers.

The City is not aware of any other large-scale renewable energy project that may be constructed and operated in the near term to benefit an area of the State that has been historically underserved by renewable power projects. Currently, only a handful of small-scale solar photovoltaic projects are located downstate. CHEP would thus support important City and State policies through a greatly increased reliance on electricity generated by large-scale renewable resources.

New York State energy policy also promotes increased reliance on renewable energy as one means of mitigating the public health and environmental impacts associated with electricity generated from the combustion of fossil fuels. One of the five policy objectives set forth in the most recent State Energy Plan is to "[r]educe health and environmental risks associated with the production and use of energy across all sectors" based, in part, on a recognition that fossil fuel combustion emits chemicals that are associated with a range of adverse health effects and that also contribute to acid rain and climate change. The 2009 State Energy Plan noted that increasing the amount of renewable energy sold at retail in New York State to 30% by 2015 was a primary component of the "45 x 15" goal established by former Governor David Paterson.

#### **Waterfront Revitalization Program**

The Department of State concluded the Waterfront Revitalization Program (WRP) consistency review in 2011, which included consistency with the New York City WRP. Therefore, no additional WRP review is required at this time. However, the New York City Department of City Planning (DCP) requests that your consideration of the following with respect to the FEIS:

- 1) The response to the WRP Policy 2.1 incorrectly states that the project is not located in a Significant Maritime and Industrial Area. In fact, the portion of the transmission cable

601-02   **601-02:** Comment noted.

601-03   **601-03:** Comment noted.

**601-04:** Comment noted. Appendix F.1 of the Draft EIS (i.e., the Applicant's New York City Waterfront Revitalization Program Consistency Assessment Form and Coastal Zone Consistency Assessment Supplemental Information submitted as part of the CWA Section 404 Permit Application) incorrectly stated that the portion of the transmission line that travels along the Bronx Kill/New York State Department of Transportation (NYSDOT) rail yards is not a Significant Maritime and Industrial Area (SMIA). However, this area is correctly identified as an SMIA in Section 3.4.1 of the Draft EIS. The proposed CHPE Project would be consistent with the New York City Waterfront Revitalization Program (WRP).

that travels along the Bronx Kill/NYS DOT rail yards is an SMIA. As the design details are developed for this segment of the transmission cable, particular sensitivity should be given to ensure that the actions do not inhibit the efficient operation of the SMIA as an industrial/maritime area.

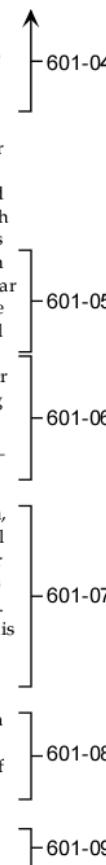
- 2) The response to WRP Policy 8 states that there will be no effect on public access to or along the city's coastal waters. It should also be noted that the City is actively involved in creating a new pedestrian and bike connection between the South Bronx and Randall's Island across the Bronx Kill, which will provide a critical link in the South Bronx Greenway and allow South Bronx residents to easily access Randall's Island's parks. For more information about the project, please see [NYCEDC's website](#). As design details are developed for this terrestrial segment of the transmission cable, particular attention should be paid to maintaining public access along this portion of the waterfront, including efforts to ensure kayak and canoe navigability along the Bronx Kill and beneath the Hells Gate Bridge. The applicant should coordinate with the NYCEDC. Likewise, the portion in North Queens around the Poletti Power Plant, the Lyster Creek Converter Station, and the Rainey Interconnection should consider the planning efforts underway for the [Queens East River and North Shore Greenway](#) and street end public access to Lyster Creek at 19<sup>th</sup> Ave (see [Vision 2020: NYC Comprehensive Waterfront Plan](#), Reach 7 and 11).
- 3) In areas where the transmission cable transitions from water to land or vice versa, designs should be carefully developed to protect and restore wetlands and ecological communities, which may be impacted by Horizontal Directional Drilling. Particular attention should be paid to the design of shorelines that may need to be reconstructed as a result of this work and the ecological enhancement opportunities at those locations. Based on the materials provided, this will occur at MP 330, just north of the Willis Avenue Bridge, at MP 331 along the Bronx Kill, and at MP 332 at the Poletti Power Plant facility in Astoria, Queens.
- 4) It is not clear whether an analysis been conducted to determine the likely effect of sea level rise and associated coastal flood risk on the proposed project. All facilities should be designed using the latest FEMA flood hazard data and should consider the impacts of climate change, using the projections from the New York City Panel on Climate Change.
- 5) Section 6.1.1.5 (page 6-6) of the FEIS refers to the Astoria Rezoning Plan. This plan was approved in May 2010. See [DCP's website](#).

Again, thank you for the opportunity to comment on the DEIS. If you require any additional information, please do not hesitate to contact me.

Sincerely,

Wesley O'Brien

General Counsel & Interim Director



**601-05:** During underwater cable installation, there would be associated increased vessel activity within the Harlem and East rivers. The immediate area around active construction would be temporarily unavailable for recreational uses. However, access to some recreational resources would be maintained during the days that construction activities would be in the vicinity, such as the boathouse at Sherman Creek Park. For the terrestrial portion of the transmission line, it would be buried underground and within city streets between the Astoria and Rainey substations. During terrestrial installation, equipment used for removal of pavements, trench excavation, and cable installation could result in a temporary reduction in the number of traffic lanes available along local roadways accessing recreational facilities along the transmission line route. Terrestrial construction activities could be carried out in the tourism and recreation off-season winter months, which would avoid or minimize potential impacts. See Section 5.4.13 of the EIS for more information.

**601-06:** The EIS discusses potential impacts on the Queens East River & North Shore Greenway Master Plan in Section 6.1.2.1 and reports that the proposed CHPE Project is consistent with the plan. The CHPE transmission line would be located on ConEd property or buried under city streets in Queens, and, therefore, would not be anticipated to have an impact on the Queens East River & North Shore Greenway Master Plan.

**601-07:** As routed, the CHPE transmission line would not cross any wetlands in the New York City Metropolitan Area Segment. There are NYSDEC tidal wetlands and adjacent areas associated with the Harlem and East rivers that are present within the ROI; however, no impacts on NYSDEC tidal wetlands would be anticipated to occur because the transmission line would be installed within the riverbeds or on land where it would not cross wetlands (see Section 5.4.8 of the EIS). In areas where the transmission line transitions from water to land or vice versa, restoration of the area would be completed after backfilling for the cable has been completed. Appropriate BMPs would also be

implemented, where necessary (see Section 5.4.3 of the EIS).

**601-08:** As discussed in Sections 5.3.3 and 5.5.3 of the EIS and similar sections, the proposed CHPE Project transmission line and cooling stations would all be designed to withstand any flooding events that occur within a Federal Emergency Management Agency (FEMA) 100-year floodplain. The New York City Metropolitan Area Segment would include the cables being buried underground (including in the Harlem and East rivers). The cooling station located at MP 331 in the Bronx would be constructed within a 100-year floodplain. This cooling station and the HVDC Converter Station and associated facilities would be designed to avoid flood damage by raising the first floor above the base flood elevation. The Final EIS includes a Floodplain Statement of Findings as an appendix (Appendix S) that reflects this analysis. Data from the Intergovernmental Panel on Climate Change (IPCC) and New York State are used to analyze the impacts of this project on climate change.

**601-09:** Comment noted.

## Comment 602

**From:** [kevinpmaher@verizon.net](mailto:kevinpmaher@verizon.net) [mailto:[kevinpmaher@verizon.net](mailto:kevinpmaher@verizon.net)]

**Sent:** Tuesday, January 14, 2014 3:37 PM

**To:** Mills, Brian

**Cc:** [sfilgueras@optonline.net](mailto:sfilgueras@optonline.net)

**Subject:** Champlain Hudson Power Express

**Importance:** High

Dear Mr. Mills:

As both the Town Engineer and resident of the Town of Stony Point, I must strenuously object to the issuance of any permits for this project as it is currently configured by Transmission Developers Inc..

Their "Project" is a callous invasion of the Town of Stony Point and shows no respect for the history of the area and the significance that it played during the Revolutionary War.

I know that it had originally been backed by Governor Cuomo as a step in replacing Indian Point as a power source for New York City, but I believe that the hue and cry over the closed door deals arranged in Albany (including the deal made with the environmental groups) have angered many in Rockland County. For Don Jessome to state that they would just "shoot a bullet" under the Waldron Cemetery (many Revolutionary and War of 1812 heroes are buried there) to install the power cables as a part of the HDD method is an affront to everything that this country stands for.

And why should we be promoting energy from Canada? What's wrong with putting our own people to work building better and more efficient power plants? Isn't that what Governor Cuomo keeps talking about (building back better and stronger)? There is also a growing doubt that the Canadian Power company will not be able to supply "Green Energy" (wind, hydroelectric, solar, etc.) in a sufficient quantity (or at all) which would mean that power generated by coal and oil-fired plants in Canada will be flowing down the line. So much for lowering "Greenhouse Gases".

The attached copy of the resolution from the Rockland County Legislature should be a clear enough signal that we do not want this line anywhere in Rockland County.

Therefore, I request that this project be given the highest degree of scrutiny to be sure that it is both economically and environmentally feasible and that it will not have any adverse impacts to the area and the citizens of Rockland County.

Our National Energy Policy should be focused on energy independence first, then on "environmentally friendly" generation secondly.

Respectfully submitted,

Kevin P. Maher, P.E., M.ASCE

Town Engineer (and resident)

Town of Stony Point, Rockland County, NY

602-01     **602-01:** Comment noted.

602-02     **602-02:** See response to Comment 121-03. Also see Section 5.3.10 of the EIS for analysis of potential impacts on historic resources.

602-03     **602-03:** The primary goal of the proposed CHPE Project is to provide electrical energy to the New York City metropolitan area market. The proposed CHPE Project would result in lower wholesale electricity prices, reductions in emissions, greater energy supply diversity, and increased energy supply capability. Power generated in Canada would be primarily hydroelectric and wind power. The use of local electric power generating stations and development of in-state electric power generation is not within the scope of this EIS.

## 10 C 1

## Introduced by:

Hon. Jay Hood, Jr., Sponsor  
 Hon. Douglas J. Jobson, Sponsor  
 Hon. Edwin J. Day, Sponsor  
 Hon. Ilan S. Schoenberger, Co-Sponsor  
 Hon. Aney Paul, Co-Sponsor  
 Hon. Frank Sparaco, Co-Sponsor  
 Hon. Philip Soskin, Co-Sponsor

Referral No. 1021  
 June 19, 2012

**RESOLUTION NO. 314 OF 2012**  
**OPPOSING THE PROPOSED CHAMPLAIN HUDSON POWER EXPRESS INC.,**  
**TRANSMISSION LINE IN ROCKLAND COUNTY**

**HOOD, JR./CAREY, DAY, EARL, JOBSON, PAUL, SOSKIN, SPARACO, WIEDER:  
 M.V.**

WHEREAS, New York Public Service Commission recently held a hearing on the request to build a 1,000 megawatt Champlain Hudson Power Express transmission line, which line would come from upstate New York come out of the Hudson River in Stony Point, run underground along CSX rail right-of-way to West Haverstraw and then through Rockland Lake State Park before heading back to the Hudson, and

WHEREAS, the residents of Rockland county believe that the Public Hearing held to date on the proposal was not timely noticed to the people, nor was a complete study done of the potential impact of this line in the Hudson River and routed through Rockland County, as to the environment, and

WHEREAS, additionally this project would produce an extreme ecological impact on the unique environment of the Hudson River and will negatively affect the current flora and fauna that are dependent on the Hudson River; and

WHEREAS, the laying of submarine cables presents a number of environmental problems, including stirring up industrial chemicals resting on the bottom of the River and cause disturbance to the fish habitats and endangered species in the Hudson River; and

WHEREAS, the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and

WHEREAS, additional hearings with Rockland County should be conducted with more information on the project, and

602-04     **602-04:** See response to 504-02.

602-05     **602-05:** See response to Comment 504-03.

602-06     **602-06:** See response to Comment 504-04.

602-07     **602-07:** See response to Comment 504-05.

WHEREAS, from an economic perspective, purchasing energy from outside New York State does not make sense for the state's as well as the national balance of payments; and

WHEREAS, allowing this power line to adversely affect the North Rockland Community and beyond is an insult to that community when there are presently two properties which are options to generate more electricity. The former Lovett and Bowline properties are available for developing new and more efficient plants which will create jobs and stabilize the local tax base which has been destroyed by the aging plants, and

WHEREAS, it is incumbent upon the Public Service Commission to encourage local generation of electricity on available properties instead for allowing a disruptive and damaging power line to import Canadian electricity; and

WHEREAS, it is likewise incumbent upon the Public Service Commission to conduct another hearing so that sufficient notice to the public can be given and Rockland residents have an opportunity to voice their many concerns and absent more information from the Public Service Commission and further comment period, the County opposes this project; and

WHEREAS, the Planning and Public Works Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby opposes the proposed Champlain Hudson Power Express Inc., transmission line in Rockland County and be it further

RESOLVED, that the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeaway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, Member of the New York State Senate; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

**VOTE:**

Ayes:	16
Abstain:	01 (Legislator Grant)

LG3131  
RM/cs  
JH 6/12/12cs; 6/20/12

602-08    **602-08:** See response to Comment 504-06.

602-09    **602-09:** See response to Comment 504-07.

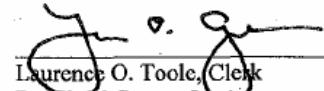
STATE OF NEW YORK )  
                      )  
                      ss.:  
COUNTY OF ROCKLAND )

I, the undersigned, Clerk to the Legislature of the County of Rockland  
DO HEREBY CERTIFY that the attached is an original resolution of such Legislature,  
duly adopted on the 19<sup>th</sup> day of June 2012 by a majority of the members elected to the  
Legislature while such Legislature was in regular session with a duly constituted quorum  
of members present and voting.

I FURTHER CERTIFY that at the time said resolution was adopted said  
Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate  
seal of said Legislature this 20<sup>th</sup> day of June 2012.

Date sent to the County Executive:  
June 20, 2012

  
Laurence O. Toole, Clerk  
Rockland County Legislature

Certified or Approved  
C. Scott Vanderhoef, County Executive  
County of Rockland

(Date)

**RESOLUTION NO. 314 OF 2012**

## Comment 701



**THE MARITIME ASSOCIATION  
OF THE  
PORT OF NEW YORK/NEW JERSEY**  
**Tug & Barge Committee**



NAN-2009-01089-EYA

October 23, 2013

Dear:

I am writing on behalf of the Tug & Barge Committee (TBC) of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied.

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."<sup>1</sup>

The Maritime Industry feel that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany

STATE POLICY 3

"The installation and operation of the transmission cables may affect navigation or future dredging activities which may, in turn, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."<sup>2</sup>

701-01

**701-01:** Comment noted.

701-02

**701-02:** Potential impacts of the proposed CHPE Project on navigation were addressed in the Draft EIS in the Chapter 5 subsection addressing Transportation and Traffic. Specifically, the analysis of vessel safety and navigation on the Hudson River is in Section 5.3.2 of the EIS. The USACE and USCG are cooperating agencies in the preparation of the EIS, and their contributions to the review of the proposed project help ensure vessel safety.

<sup>1</sup> HDR Letter October 18, 2010, Sean Murphy

<sup>2</sup> NYS DOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

*"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York /New Jersey Port area and approaches"*

The mission of Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: “*To develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey.*” The Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible proposals and met with the CHPE consultants on March 16, 2011 to discuss cable routing. At that meeting the Energy Sub-Committee raised several concerns regarding the proposed cable route and installation. The consultant informed the Energy Sub-Committee that they were negotiating with the New York State Department of Conservation (DEC) to route the cable outside the channel in shallow water and that the route would not be the same as presented; however, the recently approved New York State DEC proposed CHPE route is very similar though not identical to the first proposal and therefore the Applicant has met but NOT consulted with the appropriate port facility operators.

#### STATE POLICY 2

“Should the bi-pole occupy any federally maintained navigation channels it will be buried at least 15 feet below the authorized depth in a single trench within those channels. In this matter, the siting of the cable at these depths will minimize conflicts with water based navigation by substantially avoiding anchor strikes and potential future navigational improvements.”<sup>3</sup>

Anchors vary in size and use but regardless have long been a staple of the shipping industry performing many functions for vessels including anchoring, docking, and emergencies and while docks and anchorages are predictable, emergencies are not. The Hudson River varies in channel width and depths is primarily rock and can narrow to 400 feet in width. The primary tool to mitigate non-controllable factors is the anchor. Non-controllable external factors include diminishing visibility (fog, snow, and thunderstorms), ice, or other vessels or internal casualty factors (loss of engines or steering). As non-controllable factors can occur anytime and anywhere in any navigable channel, anchoring must be a primary factor in considering proposals in navigational waters that may impact anchoring.

Risk of fouling an anchor on a cable has many impacts to include but not limited to loss of assets, supply chain schedules, asset/human casualties, and/or environmental damage. Vessels transiting the River trade in various liquid products including Albany exports of crude oil and ethanol.

701-03

**701-03:** The transmission line route alignment evaluated in the EIS has been developed by the Applicant in consultation with various stakeholders, including the USACE, NYSPSC, NYSDEC, and the New York State Coastal Zone Management Program. If specific issues with port facilities are subsequently identified, they would be addressed through the NYSPSC.

701-04

**701-04:** Potential impacts from vessel-anchoring activities are presented in Section 5.3.2 of EIS and reflect those concerns raised in the comment.

<sup>3</sup> IBID

*“It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches.”*

<sup>4</sup>Another condition requires that the applicant verify the transmission cables' burial depth on a periodic basis so that they do not become a hazard to navigation or marine resources.<sup>4</sup>

The Energy Sub Committee and the Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained.

New York is our home. Over 31,000 New York City residents earn their livelihood in the maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible approach to cable routes.

I wish to thank you in advance for your considerations to our needs and if you have any questions or concerns please feel free to email me at safemariner@me.com

701-05

**701-05:** In accordance with Condition 161 of the Certificate of Environmental Compatibility and Public Need issued by the NYSPSC, the Applicant would conduct an immediate post-installation survey of the submerged cables to determine its actual location and burial depth to confirm that the required burial depths have been met and conduct associated follow-on surveys every 5 years. If the required burial depths are not achieved, a remedial plan for achieving the required burial depths must be submitted.

Sincerely,

CAPT Eric Johansson, Executive Director  
Tug and Barge Committee Port of New York/New Jersey

<sup>4</sup>IBID

*"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches."*

Comment 702

[sreich@local754.com](mailto:sreich@local754.com) has submitted a comment from the CHPExpressEIS website.

First Name: Stephen  
Last Name: Reich  
Address1: 215 Old Nyack Turnpike  
Address2:  
City: Chestnut Ridge  
State: NY  
Zip: 13320  
Email: [sreich@local754.com](mailto:sreich@local754.com)

Comments:

I represent over 300 men and women from Laborers' Local 754 in Rockland County. We are in support of the project for the jobs it will create for our members and the tax revenue it will add to County coffers. We also understand the need for additional power sources in times of high usage.

702-01

**702-01:** Comment noted.

## Comment 703

*International Brotherhood of  
BOILERMAKERS • IRON SHIP BUILDERS*

STEVEN LUDWIGSON  
Business Manager  
Secretary-Treasurer



## BLACKSMITHS • FORGERS &amp; HELPERS

TOM RYAN  
Assistant Business Manager  
President

## BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON  
Assistant Business Manager  
Zone 175

KEVIN O'BRIEN  
Vice President

MATT LOPIRISTI  
Assistant Business Manager  
Zone 127

— Queens, N.Y.

November 18, 2013  
East Elmhurst, New York

Distinguished members from the United States Department of Energy, thank you for providing this opportunity to the people of New York to weigh in on some of their concerns with the Champlain Hudson Power Express. I am here today as the President of Boilermakers Local 5, representing over 500 members from Long Island and New York City, from the Southern Tier and throughout the North Country. But, I am also here as a proud New Yorker and father of four children with further reservations about this proposed project and the negative environmental impact it would have for the next generation.

The developers of this line that would snake its way through New York and its great water ways have touted the signatures of some Representatives of the New York delegation in support of the line. Yet, when my colleagues and I personally met with the vast majority of those Congressmen and Congresswomen last Spring, we were met with blank stares and disbelieving shakes of their heads. Some had no recollection of signing; others seemed not overly committed to the project. But, all of them had second thoughts and promised to look into the matter further and revisit their commitment. For that we are grateful to them and their staffs.

703-01   **703-01:** Comment noted.

ZONE 5 • 24 VAN SICKLEN AVE., FLORAL PARK, NY 11001 • 516-326-2500 • FAX: 516-326-3435  
ZONE 175 • 28 WESLEY BRIDGE ST., OSWEGO, NY 13126 • 315-343-3821 • FAX: 315-343-3563  
ZONE 127 • 75 S. DOVE ST., ALBANY, NY 12202 • 518-438-0718 • FAX: 518-439-7220

BOILERMAKERS LOCAL LODGE No. 5

The CHPE will be a jobs killer for the greater NYC area, outsourcing skilled labor positions to a foreign country in exchange for a product we can and should be making right here in New York. Our economy, environment, and our quality of life now hang on a delicate thread. Do we as a nation, give our environment over into the hands of another country, albeit a friendly one? I, my family, and the tens of thousands of vital Building and Construction Trades members in this great metropolis, emphatically respond, NO!

703-02 **703-02:** See response to Comment 101-02.

Just in the last couple of years our great city and state has had a tragic loss to life, infrastructure, and the environment due to severe storms. As catastrophic a loss as they were, could we imagine if we were held hostage by power travelling hundreds of miles on towers over land and within our rivers and lakes. We need to rely on power generation produced in our backyards to survive whatever storms we must weather.

703-03 **703-03:** See response to Comment 101-03.

I have swam in the Hudson River, and lived to tell about. I wish my children and my children's' children the same. But, this Canadian power line is nothing more than a large extension cord, with a single customer, whose only vested interest in the delicate environment of the Great State of New York is one of commercialism and greed.

703-04 **703-04:** Comment noted.

0808054

BOILERMAKERS LOCAL LODGE No. 5

Just in my short life span, I have seen where dependence on foreign energy and foreign natural resources has led this great nation of ours: embargo, rationing, and war. We should not depend on others for our vital needs, but ourselves and our fellow New Yorkers. Americans should not sacrifice their environment, their energy independence, or their children's future, for the promise of miniscule savings on an electrical bill.

703-04

Thank you again for this opportunity and we trust the United States Department of Energy and ultimately the Office of the President of the United States hear the cry of its citizens, "SAY NO to the Champlain Hudson Power Express!"

Sincerely,

Thomas F. Ryan

Thomas F. Ryan

President

Mr. Brian Mills  
 Department of Energy  
 Office of Electricity Delivery&Energy Reliability (OE20)  
 U. S. Department of Energy  
 1000 Independence Ave, SW  
 Washington, DC 20585  
 Phone: 202-586-8267  
 Fax: 202-586-8008

Comments can be submitted via email to: [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov) [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)

Deadline for Comments: December 16, 2013

Request to the DOE and USACE for extension of comment period, "Draft EIS Comments"

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervener funds for the impacted communities. In this case there are no intervener funds from the developer which would allow the residents, business owners and other stakeholders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE.

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left.

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail.

There was no outreach and translated information for the Hispanic population.

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents?

I am respectfully requesting the extension based on the above reasons.

Resident: Thomas F. Ryan  
 Address: 2827 Hedge St  
Yorktown, NY 10598

Phone: 914-355-0274  
 E-mail: [tryanbmc@aol.com](mailto:tryanbmc@aol.com)

- 703-05
- 703-06
- 703-07
- 703-08
- 703-09
- 703-10

**703-05:** See response to Comment 303-01. The availability of intervener funds from the developer is outside the scope of this EIS.

**703-06:** Locations selected for the public hearings were based on a number of criteria including proximity to the proposed project route, number of people able to be accommodated at each location, accessibility to the public, and coordination support available from the staff of the facility chosen. The hearing location in Queens, which was just over 1 mile away from the proposed transmission line corridor, was chosen because of its ability to accommodate greater than 100 people and its greater accessibility to public transportation than other possible hearing locations in New York City. Other potential locations directly in the impacted community could not accommodate this attendance level. The hearing at Stony Point Center was held there because of the Stony Point Center's location in the Town of Stony Point, available staff from the facility to guarantee access and support setup of the room, its proximity to the proposed transmission line corridor, and its ability to host up to 250 meeting attendees. To reduce clustering of attendees near the room entrance, all attendees were offered the opportunity to enter the room and occupy open seats. Approximately 215 people were present at the meeting. The Stony Point Center had adequate parking for hearing attendees and is a well-known location within the town.

**703-07:** Public notification of the public hearing at Stony Point Center was provided through various methods including notice on the CHPE EIS Web site; a *Federal Register* notice published on November 11, 2013; USACE public notices posted in October 2013; and notices printed in local Rockland County newspapers (*Rockland County Times* on November 7, 2013; the *Journal News* on November 4, 2013; and the *Times Record* on November 4, 2013). More than 400 printed copies of the Draft EIS, CD copies of the Draft EIS, or letters announcing the availability of the Draft EIS were mailed out to people who signed up during the EIS scoping period in 2010 or were added to the DOE coordination list through a variety of other avenues. Appendix P of the Final EIS identifies all the notifications associated with the public hearings for the Draft EIS that occurred.

**703-08:** See response to Comment 109-03.

**703-09:** Waldron Cemetery would be surveyed for cultural resources, during which the exact boundaries of the cemetery would be determined and any resources in the Area of Potential Effects would be evaluated for NRHP eligibility. Ground-disturbing activities would be avoided in the vicinity of the cemetery to the extent practicable. If these activities are unavoidable, appropriate mitigation would be implemented in accordance with the CRMP being developed for the CHPE Project in coordination with the New York SHPO. The CRMP would identify measures to address adverse effects on historic properties. HDD technology would be used, where appropriate, to drill under potential cultural resources so they would not be disturbed.

**703-10:** The CHPE EIS was developed cooperatively among multiple Federal and state agencies to address the potential impacts of issuing the Presidential permit for the proposed CHPE Project. Two of the Federal agencies involved in the preparation of the EIS are the DOE, the lead agency, and the USACE, a cooperating agency. The DOE is responsible for reviewing the Presidential permit application for the proposed CHPE Project and determining whether or not to grant the Presidential Permit. The USACE is responsible for maintaining and protecting waterways and wetlands of the United States, and, as such, reviewing the Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA permit applications submitted by the Applicant for the proposed CHPE Project. The USACE participated in hosting the public hearings for the Draft EIS to gather information and receive public comments to assist in their review of the Applicant's Section 10 and Section 404 permit applications. For comments relating to any waterway impacts or wetlands impacts, commenters have been and will continue to be encouraged to submit comments to the USACE while any comments on the EIS itself should be submitted to DOE. At the Draft EIS hearing in Stony Point, a posterboard was displayed that illustrated the route alignment in the vicinity of Stony Point. This posterboard illustrated the terrestrial portion of the route where it bypasses Haverstraw Bay. Other posterboards (divided into segments for ease of presentation) showed the entire proposed transmission line corridor through New York State.

- Queens, NY -



**OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION**  
**Protect New York Jobs, In-State Power Generation & Taxpayer Dollars:**  
**Reject the Champlain Hudson Canadian Power Line**

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically distressed upstate communities, which would miss the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to reduce the existing electric transmission bottlenecks that impede the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-resource power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements than put New Yorkers on the short end of a one way "energy highway," mainly benefiting its Canadian investors and Wall Street bankers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will oustsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great State of New York.

Sincerely,

*Ronald Edwards*

Richard Roberts  
Business Agent at Large  
Enterprise Association of  
Steamfitters Local Union 638

*Michael Cavanaugh*

Michael Cavanaugh  
Vic President  
New York City District Council  
of Carpenters

*James Slevin*

James Slevin  
Vice President  
Utility Workers Union of  
America Local 12

*Steve Ladwigion*

Steve Ladwigion  
Business Manager //  
Secretary-Treasurer  
Boilermakers Local 5

*Patrick Dolan*

Patrick Dolan, Jr.  
President  
Franchise Association of  
Steamfitters Local Union 638

*Tony Scarpitti*

Anthony Scarpitti  
Executive Vice President  
Mechanical Contractors Association

*Don Daley*

Don Daley  
Chairman  
International Brotherhood of Electrical Workers  
Utility Labor Council of New York

703-11

**703-11:** Comment noted. The source of the electric power to be transmitted through the proposed CHPE Project and the possible development of in-state power generation is outside the scope of the EIS. NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." See response to Comment 501-07 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

## Comment 704

**BOILERMAKERS LOCAL LODGE No. 5**

GREG PETERSON  
Assistant Business Manager  
Zone 175

KEVIN O'BRIEN  
Vice President

MATT LOPFESTI  
Assistant Business Manager  
Zone 187

**Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5**

November 18, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. – Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure – such as upstate New York plants that have an excess of available power – instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill.

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation.

New York needs to improve the transmission grid in the Upstate and Western regions so that in-state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state.

704-01

704-02

704-03

**704-01:** See response to Comment 137-01.

**704-02:** Comment noted. See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

**704-03:** See response to Comment 137-03.

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ZONE 175 • 28 WEST BRIDGE ST., OSWEGO, NY 13126 • 315-343-3821 • FAX: 315-343-3563  
ZONE 187 • 75 S. DOVE ST., ALBANY, NY 12202 • 518-438-0718 • FAX: 518-459-2720

BOILERMAKERS LOCAL LODGE No. 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state.

In order to have a strong 21<sup>st</sup> century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure – rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York.

Thank you.

Steven Ludwigson  
Business Manager  
Boilermakers Local 5

704-03

704-04   **704-04:** Comment noted.



**OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION**  
**Protect New York Jobs, In-State Power Generation & Taxpayer Dollars:**  
**Reject the Champlain Hudson Canadian Power Line**

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is uneconomic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one-way "energy highway," mainly benefiting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great state of New York.

Sincerely,

Richard Roberts  
Business Agent at Large  
Steamfitters Local Union 638

Michael Cavanaugh  
Vice President  
New York City District Council  
of Carpenters

James Slevin  
Vice President  
Utility Workers Union of  
America Local 1-2

Steve Ludwigman  
Business Manager  
Boilermakers Local 5

Patrick Dolan, Jr.  
President  
Enterprise Association of  
Steamfitters Local Union 638

Anthony Soprano  
Executive Vice-President  
Mechanical Contractors Association

Don Daley  
Chairman  
International Brotherhood of Electrical Workers  
Utility Labor Council State of New York

704-05

**704-05:** See responses to Comments 501-07 and 703-11, and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

## Comment 705

Sign: 10/11/13  
10/11/13

Joe Mirabile  
NYS Laborers  
18 Corporate Woods  
Albany, NY  
12211



Champlain Hudson Power Express  
New York State Laborers  
DOE Hearings Talking Points

- Introduce yourself.
  - I represent the New York State Laborers' Union with 40,000 members employed in the construction industry and other fields throughout the state. Our members are organized into more than 35 local unions and 5 district councils. We are a proud affiliate of the Laborers' International Union of North America (LIUNA).
  - Specifically I represent Local XX, with over XX members that live and work in this community.

**Impact of the Champlain Hudson Power Express Transmission Project for Our Members**

- The Champlain Hudson Power Express Transmission project would create more than 300 construction jobs for our members from Clinton County along the route to Queens County during the 3.5 year construction period. It is also estimated that during peak construction there will be up to 600 construction jobs.
- The construction jobs will be associated with the construction of a converter station and the installation of the transmission cable within the state. Our members would also be involved with the construction of temporary access roads, site excavation and site restoration.
- We have 8 local unions represented throughout the geographic region of this project. The Champlain Hudson Power Express project would provide work opportunity in the communities where they live which would benefit these communities.

**Background on the Champlain Hudson Power Express Project (CHPE)**

- The Champlain Hudson Power Express Project is a 333-mile, underground transmission line that will bring up to 1,000 megawatts of clean, renewable energy to the New York.
- Two six-inch wide cables will be buried under Lake Champlain, the Hudson, Harlem and East Rivers, along railroads and other public rights of way.

**Environmental Impact of the CHPE Project**

- By burying the line this project will have a minor impacts on communities and the environment.
- There will be temporary minimal impact during construction of the line, once installed, there will be no visual impacts and the project

] 705-01   **705-01:** Comment noted.

] 705-02   **705-02:** See response to Comment 102-02.

- Transmission Developers, Inc., or TDI, is committed to constructing the line using the highest environmental standards to protect New York State's waters and communities' natural beauty.
- The Champlain Hudson Power Express Project will provide clean hydropower to fuel economic growth with significant environmental and consumer benefits:
  - The project will reduce sulfur dioxide and greenhouse gas emissions
  - The project will add options the state's energy selection and increase the electric grid's safety and security
  - This new, tough infrastructure will be less susceptible to damage from natural disasters
- A \$117M Environmental Trust will be established to improve the aquatic environments in Lake Champlain, and the Hudson, Harlem and East Rivers, where the project is located.

705-03 **705-03:** Comment noted.

#### **Economic Impact of the CHPE Project**

- The construction jobs created by the Champlain Hudson Power Express project will result in an increase in demand of goods and services within the state.
- The project will also mean direct spending in New York, including non-labor installation costs, as well as fees and taxes paid to the local and state government.
- As there are more revenues/sales, businesses will have more profits and therefore be able to hire more people or make more investment in the community
- The \$2.2 billion project will be financed completely by the private sector - with no responsibility on the customer for the costs of the development, construction, or operation of the line.

705-04 **705-04:** Comment noted.

#### **Jobs Impact of the CHPE Project**

- 300 direct jobs will be created during the 3.5-year construction period -- peaking at 600 construction jobs
- During the construction phase of the Champlain Hudson Power Express project there will be more than 1,200 indirect jobs in New York State from suppliers and businesses in the local community along the route.

705-05 **705-05:** See response to Comment 102-05.

#### **Final Push for CHPE Project**

- The New York State Public Service Commission approved the Champlain Hudson Power Express project in April of this year. We are here to urge you to grant all federal permits to Transmission Developers, Inc. quickly so that this important transmission line project can move forward. This project means jobs for many of our local union members and opportunities for the State that would benefit our communities for years to come.

## Comment 706

Vincent Albanese

- Stacy Point -



Champlain Hudson Power Express  
New York State Laborers  
DOE Hearings Talking Points

## \* Introduce yourself:

- o I represent the New York State Laborers' Union with 40,000 members employed in the construction industry and other fields throughout the state. Our members are organized into more than 35 local unions and 5 district councils. We are a proud affiliate of the Laborers' International Union of North America (LIUNA).
- o Specifically I represent Local XX, with over XX members that live and work in this community.

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- \* We have 8 local unions represented throughout the geographic region of this project. The Champlain Hudson Power Express project would provide work opportunity in the communities where they live which would benefit these communities.

]- 706-01   **706-01:** Comment noted.**Background on the Champlain Hudson Power Express Project (CHPE)**

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- \* Two six-inch wide cables will be buried under Lake Champlain, the Hudson, Harlem and East Rivers, along railroads and other public rights of way.

**Environmental Impact of the CHPE Project**

- \* By burying the line this project will have a minor impacts on communities and the environment.
- \* There will be temporary minimal impact during construction of the line, once installed, there will be no visual impacts and the project.
- \* Transmission Developers, Inc., or TDI, is committed to constructing the line using the highest environmental standards to protect New York State's waters and communities' natural beauty.

]- 706-02   **706-02:** See response to Comment 102-02.

- The Champlain Hudson Power Express Project will provide clean hydropower to fuel economic growth with significant environmental and consumer benefits:
  - The project will reduce sulfur dioxide and greenhouse gas emissions
  - The project will add options the state's energy selection and increase the electric grid's safety and security
  - This new, tough infrastructure will be less susceptible to damage from natural disasters
- A \$117M Environmental Trust will be established to improve the aquatic environments in Lake Champlain, and the Hudson, Harlem and East Rivers, where the project is located.

706-03 **706-03:** Comment noted.

#### Economic Impact of the CHPE Project

- The construction jobs created by the Champlain Hudson Power Express project will result in an increase in demand of goods and services within the state.
- The project will also mean direct spending in New York, including non-labor installation costs, as well as fees and taxes paid to the local and state government.
- As there are more revenues/sales, businesses will have more profits and therefore be able to hire more people or make more investment in the community
- The \$2.2 billion project will be financed completely by the private sector - with no responsibility on the customer for the costs of the development, construction, or operation of the line.

706-04 **706-04:** Comment noted.

#### Jobs Impact of the CHPE Project

- 300 direct jobs will be created during the 3.5-year construction period -- peaking at 600 construction jobs
- During the construction phase of the Champlain Hudson Power Express project there will be more than 1,200 indirect jobs in New York State from suppliers and businesses in the local community along the route.

706-05 **706-05:** See response to Comment 102-05.

#### Final Push for CHPE Project

- The New York State Public Service Commission approved the Champlain Hudson Power Express project in April of this year. We are here to urge you to grant all federal permits to Transmission Developers, Inc. quickly so that this important transmission line project can move forward. This project means jobs for many of our local union members and opportunities for the State that would benefit our communities for years to come.

## Comment 707



- Queens, NY -

## FOR IMMEDIATE RELEASE

Contact: Paul Steidler  
 steidler@area-alliance.org  
 917-612-3594 or 212 683 1203

**New York AREA: Special Interest Canadian Project Harms New York  
 It Means Lost Jobs, Higher Bills, and Degraded Energy Infrastructure**

New York, NY/November 18 – in conjunction with today's Army Corps of Engineers hearing on the draft environmental impact statement on the Champlain Hudson Power Express, a 330 plus mile high voltage transmission line running from Quebec to Queens, Jerry Kremer, chairman of the New York Affordable Reliable Electricity Alliance (New York AREA) issued the following statement.

"The Champlain Hudson Power Express project is unquestionably bad for New York. It means higher electricity prices for New Yorkers, lost jobs, and a less reliable electric grid. In fact, it is merely a special interest project that will have no benefits for hard-working New Yorkers, including those in struggling upstate communities."

"Indeed, the Champlain Hudson Power Express project is nothing more than a high-voltage extension cord from Canada to New York City that will make a giant sucking sound as it takes billions of dollars annually out of New Yorkers pockets and across the border."

"There is no doubt that we can make electricity at lower cost and more reliably here in New York and that should be the focus of our energy policy. At a time when America is on the verge of becoming energy independent and indeed an energy exporter the Champlain Hudson project takes us backwards."

"Our energy infrastructure will also be degraded by this precedent-setting project. The greater the distance that electricity has to travel, the more expensive and less reliable it is."

"Due to these reasons, a broad coalition from the labor, business and environmental community oppose this project and will continue to do so through all available avenues."

# # #

**About New York AREA:** Founded in November 2003, the New York Affordable Reliable Electricity Alliance (New York AREA) is a diverse group of more than 150 business, labor and community groups and individuals whose mission and purpose is to ensure that the New York metropolitan area has an ample and reliable electricity supply, and economic prosperity for years to come. New York AREA helps to educate policy makers, businesses, and the general public regarding the necessity and importance of safe, low-cost, reliable, clean electricity.

707-01 **707-01:** See response to Comment 103-01.

707-02 **707-02:** See response to Comment 103-02.

707-03 **707-03:** See response to Comment 103-03.

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## Comment 708



-STONY POINT-

**New York Affordable Reliable Electricity Alliance Opposition to the  
Champlain Hudson Power Express Line project**  
As submitted to the New York Public Service Commission  
April 27, 2012

Filed under Case No. 10-T-0139

The New York Affordable Reliable Electricity Alliance, or New York AREA, represents more than 150 business, labor, independent experts, and community groups whose mission and purpose is to ensure that New York has an ample and reliable electricity supply to facilitate economic prosperity for years to come. New York AREA educates policy makers, businesses, and the general public on the necessity and importance of safe, low-cost, and reliable electricity.

New York AREA and its members oppose the Champlain Hudson Power Express line and ask the New York Public Service Commission to decline approval for this project because of its potentially negative impact on costs, jobs, and electrical system reliability. Many of our members, including Consolidated Edison, the Independent Power Producers of New York, Entergy Corporation, Boilermakers Local 5, Insulators Local 12, the Rockland Business Association, the Bronx Chamber of Commerce, the Business Council of Westchester, the Westchester County Association, the Hudson Valley Gateway Chamber of Commerce, the African American Men of Westchester, and Dr. Matthew Cordero, former CEO of the Midwest Independent System Operator, have either testified before your commission or submitted letters expressing their opposition to the CHPE project.

The Champlain Hudson Power Express transmission line is not in the best interest of New York. This project only stands to benefit its developers and the out-of-state power generators, who will be mailing electricity directly into the downstate region. This non-competitive measure will shut out Upstate generators from potential downstate customers, while concurrently giving that direct access to Canadian generators. Allowing the CHPE line to be developed would be the final blow to these struggling Upstate generators, their many employees and surrounding communities, and to any possibility for an economic resurgence in that part of our state.

There are far greater priorities to be addressed in improving New York's generation and transmission system than this project. One such priority is to develop and deploy more in-state generation to both create jobs and be more economical for New York ratepayers. These measures would help prevent generators like NRG Energy's Dunkirk Units 1, 2, 3, and 4 from having to shut down because of a lack of demand for their power. Developing the transmission capacity to move the Dunkirk plant's excess generation capability downstate would protect the many jobs that stand to be lost as a result of its closure. Likewise, a plan to repower the Lovett and Bowline power plants and transmit their output downstate would greatly benefit the Town of Ilion by replacing the jobs that were lost when those plants were retired, and would be far more economical than CHPE.

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708-01   **708-01:** Comment noted.

708-02   **708-02:** NYSPSC identified in their Certificate issued in April 2013 for the proposed CHPE Project that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

708-03   **708-03:** Comment noted. The proposed CHPE Project would not prevent development of other projects. However, as presented in Section 1.2 of the EIS, the purpose of and need for DOE's Proposed Action is to decide whether or not to issue a Presidential permit for the proposed transmission line crossing the U.S./Canada international border (i.e., proposed CHPE Project). Continued operation of, repowering of, or development of other in-state power sources, or development of new transmission capacity is not the subject of the application for a Presidential permit and, therefore, is outside the scope of the EIS.



We share the perspectives expressed by the New York Power Authority and Con Edison that the CHPE project's costs are significantly underestimated and its benefits are overinflated. Con Edison's cost-benefit analysis of the CHPE project found that the total project cost would be \$11 billion<sup>1</sup>. The breakdown is as follows:

- \$6.7 billion to build new power plants in Canada.
- \$2 billion in transmission lines from Canada to the US border.
- \$2 billion for CHPE's power line to run across the Hudson Valley and into Astoria, NY.<sup>2</sup>

Though these are conservative estimates of the immediate and known costs, the \$11 billion is a staggering number. According to Con Edison, "the break-even point would be \$300/MWh."<sup>3</sup> This is assuming that the CHPE does not experience any cost overruns or unforeseen costs, as is often the case with large-scale projects. What is perhaps most concerning is that the project's developer, Transmission Developers, Inc. (TDI) wants the authority to change the terms of its deal with the State of New York at any time and file a request with the Federal Energy Regulatory Commission (FERC) to pass its capital costs for the project's build-out to New York ratepayers. Con Edison, in its official statement of opposition to the CHPE joint proposal, points out that this proposed condition would allow the project's developers:

"To seek to shift, at a time of their own choosing, the risks and costs of the project from their investors to utility ratepayers ... [So that] merchants get to enjoy the profits of their investments in return for assuming the risk of losses that result from such factors as higher-cost financing, cost overruns or a lack of demand for their products or services."<sup>4</sup>

Additionally, CHPE is vigorously opposed to being evaluated under current state and federal rules, which means that New Yorkers will likely be kept in the dark about the project's costs until after it has been constructed.

New Yorkers already pay the third-highest energy rates in the nation<sup>5</sup>. Yet, the CHPE Project asks New York ratepayers to subsidize its capital costs without receiving any benefit to the existing transmission infrastructure that delivers the majority of their electric power, or the benefit of having Upstate generators compete for their business. The last thing we need is to increase that burden for the businesses, industries, and individuals struggling to recover from the economic recession.

Allowing CHPE to bypass the New York Independent System Operator's (NYISO) Reliability Needs Assessment (RNA) and ignore NYISO's Congestion Analysis and Resource Integration Study (CARIS) would effectively change the rules for energy regulation in New York to the benefit of out-of-state interests. This is a matter of consumer protection, not a thin cloak of competition as purported by TDI. The developers of this project must be held to the same

708-04

**708-04:** The cost of the proposed CHPE Project is outside the scope of the EIS.

708-05

**708-05:** As stated in Section 1.4 of the EIS, the economics of the proposed CHPE Project and potential impact on ratepayers were evaluated as part of the NYSPSC Article VII review process. Independent modeling conducted by the NYSDPS projected that ratepayer benefits in the New York Control Area would total approximately \$405 million to \$720 million per year.

<sup>1</sup> "Consolidated Edison Statement in Opposition to the Joint Proposal," March 16, 2012, p. 4.

<sup>2</sup> Ibid, p. 4-5.

<sup>3</sup> Ibid, p. 4.

<sup>4</sup> Ibid, p. 3-4.

<sup>5</sup> "State Electricity Profiles" U.S. Energy Information Administration, January 30, 2012.



financial duty and scrutiny as in-state power generators. Otherwise we risk allowing these developers to saddle New York ratepayers with uneconomic projects and higher electricity costs.

If this project provides the benefit that it claims, then TDI should not have a problem proving its financial viability as a merchant facility, or abandoning the stipulation that it be able to pass its costs to New York ratepayers. In addition, the company should have no problem waiving its right to establish cost-based rates for certain limited uses of the Astoria-Rainey Cable.

TDI is also requesting that New York, and more specifically Con Edison and Central Hudson Gas and Electric, change the reliability system solely for the project's benefit. This is one of the many reasons both utilities are vehemently opposed to the CHPE line. Not only is TDI looking to burden ratepayers with the costs for this project, should it prove financially non-viable, but it also wants to implement a Special Protection System (SPS) that would allow it to re-route power flows at will. The New York Power Authority and Con Edison both indicate in their comments to the PSC that the use of an SPS would have severe negative impact on the reliability of the New York State bulk power system. Con Edison additionally points out that TDI "failed to analyze the economic, environmental, reliability and other impacts of the lesser, most likely, energy deliverability scenario ... without an SPS."<sup>5</sup>

The CHPE line will serve the interests of TDI and out-of-state generators, without solving the demand issues of the downstate region, at the expense of generators in Upstate and Western New York. If developed, this transmission line, which is slated to run along the Vermont border and under the Hudson River, would completely bypass in-state generators, including upstate renewable energy. In doing so, the project would undermine one of the fundamental reasons for the transmission upgrades the Governor has outlined in his energy highway proposal – to transport excess power from upstate and western New York to the downstate region.

Even if the CHPE line is developed, we cannot be assured that Canadian hydro-electric generators (the assumed suppliers of power to New York via the CHPE line) will in fact continue to operate on a merchant basis. What happens if these out-of-state generators suddenly shift their priorities? The rolling blackouts and \$1,000/megawatt-hour costs experienced by California ratepayers in 2000 and 2001 illustrates the danger of being over-reliant on imported power.

The Champlain-Hudson Power Express line does not make sense from an economic, public policy, or energy perspective. Relying too heavily on out-of-state power instead of upgrading in-state energy infrastructure is backwards public policy that fails to put the priorities and interests of New Yorkers first. It should also be stated that, despite the pipe dreams of some, CHPE is not an alternative to Indian Point, as it will neither provide the megawatts nor voltage support that the system needs. What these self-interested parties fail to realize is that even with CHPE, there will still be a strong and compelling need for Indian Point. NYISO's Comprehensive Reliability Plan points out that the closure of Indian Point would "drastically" impact electrical reliability, "degrade" the bulk power system, and potentially even lead to "emergency" measures, which include "rolling blackouts."<sup>6</sup>

<sup>5</sup> "Consolidated Edison Statement in Opposition to the Joint Proposal," March 16, 2012, p. 17.

<sup>6</sup> "2010 Comprehensive Reliability Plan: Final Report," New York Independent System Operator, January 11, 2011.

708-05

708-06

708-07

**708-06:** See response to Comment 708-02. Additionally, to ensure adequate reliability, the proposed CHPE Project would comply with the applicable reliability criteria of NYSPSC, New York Power Authority (NYPA), NYISO, and the New York State Reliability Council (NYSRC).

**708-07:** Comment noted. See response to Comment 708-02.



The International Brotherhood of Electrical Workers (IBEW) Local 97, in its official statement of opposition to this project, astutely points out to this honorable body that, "upgrading New York State's transmission system would require construction at both the *source* of generated power and the *load* powered by that generation."<sup>8</sup> The CHPE fails to fulfill those requirements. Approval of this project would kill any hope of seeing the Governor's energy highway plan come to fruition. The two projects cannot co-exist, so we are left to choose between the energy highway and the CHPE line. In making that choice, this commission need only ask itself what is truly in the best interest for all New Yorkers. We can with certainty tell you that CHPE is not.

New York is finally at a point where it can truly take the right steps in preparing for its future energy needs. We are in the early stages of determining the scope of Governor Cuomo's proposed energy highway, and looking for the most economical and compelling projects for ratepayers. The CHPE project would put a chill on any potential for future investment in our energy infrastructure by forcing us to import electricity we can more efficiently and affordably generate in-state.

A transmission project that provides its developer with direct access to downstate customers, while blocking Upstate competition for that market, and shifts the capital risks to ratepayers, is a great deal for TDI, but not for the State of New York. New York AREA urges this honorable body to consider the interests of New Yorkers and to support job creation and economic opportunity in our great state. New York must focus on supplying its own power through in-state generation and transmission upgrades that ratepayers can afford. This state cannot withstand being placed in a position of over-reliance on out-of-state power companies, or put its ratepayers and taxpayers at risk of being burdened by unnecessary price increases. New York's priorities must focus on upgrading its own aging transmission and generation systems, so that we can proudly say the power we use is "New York-made."

708-08

**708-08:** The proposed CHPE Project is consistent with the goals identified in the *New York Energy Highway Blueprint* because it was designed to increase electric power supply capacity and reliability, and decrease transmission congestion in the New York State Bulk Power System (NYSBPS).

708-09

**708-09:** Comment noted.

<sup>8</sup> "Statement of International Brotherhood of Electrical Workers, Local 97 Opposing the Joint Proposal," March 16, 2012, p. 6.



## COMMENTS AND TESTIMONY IN OPPOSITION TO CHPE

### Gavin J. Donohue, President and CEO of the Independent Power Producers of New York, Inc.:

"The Champlain-Hudson Power Express line makes little sense from an economic, public policy, or energy perspective. Relying on foreign-generated power instead of upgrading in-state energy infrastructure does not put the interests of New Yorkers first." (*Comments in opposition to the proposed Champlain-Hudson Power Express Transmission Line*, April 24, 2012)

### Consolidated Edison Company of New York, Inc.:

"The only thing certain about this Project is its high cost." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

"What the Applicants are seeking is nothing less than a right to pursue a bailout of their investors by utility ratepayers." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

### Phil Wilcox, Business Representative for IBEW Local 97:

"Thousands of existing New York state jobs will be lost and thousands of potential new ones as well." (*Albany Times-Union*, February 25, 2012)

### International Brotherhood of Electrical Workers Local 97:

"The CHPE project's failure to provide access to New York's valuable generation resources is contrary to the policy laid out by Governor Cuomo in his State of the State address." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

"This project would put hundreds of well-paying and critically needed jobs at substantial risk. In addition, millions of dollars in property taxes and other payments made to municipalities by New York's generators would be eliminated." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

### The New York Power Authority:

"[NYPA] is also concerned about the accuracy of CHPE's current estimates of its projected construction costs and the results of its cost/benefit analysis. Based upon NYPA's experience, the construction costs are significantly underestimated and the cost benefits are significantly overestimated in light of current projections of load and electric prices." (*Statement Regarding the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

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July 24, 2012

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David Hugues  
New York State AFL-CIO

Tom Klein  
American Electric Power

Kerris McDonald  
African American  
Economic and  
Environmental  
Association

Al Rizzo  
Independent  
Business  
Association

Bob Staggs  
MetLife, Inc./Local 740

Kathryn Wozniak  
Partnership for  
New York City

The Honorable Nita Lowey  
2365 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Lowey:

On behalf of the members of the New York Affordable Reliable Electricity Alliance (New York AREA), which represents the state's leading business and labor organizations, I am respectfully writing to express our opposition to the Champlain Hudson Power Express (CHPE) transmission line and to ask you to reconsider your position on the issue.

We have fundamental concerns about the project from cost, jobs, and electric reliability standpoints. New York AREA's mission is to advocate and encourage sound energy policy that promotes economic growth, opportunity, and jobs for New Yorkers. CHPE fails on all counts. If approved, CHPE would jeopardize the viability of numerous in-state power generators (particularly in upstate New York), lead to thousands of lost jobs, and send billions of New York dollars to Canada every year for a commodity that we can better and more efficiently produce here.

CHPE is the wrong project at the wrong time. New York is finally taking real steps toward enhancing its energy infrastructure. This massive project to import Canadian power, which will ultimately be subsidized by New York ratepayers, is not only ill-timed, but also counterproductive to these efforts. CHPE will create an isolated, 330-mile, high-voltage extension cord from Canada that offers no opportunity for New York's power generators to connect. Further, it does nothing to relieve New York's considerable transmission congestion problems or enhance electric reliability.

CHPE makes little economic sense for New York. Any positive economic impacts from CHPE will be short-term. The jobs which will be created during the construction process will be temporary, as will the revenue generated from those positions. Further, despite the project developer's claims, CHPE will inhibit other developers from investing in much-needed improvements to New York's transmission and generation systems, at a time when such improvements are urgently needed. Jobs to build, enhance, and support New York's generation and transmission system will be shipped to Canada along with New Yorkers' hard-earned dollars.

We commend New York Senator Maziarz for raising similar concerns about the project and for introducing legislation that would curtail it, which our organization has publicly endorsed. We agree with the senator that New York's focus should be on attracting billions of dollars for large, long-term capital investments.

New York must pursue and support projects that create jobs, opportunity, and infrastructure in order to ensure economic growth and establish a foundation for stable, continuous prosperity. We urge you to support New York's vital labor and business sectors by withdrawing your support for this project.

Thank you for your attention to this important matter. We welcome your response at your earliest convenience.

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708-10   **708-10:** See responses to Comments 708-02, 708-03, and 708-05.

708-11   **708-11:** See response to Comment 101-02.

708-12   **708-12:** See response to Comment 708-03.

NY AREA

Sincerely,

Arthur "Jerry" Kremer  
Chairman  
New York Affordable Reliable Electricity Alliance (New York AREA)

Deborah Milone  
Executive Director  
Hudson Valley Gateway Chamber of Commerce

William M. Mooney, Jr.  
President  
Westchester County Association

Dr. Marsha Gordon  
President and CEO  
The Business Council of Westchester

Thomas Klein  
Business Manager  
Boilermakers Local 5

Al Samuels  
President and CEO  
Rockland Business Association

Lenny Card  
President and CEO  
Bronx Chamber of Commerce

Matty Arachich  
Business Manager  
Insulators Local 12

Melvin Burruss  
President  
African American Men of Westchester

Dr. Matthew Cordaro  
Former President and CEO  
Midwest Independent System Operator



## Community View: PSC should reject Champlain Hudson power plan

By: Al Samuels

In order to have a strong, revived, consistently growing economy New York needs to bolster its economic infrastructure, particularly its aging electricity transmission grid.

Unfortunately a plan to bypass our electric grid and further isolate upstate New York power generators via a high-voltage transmission line that would run under the Hudson River, Rockland Lake State Park, and other areas in Rockland County will undermine these goals.

The project, known as Champlain Hudson Power Express, a direct current line between Hydro-Québec and Astoria Queens, will in all likelihood lead to higher electric bills, lost jobs and higher electricity reliability risks. It amounts to sending dollars to Canada for a product that can be more efficiently and reliably made here. Con Edison has noted, "The only thing certain about this Project is its high costs."

### **Seeking low-cost energy**

America's economy already suffers greatly because we pay an enormous amount for imported energy in the form of imported oil. The huge cash outflow to other countries not only creates short-term pain for consumers and businesses, it curtails opportunities to invest in and build America.

By contrast, one of the success stories for the American economy has been the emergence of abundant, low-cost electricity, nearly all of which is produced domestically. For energy-intensive businesses such as manufacturers, dry cleaners, information technology, restaurants and the hospitality sector this has a stimulating and beneficial effect.

While prices are low, more needs to be done on the transmission front. To his credit, Gov. Andrew Cuomo has assembled a task force that is in the early stages of evaluating ideas and formulating plans for an "energy highway" to modernize New York's electrical grid. With 85 percent of the bulk transmission system having been built before 1980, the task force estimates that about 25 percent of the state's transmission system will have to be replaced within the next 10 years. In addition to ensuring reliability we must facilitate the ability to move lower cost power from upstate to downstate and reduce congestion costs to local electric consumers.

## NY AREA

The CHPE, however, does nothing to promote these objectives — in fact it undercuts them. The CHPE is isolated from the rest of the grid. There are no interconnections for New York power generators.

In fact, the CHPE would bypass all in-state energy sources, many of which have excess power and excess capacity. Upstate generators and transmission facilities, which produce low-cost power, simply cannot connect to the project.

### **No gain for region**

For Rockland County, this issue hits home and is particularly distressing. The Lovett and Bowline plants were once solid economic engines for our region, which helped ensure reliable and cost competitive power. Now Lovett is gone and Bowline operates at low capacity. Indeed, the effects of the lost jobs and lost tax payments at these and other plants are very significant for New York communities.

The region would benefit by having new, modernized plants at these facilities. And, just as new baseball stadiums for the Yankees and Mets were built adjacent to prior ones, existing and former power plant sites often attract new investors. However, the CHPE line completely undercuts this as it will run through Rockland County, but no Rockland County power generator will be allowed to connect to the line.

Infrastructure is expensive. As such, standalone projects are less desirable and bad public policy. Investment in projects that provide benefits across the board, and increase economic opportunity for the region provide the best return.

While on the surface CHPE may seem to provide a panacea of “clean power,” closer examination reveals that it is a project of short-term opportunity that fails to address the strategic infrastructure needs of the region, enhance electric system reliability or increase competition to the benefit of electric customers.

Let’s build a real energy superhighway, one that connects upstate power sources with downstate consumers to the benefit of all — that’s sound energy policy and even better economic news for Rockland and the entire region.

Hopefully, the New York Public Service Commission, which is reviewing the project on behalf of all New Yorkers, will uphold the standard that projects must provide public benefits, and reject this “special interest” proposal.

**The writer is president/CEO of the Rockland Business Association.**

Comment 709

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STEVEN LUDWIGSON  
Business Manager  
Secretary-Treasurer

TOM RYAN  
Assistant Business Manager  
President

## BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON  
Assistant Business Manager  
Zone 175

KEVIN O'BRIEN  
Vice President

MATT LOPRESTI  
Assistant Business Manager  
Zone 197

Albany

**Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5**

November 19, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. – Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure – such as upstate New York plants that have an excess of available power – instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill.

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CIPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation.

New York needs to improve the transmission grid in the Upstate and Western regions so that in state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state.

709-01

**709-01:** See response to Comment 137-01.

709-02

**709-02:** Comment noted. Also see response to Comment 101-02.

709-03

**709-03:** See response to Comment 137-03.

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BOILERMAKERS LOCAL LODGE No. 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state.

In order to have a strong 21<sup>st</sup> century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure – rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York.

Thank you.

Steven Ludwigson  
Business Manager  
Boilermakers Local 5

709-03

709-04   **709-04:** Comment noted.

Mr. Brian Mills  
 Department of Energy  
 Office of Electricity Delivery & Energy Reliability (OE20)  
 U. S. Department of Energy  
 1000 Independence Ave, SW  
 Washington, DC 20585  
 Phone: 202-586-8267  
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Mr. Jun Yan,  
 USACE Project Manager, Eastern Section  
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 26 Federal Plaza, Room 1937  
 New York, NY 10278  
 212-000-0000  
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Comments can be submitted via email to: Brian.Mills@hq.doe.gov jun.yan@usace.army.mil

Deadline for Comments: December 16, 2013

Request to the DOE and USACE for extension of comment period, "Draft EIS Comments"

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervenor funds for the impacted communities. In this case there are no intervenor funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE.

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left.

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail.

There was no outreach and translated information for the Hispanic population.

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents?

I am respectfully requesting the extension based on the above reasons.

- |        |  |
|--------|--|
| 709-05 | <b>709-05:</b> See response to Comment 303-01. The availability of intervenor funds from the developer is outside the scope of this EIS. |
| 709-06 | <b>709-06:</b> See response to Comment 703-06.   |
| 709-07 | <b>709-07:</b> See response to Comment 703-07.   |
| 709-08 | <b>709-08:</b> See response to Comment 109-03.   |
| 709-09 | <b>709-09:</b> See response to Comment 703-09.   |
| 709-10 | <b>709-10:</b> See response to Comment 703-10.   |

Resident: STEVEN LUDWIGSON

Phone: 845-633-4955

Address: 163 OLD TROYSON ROAD

E-mail: s.ludwigsone@aol.com

MILTON, NY 12547



**OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION**  
**Protect New York Jobs, In-State Power Generation & Taxpayer Dollars:**  
**Reject the Champlain Hudson Canadian Power Line**

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one-way "energy highway," mainly benefiting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great State of New York.

Sincerely,

Richard Roberts  
Business Agent at Large  
Enterprise Association of  
Steamfitters Local Union 638

Michael Cavanaugh  
Vice President  
New York City District Council  
of Carpenters

James Slevin  
Vice President  
Utility Workers Union of  
America Local 1-2

Steve Ludwigson  
Business Manager /  
Secretary-Treasurer  
Boilermakers Local 5

Patrick Dolan, Jr.  
President  
Enterprise Association of  
Steamfitters Local Union 638

Anthony Saporita  
Executive Vice-President  
Mechanical Contractors Association

Don Daley  
Chairman  
International Brotherhood of Electrical Workers  
Utility Labor Council State of New York

- 709-11 709-11: See response to Comment 703-11.

Canada-owned company seeks U.S. dollars for electric line : Capital N... <http://www.capitalnewyork.com/article/albany/2013/11/8536130/can...>

USER NAME:



## Canada-owned company seeks U.S. dollars for electric line



BY SCOTT WALDMAN  
11:33 AM Nov 18, 2013

ALBANY—A hydropower utility company owned by the Canadian government is seeking state tax payer money to run a transmission line down the Hudson River from Quebec to New York.

Hydro-Québec, a Canadian state-owned utility that has received approval to sell power through the Champlain-Hudson Power Express, a 130-mile long cable that will run through Lake Champlain, then follow railroad beds and down the Hudson. It recently requested access to state money to help fund the \$2 billion project. The state's pot of money to support renewable energy projects currently comes from an utility bill surcharge on New York residents and cannot be distributed to companies from out of state.

The company that would build the line, Transline Developers Inc., is based in Albany. The project received state approval earlier this year, but still needs the go-ahead from federal regulators and the U.S. Army Corps of Engineers.

TDI has not sought any state funds, company president David Jerome said, but he understands why Hydro-Québec has sought financial incentives for the project.

"They benefit the state by entering the market," he said. "Any good business man or woman will tell you they seek every piece of revenue."

Hydro-Québec produces power from 60 hydroelectric, a nuclear and 27 thermal generating stations. New York uses the utility surcharge to support the development of alternative energy, but it is intended for projects by state companies.

Environmentalists and labor unions have halted the project because it will increase reliance on fossil fuels while creating hundreds of construction jobs over the four years it will take to construct. It will bring 1,000 megawatts of cheap renewable-energy power to New York, enough to power a million homes.

But the prospect of using state money to finance a foreign company's work on the project has drawn opposition from a local industry group.

Gavin Donohue, president of the Independent Power Producers of New York, said, "It's increasingly hard and difficult to compete as it is and why should we compete with a foreign government. What a bad message this would send to business in New York that we're going to support a foreign government."

Hydro-Québec, which declined comment, has a U.S. subsidiary that is a member of the I.P.P. The I.P.P. submitted comments to the Public Service Commission that oppose awarding it any funds.

**RELATED TOPIC:** ALBANY ENERGY ENVIRONMENT HYDROPOWER I.P.P. I.P.P. SUBMISSIONS



SCOTT WALDMAN

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11/19/2013 2:18 PM

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## Comment 710

# SOLIDARITY NOTES

*"I hope we shall crush... in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country."*

—Thomas Jefferson in a letter to George Logan, 1816

OFFICIAL PUBLICATION OF THE SOLIDARITY COMMITTEE OF THE CAPITAL DISTRICT & NEW YORK SOLIDARITY  
Solidarity Committee of the Capital District & New York Solidarity ■ 33 Central Avenue ■ Albany, New York 12210 ■ (518) 673-2602

**Solidarity Committee of the Capital District Meeting**  
The meetings of the Solidarity Committee are held at 7:30 pm  
on the second Thursday of each month at the Social Justice  
Center, 33 Central Avenue, Albany, N.Y. 12210.

**DECEMBER  
2013**

710-01

## THANKS!

The Solidarity Committee thanks everyone who helped make the 30th anniversary dinner a success, namely Fred Pfleiffer, Doug Bullock, Susan DuBois, Tom Ellis, and all those friends and fellow workers, who attended, contributed, bought journal ads, brought a dish to the pot luck, or just honored us with their presence.

A special thanks to Chris Townsend, national political and legislative director for the United Electrical, Radio, and Machine Workers of America, who has spent the past two decades riding herd on the politicians and lobbyists who make up the supposed law-making body of the U.S. Congress.

He recalled the early years of the Solidarity Committee (of which he was a hard-working part), and gave his assessment of the state of the union movement at this time.

Off to a slightly late start, the program rolled along smoothly, with speeches and musical selections, right up until the 7 p.m. closing, with a rousing chorus of "Solidarity Forever," sung by—who else?—the Solidarity Singers, who closed out the program with a number of labor and other songs of the people. Earlier in the program, there were songs by Terri Rohyn, a local folk singer.

Scheduled to speak was Assemblyman Phil Steck, but he was called in Washington for a meeting and sent his staffer, Thad Rutherford in his place. Also in attendance was State Senator Neil Breslin, without whose skill at the grill, no Solidarity Committee Labor Day Picnic and Celebration would be the same.

Rep. Paul Tonko was there, with many good words for the work of the Solidarity Committee and bearing a proclamation from the U.S. House of Representatives, noting the committee's 30 years of struggle and service.

*See the next column for the text of the Proclamation.*

## The Proclamation

United States House of Representatives  
By Congressman Paul D. Tonko  
October 19, 2013

WHEREAS, the community recognizes organizations which are dedicated to the betterment of our society; and WHEREAS, said organizations are assets beyond remuneration and cannot be sufficiently extolled, but whose services can be celebrated; and

WHEREAS, the Solidarity Committee began in November 1983, when, in the midst of a bitter strike by members of the Amalgamated Transit Union against the Greyhound Company, union members organized a Strikers Support Committee, and helped turn the tide in labor's favor; and

WHEREAS, after the settlement of the strike, Albany union activists, determined to continue this successful mobilizing effort, renamed the strike support committee the Solidarity Committee of the Capital District; and

WHEREAS, a volunteer organization, the Solidarity Committee works to ensure Labor Day, May Day, and the Martin Luther King Holiday are observed each year, and contributes regularly to calls of support for worker and human rights; and

WHEREAS, in 2013, the Solidarity Committee celebrated its 30th anniversary, a testament to the great need in the community that they so admirably fill; now, therefore, be it

RESOLVED, that, as a duly elected Member of the United States House of Representatives, I hereby do command the

SOLIDARITY COMMITTEE OF THE CAPITAL DISTRICT, on the occasion of its 30th Anniversary,

*(Signed)*  
Paul D. Tonko, Member of Congress

## "Next American Revolution" To Be Screened In Albany Nov. 23

Although there has been no shortage of commentary about the structural crisis plaguing the American economic and political system, analyses that offer practical, politically viable solutions have been few and far between.

The film, "The Next American Revolution," (2013, 47 minutes) is such a film and it will be shown at 7:30 p.m. Saturday, Nov. 23, in Channing Hall of the First Unitarian Universalist Society of Albany, 405 Washington Ave., Albany.

This illustrated presentation from historian and political economist Gar Alperovitz is a rare and stunning exception. Pointing to efforts already underway in thousands of communities across the United States—from co-ops and community land trusts to government initiatives—Alperovitz shows how bottom-up strategies can work to check monopolistic corporate power, democratize wealth, and empower communities. Professor Noam Chomsky, praising this documentary, has declared: "What Gar is talking about is not reform—it's revolution."

The film showing is part of the Solidarity Committee's annual film series and is co-sponsored by Bethlehem Neighbors for Peace and Upper Hudson Peace Action. Admission is free and the Honest Weight Food Co-op will provide free refreshments. It is open to the public and everyone is invited to attend.

## TIMES ENDORSES TPP

This, from the Electronic Frontier Foundation, Nov. 8, 2013: "How Can the New York Times Endorse an Agreement the Public Can't Read?"

"The New York Times' editorial board has written what amounts to an endorsement of the Trans-Pacific Partnership (TPP), even as the actual text of the agreement remains secret. That raises two distressing possibilities: either in an act of extraordinary subservience, the *Times* has endorsed an agreement that neither the public nor its editors have the ability to read. Or, in an act of extraordinary cowardice, it has obtained a copy of the secret text and hasn't yet fulfilled its duty to the public interest to publish it." ♦



*Wishing the  
Joys of the Season  
to all and Peace  
in the New Year.*



THANKS TO: Public Employees Federation for printing Solidarity Notes and to the Social Justice Center for our office and meeting room.

## Five Acquitted Of Charges After Blocking Drone Base Near Syracuse

Five Catholic Worker activists were acquitted in the early evening of Oct. 24, of disorderly conduct charges for blocking earlier this year the main entrance to Hancock Air Base, home of the 174th Attack Wing of the Air National Guard, Syracuse, New York.

Hancock is a Reaper drone hub whose technicians pilot weaponized drones over Afghanistan.

The five went "pro se," (defending themselves) in the De Witt town court of Judge Robert Jokl.

In his closing statement Fr. Bill Picard said, "We pray for you, Judge Jokl, to have the courage to do the right and courageous thing."

After the verdict was announced, the district attorney objected, and the judge said to him that he hadn't found "mens rea," Latin for "guilty mind." The five defendants, with powerful eloquence, convinced the judge that their intent was to uphold, not break, the law. This acquittal marks a major breakthrough by those who have sought to strengthen international law, and stop U.S. war crimes, including extra-judicial murder by the illegal drones.

Defendant Carmen Trotta said, "We are happy to be part of a groundswell of opposition to the drones. What a joy to win such a verdict on what is officially United Nations day. We told the judge that we were not alienated citizens, but rather engaged citizens. Ultimately it seems he was moved by our consciences."

Carmen noted the recent groundswell included Human Rights Watch, Amnesty International, the Bureau of Investigative Journalism, and the head of the Jesuits Order, Alfonso Nicolas, UN Special Rapporteur Mr. Emmerson, and the Nobel Peace Nominee, the young Pakistani girl shot for promoting education for women and girls, in Pakistan, all of whom have condemned drone U.S. drone strikes.

Defendant Linda LeTendre stated, "My hope is that dissent is once again welcome in the US and we turn away from killing to caring as a country."

Ellen Grady stated, "We pray and will continue to act

that the children of Afghanistan, Pakistan, Somalia, Yemen, and all countries will some day soon be without the terror of drones or any wars!"

The five are: Fr. Bill Frankle-Streit of Virginia, Linda Le Tendre of Saratoga Springs; Ellen Grady of Ithaca; Carmen Trotta of New York City, and Fr. Bill Picard of Scranton, Pa.

Following is their statement at the time of the action at Hancock Air Base, the Ash Wednesday Statement, Feb. 13, 2013:

"We come to Hancock Airfield, home of the National Reaper Drone Maintenance and Training Center, this Ash Wednesday, to remember the victims of our drone strikes and to ask God's forgiveness for the killing of other human beings, most especially children.

"The killer drone strikes and the US's killer drone policies have taken the lives of thousands in a number of countries, such as Afghanistan, Pakistan, Yemen, Iraq and Somalia. These strikes are illegal and immoral. Under international agreements, which the U.S. has signed, the killing of civilians, extra-judicial murders, violations of national sovereignty, and violations of due process are all illegal acts.

"We come to Hancock Airfield this Ash Wednesday to repent for the actions of our government and to ask God's forgiveness and the forgiveness of the people we daily terrorize with these drones.

"We remind ourselves that our lives are brief and mysterious, and that from dust we were created and to dust we shall return! The significance of our brief animation is the degree to which we love one another.

"Lent is a time to repent—literally, to change our minds. It is a time to remind ourselves of Jesus' command to love our neighbors and our enemies. It is a time to remind ourselves of Jesus' radical, non-violent message of love.

"Stop the Killing. Ground the Drones. STOP the Wars." ♦

## Firefox OS For Activists

By ERIC LEE, LabourStart

Back in 1993 I was asked to look into how unions were using computer networks and email. The result was my 1996 book on the labour movement and the Internet—and after that, LabourStart.

Twenty years on and I've been looking into how we in the trade union movement use the new communications tools—smartphones and tablets—and the result is a new book I've just co-authored with Jeremy Green, "Firefox OS for Activists."

### Firefox what?

Chances are you've heard of the iPhone and iPad, and probably Android phones and tablets too. Maybe you even own one of these devices.

You may even know about Blackberry and Microsoft phones and tablets—though they haven't made much headway in the fight against the two giants, Apple and Google.

Firefox OS is part of a new breed of alternative, open source mobile operating systems that aim to take on the big corporations. It's been created by the non-profit Mozilla Foundation and in our view, it's a very big deal.

Firefox OS phones are already available for sale in a number of countries (Spain, Germany, a few Latin American countries) and will soon be available where you live.

They're extremely cheap, and making apps that run on them is cheaper and easier than doing them for Apple and Android products.

Firefox OS is part of a broader open source revolution that includes such things as the Ubuntu Touch project, and even Fairphone, the first attempt to create an "ethical" mobile phone that, among other things, respects workers' rights.

You can read more about our book, see the full table of contents, and even read a sample chapter here: <http://www.labourstart.org/firefoxos>

I hope you'll find it of interest and will order copies for yourself and your union. Remember that every copy you purchase helps LabourStart's campaigning activities. ♦

(Editor's note: Eric Lee started [www.labourstart.org](http://www.labourstart.org) in 1996, as a follow up to his book. It carries news of workers and unions around the world, every day.)

**The next Solidarity Committee meeting is**  
**Thursday, Dec. 12 at 7:30 PM**  
**Hope to see you!**

SOLIDARITY NOTES	
John Funicello, Editor	Diane Maguire, Layout
Susan Dubois, Treasurer	
<b>Thanks to the Mailing Committee For November 2013 Issue</b>	
Larry Wither	Peter Cookson
Ton Ellis	Dorothy Tristman
Gordon McClelland	Susan Dubois
John Funicello	Doug Bullock

## Cuban Professor To Speak In Albany

Dr. Evarina Deulofeu, a University of Havana professor of epistemology and popular education, will speak in Albany at 7 p.m. Wednesday, Nov. 20, 2013, on "Progress Toward Equality: Lessons from Cuba's Struggle against Racism, Sexism and Homophobia."

She will discuss these struggles in today's Cuba, providing a historical context.

The program will be held at the Touhy Forum, Lally Building, College of St. Rose, 1009 Madison Avenue, Albany. ♦

## GE Continues Tax Avoidance

By FRED PFEIFFER

An article in the Oct. 23 Times-Union's business section was entitled: "GE Sues for PCB Facility Tax Cut," and reported that the General Electric Company is trying to reduce its property taxes on the Fort Edward plant from \$2.7 million to \$50,000 per year by reducing the assessed value of the 110 acre facility from \$73 million to \$1.1 million! Nothing like kicking the Fort Edward community when they are down.

In Schenectady in the 1990s we had the same continuing issue of GE suing to lower its assessments even by tearing down good manufacturing buildings to accomplish this. The tax law is flawed, as companies do not pay on equipment value, or replacement value, just building assessed value. We started a labor community group Schenectady County Citizens Fair Tax Committee of which Solidarity was a part, which opposed the reduction. Elected officials are usually pressured into settling accounts to avoid past tax claims and settle the tax for their budget line. They eventually lose their tax base.

One of the things we suggested to the city was for Schenectady to buy the GE property at GE's assessed value and then lease it back to them as a revenue enhancer. We

took a 3-foot by 6-foot check made out to GE with the suggested assessed value and presented it to the City Council at their meeting to make our point! The reduction hurt the community and school district. Of course, GE would then donate a pittance to a school project to court favorable public opinion.

In Albany when they did this at the Twin Towers Building, where GE held the mortgage through its financial wing, we measured the square foot amount and then multiplied by the construction standard costs for a replacement building, which was way above the assessed value.

However the tax rules rely heavily on recent comparable sales (see above), which of course there are few to none in smaller cities and communities. At the time a story from the Jan. 3, 1993, Schenectady Gazette quoted John Funciello, Chairman of the Solidarity Committee as saying: "The city and the schools have to make up this loss somehow...they have to go after other taxpayers in the community. This certainly has to be the homeowners. We have to look at who pays for services. We hope UE #332 can use this additional threat to up the fight against GE closing of their plant." ♦

## Co-Op Workers From Mexico Hosted By UE's Northeast Co-Ops

By ROBIN ALEXANDER

From the 13th to the 22nd of October, cooperatives from the Northeast Region of the United Electrical, Radio and Machine Workers of America (UE) hosted representatives from co-ops from the Authentic Workers Front (FAT).

The group included Enrique Lazcano, the elected representative of the Social Economy Sector of the FAT and himself a member of both a beer and a construction co-op; Alma Contreras Torres, the secretary of the Housing Commission for the statewide union, STUIM, that is developing a ecologically sustainable 200 unit housing cooperative for members in the state of Nayarit; Isaias Garza Izquierdo, the general accountant of a 26 year-old credit union in Saltillo and also the elected representative of the group of young people within the FAT; and Gabriela Manjarez, a founding member of the bicycle messenger and repair co-op, Ciclocoopativa Urbana, and also a silk screen artist in Mexico City.

They were accompanied throughout the trip by Elizabeth Jesdale, president of the union that represents workers at the Hunger Mountain Food Co-op in Montpelier,

Vermont (UE Local 255) and Robin Alexander, UE's Director of International Affairs.

In addition to exchanges with co-ops throughout Vermont and Massachusetts and presentations in Burlington and Boston in connection with New Economy Week, they participated in UE's Regional meeting in Glens Falls where they participated in a workshop on co-ops. One of the highpoints of the trip was the demonstration in front of the General Electric plant in Fort Edward, NY.

Alma Contreras Torres was moved by the solidarity shown by a wide range of different union and community supporters: "It is gratifying to know that we share the ability to be united with others in actions and mutual support, especially in difficult times.

"It is motivating and inspiring because it demonstrates that although we are of different nationalities and speak different languages we coincide in our belief in unity, cooperation, solidarity, honesty, and the commitment to struggle in defense of our labor rights and for a decent standard of living. And this, sisters and brothers, is a universal language." ♦

## Fund-Raising 30th Anniversary Solidarity Dinner A Success

The numbers were not all in at press time, but it appears that the Solidarity Committee cleared more than \$9,000 from the Oct. 19 pot luck dinner and celebration of the committee's 30 years of struggle, fight, and service to all working women and men.

Our outstanding event, according to Susan DuBois, treasurer, the income was \$4,822.50, of which \$3,157.50 was journal ads and \$1,665 was from ticket sales. The expenses totaled \$873.97, with the biggest expenses being food and rental of the hall.

In addition to what we spent to put on the event, we had contributions in the form of PFE's printing of the event journal, a \$100 gift card from Honest Weight Food Coop, bread from Rock Hill Bakeshouse, and the food that numerous people brought to the dinner.

According to Fred Pfeiffer, who was the driving force behind the 30th anniversary event, there is some additional money to come from ads, with a few other, small expenses.

Again, thanks to all who participated or contributed. ♦

*- We all live under the same sky, but we don't see the same light.*

## Mystery Of Gompers' Labor Book In Solidarity Auction

By FRED PFEIFFER and PAUL TICK

When I was going through my labor book collection, I decided it was time to share the 1920's two-volume autobiography of Samuel Gompers. I put it aside, not remembering how I came in possession of the first edition book.

Last weekend (just before Solidarity's 30th dinner), Solidarity supporter Paul Tick after reading the Notes sum-up of our silent auction reminded me. This is the story from Paul about how received the books:

"In 1982, I lived in Israel for five months. I was creating a photographic essay on Palestinian and Israeli life. I lived in Israeli towns, on Socialist-Zionist kibbutz and in a Palestinian village of 600 people, all of one extended family.

"To the village there was one dirt road and in the village there was one generator for electricity for a few hours each day. Bread was baked in a communal oven. I think there was one black and white TV.

There was a teacher in the village who was about my age and he spoke very broken English. I knew no Arabic but

*-See Gompers' Labor Book on Page 5*

## Government Shutdown Brings Polling Changes

A Wall Street Journal-NBC poll that was released October 10, 2013, and distributed on the Internet by [www.democraticunderground.com](http://www.democraticunderground.com), shows some significant changes in the opinions of Americans, who placed increasing blame significantly on the GOP. Following are some of the numbers:

76 percent: The number of people who say the GOP is putting politics ahead of what's good for the country.

31 percent: The number of people who blame the GOP for the shutdown versus 31 percent who blame President Obama.

24 percent: The number of people who have a favorable opinion of the GOP, the lowest number in the history of this poll.

42 percent: The amount that support for President Obama has gone up since the shutdown began.

47 percent: The amount of support for Obamacare (the Affordable Care Act) since the shutdown began.

53 percent: The number of people who think government should do more, not less, to solve problems, up 4 percent since June 2013. ♦

## New APWU President Calls For A "Grand Alliance"

NOV. 7, 2013—an impassioned speech before more than 1,000 union members, the newly-elected president of the American Postal Workers Union, Mark Dimondstein, issued a call for a "grand alliance" to save the USPS as a public postal service and to protect postal jobs.

"Writing to Congress is important," he declared, "but it is not enough. Lobbying for legislation is important, but it is not enough." To succeed, postal workers must build a movement, he said.

"When the Flint sit-down strikers occupied a General Motors plant in the 1930s, labor law reform was won. When women took to the streets to demand the right to vote, they won. When courageous civil rights workers fought segregation with sit-ins and boycotts, the 1964 Civil Rights Act followed," Dimondstein said.

"History shows that movements move Congress. Movements create legislative victories, not the other way around," he said.

"We must build a grand alliance between the people of this country and postal workers," he proclaimed. "We must

mobilize our allies and their organizations, including seniors, retirees, civil rights organizations, veterans groups, the labor movement, community and faith-based organizations, the Occupy movement, and business groups in defense of America's right to vibrant public postal services," he said.

The labor movement is in dire straits, Dimondstein acknowledged. "Anything that stands for the public good—public libraries, public education, public utilities, public transportation and public postal services—is under severe attack, as are public workers and our unions."

But postal workers are not alone, he said. Public workers in Wisconsin stood up and fought back, he noted. "Wal-Mart workers are stirring. Fast food workers are demanding a living wage."

"A revitalized labor movement is indeed possible," he declared, as he urged union members to join together to defend a public Postal Service and good union jobs.

Eighty APWU national officers were sworn in on Nov. 7. Their three-year terms began Nov. 12. ♦

## Petition To Prosecute Murder Of Rights Advocate In 1985

Jewish Voice for Peace (JVP) is demanding that U.S. Attorney General Eric Holder pursue the 1985 murder of Alex Odeh, as he opened the door of the Southern California Regional Office of the American-Arab Anti-Discrimination Committee (ADC), because, to date, no one has been charged, although three suspects were immediately identified.

On the morning of October 11, 1985, in the city of Santa Ana, California, a pipe bomb exploded as Alex opened the door to the Southern California Regional Office of the ADC. Shortly after, he was pronounced dead at the local hospital. The explosion injured seven other people and demolished the office.

According to JVP, the FBI identified the murderers almost immediately after the attack, and an FBI spokesman

also named the Jewish Defense League (JDL) as the organization behind Alex Odeh's murder. The JDL has been designated by the FBI as a right-wing terrorist group and by the Southern Poverty Law Center as a hate group.

Yet 28 years have passed and there has been no further investigation or building of a case against those who were suspected of the murder. On the day of his murder, he had been scheduled to speak at Friday prayer services at a synagogue in Fountain Valley, California.

Born into a Palestinian Christian (Latin rite Catholic) family in Jilina, the West Bank, Odeh immigrated to the U.S. in 1972. He was a lexicographer and poet who had published a volume of his poetry, *Whispers in Exile*.

For more information or to sign the petition, contact [info@jvp.org](mailto:info@jvp.org). ♦

## FOUR DECADES IN THE BOX

The last of the "Angola 3," Albert Woodfox, remains in Angola Prison, the notorious Louisiana prison, and continues to be held in solitary confinement, where he has spent most of 41 years for the murder of a prison guard, a case in which there is no physical evidence that he and two others committed the crime.

The case has been taken up by Amnesty International, which noted that fellow prisoner Herman Wallace was released in October 2013, suffering from advanced liver cancer. He died three days after his release, but he died among family and friends, a free man. His release came about through Amnesty's efforts, along with thousands of members and supporters.

All three were in prison for conviction of armed robbery. The third was Robert King, who was released after 29 years in solitary confinement, when his conviction was overturned. Woodfox is seeking release from both his 6½ foot by 9-foot box and Angola, after his conviction was overturned. Amnesty is calling on Louisiana's attorney general not to appeal the decision. Woodfox has had his conviction overturned three times.

In October, Amnesty delivered petitions to Louisiana authorities, demanding that Woodfox be released from solitary confinement, in preparation for his release from prison.

For more information and to become involved in the organization's attempt to eliminate the inhumane use of solitary confinement, contact Amnesty at [www.amnestyusa.org](http://www.amnestyusa.org). ♦

## 29.8 Million In Slavery; India Is The Top Nation

Many people think slavery was abolished years ago, but there are more people living in slavery today than the total number of people taken from Africa to America in the vast trans-Atlantic slave trade between the 16th and 19th centuries, according to Walk Free. \*

The non-governmental organization (NGO) is dedicated to ending slavery globally, but the group points out that there are 29.8 million slaves in the world and they are not all in the poorer countries. Slaves are found in more countries, and "even a single person is one person too many," the group said. There are children as young as five or six years of age who are enslaved.

According to an October 2013 CBS News report, "The Global Slavery Index 2013, the first major study of its kind, has found there are slaves in 162 countries, including the United States, Canada and Western European nations.

\*See Slavery on Page 5

## Starbucks Fights Union Organizing In Chile

The International Trade Union Confederation (ITUC) said in late October that it is "extremely concerned" about Starbucks refusal to consider its union workers' demands, saying it could not cover basic benefits to workers such as meals, commuting expenses, sick pay rights, and still remain "competitive."

The majority of workers are young people under 25, ironically referred to by its internal regulations as "partners."

The company was sentenced four times for violation of trade union rights in 2012, and the Chilean Supreme Court has recently upheld an appeal court ordering it to pay a \$50,000 fine and to negotiate a collective agreement with the union.

### Letter to Editor

#### People And Workers, Unite!

American history has been taught incorrectly.

We hold these ideals that all men and women are equal in America. People are not treated equally under the law.

We hear politicians and radio stations saying that America is a democracy. Why did Benjamin Franklin say to a woman that the people have formed a republic? I hope we can keep it.

There are two documents that share the creation of the United States. These documents are the Declaration of Independence and the Constitution.

How was America created in reality? It was based on bondage and slavery. These were indentured servants and slaves.

It is the people that have to heal America. Our government is broken. The government is of the people, by the people and for the people.

KENNETH B. WILLIAMS, JR.

#### All Is Not Well For European Youth

In the European Union (EU), the world's largest trade bloc, about 5.5 million persons under 25 are unemployed—that's 23.3 percent of that demographic.

If world economies go as they have been, the EU, the U.S., and other developed economies could be facing more than uncertainty. The effects of so many millions of young people could be, well, explosive.

At the end of October, the Associated Press reported. Aung San Suu Kyi, opposition leader to the dictatorship in Myanmar (Burma), said as much. "Youth unemployment is a time bomb," she said.

The Nobel Peace Prize winner was in Brussels to seek European help in leading her country out of high debt and decades-long dictatorship.

#### Gompers' Labor Book... (Cont'd. from Page 3)

close bonds developed between many of the villagers and myself. At one point, a teenage boy brought me two books as gifts. The books were a somewhat worn, two volume set first edition, of Samuel Gompers' autobiography.

"As there was no common language between us, I never could learn what prompted this gift. I could not learn what these English language books of labor history, published in the United States of America in the early 1900s were doing in a Palestinian village where no one spoke English, and visitors were extremely rare. I never found out.

"Some years later I moved to Albany. I decided that I had too many material things that I was holding on to but not really using. I met Fred Pfeiffer and, knowing of his involvement in the labor movement, I gave the books to him as a little gift.

"Over time, I had long since forgotten about them. A few weeks ago, I read in Solidarity Notes that Judge Duggan was at the Solidarity Labor Day picnic and in the silent auction he bid on two books that reminded me of the ones I gave to Fred. I immediately knew where the books came from.

"When I ran into Fred at the wedding of a mutual friend, I told him that I knew where those books came from. Fred had himself forgotten how he had gotten the books. I jarred

it clear for the ITUC that Starbucks is using all its resources to derail the process of collective bargaining and, through intimidation and direct retaliation, discourages workers from joining the union.

"Workers' rights at Starbucks in Chile deserve to be respected as any other rights. Starbucks is claiming everywhere that it is a socially responsible company. It is now time to see it concretely," said Sharan Burrow, ITUC General Secretary.

To show your solidarity, you can take action on <http://act.ewequallrights.org/en/starbucks> and tell Starbucks to negotiate in good faith with workers in Chile.

The ITUC represents 175 million workers in 36 countries and territories and has 315 national affiliates. ♦

#### Lecture On Peace In The Middle East By Khalidi

Rashid Khalidi, the Edward Said Professor of Modern Arab Studies at Columbia University, will speak about his new book, *Brokers of Deceit: How the U.S. Has Undermined Peace in the Middle East*, a 7 p.m., Thursday, Nov. 21, in Room 200, at Albany Law School, 30 New Scotland Ave., Albany.

The editor of the Journal of Palestine Studies, Khalidi will be welcomed by Albany Law School Dean Penny Andrews and introduced by Rabbi David Gordis, past president of Hebrew College.

Sponsors of the event include the Solidarity Committee of the Capital District, Women Against War, the Palestinian Rights Committee, the Albany Chapter of the National Lawyers Guild, and the Muslim Solidarity Committee. The event is free and open to the public.

For more information, contact Gene Damrau, at [gdamrau@uwcapr.org](mailto:gdamrau@uwcapr.org) or 518-465-5423. ♦

Corporate leaders in the EU want the nations to rise out of the doldrums by making labor laws "more flexible" and by making it easier to hire and fire workers, while unions have pointed out that such actions have resulted in lowered wages and contracts that do not offer the security needed for the working populace.

Even though politicians see information technology as the coming area of employment and note that there will be hundreds of thousands of such jobs in the near future, some EU nations are encouraging a return to farming, including Portugal and Greece, which provides subsidies and training for those who want to work the land. Many of those who are taking up the offers have varying degrees of higher education, according to AP. ♦

his memory a bit and was confirmed were the ones that did, in fact, travel from the tiny Palestinian village to my hands and to the U.S., to Fred's hands and his labor library and now into the hands of Judge Duggan.

"I like to imagine that my friends from the village would be pleased to know how this gift has since traveled. Congratulations to Judge Duggan on winning these little treasures. Congratulations to the Solidarity Committee for 30 years of outstanding and unselfish work. ♦

#### Slavery... (Cont'd. from Page 4)

The study, in enumerating the kinds of slavery, includes, debt bondage, human trafficking, forced labor, forced marriage, and child labor. It amounts to 2-4 percent of the labor market in some industries.

The top 10 slave countries and the number of slaves are: India, 13,956,010; China, 2, 919,243; Pakistan, 2,127,132; Nigeria, 701,032; Ethiopia, 651,110; Russia, 516,277; Thailand, 472,811; Congo, 462,327; Myanmar, 384,037, and Bangladesh, 342,192. These 10 countries account for 76 percent of the 29.8 million who are enslaved in the 162 countries where slavery was found.

For more information in the fight to end slavery, visit [www.walkfreedom.org](http://www.walkfreedom.org)

\* Source: International Labor Organization

## Fracking Corporations Are Facing Global Opposition

Wherever they go, giant "energy" corporations—oil, gas, coal—that are facing growing opposition to their attempts to "frack" for oil and gas, because of the destructive power of the method of extraction.

Using the method, hydrofracturing or fracking, energy companies drill 5,000 to 10,000 feet into shale formations, then they drill horizontally to maximize their take of oil or gas. They then inject a mixture of water, sand, and chemicals under high pressure to open fissures in the shale formation to release the gas or oil from the rock.

The chemicals are toxic, although they make up a small percentage of the water (they use good, potable water and render it toxic in the process), radiation is released from the rock formations, and gas escapes into the environment. There also is a concern about such drilling causing earthquakes.

CorpWatch noted recently that Chevron is facing strong opposition to their fracking enterprise in Bulgaria and elsewhere in Eastern Europe, where petroleum companies apparently felt that economic stress there would make them embroil anything, however damaging or destructive to the environment, but the people are not buying it.

Opposition is building in South America and elsewhere.

The people in Argentina are organizing to oppose the agreement between YPF, the national oil company, and Chevron. France has banned fracking throughout the country and there is strong opposition building in England.

The lure of big money is hard to resist, especially in the Southern Tier of New York, where farming and small industry have all but disappeared. For the small farms, the idea that the money from fracking wells on the land will save the farm has caused many farmers to sign leases just so they might not be the last generation on that land. Many farmers, when they see the probable destruction and damage of the whole process, want to get out, but it's a tough thing to do. The money is all on the other side.

The so-called energy companies have done this in other countries, as well. Wherever there is economic distress, they can be found, telling the people of all of the wealth that will be theirs, if they just allow fracking. Even the stressed economies of Eastern Europe are building strong opposition to fracking corporations, because they know that their farmland and water are more important than short-term payoffs. They can't eat the gas or oil, but they surely need the food that they grow on the land. ♦

## Garson: No Worker Recovery; Unemployment Still High

By TOM ELLIS

Barbara Garson spoke Oct. 25 at a James Connolly forum about "Down the Up Escalator: How Capitalism Is Creating Bad Jobs After the Great Recession."

Barbara has written plays including the very successful, *Machined*, and four non-fiction books about workers, automation, and capitalism. The books are *All the Living Day: The Meaning and Demeaning of Routine Work*; *The Electronic Sweatshop: How Computers are Transforming the Office of the Future into the Factory of the Past*; *Money Makes the World Go Around: One Investor Tracks Her Cash Through the Global Economy*; and *Up the Down Escalator: How the 99 Percent Live in the Great Recession*.

She began saying from 1971-2007, labor productivity in the U.S. rose 99 percent while wages—I assume she meant wages adjusted for inflation—increased only 4 percent. Thus corporate profits were high. With long-term wage stagnation, business leaders figured the way to sustain consumer sales growth (70 percent of the economy) was to lend workers the money to buy what they could otherwise not afford, and eventually, to knowingly lend to people who could not possibly pay it back. The lenders did not care about the credit-worthiness of their customers because they quickly sliced, repackaged, and sold the loans they owned.

She spoke about one terrified woman she met who owned a fully-paid-for home but, who, after succumbing to a barrage of loan solicitations, mortgaged her home to help her two children purchase homes of their own. After her son died, she could not pay her own mortgage, and, on the day Barbara met her, was on the verge of being evicted.

Burnham said the recession that began in 2008 is different than earlier ones in that many workers have not recovered at all; unemployment rates remain high, and few workers have enjoyed real wage growth.

Several times she said capitalism is very resilient and may remain so. She is unsure if capitalism can survive and thrive in a future world where people scale back their use of resources—if total global resources use levels off and/or declines—which may eventually occur, and wonders if capitalists can earn the high profits they desire via re-mediating pollution.

During the question-and-answer period, Nancy Wallace said young people today need to be told it is not their fault they are not enjoying the successful careers and prosperity they thought "doing everything right" would lead to. "The system is rigged against them," she said.

Nancy also said she wonders if a friend got it right, when instead of financing his children's college education, he bought each a home. ♦

## Swiss Like The Idea Of A Basic Income For All Adults

As Americans stand around wondering what has happened to the large "middle class" that once existed, the Swiss are taking action that could further reduce their income inequality. The following comes from Reuters, the Britain-based news service, Oct. 4, 2013:

Switzerland will hold a vote on whether to introduce a basic income for all adults, in a further sign of growing public activism over pay inequality since the financial crisis.

A grassroots committee is calling for all adults in Switzerland to receive an unconditional income of 2,500 Swiss francs (\$2,800) per month from the state, with the aim of providing a financial safety net for the population.

Organizers submitted more than the 100,000 signatures needed to call a referendum on Friday and tipped a truckload of 8 million five-rappen\* coins outside the parliament building in Berne, one for each person living in Switzerland.

Under Swiss law, citizens can organize popular initiatives that allow the channelling of public anger into direct political action. The country usually holds several referenda a year.

In March, Swiss voters backed some of the world's strictest controls on executive pay, forcing public companies to give shareholders a binding vote on compensation.

A separate proposal to limit monthly executive pay to no more than what the company's lowest-paid staff earn in a year, the so-called 1:12 initiative, faces a popular vote on November 24.

The initiative's organizing committee said the basic income could partly be financed through money from social insurance systems in Switzerland.

The timing of the vote has yet to be announced, pending official guidance from the government. (Reporting by Denis Balibouse, writing by Alice Bahgolian, editing by Gareth Jones. ♦)

\*A rappen is worth about 4.3 U.S. cents

Come early to the next Solidarity committee meeting to help with the mailing of the newsletter. It will be appreciated!

## Acting with Impunity: The Case of General Electric

By LARRY WITNER

Can the world's biggest corporations act with impunity? When it comes to General Electric (GE)—the eighth largest U.S. corporation, with \$146.9 billion in sales and \$13.6 billion in profits in 2012—the answer appears to be "yes."

Let us begin with a small-scale case in upstate New York, where in late September 2013 GE announced that it would close its electrical capacitor plant in the town of Fort Edward. Some 200 workers will lose their jobs and, thereafter, will have little opportunity to obtain comparable wages, pensions, or even employment in this economically distressed region. Ironically, the plant has been highly profitable. Earlier in the year, the local management threw a party to celebrate a record-breaking quarter. But the high-level financial dealings of a vast multinational corporation like GE are mysterious, and the company merely announced that the Fort Edward plant was "non-competitive." The United Electrical Workers (UE), the union that has represented the workers there for the past 70 years, has already begun a vigorous campaign of resistance to the plant closing, but it is sure to be an uphill battle.

If we dig deeper into the record, a broader pattern of corporate misbehavior emerges. Indeed, the Fort Edward factory is one of two GE plants that polluted the communities at Fort Edward and nearby Hudson Falls, as well as a 197-mile stretch of the Hudson River, with 1.3 million pounds of cancer-causing PCBs for several decades. When the extent of this environmental disaster began to be revealed in the 1970s, GE began a lengthy campaign to deny it and, later, a multimillion dollar public relations campaign to prevent remedial action by the Environmental Protection Administration. GE lost this battle, for the EPA insisted upon the dredging of the Hudson River and ordered GE to pay for it. Thus, the Hudson Valley became the largest Superfund cleanup site in the United States, with a project that will take decades to complete.

GE has produced other environmental disasters, as well. Three GE nuclear reactors at the Fukushima Daiichi nuclear power site in Japan melted down and exploded on March 11, 2011. This was the world's worst nuclear accident in three decades, and quickly spread radioactive contamination nearly 150 miles. Indeed, the stricken reactors are still sending 300 tons a day of radioactive water flooding into the Pacific Ocean. In the late 1960s and early 1970s, when these boiling water nuclear reactors were installed, GE's engineers and management knew that their design was flawed. But the company kept selling them to unsuspecting utilities around the world, including many in the United States. As a result, there are still 35 GE boiling water reactors operating in this country, most of them located near population centers east of the Mississippi River.

Another important product produced by GE is the export of jobs. According to an extensive *New York Times*

report on GE in March 2011: "Since 2002, the company has eliminated a fifth of its work force in the United States while increasing overseas employment." By the end of 2010, another study found, 54 percent of GE's 287,000 employees worked abroad.

Responding to GE's claim that it had created thousands of new jobs in the United States during the Obama administration, Chris Townsend, the political action director of the IUF, produced a list of 40 U.S. plants the company closed in the country during the same period.

Townsend also noted that, even when GE kept its operations going in the United States, it slashed wages, sometimes by as much as 45 percent at a time. For example, the work of the Fort Edward plant will be moved to Clearwater, Florida, a non-union site where GE pays many workers \$12 an hour and hires others through a temp agency at \$8 an hour—little more than the minimum wage.

Although technically a U.S. corporation, GE—with operations in 130 nations, apparently feels little loyalty to the United States. Jack Welch, a former GE CEO, once remarked: "Ideally, you'd have every plant you own on a barge to move with currencies and changes in the economy." According to a Bloomberg analysis, to avoid paying U.S. taxes, GE keeps more of its profits overseas than any other U.S. company—\$138 billion by the end of 2012. Thanks to this tax dodge and others, GE reportedly paid an average annual U.S. corporate income tax rate of only 1.8 percent between 2002 and 2011. In 2010, when GE reported worldwide profits of \$14.2 billion, it paid no U.S. corporate income tax at all. Instead, it claimed a tax benefit of \$3.2 billion.

Despite this appalling record, the U.S. government has been very generous to GE. During the financial crisis of 2008–2009, the federal government's Temporary Liquidity Guarantee Program loaned approximately \$85 billion to GE Capital, the company's huge finance arm. GE needed the bailout because, among other reasons, GE Capital was marketing subprime mortgages. The Federal Reserve also bought \$16.1 billion worth of short-term corporate IOUs from GE in late 2008, when the public market for this kind of debt had nearly frozen. In yet a further indication of GE's influence, President Obama appointed Jeffrey Immelt, GE's CEO, as chair of his Council on Jobs and Competitiveness, which strategizes about how to revive America's manufacturing base. One of Immelt's favorite panaceas is to end taxes on the overseas profits of corporations.

Thus, it might seem that those 200 embattled workers at Fort Edward have no possibility at all of effectively challenging a corporation this wealthy and influential. But stranger things have happened in the United States—especially when Americans have had their fill of corporate arrogance. ♦

## ITUC Proposes New Structure For Union In The Arab Region

The International Trade Union Confederation (ITUC), meeting in Brussels in October, endorsed the process of creating a new structure for the Arab countries, with the founding instruments to be submitted to the Third ITUC World Congress in Berlin, for adoption in conformity with the global organization's constitution.

Seventeen national trade union centers from the region submitted the request. Included are Algeria, Bahrain, Egypt, Libya, Jordan, Mauritania, Morocco, Oman, Palestine, Tunisia, and Yemen.

Considering the grave challenges which face the democratic and independent trade union movement in the Arab world and the urgent need to respond to these, the General Council gave its support to this new ITUC structure, which will give immediate priority to tackling frequent and massive violations of fundamental liberties, including trade union rights, to defending workers in the context of growing poverty and unemployment and to fighting against social injustice, which particularly affects women, young people and the poorest, including migrant workers.

ITUC General Secretary Sharan Burrow welcomed the decision, saying "Trade unions are at the forefront of

the fierce and long struggle which is taking place across the Arab world, which sets democrats and progressives against authoritarian and retrograde forces. The trade unionists of the Arab World have expressed their urgent need for a specific space to better unify their forces and put in place a common strategy. The ITUC General Council has today expressed its full solidarity with their struggle in favor of democratic, progressive and independent trade unionism in this part of the world."

"This new sub-regional structure will help us project a strong and unified voice in our ongoing struggle to defend and build democratic, progressive, and independent trade unions in the Arab countries," said Hocine Abbas, General Secretary of the LGIT Tunisia (Tunisian General Labour Union) and Acting President of the new Arab sub-regional structure of the ITUC during its transitional period up to the ITUC Congress. ♦

(Editor's note: Brothers and Sisters, American workers and their unions have found themselves up against their own version of "authoritarian and retrograde forces." Just ask the members of UE Local 332 in Fort Edward, just for one example, not to mention Congress and most state legislatures.)

## CEO Pay Soaring, While Workers' Pay Contracts

It's generally known that working men and women's pay has been stagnant for a couple of decades, but corporate pay and, especially, CEO compensation has gone out of sight, with one being paid \$2.2 billion for one year.

The annual Global Market Institute's (GMI) annual survey recently listed the top 10 CEO packages and listed only those who made in the billions or at least \$100 million.

Leading the list is Facebook CEO Mark Zuckerberg, who was paid \$2,278,568.14, according to GMI, which went on to list the other nine:

Richard D. Kinder, *Kinder Morgan Inc.*, \$1,116,685.089; Meir Karmazin, *Sirius XM Radio Inc.*, \$225,355.076; Gregory B. Vitell, *Liberty Media Corp.*, \$254,890.638; Timothy D. Cook, *Apple Inc.*, \$142,828.867; Edward W. Stuck, *Dick's Sporting Goods Inc.*, \$142,052.496; Gregory B. Maffei, *Liberty Interactive Group*, \$136,450.484; Howard Schultz, *Starbucks*, \$117,562.601; Marc Benioff, *Salesforce.com*, \$109,544.875, and Frank J. Coyne, *Verisk Analytics Inc.*, \$100,432.117.

Greg Ruel, senior research analyst and author of the GMI report, said recently that average CEO pay increased 8.47 percent over the two years, from 2011 to 2012. This year, however, he said, was the first time that two CEOs were paid

more than \$1 billion in a single year.

GMI has been reporting on CEO compensation for 10 years and, said Ruel, and, for the most part, their shareholders have made money, but, "it's the sheer size and volume of equity awards granted to these top executives that catapults their total compensation to astronomical levels."

Considering the worth of the minimum wage by comparison: According to the Economic Policy Institute (EPI), "When adjusted for inflation, the minimum wage was worth \$8.54 per hour in 1968, compared to the current minimum wage of \$7.25 per hour. Based on a typical, 2,000-hour work year, the 1968 inflation-adjusted minimum wage would equate to an annual salary of \$17,080 per year, versus \$14,500 for today's minimum wage."

Such is the sorry state of wages in America, where workers are told, "Be happy you have a job, however low the wage." Fact is, all wageworkers are experiencing the same fate—their incomes are not ever as good, adjusted for inflation, as they were in 1968. Let those who believe the rich and corporations pay their fair share of taxes have a look at the numbers and wonder no longer why the U.S. economy is in free fall. ♦

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Your "Solidarity Notes"

## Shorts...

**New Jersey votes minimum wage raise.** Voters of New Jersey made the Garden State one of only 18 states with a minimum wage higher than the federal minimum. They set the minimum \$1 higher than the federal wage, to take effect Jan. 1, 2014, when it will be \$8.25. And, they voted to amend their state's constitution to tie future increases in the minimum wage to the rate of inflation. When the legislature in the past voted to raise the minimum, the legislation was vetoed by Governor Chris Christie, who was reelected by a wide margin in the November election. What the...?

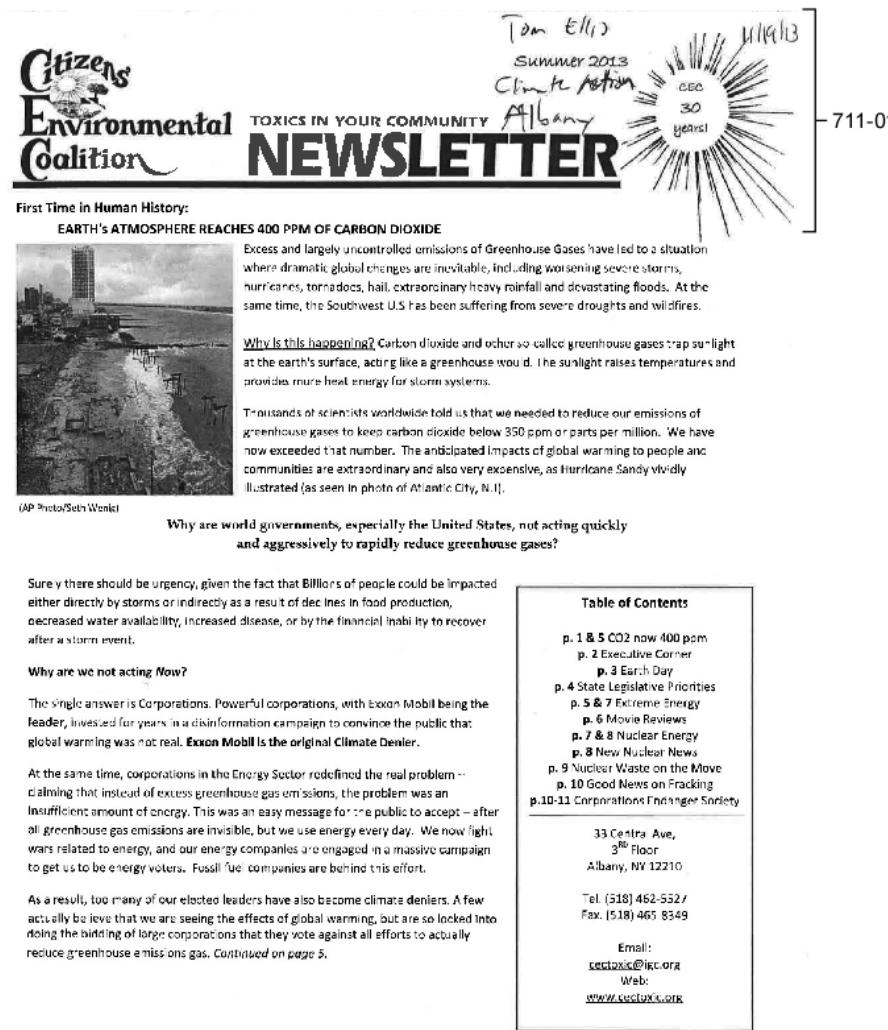
**Kellogg locks out workers.** Kellogg, the famed cereal company, locked out 236 workers represented by the Bakery, Confectionery, Tobacco Workers and Grain Millers at the end of October, after the union refused to accept the company's last and best offer. What corn flake company was offering was typical: a two-tier wage system and a cap on what new workers would be paid. It's a divide and conquer strategy by corporations across the country that creates second-class workers under the same contract, ensuring that there will be divisions within the union forever after. The Memphis, Tenn., plant where this happened had been idled for a few weeks and Kellogg had laid off 70 workers a few weeks before the

lockout. The BCTGM believes that the company is taking the action against its workers, in a move toward a temporary workforce, one with lower wages, few if any benefits, and without a union.

**Republicans don't deserve reelection.** A post-government-shutdown CNN Poll determined that 75 percent of those polled say most Republicans in Congress don't deserve re-election. A CNN/Opinion Research Corporation poll, taken the weekend after the 16-day government shutdown ended, showed Democrats with an 8-point advantage over Republicans, but much can change between now and the 2014 midterm elections. A majority of those polled blamed the congressional GOP for the shutdown and said that the president was the bigger winner in resolution of the shutdown.

**Sen. Cruz's Father: Send Obama back to Kenya.** Mother Jones magazine comes through again, with a video clip of Sen. Ted Cruz's father, Pastor Rafael Cruz, telling a Right Wing group that he would like to send the president "back to Kenya." He apparently went on with his fringe fantasy, saying that Obama wants to make the U.S. a "third world country," that "it's all about the global distribution of wealth," and that Obama is "pushing very hard for the United Nations to have taxing authority." The young senator's spokesman said that the pastor "does not speak for the senator." ♦

## Comment 711



## Executive Corner

In the face of what is likely to be a completely inadequate health impact assessment of Fracking by the NYS Dept. of Health, we are working hard to develop sound public health recommendations to protect the public from the serious harm we have already seen in other states. Health professionals have been left out of critically important discussions. We will bring them into the conversation and hold government accountable for any failures in health protection. Until fracking is stopped, we desperately need your donations to ensure we can deliver these needed protections. We need your help to make this a reality. In this year of our 30<sup>th</sup> Anniversary, will you partner with us to protect public health. New York and all communities where fracking is occurring need to be protected.

**Environmental Legislation is critically important this year.** We urge all our members to read about the Environmental Super Bills (on p.4) and contact their representatives, particularly their State Senators. The New York Senate needs to stop stalling and blocking bills that relate to environmental protection and public health.

Our nation and our state are heading in the wrong direction on Climate and Energy, being led by greedy corporations in search of ever-increasing profits. Hurricane Sandy had enormous impacts on the state preceded by considerable impacts from Irene. We are still recovering from these events. The Governor is directing the state to deal with emergency preparedness and response, and this is important. However, our state had also done considerable work to address climate change and reduce greenhouse gases by 80% by 2050 before Gov. Cuomo. We believe the Climate Action Plan was the first victim of the plans for Hydrofracking. **The Governor simply could not simultaneously advance Fracking and action on the climate and he chose Fracking.** A state greenhouse gas inventory failed to identify any emitters from existing oil and gas development, putting a zero in the accounting sheet. Oil and gas development contribute 73% of U.S. methane emissions.

Yes, it is very tough to reduce GHG emissions by 80%, even tougher when the state's GHG inventory would need to be increased to account for hydrofracking. However, it is essential for New York to be a leader on Climate Change, as our state is particularly vulnerable. A good start would be to extend the moratorium on hydrofracking for another 2 years.

In previous newsletters we also told you that a new Energy Plan would be released in September of 2012. We are still awaiting the delivery of the Energy Plan, but, along with the Alliance for a Green Economy, we have been consistently advocating a Sustainable Energy Future with no new nuclear reactors, a plan to close existing nuclear reactors, no horizontal hydraulic fracturing and dramatic expansion of energy efficiency and renewable energy in the state to displace fossil fuels. Extreme Energy is a focus of this newsletter, as are the corporations that threaten our future and that of our grandchildren. Our future and that of the planet cannot be sustained via extreme energy and the corporations that are recklessly pursuing energy, no matter the human and social costs. Government support and collusion with the energy industries as well as taxpayer subsidies for fossil fuel and nuclear energy are putting us on a path to self-destruction.

We take a look at the myriad ills Pandora unleashed on the world and strongly suspect that many of these ills are directly associated with corporate behavior. We believe Pandora really unleashed corporations. Fortunately, we can see hope in the growing movements of ordinary people in NY, the nation and around the world fighting for justice, the environment and public health. Millions of people are engaged in New York alone. The anti-fracking movement is the largest environmental movement in NY's history.

There is always a need to share Good News and celebrate our victories, in light of our difficult struggles. New Yorkers have a long history of activism; we were leaders in abolishing slavery and in achieving the right to vote for women. We

highlight several heroes and heroines in this issue and thank them sincerely for making the world a better place by their actions.

Sincerely,



Barbara J. Warren

**2013 Board of Directors:**  
 Tom Ellis  
 Jim Travers  
 Lou Ismay  
 Gary Michael  
 Zac Moore  
 Linda Ochs

**Executive Director:**  
 Barbara Warren

**Administrative Assistant:**  
 Jessica Rae Lewis

**2013  
 Volunteer/  
 Canvasser:**  
 Cameron Sagan  
 Ed Peters

***Paul Hawken 2009, Commencement speech***

*"When asked if I am pessimistic or optimistic about the future, my answer is always the same: If you look at the science about what is happening on earth and aren't pessimistic, you don't understand the data. But if you meet the people who are working to restore this earth and the lives of the poor, and you aren't optimistic, you haven't got a pulse. What I see everywhere in the world are ordinary people willing to confront despair, power, and incalculable odds in order to restore some semblance of grace, justice, and beauty to this world."*



Pictured here is Bill Travers (C-1,75 Year Treasurer) and Mike Covey (Volunteer) at Albany's Earth Day 2012. Come out for this year's 2013 Earth Day, September 21st.

**CEC Mission**

Citizens' Environmental Coalition is New York's leading environmental health organization bringing the grassroots to the statehouse to advocate for safe and healthy communities.

We work with local citizens and groups to reduce toxic chemicals and environmental hazards. We oppose polluting projects and facilities. At the same time we work to advance a positive agenda for a clean and healthy future by supporting projects that advance sustainability in 3 spheres: environmental, social and economic. This includes green purchasing, clean energy, pollution prevention, green chemistry, zero waste and green jobs.

**Earth Day in Albany**

Earth Day saw hundreds of environmentalists treadng the hallways of power urging legislators to support Campaign Finance Reform and key Environmental Super Bills. (A super bill is one that environmental groups associated with Earth Day lobby Day support wholeheartedly.)

**Environmental Educator & Hero**

On Earth Day, Lou Ismay was honored by the NYS Assembly with a Proclamation. He is one of the elder statesmen of the capital region's environmental community, a long-time member of Save the Pine Bush and currently serves on CEC's Board. As a SUNY Albany professor during the late 1960s and 1970s, Lou taught the Environmental Forum course which influenced many career environmental leaders. Lou required each student to come up with a project and carry it through. The course was interdisciplinary and open to other colleges, high schools and community members. Lou developed a list of 200 mentors whom students could work with. Many whistle-blowers from the public and private sector offered Lou tips on projects that needed research.



Senator Cecilia Tkachikoff, right, honors Lou for his work as an environmental advocate

At the first class each semester, students were asked what they wished to learn and then speakers/teachers were sought who could teach it. Students from the prior semester were invited to attend the first class the following semester; they told the new students about their projects and sometimes new students picked up and continued a project, a few for several years as a series of students worked on it. Lou has said the Environmental Forum "was intended to empower people to perform high quality research, to do something useful for society." One project led to the first wetlands study of Albany County that became a template. Students researched the General Electric facility in Selkirk for several years, interviewing nearby farmers and tracking each ambulance that was called to the factory. Another student made the first bicycle path through Albany. One student created the first land-ownership map of the Pine Bush. Students went out on Lake Ontario and took air and water samples. Students organized recycling programs on the university campus and cleared trash from the Pine Bush.

## TOP Legislative Priorities

Campaign Finance Reform is a Top Priority so we can have leaders who represent the public interest, and not just monied interests.

We really need to make Campaign Finance Reform a Priority!

Senate Republicans are leading the fight Against Fair Elections in New York State. We really need Campaign Finance Reform. Instead they scheduled a meeting and CLOSED the Doors - violating Open Meetings Law in NY.

 Once again, good environmental bills are being held up in the State Senate. The Assembly passes many environmental bills every year, only to have them defeated in the NYS Senate. Call Senator Mark Grisanti and urge him to support these bills, along with your own State Senator.

Call Sen. Grisanti @  
(518) 455-3240

Three Super Bills need your help:

1) **Child Safe Products Act A.6328A Sweeney/ S.4614 Boyle** This bill would Protect NY's Children from Toxic Chemicals. Other states have already taken action to protect children from the most toxic chemicals. New York Kids need the same protection-- especially since kids are still growing and have less ability to eliminate toxic chemicals from their bodies. How does your Senator justify not supporting this bill? It was passed in the State Assembly and referred to the State Senate.



Call your own State Senator and Senator Grisanti and urge them to pass the Child Safe Products Act.



2) **Two-Year Fracking Moratorium and a Health Impact Assessment A.5424A Sweeney/ S.4236A Avella**

This bill is held up in the Senate Environmental Conservation Committee. Passed in the State Assembly Referred to State Senate.

Tell New York Senate co-leaders Skelos and Klein: Bring the fracking moratorium bill to the Senate floor for a vote.

3) **Climate Protection Act: Would reduce greenhouse gases A.6327 Sweeney/ S.735 Avella.**

Passed in the State Assembly. The State Senate is considering a different version of bill.

Ask your Senator to support this bill.

4) **A Bill to Expand Solar Energy A.5060 Englebright/ S. 2522 Maziarz** was passed in both houses. The only Environmental Super Bill to be passed by the NY Senate.



Engage in your State Government!

Hold your elected leaders Accountable for Environmental and Health protection!

Continued from P.1 EARTH'S ATMOSPHERE REACHES 400 PPM OF CARBON DIOXIDE.

## The Real Problem is Corporate Power Obstructing Action on Climate Change

We are now facing a global catastrophe caused primarily by corporations that operate with no ethical or moral standards. Corporations exist solely to make a profit. Weak regulations, weak laws and weak oversight and enforcement all contribute to corporate abuse of the environment, public health, and even our democracy. People and governments need to establish the standards for corporations and enforce them. It should be noted that not all corporations are sociopaths. There is a growing organization of businesses who stand for business integrity -- the American Sustainable Business Council (ASBC). We urge folks to pay attention to what ASBC and its business partners are doing to contribute to a better world for all of us. By failing to have good regulations that are enforced for all businesses across the board, we create an unequal playing field for those businesses that commit themselves to higher ethical standards.



**INCENTIVES SHOULD BE PROVIDED ONLY FOR THE BEHAVIOR WE WANT TO SEE.**

### EXTREME Energy

Corporations have now rushed to embrace Extreme Energy. We witnessed Extreme Energy with the BP Gulf disaster, where the technology for deepwater drilling had inadequate safeguards. The early use of dispersants was really a public relations effort, since the first action should be to collect the oil using booms and skimmers. Dispersing it actually prevented the collection of the oil. We ultimately saw a reckless disregard for the environment of an entire region and the people who were exposed to toxins in the oil as well as millions of gallons of very toxic chemical dispersants.

Shell rushed to drill in the Arctic with an obviously, poorly considered plan for this harsh environment, that quickly failed with 2 serious accidents, grounding of ships, explosion & fire, environmental & safety violations, in addition to inadequate oil spill equipment. Shell is not planning to return to the Arctic in 2013.

<http://www.nytimes.com/2013/02/28/business/energy-environment/shell-suspends-arctic-drilling-for-2013.html>

After learning that horizontal hydraulic fracturing was possible, corporations rushed to drill and fracture in shale rock formations in many states in the US, without making an effort to ensure safety. Their plan to obtain enormous quantities of natural gas had numerous problems:

"[W]e've created an unequal playing field for those businesses that commit themselves to higher ethical standards"

- Enormous quantities of water used.
- High failure rate for well casings and cement, resulting in contamination of drinking water aquifers that cannot be fixed. This means permanent destruction of a water supply.
- Large quantities of a variety of toxic chemical additives used in the drilling or fracturing process.
- Hazardous constituents of shale formations: heavy metals, salts, and radioactive elements.
- Drill cuttings, a hazardous waste needing disposal but loaded with toxic additives and shale constituents. (NY landfills received 100 million lbs. of drill cuttings in the last 6 months of 2012 from PA. Drill cuttings have triggered radiation alarms at PA landfills.)
- Thousands of gallons of flowback and produced water that cannot be treated and returned to the water cycle via sewage treatment plants because these plants do not treat toxic chemicals.
- Financial expense associated with the need to re-fracture wells and drill in new locations to keep production up.
- Air emissions of volatile organic compounds, hydrogen sulfide, and hazardous air pollutants.
- Natural gas [Methane] emissions due to leakage. Methane is an explosive and powerful greenhouse gas. According to NASA, it has 105 times the global warming potential of carbon dioxide over a 20 year period.

*Continued on p. 7*

## Movie Review



### Pandora's Box

This comes from Greek mythology. Pandora was given a box or a jar, with instructions not to open it under any circumstance. Pandora, unable to control her curiosity, opened it, and all the evils contained therein were released to spread over the world. Only one thing remained--the Spirit of Hope.

Today, the phrase "to open Pandora's box" means to perform an action that may seem small or innocuous, but that turns out to have severe and far-reaching consequences. (Wikipedia)

Coming to a Movie Screen near you, will soon be "Pandora's Promise," a curious movie title given the story of Pandora.

Nuclear  
Power is NOT  
the Answer!

Pandora's Promise, billed as a documentary, omits key scientific facts in order to advance a pro-nuclear agenda. Robert Stone, the director, apparently selected his facts and scientists with care, to reflect his own pro-nuclear point of view. If you plan to see this film, we recommend going prepared by reading the New Report by Beyond Nuclear, *Pandora's False Promises*. The press release, the report and a 2 page summary can be accessed here—<http://www.beyondnuclear.org/storage/documents/Pandora%20press%20release.pdf>

### Not to be Missed Movies on Fracking

**Gasland Part II by Josh Fox.** Everyone will be anxious to see this new film by Fox, who has become a leader in the anti-fracking movement. Screenings in June in New York.

**Bidder 70** is the story of Tim DeChristopher, a college student, environmental activist and another hero, who participated in a Federal auction of land parcels for mineral development in Utah and successfully bid on 14 parcels, hoping to block their development. He was arrested, tried, convicted, and sentenced to 2 years in

prison, even though it was eventually determined that the sale was not legal. His actions actually prevented an illegal act. In recent years, we have jailed too many whistleblowers who expose unwelcome truths, rather than the real criminals. This film testifies to that reality.

### URGENT APPEAL ! Public Health Summit to address Fracking FUNDS Needed !

CEC is sponsoring a Working Summit of Health Experts in the Fall of 2013, along with Dr. David Carpenter, Director of the Institute for Health and the Environment, SUNY Albany.

In light of the totally inadequate environmental laws and regulations for this industry, the Goal is to Protect the Public and Prevent the Harm associated with Fracking.

Conclusions and Public Health recommendations will address vulnerable populations and will be embodied in a White Paper produced after the Summit.

This work is absolutely necessary to protect the public. Your support is urgently needed to make this a reality. Please consider a special Donation at this time?

To learn more visit our website: [www.cectoxic.org](http://www.cectoxic.org)

*Continued from P.5 Extreme Energy*



The oil and gas industry had lots of experience with drilling and well casings. They also knew that horizontal hydrofracking would be far more expensive (2-3 times) than accessing normal reservoirs with vertical wells. The solution for this long list of problems was to obtain multiple exemptions from environmental laws. After obtaining these exemptions, the industry descended on states with a public relations campaign to assure the public how safe this industry would be. It also claimed to bring energy independence and to help with climate change because natural gas produces less carbon dioxide than coal at power plants.



If Hydrofracking was really safe, the industry wouldn't have needed these exemptions. If natural gas drilling and fracking were going to lessen climate change, it wouldn't result in emitting huge quantities of methane to the air. If it was about energy independence, we wouldn't be planning multiple liquefied natural gas (LNG) facilities to export to other countries. In 1973 one of the worst industrial disasters ever occurred in NY on Staten Island, at a LNG facility, killing 10 workers.



The SGEI's and the DEC regulations won't protect us – essentially, they were written by the gas industry and its consultants. The consequences of evading the fundamental protections contained in environmental laws will shift the impacts to public health. Rather than dealing with environmental violations, the public will bear the burden of frank health effects—poisoning, organ and neurological damage, cardiac and respiratory problems and even premature death. We are already seeing serious health effects in communities in other states where fracking has been permitted.

Fossil fuels are also directly linked to the production of an enormous array of chemicals by the chemical industry. Chemical companies are building new plants to enable an enormous expansion of chemical production, as a direct result of the increased natural gas supply, providing us with more toxic chemicals that pervade our environment, exposing our children and future generations to unquantified hazards. Plastics are another unsustainable product created from natural gas, which end up in our landfills shifting the management burden onto the public.

**Burdens & Benefits**

Who bears the burden of health effects? We do!

Who receives the benefits?

The industry does.

Join this effort by calling Governor Cuomo!

Tell Him: Say No to Fracking  
(518) 474-8390

### Nuclear Energy is another form of Extreme Energy

After producing energy for a few decades, U.S. nuclear reactors have left a mountain of extremely hazardous nuclear waste (currently 70,000 tons of fuel rods), that will be dangerous for millions of years. Nuclear energy is so expensive that, even if reactors did not take a decade to build, they cannot provide a solution for climate change. Fortunately, we have real alternatives available now-- energy efficiency and renewables. Numerous reports have documented the feasibility of rapid movement away from fossil fuels and nuclear simultaneously with the adoption of clean renewables and energy efficiency. To see the list of 120 organizations supporting a clean energy agenda go to <http://www.americandleanenergyagenda.org/committee-2/> CEC is a supporting organization.

*Continued on next page.*

Numerous reports have documented the feasibility of rapid movement away from fossil fuels and nuclear simultaneously with the adoption of clean renewables and energy efficiency.



Continued from [P-7 Nuclear Energy](#)



There are numerous advantages to adopting a Nuclear-Free, Carbon-Free Agenda— the public saves money, it creates far more jobs locally and there are numerous immediate health benefits, particularly related to lower emissions of air pollutants. In addition, it reduces the risk of catastrophic nuclear accidents. Although preventing harm is difficult to quantify, reducing the future impacts of climate change provides the most significant long term benefits and cost reductions.

The nuclear industry has adopted the playbook and the antics of the fossil fuel industry to advance its own future, even if that means extending the lives of aging reactors that are in need of a major overhaul, and cannot be made safe, no matter how much money is spent on them. Unfortunately, the Nuclear Regulatory Commission (NRC) has been given exclusive authority over safety, making it very difficult for states and the public to play any meaningful role.

#### **Summary of New Nuclear Developments**

- We have a petition along with many other groups to close all the Mark I & II reactors [31] in the US, because they cannot meet the requirement to contain radioactivity in the event of an accident. **The small containment is a flaw in these reactors**, known since the 70s.
- The NRC ruled to NOT require FILTERS on the vents of the Mark I & II Boiling Water Reactors.  
These are reactors like the ones at Fukushima. We have 3 of these reactors in Oswego, NY.
- Filters are necessary in a severe accident because the small containment building cannot withstand the high pressures generated. Filters would then prevent exposing the public to large amounts of radiation. Filters are required in the European Union and now also in Japan.
- Former Chairperson of the NRC, Gregory Jaczko, has called for the closure of all 104 nuclear reactors in the US because they have safety problems and the current band-aid approaches will not be enough.
- Both San Onofre nuclear reactors will permanently close according to Southern California Edison !! Located on the California coast in a densely populated area just south of San Clemente, the plants faced both earthquake and tsunami risks.

This is a tremendous Victory for Safety! and for all the folks who worked so hard to achieve this.



#### NEW Plan for NUCLEAR Accidents

##### **Quick & Dirty Cleanup!**

WHITE HOUSE & EPA dramatically weaken Radiation Cleanup standards. The federal government, rather than closing our aging and dangerous nuclear reactors is facilitating their continued operation at every turn, bowing to the nuclear industry's need for profits. The NRC regularly rules against safety! Now the government is clearly expecting one or more nuclear disasters to occur. We know the magnitude of harm that can occur following a nuclear reactor accident. The US has decided that it would be cheaper if they just don't clean up the radioactive contamination, and so they plan to allow much higher radiation exposures to the public, as high as 2,000 millirems. This would, in effect, increase a longstanding standard of 1 in 10,000 person cancer rate to a rate of 1 in 23 persons exposed over a 30-year period. This is a sharp reversal for EPA, which previously stood up for strongly health-protective radiation standards in contrast to other agencies. Public Employees for Environmental Responsibility calls this new policy, "a public health policy only Dr. Strangelove could embrace."

<http://www.pear.org/news/news-releases/2013/04/08/white-house-approves-radical-radiation-cleanup-rollback/>

While geared to radiological emergencies, we have major concerns about the weakening of EPA's standards, in light of transport accidents and the need to adequately clean-up many existing radiation contaminated sites in NY.

## Nuclear Waste on the Move

- The US is planning storage for the highly radioactive nuclear fuel rods from nuclear reactors. Since there is no permanent repository, so-called "interim storage" is recommended. Recently, the Binghamton area has been identified by the federal government as a "suitable site", despite frequent floods in the region, which would make this area very ill-suited.
- Even if New York is not chosen as a site for "interim storage" of nuclear fuel rods, our roads and rails could be used for the transport of this radioactive material through our communities.
- There is currently a plan to ship High Level Liquid radioactive waste from Canada to Savannah River on New York roads. The transport of liquid High Level waste in hundreds of shipments is unprecedented and invites disaster.



### Nuclear Waste on our Roads and Rails-- referred to as "Mobile Chernobyl", because of the risks

Since "Atoms for Peace" and "Never Too Cheap to Meter" became national policy, our nation has accepted a massive and growing inventory of high-level nuclear waste, with nowhere for it to go. The President's blue Ribbon Commission said we will have enough high-level waste by 2050, (from the 150,000 tons of used fuel from existing nuclear reactors) to fill two geologic repositories, like the canceled Yucca Mountain repository. The Commission documented the years of effort to plan for a repository (and the fact that finding a repository is extraordinarily difficult).

As an alternative, the Commission proposed and is recommending "interim consolidated storage", temporary sites to store used nuclear fuel rods from nuclear reactors until permanent repositories are sited and constructed. A lot is riding on the ability to find temporary storage, since new reactors cannot be approved unless there is a solution for the high level waste. Temporary storage means moving this waste multiple times with increases in accidents and contamination.

Hundreds of Radioactive Waste Sites need cleanup across the County, but CLEANUP \$\$\$ are Limited.

#### CASE in Point: West Valley, NY



While communities across the country fight for limited Clean-up dollars to address leaking, spreading radioactive contamination, the Federal government believes it can attract new partners willing to sign up for Interim Consolidated Storage sites.

In West Valley, NY, (Cattaraugus County) the federal government promoted nuclear waste reprocessing. In just 6 years, this site was massively contaminated, and reprocessing was halted.

Today, funds for West Valley cleanup are at half the level recommended by the General Accounting Office, a Congressional research and watchdog agency.

Delays in clean up could release radioactive waste to the Great Lakes – the source of drinking water for millions of people. A Strontium plume of contamination is currently moving off site.

### A New York Heroine-- Joanne Hameister

In May, the Sierra Club Niagara Group awarded Joanne Hameister the 2013 Blake Reeves Leadership Award for her decades of work on the West Valley Nuclear Waste Facility. Joanne is a steadfast and tireless leader, working on the complexities of a radiactively contaminated site, and fighting a federal agency that would like nothing more than to just walk away. Fortunately, Joanne says, "You simply do not give up... We will have to infuse our dedication into future generations to carry on. That persistent dedication might be our only legacy." CEC works closely with Joanne and the Coalition on West Valley Nuclear Waste, and that persistence is key to getting West Valley cleaned up.

**Good News on Fracking**

**Corporations are not People.** Furthermore they have no right to privacy

In Pennsylvania, Judge O'Dell Seneca struck down secrecy provisions related to a court settlement between a gas company and an impacted family, ruling that companies have no privacy rights. This means that information in the settlement will be available to other members of the public, including environmental and public health groups. Even more significant, this Judge ruled that corporations are not people under the Pennsylvania constitution. This case has potentially far-reaching implications. <http://truth-out.org/news/item/15721-pennsylvania-court-deals-blow-to-secrecy-obsessed-fracking-industry>

**Local People & Home Rule Win in NY**

In May, NYS's Appellate Court upheld the right of townships to use their zoning laws to ban gas drilling. This decision is a David vs. Goliath victory with local activists winning a decision against huge fossil fuel corporations seeking to defeat New York's home rule provisions of our constitution.

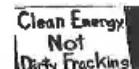
<http://truth-out.org/news/item/16252-new-yorks-zoning-ban-movement-frocks-blq-gas>

**Anti-Fracking Heroine**

**Sandra Steingraber, Heroine and Movement Leader**

Ironically on Earth Day, Dr. Sandra Steingraber was sitting in jail on charges of trespassing for non-violent civil disobedience. Sandra is a biologist and the author of several books highlighting the toxic chemical assault every person receives daily in our air, food and water from an inadequate system of regulation for toxic chemicals. Sandra is one of the foremost leaders in calling for Chemical Policy Reform and the use of the Precautionary Principle in order to protect public health. A nationwide network of activists is now trying to eliminate the use of the worst toxic chemicals and substitute safer alternatives. Ironically fracking relies on the use of a chemical cocktail of toxic chemicals

The real crime is that Sandra spent any time in jail, while the corporation, energy, claimed the geology of the site for natural gas storage was proprietary or confidential business information and could not be shared with those concerned about the safety of its proposal to store natural gas in a salt cavern adjacent and beneath Seneca Lake, a source of drinking water.

**Corporations are recklessly endangering Society**

People can be criminals and can commit horrendous acts- like stealing, rape, murder. People can be tried and if found guilty can also be sentenced to serve time in jail. Despite increasingly serious violations of the law, corporations are escaping similar punishment. Corporations have no social attributes. They are established to make money for their shareholders. If they dump toxic waste, if they fail to provide a safe workplace and workers are injured or killed, if they cause catastrophic events or produce unsafe products, this is all part of doing business. Such behavior is characteristic of sociopaths, those who have no conscience or function without ethics or social norms. We seem more able to punish people for their behavior than to punish corporate misbehavior, even if it criminally impacts a far greater percent of the population.

Our rights have been a key focus of recent news, particularly as they relate to the 2nd Amendment. However, our rights are constantly being eroded by corporations.



Today, babies are born with over 200 toxic chemicals in their bodies, because our environment and our food are so contaminated that the legacy of contamination is passed onto babies even before they are born. The chemical industry fights any reasonable regulation of their most toxic chemicals or any action to prevent toxic chemical accidents.

While the average person pays taxes, many corporations hide money in off-shore accounts to avoid their tax obligations. These corporations don't pay for roads or schools to educate their employees or emergency responders to clean up a spill they caused. With a small tax bill, they can devote their dollars to buying public officials, who do their bidding or any rules to prevent toxic chemical accidents.

Exxon Mobil made extraordinary profits in recent years and has used them to ensure that the truth about global warming did not reach the public except as an issue cloaked in controversy. *Continued on next page.*

**Corporations control  
the media and the  
messages we receive  
daily!**

change. This shows the power of corporations to control the media and the messages we receive daily. Exxon Mobil even funded the Independent Oil and Gas Industry's advertising campaign to promote fracking.

The decades of delay in actually reducing global warming will ultimately cost trillions of dollars, even if we are able now to act quickly. Next up, the oil and gas industry manage to promote horizontal hydrofracking as the ideal solution for global warming and energy independence, while providing economic benefits. Left behind are people poisoned and sick, as well as homes and property that are worthless.

Corporations have moved jobs overseas for cheap labor. Over 1100 clothing workers were just killed in Bangladesh in a preventable accident. After inspecting the huge cracks in the building, many workers hesitated to go in, but company guards actually beat the workers, forcing them into the building where they later died. H & M and other European retailers have signed an agreement to improve working conditions, but US based Walmart and the Gap are still resisting.

The terrible explosion in West, Texas that killed 15 could have been much worse if schools had been in session with children in the playgrounds. See video of the destruction by the Chemical Safety Board:

<http://www.csb.gov/cab-releases/v-docs-documenting-the-blast-damage-in-west-texas/>



#### BECOME A MEMBER OF CEC

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## Comment 712

Comment 712 was submitted by Jürgen Wekerle (Sierra Club) at the Public Hearing on the proposed CHPE Project Draft EIS in Albany, New York, on November 18, 2013. See Comment 139 for Jürgen Wekerle's (Sierra Club) comments from the Public Hearing.

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**PUBLIC NOTICE**

IN THE MATTER OF THE PUBLIC SERVICE COMMISSION PROCEEDING (CASE 12-T-0502) TO EXAMINE ALTERNATING CURRENT TRANSMISSION UPGRADES - FILING OF INITIAL SUBMISSION MATERIALS BY NIAGARA MOHAWK POWER CORPORATION DBA NATIONAL GRID, NEW YORK STATE ELECTRIC & GAS CORPORATION, THE NEW YORK POWER AUTHORITY, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., ORANGE & ROCKLAND UTILITIES, INC., AND CENTRAL HUDSON GAS AND ELECTRIC CORPORATION FOR THE PROPOSED CONSTRUCTION AND RECONSTRUCTION OF TRANSMISSION FACILITIES

TO WHOM IT MAY CONCERN: PLEASE TAKE NOTICE THAT Niagara Mohawk Power Corporation dba National Grid ("National Grid"), the New York State Electric & Gas Corporation ("NYSEG"), the New York Power Authority ("NYPA"), Consolidated Edison Company of New York, Inc. ("Con Edison"), Orange & Rockland Utilities, Inc. ("O&R"), and Central Hudson Gas and Electric Corporation ("Central Hudson") (collectively, the "New York Transmission Owners" or "NYTO"), will file initial submission materials ("Initial Submission Materials") in the above certified matter with the New York State Public Service Commission ("Commission") pursuant to Article VII of the Public Service Law and approving Rule Changes and the proposed rules issued by the Commission on May 29, 2013.

A copy of the Initial Submission Materials filed with the Commission will be served upon the chief executive officers of Broome, Chenango, Delaware, Oneida, Herkimer, Montgomery, Schenectady, Albany, Rensselaer, Columbia, Sullivan, Ulster, Dutchess, Orange, and Rockland Counties, the Towns of Afton, Bainbridge, Barker, Chenango, Coventry, Delhi, Franklin, Greene, Hamden, Maine, Masonville, Sidney, Union, Walton, Marcy, Deerfield, Schuyler, Frankfort, German Flatts, Stark, Danube, Minden, Colchester, Rockland, Canajoharie, Root, Glen, Charleston, Minden, Duaneburg, Princeton, Guilderland, New Scotland, Bethlehem, Coeymans, Schodack, Stuyvesant, Stockport, Ghent, Claverack, Livingston, Galatin, Clermont, Milan, Clinton, Pleasant Valley, Ramapo, Chester, Blooming Grove, New Windsor, and Hamptonburgh; the City of Little Falls; and the Village of Voorheesville (the municipalities traversed by the proposed route).

**GENERAL INFORMATION**

The project that is being proposed by the NYTOs (the "Project") will address persistent congestion on portions of the New York State electric transmission system. Two components of the Project have either already received Article VII siting approval or do not need Article VII siting approval. The Project is comprised of the following components: (i) construct an approximately 156-mile 345kV overhead electric transmission line from Edic Substation to Pleasant Valley Substation ("Proposed Edic-Pleasant Valley Line"); (ii) construct an approximately 57-mile 345kV overhead electric transmission line from Oakdale Substation to Fraser Substation ("Proposed Oakdale-Fraser Line"); (iii) add two new switchable series capacitor banks, one adjacent to the Marcy Substation and one adjacent to the Fraser Substation (NYPA's portion of the "Marcy South Series Compensation" or "MSSC"), which does not need an Article VII certificate; (iv) add another new switchable series capacitor bank adjacent to the Fraser Substation and reconduct 21.8 miles of an existing overhead electric transmission line NYSEG's 345 kV Line #13 (FCC-33) running from Fraser Substation to Coopers Corners Substation (NYSEG's portion of the "MSSC"); and (v) construct an 11.8 mile segment of the approximately 27.4-mile 345kV overhead electric transmission line between the Ramapo Substation and the Rock Tavern Substation ("Proposed Second Ramapo-Rock Tavern Line"), which has already received its Article VII siting certificate.

**DESCRIPTION OF THE PROJECT**

Proposed Edic-Pleasant Valley Line. The Proposed Edic-Pleasant Valley Line will run from National Grid's Edic Substation in Oneida County, New York to Con Edison's Pleasant Valley Substation in Dutchess County, New York, a total distance of approximately 156 miles. This new transmission line will be designed to operate at a nominal system voltage of 345 kV alternating current ("AC"), and the voltage at initial operation will also be 345 kV. Preliminarily, the proposed conductor type for the line is twin bundled 1590 MCM 54/19 ACSR "Falcon."

The Proposed Edic-Pleasant Valley Line will share existing electric transmission corridors that are occupied by other National Grid lines and in some locations lines owned and operated by NYPA; however, some new right-of-way ("ROW") acquisition will be required. The existing transmission rights-of-way range from approximately 100 feet to 600 feet wide. The existing National Grid electric transmission corridors that comprise the primary route for the Proposed Edic-Pleasant Valley Line traverse (from west to east) the counties of Oneida, Herkimer, Montgomery, Schenectady, Albany, Rensselaer, Columbia and Dutchess.

The Proposed Edic-Pleasant Valley Line component of the Project also includes construction of three new substations: (i) Princeton Substation in the Town of Princeton; (ii) Knickerbocker Substation in the Town of Schedack; and (iii) Churchtown Substation in the Town of Claverack.

As part of the Project, approximately 5 miles of the existing #30 Porter-Rotterdam 230kV line and 5 miles of the #31 Porter-Rotterdam 230 kV line will be rebuilt between the proposed Princeton Substation and the Rotterdam Substation within existing ROW. These lines will be designed to operate at a nominal system voltage of 230 kV AC, and their voltage of initial operation will also be 230 kV. Preliminarily, the proposed conductor type for the rebuilt portions of the #30 line and #31 line will be single 1590 MCM 54/19 ACSR "Falcon." The remaining portions of the #30 line and #31 line not rebuilt, from Porter Substation to proposed Princeton Substation, will be ratified.

Proposed Oakdale-Fraser Line. The Proposed Oakdale-Fraser Line is a second 345kV electric line that would run parallel to NYSEG's existing Line 32. The Proposed Oakdale-Fraser Line runs between the Oakdale Substation in the Town of Union, Broome County, and the Fraser Substation in the Town of Delhi, Delaware County, a distance of approximately 57 miles.

The Proposed Oakdale-Fraser Line will be constructed along the existing NYSEG Line 32 ROW; however, additional rights may be acquired for construction, vegetation clearing, and/or danger tree removal as necessary for the line.

Proposed Marcy South Series Compensation. The MSSC would increase the transfer limit across the Total-East interface by 444 MW. NYPA's portion of MSSC consists of constructing one series capacitor bank adjacent to the Marcy Substation and another adjacent to the Fraser Substation, and connecting those series capacitor banks to the two Marcy South transmission lines owned by NYPA known as Marcy to Coopers Corner (UCC2-41) and Edie to Fraser (EF24-40). NYSEG's portion of MSSC consists of constructing a series capacitor bank adjacent to the Fraser Substation and connecting it to the Fraser to Coopers Corners (FCC-33) line owned by NYSEG. A series capacitor bank is a structure approximately 28 feet tall consisting of capacitors which, when connected to an AC transmission circuit, increases power flow. The switchable series capacitor banks will increase power transfer by reducing series impedance over the existing 345 kV Marcy South lines owned by NYSEG and NYPA. The MSSC will improve power flow over these existing assets by installing this technology with minimal construction and disruption. Controlled by the New York Independent System Operator ("NYISO"), the switchable series capacitors will allow the NYISO to vary the power flows across the bulk power transmission system to better respond to changing system conditions.

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NYSEG's portion of MSSC also consists of reconductoring 31.8 miles of NYSEG's FCC-33 line in the Towns of Delhi, Hamden, Chenango and Rockland, located in Delaware and Sullivan Counties. Some structures along the existing ROW will be replaced with substantially similar structures.

#### Proposed Second Ramapo-Rock Tavern Line

The Proposed Second Ramapo-Rock Tavern Line will extend from Con Edison's Ramapo 345kV Substation to Central Hudson's Rock Tavern 345kV Substation. The line will be installed on the existing towers of the first 345 kV circuit extending from the Ramapo Substation to the Rock Tavern Substation that was completed in 1974.

The Commission has previously issued a certificate for construction and operation, pursuant to Article VII of the Public Service Law, of two 345 kV circuits from the Ramapo Substation to the Rock Tavern Substation. The Commission has also previously approved Environmental Management & Construction Plans ("EM&CP") for the first circuit from Ramapo to Rock Tavern and for a portion of the second circuit extending from the Ramapo Substation to the Sugarloaf Substation (a distance of 15.4 miles). Construction has begun on the segment. Con Edison has submitted to seek Commission approval of its EM&CP for the balance of the second circuit from Sugarloaf to the Rock Tavern Substation (a distance of 11.8 miles).

The Proposed Second Ramapo-Rock Tavern Line will contain the following three elements:

1. Installation of the balance of a previously approved second 345 kV circuit, i.e., approximately 11.8 miles extending from Sugarloaf to the Rock Tavern Substation, on the existing structures that support the first 345 kV circuit;
2. Modification of the Ramapo and Rock Tavern Substations to connect the second 345 kV circuit to these substations; and
3. Installation of a new 345/138 kV step-down transformer and associated equipment in the vicinity of the existing 138 kV Sugarloaf Substation that will provide for connection of the D&R system to the Proposed Second Ramapo-Rock Tavern Line.

#### **LOCATION OF THE PROJECT**

**Proposed Edic-Pleasant Valley Line.** The Proposed Edic-Pleasant Valley Line will run from National Grid's Edic Substation in Oneida County to Con Edison's Pleasant Valley Substation in Dutchess County. The line will be built primarily along an existing RGW owned by the Co-Applicants.

The Proposed Edic-Pleasant Valley Line starts at the Edic Substation in the Town of Marcy, Oneida County. It would traverse the short distance (less than 2,000 feet) to the Porter Substation to join the Porter-Rotterdam #30 and #31 230 kV ROW, which also includes the NYPA-Marcy-Cooper's Corner and the Edic-Fraser 345 kV lines. These facilities are located on adjacent double-circuit structures within this shared 200- to 350-foot-wide ROW for a total distance of approximately 12 miles. Heading southeast past Porter Substation, the line crosses State Route 8/12 into the Town of Deerfield and continues past and to the north of the Utica Reservoir. After crossing into Herkimer County, the line turns south and crosses the New York State Thruway (I-80), the Erie Canal and the Mohawk River within a distance of approximately 3,000 feet.

The Proposed Edic-Pleasant Valley Line continues in a south-southeasterly direction for approximately 8 miles in Herkimer County at which point the #31 230 kV line separates from the other three circuits and continues to the east along a separate ROW. The line follows the alignment of the #30 230 kV line which continues to share the ROW with the two NYPA 345 kV lines for approximately 1.7 miles. The two NYPA 345 kV lines diverge south from the #30 230 kV line and continue within its own ROW in a southeasterly and then easterly direction for approximately 2.9 miles, at which point it rejoins the #31 230 kV line. The line

continues in a southeasterly-easterly direction along the 200-foot-wide ROW of the #30 and #31 lines through Herkimer County. The line travels through the Towns of Schuyler, Frankfort, German Flatts, Little Falls, Stark, and Danube in Herkimer County.

The Proposed Edic-Pleasant Valley Line continues to follow the alignment of the #30 and #31 230 kV lines in a southeasterly direction through Montgomery County, crossing Canajoharie Creek in the Town of Canajoharie. In the Town of Charleston, just west of State Route 30A, the #30 and #31 lines separate with the #31 line heading northeast before turning to the southeast and rejoining the #30 line just west of Schoharie Creek. The line continues to follow the alignment of the #30 line due east through this area, across Schoharie Creek, before continuing into Schenectady County. The line travels through the Towns of Munden, Canajoharie, Root, Glen, Charleston, and Florida in Montgomery County.

The Proposed Edic-Pleasant Valley Line continues due east along the ROW of the #30 and #31 lines in Schenectady County bypassing the proposed Princeton Substation, which will be located near the intersection of the ROW for the #30 and #31 lines and the ROW for the Marcy-New Scotland #18 345 kV line and the Edic-New Scotland #14 345 kV line.

The Proposed Edic-Pleasant Valley Line continues to the southeast along the 370-foot-wide ROW for the Marcy-New Scotland #18 345 kV line and the Edic-New Scotland #14 345 kV line. The line crosses Interstate 89 (I-89) about 5 miles south of the proposed Princeton Substation, just west of where I-89 ends at the New York State Thruway (I-90). About 1 mile south of the I-89 crossing, the #13 115 kV line joins the 590-foot-wide ROW and the line turns due south and continues into Albany County. The line travels through the Towns of Duaneburg and Princeton in Schenectady County.

In Albany County, the Proposed Edic-Pleasant Valley Line crosses U.S. Route 20 in the Town of Guilderland, continues due south just to the east of the Orchard Creek Golf Club, then turns southeast and continues along the existing 345 kV corridor, which is reduced to a 450-foot-wide ROW for a distance of approximately 2 miles to the Town of Guilderland. The line follows this corridor to the New Scotland Substation in the Town of New Scotland. The line bypasses the New Scotland Substation and heads east for a distance of approximately 3.4 miles along the corridor that includes several 115 kV lines and the New Scotland-Alps #2 345 kV line. This section of ROW ranges between 400feet and 620feetwide. The line turns south continuing along the existing 250-foot-wide 345 kV ROW, crosses a major railroad corridor and CSX siding complex, then crosses U.S. Route 9W and the New York State Thruway (I-87) just west of the Hudson River. The line travels through the Towns of Guilderland, New Scotland (which includes 4.9 miles in the Village of Voorheesville), Bethlehem, and Coeymans in Albany County.

The Proposed Edic-Pleasant Valley Line follows the New Scotland-Alps #2 345 kV alignment across the Hudson River into Rensselaer County, parallel and to the south of an existing CSX railroad bridge and the New York Thruway-Berkshire Connector bridge. At the crossing location the Hudson River is approximately 1,800 feet wide. On the east side of the Hudson River these three facilities continue an aerial crossing of the Schoadack Island State Park for a distance of approximately 1,200 feet. From the Hudson River the line continues east for approximately 1.6 miles to the proposed Knickerbocker Substation, which will be located at the intersection of the New Scotland-Alps #2 345 kV line and the Schoadack-Churchtown #14 and the Greenbush-Hudson #15 115 kV lines in the Town of Schoadack.

The Proposed Edic-Pleasant Valley Line departs from the proposed Knickerbocker Substation and proceeds to the south along the 100-foot-wide ROW of the double-circuit Schoadack-Churchtown #14 and Greenbush-Hudson #15 115 kV lines. Approximately 2.2 miles south of the proposed Knickerbocker Substation, the line passes into Columbia County and continues in a nearly straight line due south through the Town of Stuyvesant for a distance of

approximately 8 miles. After crossing into the Town of Stockport, the line turns to the southeast, crosses U.S. Route 9 and Kinderhook Creek, and again turns due south. The line continues in a southerly direction generally parallel to and approximately 1 mile to the east of U.S. Route 9. The line crosses a small portion of the Town of Ghent less than 1 mile west of the Columbia County Airport. The line continues to follow the 115 kV ROW through the Town of Claverack, passing about 2 miles to the east of the City of Hudson. After crossing Route 9H the double-circuit #8 and #17 115 kV lines join the ROW just north of the Churchtown Substation. The 150-foot-wide ROW the line is in remains with this configuration of parallel double-circuit 115 kV lines for the next 12 miles through the Towns of Livingston (8.3 miles), Gallatin (1.2 miles), and Clermont (0.7 miles). The total distance in Columbia County is approximately 30.8 miles.

The Proposed Edie-Pleasant Valley Line continues south into the Town of Milan in Dutchess County, and approximately 1 mile south of the county line the ROW is joined from the west by the Leeds-Pleasant Valley #91 and #92 345 kV lines in a parallel, single-circuit configuration. The line continues along this 400-foot-wide ROW for approximately 6 miles, at which point the two 345 kV lines leave this joint ROW to the west; the line continues due south along the 115 kV ROW, running east of Silver Lake in the Town of Clinton. The line continues south in the Town of Clinton and continues along this 150-foot-wide 115 kV ROW in the Town of Pleasant Valley to the Pleasant Valley Substation. The line travels through the Towns of Milan, Clinton, and Pleasant Valley in Dutchess County.

South of Churchtown Substation, the Proposed Edie-Pleasant Valley Line roughly parallels the Taconic State Parkway which is located approximately 2 to 3 miles to the east. A portion of this ROW in which the line is located in Columbia and Dutchess counties is also occupied by the Iroquois Pipeline.

**Proposed Oakdale-Fraser Line.** The Proposed Oakdale-Fraser Line begins at the Oakdale 345 kV substation in the Town of Union in Broome County. It leaves the substation, heading in a northern direction for approximately 1.6 miles. The line then crosses into the Town of Maine and continues in a northeast direction for approximately 3 miles. The line then crosses into the Town of Chenango, continuing for approximately 6 miles before crossing into the Town of Barker. Continuing northeast the line crosses State Highway 79, followed by Conklin Hill Road and enters into Chenango County, Town of Greene.

Within the Town of Greene, the Proposed Oakdale-Fraser Line continues in an easterly direction for approximately 7.5 miles and then crosses into the Town of Coventry. In the Town of Coventry, the line travels in a northeast direction for 7.5 miles after which it crosses into the Town of Afton. The line crosses State Highway 41 and State Highway 7 followed by the Delaware and Hudson Railroad. After crossing into the Town of Bainbridge, the line continues for approximately 3.4 miles before crossing into Delaware County, Town of Masonville.

The Proposed Oakdale-Fraser Line continues in an easterly direction through the Town of Masonville for approximately 9 miles before crossing into the Town of Sidney. Continuing in an easterly direction for 2.3 miles, the line crosses into the Town of Franklin and then continues for approximately 2 miles before crossing into the Town of Walton. After crossing into the Town of Walton, the line continues in an easterly direction for 2.8 miles before crossing into the Town of Hamden. The line continues through Hamden for approximately 3.8 miles and then crosses into the Town of Delhi, ending at the Fraser Substation.

**Proposed Marcy South Series Compensation.** Three parcels, approximately 2 acres each and adjacent to existing substations on land already owned by either NYPA or NYSEG, would be used as

sites for the proposed series capacitor banks. One series capacitor bank would be constructed adjacent to the Marcy Substation in the Town of Marcy on NYPA-owned property. The second and third series capacitor banks would be constructed adjacent to the Fraser Substation in the Town of Delhi on NYSEG-owned property.

The 21.8-mile reconductoring of NYSEG's FCC-33 line commences at a point along NYSEG's existing ROW in the south-central portion of the Town of Delhi, approximately 4.5 miles east-southeast of the Fraser Substation. The reconductoring route passes through the Town of Hamden in a southerly direction for approximately 5 miles and continues in a southerly direction through the Town of Colchester for approximately 12 miles. While in the Town of Colchester, the reconductoring route passes above approximately 0.64 miles of surface water comprising the Pepacton Reservoir, and, immediately thereafter, passes into the Catskill Park. The reconductoring route passes through approximately 12 miles of Catskill Park and terminates at the Hazel Substation, located approximately 4 miles south of Colchester, in the Town of Rockland, Sullivan County.

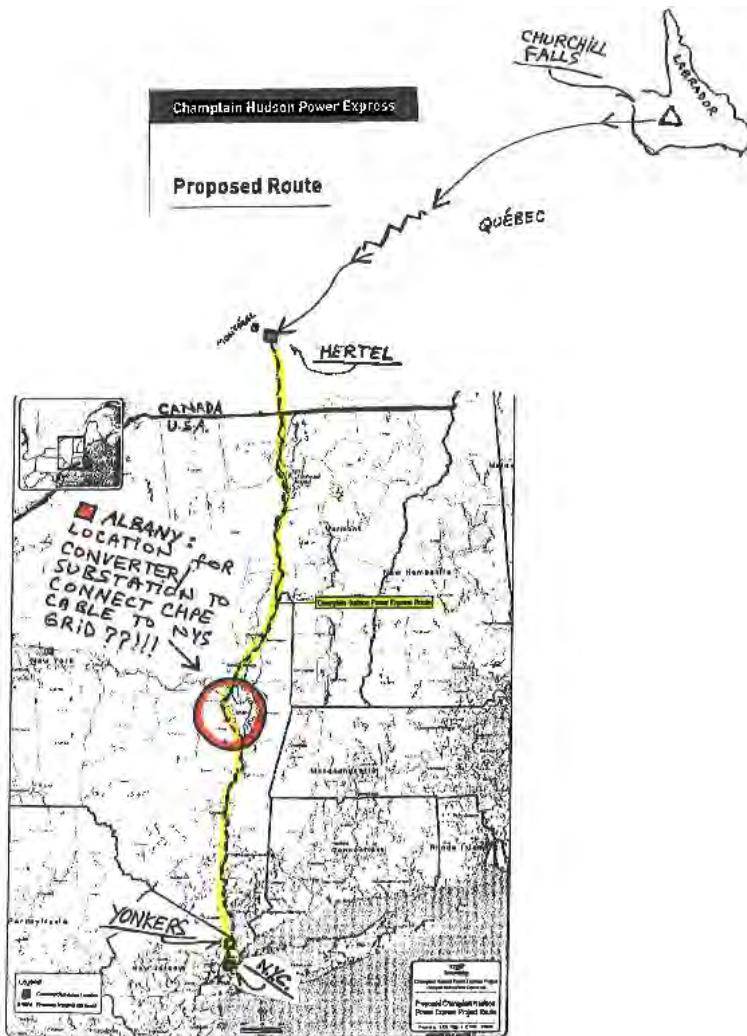
The existing ROW for the FCC-33 line is approximately 150 feet wide. Construction as well as access will occur exclusively in this existing ROW and along existing access roads; acquisition of additional ROW will not be required.

#### Proposed Second Ramapo-Rock Tavern Line.

The Proposed Second Ramapo-Rock Tavern Line will be constructed utilizing the existing transmission towers along the ROW between Sugarloaf and Rock Tavern. The proposed work will be done between Sugarloaf and the Rock Tavern Substation within the towns of New Windsor, Hamptonburg, Blooming Grove, and Chester, and at the three affected substations (Ramapo, Sugarloaf and Rock Tavern).

#### DATE OF FILING

The NYTOs expect to file the Initial Submission Materials with the Commission on or before October 1, 2013. Copies of the Initial Submission Materials will be available for public inspection on the Project website ([www.nytransco.com](http://www.nytransco.com)). In addition, copies of the Initial Submission Materials will be available for public inspection at the Department of Public Service Offices in Albany (Office of Central Files, 14th Floor, Three Empire State Plaza, Albany, NY 12223).



-712-01

**712-01:** The following Sierra Club, Atlantic Chapter letter, comments, and map are from the 2010 EIS scoping period and do not reflect the currently proposed CHPE Project as was analyzed in the Draft EIS. The proposed CHPE Project would be a merchant transmission facility that would provide electricity, generated in Canada primarily from hydroelectric and wind sources, to the New York City metropolitan area market. See response to Comment 139-06 regarding a potential converter station in Albany. The other components of this comment letter are noted. As stated in the response to Comment 139-18, these scoping comments were considered during development of the EIS. The comments raised have been either addressed in Section 2.5 of the EIS (Alternatives Analysis) or regard use of conservation, demand management, or other power generation sources; and development of other in-state electric power sources or other transmission lines, which are outside the scope of the EIS.



STERLING FOREST/HIGHLANDS COMMITTEE

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August 2, 2010

Office of Electricity Delivery and Energy Reliability  
OE-20  
U. S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Attn: Dr. Jerry Pell

UNITED STATES DEPARTMENT OF ENERGY  
OE DOCKET NO. PP-362  
DOE/EIS - 0447

SCOPING COMMENTS FOR ENVIRONMENTAL IMPACT STATEMENT (EIS)  
RE: CHAMPLAIN HUDSON POWER EXPRESS (TRANSMISSION  
DEVELOPERS, INC.) APPLICATION FOR A PRESIDENTIAL PERMIT,  
AND APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT  
ACT FUNDING TO CONSTRUCT AND OPERATE A 1,000 MW  
ELECTRIC TRANSMISSION CABLE FROM QUEBEC, CANADA, TO THE  
NEW YORK METRO REGION.

Dear Dr. Pell:

The following written comments are to supplement the Sierra Club comments made at the July 13, 2010, Scoping Meeting held in Kingston, NY. This also supplements testimony provided by other Atlantic Chapter representatives of the Sierra Club, a national, state, and local grassroots membership organization committed to protecting the natural and human environment which we share.

OVERVIEW

To be funded with American Recovery and Reinvestment Act subsidies, the Champlain Hudson Power Express transmission project (the Project), was proposed to the US Department of Energy (DOE) on January 27, 2010, as a 420 mile-long submarine power cable from the Hertel Substation in Quebec, Canada, running under Lake Champlain and the Hudson River to the NY Metro region. The cable

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system was to have had the capacity to deliver 2,000 megawatts (MGW) of power to be generated from new, companion wind and hydro sources in Canada which were to be constructed at some future date. At a stated cost of \$3.8 billion, the Project would have been able to transport 1,000 MGW to the NY Metro region, and 1,000 MGW to New England. During July, 2010, the Project surprisingly eliminated the New England component. The Project, thus has been reduced in half.

Two primary reasons are noted in the June 16, 2010, Federal Register for conducting this EIS: 1) the necessity of the Project to obtain a "Presidential Permit" since both the cable and electric power are to cross the international US-Canada border; and, 2) the EIS will also be used to satisfy NEPA requirements regarding the Project's application to obtain American Recovery and Reinvestment Act funding. Eligibility for that subsidy require development of renewable energy sources, and a construction start date commencing by September 30, 2011.

Remarkably, the Project seeks to enter an energy market that already has an oversupply of electricity at a time of contracting economic activity and in a business climate fostering energy efficiency and conservation initiatives that collectively are reducing the demand for existing supply.

The Project development appears to be dependent not on current or projected market conditions, but rather on federal loan guarantees of at least \$1.52 billion pursuant to provisions of the Energy Policy Act of 2005 (EPAct), and pursuant to the American Recovery and Reinvestment Act of 2009 (the Recovery Act, better known as the Federal Economic Stimulus Package...). Those federal subsidies would underwrite at least 80 percent of the Project's cost. Additionally, the Project would be eligible for a plethora of other federal-state-local subsidies and business incentives such as state and county Industrial Development Agency sales tax exemption, property tax abatement, IRS accelerated and bonus depreciation allowances, job creation credits, brown field redevelopment grants, etc... It is possible that the collective public subsidy may equal or even exceed the total cost of the Project, all of which must be detailed in the EIS.

#### DETERMINATION OF NEED

Before the specifics of the Project are even considered, the EIS must establish the need for such a new source of long-distance power supply to the NY Metro region. NEPA requires a declaration of public need and the taking of a "HARD LOOK" at new proposals as well as at a full range of alternatives and strategies that could also satisfy the Project's stated purpose.

And, New York State regulations require an evaluation of impacts on the use and conservation of energy including a demonstration that the Project will satisfy generating capacity and other electric system needs in a manner consistent with the state energy plan. It does not matter if the proposal is for "green and clean" power, or for "dirty" fossil fuel power. It does not matter if the proposal

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is funded by private investors or if the federal subsidies will fund a proposal with "free money." If there is no need, the "no action" option prevails.

Further, any proposal should serve the transmission/distribution requirements of the power grid which serves the entire state. The Project as proposed, however, will for the most part bypass existing power lines and interconnection possibilities, and will not integrate itself into the existing state-wide grid. New York power producers will effectively be excluded from use of the cable which will not modernize the existing state transmission infrastructure.

New York and New Jersey officials, regulatory agencies, distribution merchants and industry oversight entities like the New York Independent Systems Operator (NYISO), all clearly state that a lack of additional long-distance transmission is not an issue. The critical Metro NY-NJ concern is maintaining and upgrading local and neighborhood transformers and substations and power lines that interconnect with all generation sources.

There are always new demands for more or different sources of supply, especially for retiring and replacing existing power plants. But, there are always solutions anticipating those needs that are being prepared in an ongoing planning cycle of ten or more years out into the future. The state and NY Metro problems involve aging distribution infrastructure which caused the Queens, NYC City power outage crisis during the summer of 2006. No amount of extra, outside supply could have changed those events.

Currently, the Hudson Valley has six major power plants in addition to those in New York City and in North Jersey. They use a mix of gas, oil, coal, hydro and nuclear fuel. Two north-to-south long-distance transmission systems also serve the region. The NYS Power Authority Marcy-South power line from the EDIC/Utica substation to the Rock Tavern substation in Orange County is located west of the Hudson River. The Central Hudson to Con Ed complex from the Albany area to the Bronx is located east of the Hudson. All systems interface with the Metro NY load zone which is also supplied by transmission cables from Connecticut and New Jersey.

Most of the above plants are operating below capacity and have reserves immediately to ramp up production to meet seasonal peak demand. Further, seven proposals in recent years for new generating facilities in Rockland and Orange Counties alone never materialized due to unfavorable market conditions that did not justify the return on investment because of competition from existing sources including Demand Side Management achievements, and because additional supply could not be absorbed by the market.

As late as April, 2010, the NYISO, which manages the supply/reliability of electricity produced and traded among NYS merchants, has stated that there is no existing or anticipated need for additional power in NYS during the next 10-year planning cycle. In fact, the use of electricity in NYS starting in 2008 has dropped significantly. The NYISO has reaffirmed that the top priority in NYS is to modernize

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the local utility distribution systems and the regional grid.

The EIS must evaluate the total consumption patterns within the state and the capacity of all supply sources, especially those that are within the NY Metro region including the following:

-- the installation of the Cross Sound cable from New Haven, Ct., to Shoreham, Long Island;

-- the installation of the Neptune cable from Sayreville, N.J., to Levittown, Long Island; and,

-- the implementation of the State energy plan which promotes efficiency, conservation, improved building codes and decentralized solar and wind net-metering applications.

The EIS must evaluate the supply projects that are nearing approval and construction such as:

-- the Cross-Hudson cable from Ridgefield, N.J., to the 49th Street substation in Manhattan which will link Con Ed with the existing NJ PSE&G/PJM power systems in place west of the Hudson River;

-- the Transco Gas pipeline extension through North Jersey to lower Manhattan;

-- the 1,000 MGW Cricket Valley Power Plant in the Town of Dover, Dutchess County, that will connect directly to the Con Ed transmission line to the Bronx;

-- the 630 MGW Competitive Power Ventures Power Plant in the Town of Wawayanda, Orange County, that will connect directly to the Marcy-South power line; and,

-- the 63 MGW hydro projects to be generated from existing New York City reservoir spillways in the Catskill Mountains that will connect directly to the Marcy-South power line.

The above generating facilities will use existing transmission infrastructure that will avoid costs for any new transmission line construction.

If there is increased demand and a need for additional supply, many alternatives exist beyond the reflexive response to increase generating capacity. The EIS must evaluate the impacts of the full range of alternatives that would obviate the stated purpose and need for the Project. The EIS must evaluate competing proposals/technologies; efficiency and conservation initiatives; changing development/construction trends; and, changing economic/consumption conditions.

- The EIS must consider the example of efficiency represented by the Lovett power plant that demonstrates the importance of the NYS priority to modernize the local grid/distribution system.

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During 2007, the Mirant-owned Lovett coal-fired power plant, located on the Hudson River in Rockland County, was under a consent decree to upgrade its emission system. Instead, Lovett petitioned the PSC to be decommissioned. Due to O&R Utility reconstruction of a major substation and local power lines, efficiencies were created which made up for the loss of the Lovett power production. The request was granted by the PSC, the plant has since been demolished, and no new power generation was needed as a replacement for Lovett.

- The EIS must evaluate the full range of Demand-Side-Management (DSM) strategies and technologies ranging from dynamic time-of-day pricing to various digital metering systems within a home that regulate appliance on and off cycles and sequential use, to grid-based, system-wide controls. The radio-controlled thermostats for cooling systems in large buildings that were activated by Con Ed to reduce NYC peak load during the July, 2010 heat wave is a good example of a relatively low-tech, low cost solution.

- The EIS must include the findings of the January 9, 2008, DOE report which shows that implementing the system-wide technology of digital time-of-day temperature and price metering could reduce peak electric loads by up to 15 percent a year and thus save over \$70 billion no longer needed to build new power facilities such as the proposed Champlain Hudson Power Express Project. Such a strategy would simultaneously remedy pollution, climate change emissions, supply concerns, and reduce consumer expenses.

- The EIS must evaluate the unused, available reserve capacity of all power plants supplying the NY Metro region. For example, the Bow Line power plant on the Hudson River is producing minimum power due to low demand and high costs. However, Bow Line can quickly generate its maximum capacity if needed at peak load times.

- The EIS must evaluate the New York City regulations that require the ability to produce 80 percent of peak load from generating facilities located within the City.

- The EIS must evaluate all of the alternate supply, efficiency, and conservation programs conducted by the NYS Energy Research and Development Authority (NYSERDA) which make the Project unnecessary.

- The EIS must examine the impact on reduced power consumption due to state and local improved building construction codes and code enforcement. A recent example was O & R Utilities contracting with Bechtel Corp. to construct three power plants in anticipation of population growth in Orange County, the fastest growing county in the State. The population estimates were correct but the expected energy consumption per household plummeted due to improved building insulation practices. Those power plants, as a consequence, were never built. O & R, however, had to sue in State Supreme Court to have the contracts with Bechtel rescinded.

- The EIS must examine the impact of the Recovery Act's funding weatherization and other energy efficient programs designed to reduce

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and conserve energy which conflict with the Project's application for funding from the same federal economic stimulus source to increase energy consumption.

- The EIS must evaluate the impact of all the solar energy products which are replacing traditional electric generation use and which also reduces the need for new transmission facilities. The Solar Energy Consortium in Kingston, NY, has created over 400 production jobs during 2010 alone. Commercial and residential net-metering programs, solar-thermal hot water systems, solar powered LED street and building lighting have not only produced renewable, "clean" power, but also have removed those sources from the power line, thus making more grid capacity available to other merchants.

- The EIS must evaluate the impact of decentralized, land-based and off-shore wind power which is close to points of consumption, and which uses existing transmission/distribution infrastructure.

- The greatest gain in energy supply in recent years has been through the development of "negawatts," the freeing up of existing power through reduced consumption supported by the State energy plan. The EIS must consider those cost effective outcomes in its full range of alternatives which support the "no action" or "no build" option, and which may demonstrate the Project to be unnecessary.

- One half of the original Project proposal, the 1,000 MGW cable to Bridgeport, CT, intended to supply the New England ISO, was aborted at the last moment due to the lack of need for that power. The EIS must examine the circumstances that caused the Project reduction and determine if those circumstances and lack of need also apply to the New York State portion of the Project.

#### UNIQUE TRANSMISSION-ONLY FUNCTION

The Project stands apart from traditional power merchants since it provides a specialized long-distance transmission-only function which is separate from but totally dependant on bulk power producers at the cable entry point, and on wholesale utility consumers at the cable exit point. The transmission cable is just like a giant household extension cord with plugs at each end.

The Project does not generate electricity nor does it serve as a utility which distributes electricity to retail customers. It has no control over the sources or the price or the end use of the power to be transported. The Project can take no responsibility for the fuel or methods needed to generate the electricity; for the conduct of the suppliers or of the consumers; for the reliability or need for the electricity; or, for the price of the electricity and tax costs which are passed on to the retail consumer.

The Project function is identical to that of the failed New York Regional Interconnect (NYRI) transmission proposal which was dismissed with prejudice on April 21, 2009, (Case No. 06-T-0650), by the New York State Public Service Commission (PSC). NYRI is the model for this Project with three differences: NYRI was an above-ground power line,

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was located wholly within New York State, and wanted construction costs assessed to ratepayers; while this Project is a submarine/underground cable, is located in both Canada and New York State, and wants construction costs supported by US taxpayers through government subsidies and American Recovery Act guaranteed loans.

Both NYRI and this Project pose classic cases of segmentation within a deregulated energy market for the EIS process. Although treated as a separate entity, the transmission Project is totally dependent upon and cannot exist without production/supply and distribution components. The EIS, therefore, must consider in an equally thorough manner, all components as a single conjoined enterprise.

Further, the EIS must examine how the Project will interface with the regional transmission grid serving the entire state.

**PROJECT SEGMENTATION AND RECOVERY ACT FUNDING**

Neither the Project's transmission cable nor the Canadian hydro power facilities currently exist. Both are to be constructed when funding is secured. Although legally compartmentalized into transmission and hydro generation components, the Project's transmission function is inseparable from the Lower Churchill Falls dam/artificial impoundment construction and supply function. The financing considerations are equally conjoined. Further, the generation component in Canada may not be finalized without the transmission Project first being approved for American Recovery Act funding.

Since the funding streams for each component may be segregated for accounting purposes, and since each component supports the total funding required to develop the enterprise in common, the EIS should evaluate the cumulative impacts of both transmission and generating components as two steps of the same action, not as disconnected, unrelated actions.

Further, the EIS should evaluate the fungibility of all funding from all public and private sources, and detail how American Recovery Act subsidies will support construction of the underlying generation facilities in Canada, and how those facilities will compete with generating facilities in New York State.

**PROJECT HAS NO ABILITY TO PRODUCE "RENEWABLE" ENERGY**

The Project has applied for \$1.52 billion in Recovery Act loan guarantees, and states that it will transport the prerequisite renewable wind and/or hydro power into New York from facilities at Lower Churchill Falls, Canada. Those facilities are still to be constructed.

If and when new renewable energy becomes available, that electricity could enter the NYISO market via the existing transmission grid without this Project.

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The proposed "renewable" supply will be transported from Lower Churchill Falls over the existing grid to the Hertel substation for conversion to the DC cable. That same electricity could connect with the New York and New England grids right now without any need for the cable at all.

The construction of the cable, however, would provide an exclusive route for any and all electricity that reached Hertel to be leap-frogged to the NY Metro region which would give that supply a special advantage over renewable and other power produced within NYS.

If the intent really is to promote renewable energy throughout the US and Canadian service areas, then future Canadian renewable energy should enter the US market via the conventional grid shared by all suppliers, and should compete on equal footing with NYS renewable energy producers.

Central to the promotion of the Project is the promise to import "green" renewable energy into the NYISO service area. But as a transmission-only facility, the Project has no ability to create/produce renewable or non-renewable energy, and has no control over the source or quality of the commodity it transports.

Further, the Project has never asserted that it will only transport renewable wind and hydro power over the useable life of the cable. It has not said that it would not transport non-renewable power from coal, nuclear or tar/oil sand sources, or that it may transport from all sources in some combination. It is unlikely that the Project can legally refuse to deliver energy from any source, a circumstance germane to its subsidy application.

The EIS must evaluate the delivery potential of all power from all sources and from all locations for cumulative environmental impact reasons, and for Recovery Act subsidy eligibility reasons.

**IS CHURCHILL FALLS HYDRO POWER "RENEWABLE" AND REALLY ELIGIBLE FOR AMERICAN RECOVERY ACT SUBSIDIES?**

All hydro power is not the same. "Renewable" hydro power is generally defined as power from free-running rivers such as that from Niagara Falls and the St. Lawrence River.

The Project has stated that the anticipated Hydro power would be from the Lower Churchill Falls project which may not be developed should the Champlain Hudson Power Express cable not first be approved.

Dams at Churchill Falls are yet to be built, and forests are yet to be cut down and flooded. What effect will the loss of forests and habitat have on the wildlife to be displaced, and on a net increase of greenhouse gases? What is the chance that methane and other climate changing chemicals will be introduced into the atmosphere as a result of the proposed flooding?

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The hydro power is to be generated from artificially created impoundments, not from free-running streams. What effect on energy reliability would impoundment-generated power have during high heat, summer drought conditions causing high rates of evaporation and low water flow at the same time New York consumer demand for electricity is the highest?

The EIS must detail the sources and quality of the hydro power that is promised by the Project and evaluate whether or not those Canadian sources are really renewable and eco-friendly, both from an environmental perspective and as a precondition for Federal Recovery Act funding.

**EXCLUSIONARY DESIGN AND ANTI-COMPETITIVE NATURE OF THE PROJECT**

The Project is a 355 mile-long Direct Current (DC) transmission cable starting at the Hertel substation in Canada, 35 miles north of the Quebec-New York State (NYS) border. The cable runs the entire north-south length of NYS, terminating at a specialized converter station in Yonkers. At that point, the power is transformed from DC back to Alternating Current (AC), and enters the conventional distribution grid.

Transmission-only facilities like that of the Project are to transport power from all suppliers over the same shared line or cable. AC power allows entry/exit hookups throughout the grid. However, this DC cable has no access connections along the 355 mile intervening length, and essentially is a separate DC system from the existing AC grid. Further, the entry point at Hertel appears to be reserved to transport supply only from Lower Churchill Falls if and when that Canadian generation ever comes on line.

Most troubling is the Project design that blocks cable access to competing US/NYS power merchants who are prevented from using the cable to transport electricity generated and distributed within the state. Likewise, state producers are denied the ability to transport and sell NYS generated power via the cable into the Canadian market. The Project effectively is a one-way monopoly that channels trade-protected Canadian power into the high-use but already well-supplied NY Metro market at a disadvantage to NYS merchants.

It appears that the exclusionary design of the Project violates both the purpose of the Recovery Act to support US/NYS enterprise, and the priorities of the NYS energy plan, especially the task to upgrade the existing transmission/distribution grid within the NYISO service area.

The unfair trade advantage given to Canadian power producers by the Project design also is in conflict with DOE policy that requires cross border trade in electric energy between Canada and the USA to follow the same comparable open access and non-discrimination principles that apply to interstate electric transmission within the USA.

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The EIS must evaluate the anti-competitive, monopoly aspects of the Project as they relate to DOE open access and non-discrimination trade policies, and to the related funding requirements of the Recovery Act. Further, the EIS must reconcile the policy contradictions and financial absurdity of Recovery Act funding that will promote competition with the existing grid rather than assist to upgrade that grid; that will give an advantage to imported "renewable" energy at the expense of domestically produced renewables; and, that will underwrite a very expensive transmission cable that NYS energy producers cannot use.

**UNREALISTIC MARKET AND PROJECT EXPECTATIONS**

The Project's claims defy market realities which demonstrate on a daily basis that a plentiful supply of power exists within the NY Metro region and throughout NYS. It takes no account of the collective actions by power merchants which continue to diminish a need for long-distance and local supplies. It ignores the grid modernization and efficiency priorities of NYISO and the State energy plan. It remains oblivious to a contracting economy and declining trends in overall energy use in NYS. The Project is cost prohibitive and cannot compete with existing merchants who can provide the same or more net electric power through a much lower cost structure. It cannot be constructed and import Canadian electricity without massive US and Canadian public subsidies. It would gain an incredibly unfair business advantage over its US market competitors who do not receive the same government subsidies.

The greatest business threat to new and existing energy merchants, however, is not the result of competition or favoritism among power merchants, or from revolutionary technologies, but from an economy in recession and the related steady reduction in energy consumption across all commercial sectors. Annual statewide use of electricity has declined during the past three years. Even then, seasonal spikes in usage will continue such as that currently being experienced throughout NYS due to the unusually high summer temperatures. NYS has set an all-time monthly record for electric consumption during July, 2010. No adverse delivery or supply problems have been noted, reaffirming the existence of sufficient supply and system capacity.

Not only are jobs and whole industries vanishing from the region, replacement jobs and replacement buildings are anticipated to use far less power than their predecessors. And, the new jobs that are being developed are in the decentralized solar and wind power fields which will further drive down the need for traditional electricity sources and transmission lines.

The lack of need for long distance power surely influenced the Applicant to reduce the Project in half by cancelling the New England segment during July, 2010.

The current economic and financial conditions are just like those faced by the NYRI transmission-only power line project during 2007, 2008, and 2009. NYRI banked on government stimulus subsidies and

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special consideration that totally would have misapplied federal programs for funding. The plan was to protect investors by artfully shifting construction costs from investors to ratepayers via a special surcharge/fee rather than to pay from customer but doubtful revenue. The resulting delivery and total costs to customers would have sky-rocketed. When denied, NYRI's lack of a credible business plan no longer could be masked. Investors refused to risk their own money, and the NYRI transmission project folded.

#### VIABILITY OF PROJECT AND ABSENCE OF REALISTIC BUSINESS PLAN

The Project states that at a cost of \$1.9 billion, it would be one of the largest energy "investments" in NYS. It would cost twice as much to construct than that of a local power plant that could add the same amount of electricity into the NYISO service area. For instance, the Cricket Valley Power Plant will cost half as much to construct, is located 300 miles closer to the NY Metro region, will produce the same 1,000 MGW, and can connect to the existing Con Ed transmission lines at no extra construction cost. Added to the cost of the Project is the uncertain cost and uncertain completion date of the proposed Canadian power supply, as well as the uncertain eligibility of that power as a "renewable" source. The total costs very soon escalate ever upward.

The chicken-and-egg relationship between the transmission Project and the Lower Churchill Falls generating project must be evaluated in the EIS since the cable would not connect to an existing supply source. Is the construction of the cable really a device to justify construction of Canadian dams and artificial impoundments with US subsidies?

The lack of an available, legitimate renewable supply, and a lack of a demand for a new supply from any source at a reasonable price raises doubts about the viability of the Project with or without public subsidies.

It appears that market forces cannot justify this transmission-only Project. Just as with NYRI, private investors are unwilling to risk their own money on this power cable venture. The Project can go forward only with uncritical public incentives and funding. To that end, the Project is seeking fast-track approval for a Presidential Permit and related construction permits. Such authorization, in turn, underlies a second, more significant application for immense loan guarantees by the American Recovery and Reinvestment Act which requires both renewable energy production, and a construction start date by September 30, 2011. The loan guarantees by themselves would cover 80 percent of the Project cost and would expose the US taxpayer to at least \$1.52 billion in Project obligations.

The EIS must evaluate the risk of financial default requiring a US Government financial rescue. Is the Project cost-effective and viable at all in today's market? Will revenue be sufficient and sustainable to cover debt service and operating expenses without additional public

DOE/EIS - 0447, ATLANTIC CHAPTER, 8/2/2010, PAGE 12.

subsidies? If the Project is sound and such a smart plan, why do the investors need government guaranteed funds at all? What risk and exposure would the investors have in the event of default and bankruptcy?

The EIS must evaluate the total cost of the Project, the total cost of the tandem generating project upon which it depends, and the total public subsidies for which both projects are eligible. The EIS should consider the impact that the failure of either project would have on the other.

Further, the EIS must detail how subsidies awarded to this Project will absorb available finite public resources that will displace and/or delay renewable energy priorities of NYISO and job creation in solar/wind/smart grid programs promoted by the State energy plan.

**NEGATIVE GROWTH ACTION ALTERNATIVE**

The EIS must evaluate the effect of the economic recession on energy trends and on the transformation of industry and lifestyles that need less, rather than more, energy. With a protracted economic downturn in place, the EIS should add a "negative growth action alternative" as a companion scenario to that of the standard "no action" alternative. Such a scenario would address practical responses requiring system-wide adjustments to an economy having excess capacity and under-utilization of power in general. In fact, on May 14, 2010, the NYS PSC directed all utility companies to prepare austerity plans should the recession linger or even worsen.

An honest public policy reality check must take place throughout the electric power industry and must consider which facilities to close or to consolidate much like the review of unused military bases or of the elimination of excess hospital beds. In the case of this Project, if the required "hard look" is not taken, Recovery Act subsidies may be misallocated and lost while forfeiting the opportunity to fund more worthwhile energy initiatives that are in the public interest.

Respectfully submitted,



Jürgen Wekerle  
Chair, Sterling Forest/Highlands  
Committee, Sierra Club, Atlantic  
Chapter

JW/idi

# Sierra Atlantic

The Atlantic Chapter of the Sierra Club — Serving New York State

Volume 37 Winter 2010

## Greenwashed power line on fast track to grab billions in Subsidies

by Jürgen Weberle and Collin Poley

**A** controversial electric power transmission proposal, the Champlain Hudson Power Express (CHPE), is racing toward regulatory approval even though it is unneeded, will undermine genuine renewable energy, and wreak environmental havoc on the Hudson River and virgin Canadian forests.

CHPE is pressing for fast-track approval from the U.S. Department of Energy (DOE) and the NYS Public Service Commission (PSC). If successful, the boondoggle will qualify for \$1.52 billion in U.S. Recovery and Reinvestment Act loan guarantees which require both the transmission of renewable electricity and a construction start date by September.

The project is a 335-mile, 1,000-megawatt, direct current (DC) submarine power cable to begin at the Hertel Substation in Quebec, Canada. The cable is to cross the international border into NYS and will be buried under Lake Champlain and the Hudson River, causing dredging, PCB and other toxic disturbance and environmental damage in its wake.

It would surface in Yonkers at a substation next to a new civic center and the MTA Hudson Line railroad station. That prized location is incompatible with the best use of the critical riverfront redevelopment district, and conflicts with existing efforts that are key to the revitalization of downtown Yonkers.

To be able to receive federal subsidies, the CHPE proposal is being

falsely advertised as a clean, renewable energy source that will transport surplus Quebec wind and hydro power to meet NYS demand and renewable energy targets. Quebec, however, has no surplus green energy to export, and the touted hydro sources do not yet exist. They are to be built in the same environmentally destructive manner as previous James Bay proposals by Hydro Quebec.

Virgin Canadian forest lands must

**The project would divert New York wind power to Canada, then import it as "new" renewable electricity.**

first be clear-cut and flooded, and a complex of dams and impoundments is to be constructed at Lower Churchill Falls on the Quebec/Labrador border 1,000 miles away.

Churchill Falls generation and CHPE cable transmission are separate but companion projects mutually dependent on each other and on U.S. subsidies without which neither will be built. If those loan guarantees are approved, U.S. taxpayers will be paying for the devastation of habitat and wildlife in Canada, and for the collateral release of methane and mercury emissions which pollute air, land and water resources on both sides of the border.

Moreover, the proposed hydro-power would be generated from low-

*continued on page 9*



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[bobbie.josephson@sierraclub.org](mailto:bobbie.josephson@sierraclub.org)

## Greenwashed power line on fast track to grab billions in Subsidies

*continued from page 1*

flow, artificial impoundments, not from high-volume, free-running rivers, and thus does not even qualify as renewable energy pursuant to NYS renewable energy policies.

The CHPE promise to import Canadian wind power into NYS is just as contrived as the James Bay-type hydro boondoggle. The proposal would actually divert Great Lakes and Tug Hill wind power generated in western NYS from the existing state-wide market. It would re-route that power via the existing grid north across the border and east into the Hertel Substation in Quebec, would re-brand that same NYS-originated power as a new source of renewable Canadian electricity, and then would re-import that power south into the NY metro market.

Currently, all wind power produced in NYS is already available to the NY metro region (and to all customers throughout NYS and surrounding states) via a more direct and much shorter route provided by the open access network of the existing grid. What CHPE is proposing is a bolt-and-switch scheme to create the illusion of renewability in order to claim eligibility for the coveted federal loan guarantees and other subsidies, such as the Westchester County Industrial Development Agency (IDA) tax exemptions.

Nor only is the CHPE project a glaring example of greenwashing at its best, it satisfies no public need or benefit, defers market conditions, constrains other power merchants, undermines the genuine renewable solar and wind industry which is creating real, permanent jobs in NYS, and conflicts with the state energy plan.

There just is no market demand for additional long-distance power, but should such demand occur, existing plans and the conventional grid can respond and transmit power from Canada or elsewhere without the construction of the CHPE cable.

Paradoxically, a wave of new generation and supply sources is just coming on line at the same time that

overall consumption of power in NYS is declining. In April, 2010, the New York Independent System Operator (NYISO), which manages the supply reliability of electricity produced and traded among NYS merchants, stated that there is no existing or anticipated need for additional power in NYS during the next 10-year planning cycle. In fact, the use of electricity in the state has dropped significantly each year since 2008. As a consequence, the Public Service Commission (PSC) has directed utilities to prepare austerity plans to adjust generating capacity/production accordingly.

While power supply is not an issue, upgrading the delivery system is. The NYISO, PSC and the state energy plan all reaffirm that the top energy priorities are to modernize the local utility infrastructure and the regional grid, to maximize efficiency and to supply genuine renewable sources throughout the distribution system.

The CHPE cable would accomplish none of those objectives. Instead of contributing new interconnections along its 355-mile route and integrating itself with the existing grid as required by industry standards, the cable would bypass and be independent of the grid.

The cable's closed DC design prevents its use by NYS merchants to transport and distribute electricity within NYS, and also from selling into the Canadian market. It is an anti-competitive, one-way monopoly that would channel trade-protected Quebec power into the high-use but already well-supplied NY metro market at a disadvantage to NYS merchants, customers and the environment.

Further, the CHPE cable stands apart from traditional power merchants, since it provides a specialized, long-distance, transmission-only function, just like the failed New York Regional Interconnect (NYRI) power line proposal. It neither generates electricity nor does it serve as a utility which distributes electricity to retail customers. It has no control over the source, the price, or the end-use of the power it would transmit. It

cannot promise or guarantee renewable sources just as it cannot deny dirty fossil fuel or nuclear sources. It is just like a giant household extension cord with plugs only at each end; an entry plug in Quebec and an exit plug in Yonkers, with no access points in between.

Unfortunately, the permit reviews by the Dept. of Energy and PSC are being limited only to the portion of the cable on the NYS side of the border. Inexplicably, studies of the construction and generation contingencies on the Canadian side and their cumulative impacts, which give birth to CHPE, are being omitted.

With no market need and no public economic benefit, the project has little hope of making a profit through actual old-fashioned earnings. CHPE, however, is a high-finance venture—the object is more to capture the subsidies than to provide renewable energy. The hedge funds will not be placing their own money at risk since the billions of dollars in public subsidies provide for an overly generous, government-guaranteed profit—even if CHPE goes bankrupt and even if no electricity is ever transported.

Ultimately, the nation must focus on ways to reduce energy consumption rather than continue to foster exponential consumption to stimulate the economy at a price that cannot be repaid. The best and fastest way to provide clean, renewable, cost-effective energy is to promote on-site solar and wind generation, coupled with assertive demand-side reduction, conservation and energy efficiency measures—not the perverse transmission-only shell game being perpetrated on unwitting U.S. taxpayers by CHPE.

For more information, visit [www.AskPSC.com](http://www.AskPSC.com), with links to DOE for details, current status, Atlantic Chapter testimony, and scoping comments (re: Champlain Hudson Power Express - PSC case #10-P0139).  
*Jurgen Weber sits on the Chapter's Clean Water and Energy committees.  
 Staffer Caitlin Pixley is the Atlantic Chapter's Conservation Associate*

Comment 713



INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 825  
AFFILIATED WITH AFL-CIO

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606-470-1480  
FAX 609-470-1485

GREGORY LALEVEE  
BUSINESS MANAGER  
1000 Independence Avenue, SW  
Washington, DC, 20585

November 21, 2013

Mr. Brian Mills  
NEPA Document Manager  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC, 20585

VIA Email – [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)

RE: CHPE EIS  
Champlain Hudson Power Express Project

Dear Mr. Mills,

I am a Business Representative with the Operating Engineers Local 825. Local 825 represents approximately 6,500 heavy equipment operators, mechanics, and surveyors in the construction industry, as well as individuals employed at heavy equipment repair facilities, equipment rental companies, asphalt and concrete plants and stone quarries. Our jurisdiction encompasses Rockland, Orange, Ulster, Sullivan and Delaware Counties of New York, and the entire State of New Jersey.

The Operating Engineers Local 825 is in favor of the Champlain Hudson Power Express Transmission Line Project. We believe that the project will be completed in a responsible manner and that the work opportunity this project will present to our members will have a positive effect on the area's future economic outlook and our member's livelihood.

We ask the U.S. Department of Energy for their positive consideration of this project.

Respectfully submitted,

A handwritten signature in black ink.

Timothy R. Muller  
Business Representative  
New York Branch Office

713-01 713-01: Comment noted.

## Comment 714



November 21, 2013

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Re: CHPE Draft EIS Comments

Dear Mr. Mills:

*Home of:*

North Country  
Small Business  
Council

Adirondack Coast  
Visitors & Convention  
Bureau

North Country  
Industrial Council

Québec-New York  
Corridor Coalition

New York's  
Tech Valley

S.C.O.R.E.

Essex County  
Business Council

Plattsburgh-  
North Country  
Service Corp.

*Serving:*

Clinton  
Essex  
Franklin  
Warren  
Hamilton

Southern Québec

The North Country Chamber of Commerce is the largest business and economic development organization in northern New York and one of the four largest chambers in the state. We represent more than 4,200 member employers across five counties.

We play a leading role in strategic economic development, including the facilitation and support of the growing connectivity between Quebec and New York.

With the foregoing in mind, we want to take this opportunity to express our full support for approval of the Champlain Hudson Power Express project, seeking to construct, operate, maintain and connect a new electric transmission line across the U.S.-Canada border through our region.

Accessing the abundant, clean, renewable hydropower in Quebec for the current and future energy needs of New York in particular and the U.S. in general is, in our opinion, pure common sense. They have it. They're a neighboring, friendly, secure source. And we need it. In this context, we broadly support efforts and investments to take advantage of this power.

A challenge, of course, is the actual transmission, with understandable reluctance in most areas to host and see above ground transmission infrastructure. Therein lies the attractiveness of this venture -- tapping the north-south waterways between Montreal and New York City to invisibly and safely carry most of the line.

The outcome will be increased supply of exactly the kind of electricity we most want to utilize, helping to meet the needs of the New York City region while actually favorably impacting the entire New York State market through the relief of pressures on upstate sources and the simple introduction of a new source of "competition" in the energy market.

In a nutshell, we need multiple sources of clean electricity and the most ample access to supplies as can be achieved. This furthers that aim, and represents a welcome commitment of private investment and leadership which we must encourage and support if we wish to prompt other such potential private ventures.

- 714-01   **714-01:** Comment noted.



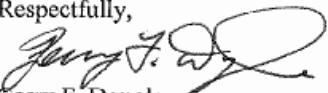
*A Strong Partner for Strong Business in the North Country*

P.O. Box 310, 7061 Rt. 9, Plattsburgh, NY 12901-0310 Tel: 518-563-1000 Fax  
Email: chamber@westelcom.com Web Site: northeccountrychamber.com

We have worked closely with Transmission Developers and CHPE from the early stages of their concept. They have been open, accessible, sensitive and responsive, and have worked cooperatively with responsible environmental interests and others in the design and refinement of their project. We are fully comfortable that the project as now designed is environmentally sound and the business case in terms of helping to address our future energy needs is exceedingly strong.

We seek and encourage the earliest possible approval of the Energy Department, and look forward to the full construction and implementation of this imaginative and welcome project.

Respectfully,



Garry F. Douglas  
President and CEO

Comment 715

**From:** Brian Buel [<mailto:briannedie@yahoo.com>]  
**Sent:** Monday, November 25, 2013 3:25 PM  
**To:** Mills, Brian  
**Subject:** Champlain Hudson express transmission line project

Please review the enclosed attachment which illustrates my objection as an IBEW union member to this project.

: Brian Buel

&nb sp; 19 Tuscany Meadows

East Durham, New York

&nb sp; 12423

Conclusion

- New York State is finally poised to address its aging energy infrastructure, and this will create opportunities for our unionized construction and utility workers.
- The governor's "Energy Highway" calls for tapping cheap, upstate generation to meet expensive, downstate demand which is consistent with the New York Transmission Owner's STARS report.
- The Champlain Hudson Express DC line does:

- *Not allow* for increases in upstate renewable goals and does not create renewable construction and utility jobs;
- *Not allow* for future expansion at the Oswego Energy Complex prohibiting the creation of more construction and utility jobs;
- *Not allow* for existing upstate generators to compete, ultimately leading to their dissolution, and the termination of existing utility jobs;
- Connect Canadian generation to New York loads;
- Drain jobs and revenues from NYS and provides jobs and revenues to a foreign country.

715-01

**715-01:** See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs.

- Upgrading AC transmission lines on existing ROWs (STARS) allows:

- For more construction and utility jobs to increase the capacity of the existing lines;
- For the increased development of renewable resources which means NYS can achieve its ambitious renewable goals, and more unionized construction and utility jobs;
- For future expansion at the Oswego Energy Complex which means more unionized construction and utility jobs;
- For upstate power plants to continue to partner with communities, providing millions of dollars for local communities;
- For relief of congested transmission lines, allowing upstate generation to flow to NYC loads, maintaining existing utility jobs at upstate power plants;
- Construction and utility jobs to stay and grow in New York State – Homegrown, New York solutions for New York's energy problems.

## Comment 716



**THE MARITIME ASSOCIATION  
OF THE  
PORT OF NEW YORK/NEW JERSEY**  
**Tug & Barge Committee**



NAN-2009-01089-EYA

December 11, 2013

To Whom It May Concern:

I am writing on behalf of the Tug & Barge Committee (TBC) of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied.

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."<sup>1</sup>

The Maritime Industry feel that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany

STATE POLICY 3

"The installation and operation of the transmission cables may affect navigation or future dredging activities which may, in turn, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."<sup>2</sup>

<sup>1</sup> HDR Letter October 18, 2010, Sean Murphy

<sup>2</sup> NYSDOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

*"It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches."*

716-01 **716-01:** Comment noted.

716-02 **716-02:** See response to Comment 701-02.

The mission of Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: “*To develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey.*” The Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible proposals and met with the CHPE consultants on March 16, 2011 to discuss cable routing. At that meeting the Energy Sub-Committee raised several concerns regarding the proposed cable route and installation. The consultant informed the Energy Sub-Committee that they were negotiating with the New York State Department of Conservation (DEC) to route the cable outside the channel in shallow water and that the route would not be the same as presented; however, the recently approved New York State DEC proposed CHPE route is very similar though not identical to the first proposal and therefore the Applicant has met but NOT consulted with the appropriate port facility operators.

#### STATE POLICY 2

“Should the bi-pole occupy any federally maintained navigation channels it will be buried at least 15 feet below the authorized depth in a single trench within those channels. In this matter, the siting of the cable at these depths will minimize conflicts with water based navigation by substantially avoiding anchor strikes and potential future navigational improvements.”<sup>3</sup>

Anchors vary in size and use but regardless have long been a staple of the shipping industry performing many functions for vessels including anchoring, docking, and emergencies and while docks and anchorages are predictable, emergencies are not. The Hudson River varies in channel width and depths primarily rock and can narrow to 400 feet in width. The primary tool to mitigate non-controllable factors is the anchor. Non-controllable external factors include diminishing visibility (fog, snow, and thunderstorms), Ice, or other vessels or internal casualty factors (loss of engines or steering). As non-controllable factors can occur anytime and anywhere in any navigable channel, anchoring must be a primary factor in considering proposals in navigational waters that may impact anchoring.

Risk of fouling an anchor on a cable has many impacts to include but not limited to loss of assets, supply chain schedules, asset/human casualties, and/or environmental damage. Vessels transiting the River trade in various liquid products including Albany exports of crude oil and ethanol.

716-03 **716-03:** See response to Comment 701-03.

716-04 **716-04:** See response to Comment 701-04.

<sup>3</sup>IBID

*“It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches.”*

<sup>4</sup>Another condition requires that the applicant verify the transmission cables' burial depth on a periodic basis so that they do not become a hazard to navigation or marine resources.<sup>4</sup>

The Energy Sub Committee and the Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained.

New York is our home. Over 31,000 New York City residents earn their livelihood in the maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible approach to cable routes.

I wish to thank you in advance for your considerations to our needs and if you have any questions or concerns please feel free to email me at safemariner@me.com

716-05 716-05: See response to Comment 701-05.

Sincerely,



CAPT Eric Johansson, Executive Director  
Tug and Barge Committee Port of New York/New Jersey

<sup>4</sup> IBID

*'It is the mission of the Tug & Barge Committee to promote and represent the interests of tug boat operators and harbor carriers in local issues relevant to the tug and barge industry in the New York/New Jersey Port area and approaches.'*

Comment 717



**THE MARITIME ASSOCIATION  
OF THE  
PORT OF NEW YORK/NEW JERSEY**

NAN-2009-01089-EYA

December 12, 2013

I am writing on behalf of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied.

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."<sup>1</sup>

The Maritime Industry feels that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany

**STATE POLICY 3**

"The installation and operation of the transmission cables may affect navigation or future dredging activities which may, in turn, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."<sup>2</sup>

The mission of our Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: "To develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey." Our Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible proposals and met with the CHPE consultants on March 16, 2011 to

] 717-01   **717-01:** Comment noted.

] 717-02   **717-02:** See response to Comment 701-02.

<sup>1</sup> HDR Letter October 18, 2010, Sean Murphy

<sup>2</sup> NYSDOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

discuss cable routing. At that meeting the Energy Sub-Committee raised several concerns regarding the proposed cable route and installation. The consultant informed the Energy Sub-Committee that they were negotiating with the New York State Department of Conservation (DEC) to route the cable outside the channel in shallow water and that the route would not be the same as presented; however, the recently approved New York State DEC proposed CHPE route is very similar though not identical to the first proposal and therefore the Applicant has met but NOT consulted with the appropriate port facility operators.

#### STATE POLICY 2

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"Another condition requires that the applicant verify the transmission cables' burial depth on a periodic basis so that they do not become a hazard to navigation or marine resources."<sup>4</sup>

Our Energy Sub Committee and Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained.

New York is our home. Over 31,000 New York City residents earn their livelihood in the

] -717-03 **717-03:** See response to Comment 701-03.

] -717-04 **717-04:** See response to Comment 701-04.

] -717-05 **717-05:** See response to Comment 701-05.

<sup>3</sup> IBID

<sup>4</sup> IBID

maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible approach to cable routes.

I wish to thank you in advance for your considerations to our needs and if you have any questions or concerns please feel free to email me at [themaritimeassoc@erols.com](mailto:themaritimeassoc@erols.com).

Sincerely,

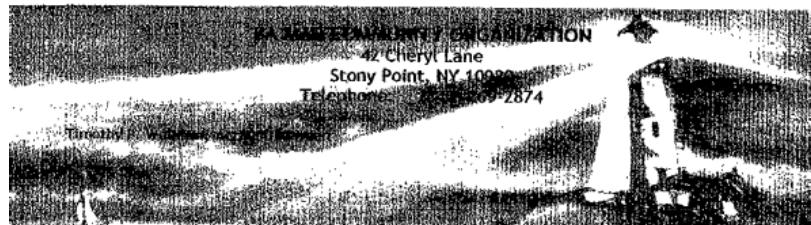


Edward J. Kelly  
Executive Director

01/03/2014 21:00 8454294514

BROOK

PAGE 8



December 14, 2013

Mr. Brian Mills  
Department of Energy  
Section  
Office of Electricity Delivery & Energy Reliability (OE20)  
U.S. Department of Energy  
1000 Independence Ave, SW  
Washington, DC 20585

US Department of Energy

JAN 03 2013  
Electricity Delivery and  
Energy Reliability

Re: Champlain Hudson Power Express

Dear Mr. Mills:

The Ba-Mar Community Organization is greatly concerned with this project. The CSX Railway is only a good stone's throw away so this project is very close to where we live and will have a great impact on us. The Ba-Mar Manufactured Community to date has received no outreach from Champlain Hudson River Express, Inc., New York State, or New York City, apparently the only beneficiary of this power line. No correspondence in English or Spanish has been received yet as Ba-Mar has a significant Spanish speaking population, whose first language is Spanish.

Our community was hit hard by Hurricane Sandy just over a year ago which has left us with a lot of uncertainty. Now we learn we have more uncertainty placed upon us. This time it come in the form of a man made storm.

The high voltage power line that is set to be placed so close to us is extremely troublesome to us and hopefully all of Stony Point and Rockland County, if not all, along its path. Currently Ba-Mar property may have little impact, as one map shows, but there is no guarantee here. The path may change. As it stands now, the line will disrupt the Stony Point Battlefield, a State Historic Site, the Historic Waldron Cemetery and a number of homes here in Stony Point where good decent people live. Let it be said now, people are no better than second on the protection line. The Sturgeon of Haverstraw Bay come first, which is why the line comes out of the Hudson into the battlefield and runs along the CSX line right of way and also will run through Stony Point's wetlands. None of this sounds

Comment 718

**718-01:** DOE followed accepted practices in notifying the public about the availability of the Draft EIS and the planned public hearings. No special accommodation requests were submitted in advance of the hearings. DOE conducted public outreach to all communities along the proposed CHPE Project route. Public notification of the public hearing in Rockland County was provided through various methods including on the CHPE EIS Web site and notices published in the *Federal Register*; USACE public notice, and newspaper notices (*Rockland County Times* on November 7, 2013; *Journal News* on November 4, 2013; and the *Times Record* on November 4, 2013). More than 400 paper copies of the EIS, or copies on CDs, were also mailed out to people who signed up to be on the EIS distribution list during the EIS scoping period in 2010 or were added to the list through a variety of other avenues. Appendix P of the Final EIS identifies all the public comment period and public hearing notifications associated with the Draft EIS that were provided by DOE.

**718-02:** The World Health Organization, DOE, and National Institute of Environmental Health Sciences (NIEHS) have not identified any known health effects from the level of electromagnetic field (EMF) exposure that would be associated with the proposed CHPE transmission line; therefore, impacts from magnetic fields are not expected from operation of the proposed CHPE Project. The Draft EIS addresses potential health and safety impacts associated with the installation and operation of the transmission line (see Sections 3.1.14.1, 5.1.14, and other similar sections of the EIS).

**718-03:** See response to Comment 121-03 regarding the cultural sites and response to Comment 105-04 regarding the transmission line crossing properties with homes.

**718-04:** The Haverstraw Bay alignment, under which the transmission line would have been installed in the Hudson River through Haverstraw Bay rather than on land, was initially proposed by the Applicant in its 2010 Article VII application to the NYSPSC.

] 718-01  
| 718-02  
| 718-03  
| 718-04  
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BROOK

PAGE 82

very good for Stony Point families, the Battlefield, the Waldron Cemetery, our wildlife and our environment. Along with the real possibility of the line that already traverses the tracks could end up on the east side of the tracks to disrupt Ba-Mar causing great risk to its residents.

Therefore, the Ba-Mar Community Organization must soundly, loudly and clearly call for an end to this project. If there is no way to stop it, then put it in the river.

Ba-Mar says.....People over Sturgeons.

Timothy P. Waldron,



Chairperson, Ba-Mar Community Organization

↑ 718-04

Based on consultations with regulatory agencies and various stakeholders, including the NYSDEC and the New York State Coastal Zone Management Program, a modified route was selected for approval as part of the NYSPSC Certificate of Environmental Compatibility and Public Need and the Coastal Zone Management Consistency Determination issued for the proposed CHPE Project. Therefore, this previously proposed component is not part of the proposed CHPE Project route as approved in the NYSPSC Certificate, and was not analyzed in the Draft EIS.

The plan to limit underwater installation activities to certain times of the year is designed to avoid life-cycle or migratory impacts on aquatic species in the project area. At the Town of Stony Point, the proposed CHPE Project would exit the Hudson River for approximately 8 miles (13 km) in Rockland County to avoid impacts on Haverstraw Bay and the Haverstraw Bay SCFWH. The intent was to have no underwater installation activities in Haverstraw Bay at any time of the year.

## Comment 719



## UTILITY WORKERS UNION OF AMERICA

Local 1-2, Affiliated with AFL-CIO

5 West 37th Street, 7th Floor, New York, NY 10018  
(212) 575-4400 Fax:(212) 575-3852HARRY J. FARRELL  
PRESIDENTJAMES SLEVIN  
VICE PRESIDENTLUCIA E. PAGANO  
SECRETARY-TREASURER

JOHN CAPRA

SENIOR BUSINESS AGENTS  
JAMES SHILLITO

ROBERT STAHL

January 6, 2014

Mr. Brian Mills  
 Office of Electricity Delivery and Energy Reliability (OE-20)  
 U.S. Department of Energy  
 1000 Independence Avenue, SW  
 Washington, DC 20585  
 Fax: 202-318-7761 | Email: Brian.Mills@hq.doe.gov

RE: UWUA Local 1-2 comments on DOE/EIS-0447 and request for DOE to REJECT CHPE

Dear Mr. Mills:

On behalf of the Utility Workers Union of America Local 1-2 and its 8,000 members, and their families, I am writing to confirm our opposition to the Champlain Hudson Power Express (CHPE) project and urge you to deny the construction permit for CHPE.

The CHPE line does not make sense from an economic, public policy or energy perspective. Relying on foreign-generated power, instead of upgrading in-state energy infrastructure, does not put the interests of New Yorkers first. Keep in mind that New York's electric power plants provide skilled, good-paying, sustainable jobs to thousands of hard-working union members. Rather than spurring investment in new facilities in New York State, which would create more good jobs and help this nation's economy, the CHPE proposal curtails infrastructure investments and undercuts the need for other in-state generation by creating a "one-way energy highway" from Quebec to Queens. The result is the exportation of our jobs and dollars for the sole benefit of Canada. Not only will we lose the jobs which in State plants would create, but we also will lose existing jobs, as current New York State plants are shut down.

In addition, ratepayers should not be exposed to the high cost nor to the high probability of CHPE failing on a merchant and/or reliability basis. While CHPE has maintained that the line will be built on free market principles, it continues to insist that New York's ratepayers remain "on the hook" for paying the bill. In fact, Hydro-Quebec, the state-owned Canadian utility

719-01

719-02

**719-01:** Installation and operation of the CHPE transmission line is directly aligned with the goals outlined in the *New York Energy Highway Blueprint*. Implementing the project would mean that New York State would have a greater percentage of its supply capacity from clean energy sources. Also, the increase in power supply (i.e., approximately 1,000 MW and 7,640 gigawatt hours [GWh] per year added to the New York City metropolitan area market) would help satisfy the growing demand for electricity in the state. More details on the benefits associated with the proposed CHPE Project are provided in Sections 5.4.12 and 5.4.16 of the EIS. Construction of new power generating facilities is not within the scope of this EIS. See response to Comment 101-02 regarding jobs.

**719-02:** As stated in Section 1.4 of the EIS, the economics of the proposed CHPE Project and potential impact on ratepayers was evaluated as part of the NYSPSC Article VII review process. Independent modeling conducted by the NYSDPS projected that ratepayer benefits in the New York Control Area would total approximately \$405 million to \$720 million per year.

The New York State electricity market is regulated by the NYSPSC and the NYISO. The pricing mechanisms for power purchases in the New York State electricity market are not the subject of this EIS. Cost-benefit analysis conducted by the Applicant determined that residents and businesses would experience cost savings from the annual reductions in wholesale energy market prices that would occur throughout the state as a result of the proposed CHPE Project's impact on electricity rates. See Section 5.1.18 of the EIS for additional information.

## UTILITY WORKERS UNION OF AMERICA

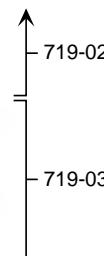
LOCAL 1-2, Affiliated with AFL-CIO

conglomerate, already requested access to a New York State fund, financed by a surcharge on ratepayers, to help defray CHPE costs<sup>1</sup>, although that fund is supposed to be limited to companies based in this State. With respect to reliability and cost concerns, in June 2013, a Canadian transmission line failed to export over 1,300 megawatts of power to New York. This caused wholesale electric prices in New York City to "[jump] as high as \$1,534.80 at 12:15 p.m. after averaging \$47.46 a megawatt-hour from 7 a.m. until noon."<sup>2</sup> Should CHPE fail New York, the price shock would be even greater. Moreover, our in-state generation assets will become responsible for making up the loss of power and run the risk of overloading other transmission lines. It is important to note that this costly scenario would also violate the New York State Reliability Council's Reliability Rules.

Based on the above facts, the Utility Workers Union of America Local 1-2 urges you to deny CHPE's permit. The project makes New York vulnerable to job losses, accountable for the high costs, and increases our dependency on foreign power, while we New Yorkers assume all of the risk.

Respectfully submitted,

James Slevin  
President, Local 1-2

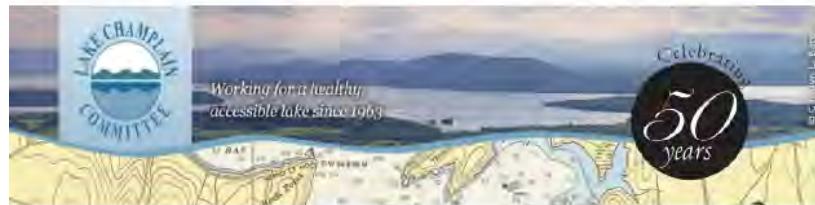


**719-03:** See response to Comment 719-02.

<sup>1</sup> "Canadian-owned company seeks U.S. dollars for electric line," Capital New York, November 18, 2013  
<http://www.capitalnewyork.com/article/albany/2013/11/8536130/canada-owned-company-seeks-us-dollars-electric-line>

<sup>2</sup> "New York Wholesale Electricity Surges on Canadian Imports Halt," Bloomberg Businessweek, June 17, 2013,  
<http://www.businessweek.com/news/2013-06-17/new-york-wholesale-electricity-surges-on-canadian-imports-halt>

## Comment 720



January 15, 2014

Mr. Brian Mills  
National Environmental Policy Act Document Manager  
Office of Electricity Delivery and Energy Reliability  
U.S. Department of Energy  
Washington, D.C. 20585  
[Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)

Dear Mr. Mills,

The [Lake Champlain Committee](#) (LCC) has reviewed the Lake Champlain portion of the Draft Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement (EIS). LCC is a bi-state environmental organization working for a healthy, accessible lake since 1963.

During the scoping phase of the EIS, the Lake Champlain Committee made some recommendations of alternatives to be addressed. Of these alternatives, the EIS adequately explained why alternative routes (S.7.1) and aggressive energy efficiency and conservation measures (S.7.2) were not considered. However, the EIS does not offer an explanation of why diversified generation as an alternative means of meeting the New York City areas energy needs was not considered. We feel this is a weakness in the present document and should have been addressed.

We appreciate the tremendous effort the DOE has put into this EIS and the opportunity to comment.

Sincerely,

Mike Winslow  
Lake Champlain Committee Staff Scientist

cc: Lori Fisher, LCC Executive Director

720-01

**720-01:** As presented in Section 1.2 of the EIS, the purpose of and need for the DOE's action is to decide whether or not to issue a Presidential permit for the proposed transmission line crossing of the U.S./Canada international border. Continued operation of, or development of, other new in-state power sources or transmission lines is not the subject of the application for a Presidential permit and is outside the scope of this EIS. In addition, as presented in Section 2.5.3 of the EIS, conservation, demand management, or use of other power generation sources by themselves were not considered reasonable alternatives to the proposed CHPE Project and were not evaluated in detail in the EIS.

Comment 721



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January 15, 2014

VIA E-MAIL

Mr. Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585  
Brian.Mills@hq.doe.gov

**RE: DOE/EIS-0447**

Dear Mr. Mills:

Please accept these joint comments on the Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement ("DEIS") on behalf of Scenic Hudson, Inc. ("Scenic Hudson") and Riverkeeper, Inc. ("Riverkeeper").

Scenic Hudson works to protect and restore the Hudson River as an irreplaceable national treasure and a vital resource for residents and visitors. Scenic Hudson combines land acquisition, support for agriculture, citizen-based advocacy and sophisticated planning tools to create environmentally healthy communities, champion smart economic growth, open up riverfronts to the public and preserve the valley's inspiring beauty and natural resources.

Riverkeeper is a member supported watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents.



SAVING THE LAND THAT MATTERS MOST

#### **Scenic Hudson and Riverkeeper Intervention in PSC Process**

Scenic Hudson and Riverkeeper intervened in the New York State Public Service Commission (“NYSPSC”) Article VII transmission siting proceeding for this project in 2010 with serious concerns about the impacts of installing a cable within the sensitive Hudson River estuary. However, after achieving significant improvements to the route through nearly two years of settlement negotiations and the commissioning of an expert report by ESS Group detailing potential environmental impacts of the project, we concluded that the impacts to the estuary would be minimal and were outweighed by the benefits of the project if certain conditions were met.

#### **Environmental Impacts**

##### River

As a result of the long negotiation process, the project route was changed to avoid especially sensitive habitat areas in the Hudson River, including Haverstraw Bay. The route avoids directly transiting twelve of the seventeen Significant Coastal Fish and Wildlife Habitats in the estuary.

In areas where the line will be transiting through the Hudson River, “exclusion zones” of particularly sensitive areas where cable installation will be avoided have been delineated by the New York State Department of Environmental Conservation (“NYSDEC”). To avoid potential impacts of heat emanating from the transmission cables and the limited magnetic field produced, particularly on sensitive migratory species, the cables would be buried to the maximum depth achievable, which is expected to be at least six feet below the sediment-water interface, except in limited areas of bedrock or debris where the cable may have to be covered by concrete matting. Further, the bi-pole will be buried in a single trench, with the cables installed vertically on top of one another, which results in the magnetic field from each pole essentially cancelling the other out, minimizing any magnetic field to the greatest possible extent. Underwater cable installation activities would be limited to certain times of the year to avoid life-cycle or migratory impacts to Atlantic sturgeon, American shad, winter flounder, striped bass and other anadromous fish populations as well as resident species such as shortnose sturgeon using the affected areas. These “exclusion zones”, increased burial depth and construction windows will avoid or minimize impact to sensitive aquatic species.

There will be continuous monitoring of suspended sediments, turbidity and water quality during cable installation, and mitigation strategies will be implemented. There will also be pre and post installation benthic and sediment monitoring, bathymetry, temperature and magnetic field

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SAVING THE LAND THAT MATTERS MOST

studies, and pre and post installation sturgeon tracking studies, all of which will work to ensure that construction is not impacting water quality and aquatic species.

In addition, a substantial Environmental Trust Fund to benefit the habitats and ecosystems of Lake Champlain and the Hudson River will be established. A number of priority studies and projects that will minimize, mitigate, study and/or compensate for the short-term adverse aquatic impacts and potential long-term aquatic impacts and risks to these water bodies from construction and operation of the project have been developed. These projects include Hudson River fish habitat studies, restoration of spawning and refuge habitat for migratory and resident fish in the Hudson River, habitat restoration in the Bronx Kill, oyster bed development and restoration, contaminated sediment modeling in the upper Hudson and New York Harbor, and many others. Additional projects will be proposed and implemented over the life of the Trust, expected to be at least 35 years, and a third-party foundation will administer the Trust. This funding will significantly benefit the water bodies potentially impacted by the project.

The project's converter station, originally slated to be constructed in a location on the Yonkers waterfront currently experiencing a renaissance, has been relocated to an industrial area in Queens, where the converter station would be more consistent with the character of surrounding land uses. In addition, by siting the converter station in close proximity to the terminus of the line at the Astoria substation, the need for the installation of a bundle of six alternating current cables in the Hudson, Harlem and East Rivers from Yonkers to Queens is obviated.

#### Land

While Scenic Hudson became involved in this project primarily due to concerns about the potential impacts to the Hudson River, we carefully evaluated the impacts of undergrounding the line on land before advocating for this option to avoid especially sensitive habitat, such as Haverstraw Bay.

The vast majority of the 8 mile terrestrial route in Rockland County is within the railroad right-of-way, with about .5 miles along Route 9W. There would be some temporary disturbances for a few days up to 2 weeks during construction, but no permanent impact to these previously disturbed areas.

In the limited distance traversed under Stony Point Battlefield State Park, Hook Mountain State Park and Rockland Lake State Park, horizontal directional drilling ("HDD") techniques will be used which allow installation of the transmission line without disturbing the surface of the parks. While construction equipment will be visible for a very limited time, this is a temporary impact.

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As discussed above, there would be no electrical fields and small magnetic fields that dissipate very quickly with distance from the direct current line. Even directly over the line, the magnetic fields will not exceed regulatory standards. No health effects have been identified by any organization from this level of exposure. Overall, the impacts of the underground upland portion of this line will be temporary and small.

**Conclusion**

While Scenic Hudson and Riverkeeper approached this project in 2010 with deep concerns about its environmental impacts, through our own careful study, the expert report we commissioned, and significant changes to the project achieved by a negotiation process involving numerous stakeholders, Scenic Hudson believes that environmental impacts from this project will generally be temporary in nature and overall represent a negligible impact to the Hudson River.

721-01   **721-01:** Comment noted.

Respectfully submitted,

/s/Hayley Carlock/  
Hayley Carlock, Esq.  
Scenic Hudson, Inc.

/s/Phillip Musegaas/  
Phillip Musegaas, Esq.  
Scenic Hudson, Inc.

**Comment 722**



**The American Waterways Operators**  
[www.americanwaterways.com](http://www.americanwaterways.com)

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John A. Harris  
Manager - Atlantic Region

January 15, 2014

Mr. Jun Yan, P.E.  
Project Manager, Eastern Section Regulatory Branch  
U.S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, NY 10278

RE: Proposal to Construct the Champlain Hudson  
Power Express Transmission System (USACE  
Docket ID No. NAN-2009-01089-EYA)

Dear Mr. Yan

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry's 4,000 tugboats and towboats and more than 27,000 barges safely and efficiently move more than 800 million tons of cargo each year. This includes more than 80 percent of New England's home heating oil, 60 percent of U.S. export grain, and significant petroleum products transported on the Hudson River. We appreciate the opportunity to comment on the proposal to construct the Champlain Hudson Power Express (CHPE) cable route transmission system.

AWO approaches this construction proposal from the perspective of an organization that is committed to being a leader in marine safety, security, and environmental stewardship. We are committed to working with government partners to advance these shared objectives. AWO's Responsible Carrier Program, the safety management system with which all AWO members must comply as a condition of association membership, highlights AWO member commitment to continuous safety and environmental protection. AWO is committed to the goal of zero harm from our industry's operations – to human life, to the environment, and to property. To realize this goal, AWO looks forward to working with the Corps to minimize risk to vessel operators on the Hudson River.

The Hudson River navigation channel is, at certain points, only 400 feet wide. The waterway accommodates a wide range of commercial and recreational users, making it essential that tug and barge operators retain the ability to conduct emergency maneuvers to avoid collisions, allisions, and groundings. One critical emergency maneuver is the quick and unfettered deployment of an anchor or anchors, which can be used to slow or stop a tugboat and barge that has lost steering or propulsion capabilities, or that is headed toward a collision, allision, or grounding. In addition, operators on the Hudson River must contend with weather conditions that include the quick onset of inclement weather and loss of visibility that requires

The Tugboat, Towboat and Barge Industry Association

Army Corps of Engineers Docket ID No. NAN-2009-01089-EYA  
 January 15, 2014  
 Page 2

vessel owners to deploy an anchor. In all of these scenarios, deploying an anchor has long been a principal tool of safe maritime operations.

The presence of an underwater cable would prevent vessels from deploying an anchor due to the risk that the anchor or cable could be damaged, both expensive and unsafe propositions for vessel owners. Typically, underwater cables or pipelines run perpendicular to the navigation channel and present a minimal obstacle to anchoring. By contrast, the CHPE cable will be placed in or near the middle of the Hudson River navigation channel for roughly sixty-seven miles. This likely prevents the use of anchors on much of the congressionally authorized navigation channel between New York Harbor and Albany, depriving vessel operators of a principal tool of safe maritime operations.

The towing industry understands that certain sections of the CHPE cable are proposed to be buried up to six feet deep. However, a significant portion of the cable cannot be buried due to the bedrock that forms the bottom of the channel where the cable will be covered by concrete articulated mattresses. Articulated mattresses themselves pose a serious risk of entangling and breaking an anchor. Options in the Hudson River that would keep the cable out of the congressionally authorized navigation channel would present far fewer risks to safe navigation and would not impede future efforts to improve our maritime transportation system.

In recent years, vessel traffic on the Hudson River has increased due to the growth of exports of petroleum and ethanol from Albany. To facilitate increased traffic, it may become necessary to dredge the navigation channel to maintain or increase the channel's depth. AWO is concerned that the current cable citing will make dredging operations impossible, limiting economic growth and safe, environmentally friendly transportation on the waterway. The Hudson River is a major commercial artery and the Corps must not allow poor planning now to impede future navigation needs and economic growth.

**AWO strongly urges that the CHPE cable route application as proposed be denied because it will complicate the deployment of anchors, a principal tool of safe maritime operations. In addition, the construction of the cable as planned would impede future efforts to improve our maritime transportation system and harm economic growth.**

Thank you for the opportunity to comment on the permit application for the CHPE cable. AWO stands ready to work with the Corps to find an alternative solution that maintains safe navigation and facilitates economic growth. AWO would be pleased to answer any questions or provide further information as the Corps sees fit.

Sincerely,

John A. Harms

CC: Mr. Brian Mills, U.S. Department of Energy

722-01

**722-01:** The proposed CHPE Project transmission line would be buried to a depth of at least 7 feet throughout the Hudson River, a depth the USACE has identified in their Public Notice for the proposed CHPE Project that substantially reduces the risk of anchor snags.

722-02

**722-02:** The Applicant estimates that approximately 1.5 percent of the length of the aquatic portion of the proposed transmission line route, or 3.0 miles (4.8 km), would require the use of articulated concrete mats to cover the transmission line where it cannot be buried due to presence of exposed bedrock or utility line crossings. See response to Comment 134-01 regarding anchor snags and concrete mats.

722-03

The Applicant considered a number of alternatives for the transmission line route as described in Section 2.5 of the EIS, and the aquatic route proposed reflects a 2-year negotiation process with settlement parties through the NYSPSC Article VII certification review process, as discussed in Section 2.3 of the EIS.

722-04

**722-03:** The proposed transmission line avoids all portions of the maintained (i.e., dredged) federally designated navigation channel in the Hudson River. In unmaintained portions, the depth is already great enough such that maintenance dredging is not required.

**722-04:** Comment noted. See responses to Comments 722-01 through 722-03.

Comment 801

**US Department of Energy**

NOV 04 2013  
**Electricity Delivery and  
Energy Reliability**  
22 ALBION AVENUE, P.O. BOX 12803  
GLEN FALLS, NY 12803  
TELEPHONE: 518-798-2279  
TELECOPIER: 518-798-3172

October 24, 2013

Department of Energy  
Office of Electricity Delivery, OE-20  
1000 Independence Ave. SW  
Washington, DC 20585

Re: Champlain Hudson Power Transmission Line

Dear Sir/Madam:

**Qualifications to Speak** Over more than 30 years my Company designed and supplied over 4000 high voltage electrical substations and transmission projects. Projects near the proposed transmission line include IBM at Essex Jct (115kv), Plattsburgh Municipal Lighting, Green Mountain Power, Central Vermont, Rouses Point, NYSEG, Niagara Mohawk, Central Hudson and Con Ed, and many more customers in this region, plus all over the United States. I am no longer in this business and therefore do not have a conflict of interest.

**Cost of Power** All power is produced at low voltage and used at low voltage. Most of the cost comes from stepping up the voltage for transmission and then stepping the voltage down at the destination. Power is less expensive to transmit when at higher voltages. However, the electrical substations to change the voltage, plus the transmission towers, and land require substantial investments. Transmission also results in line loss of power, and power transformers lose some of the power. If the objective is to provide low cost power, the solution comes from producing and using power in the same locale rather than building transmission lines.

**Monopoly** When the electrical industry was first developed in the United States to provide power for farms, homes and business, only large companies could afford the investment. Government protected that investment by granting monopolies. Since that time, our population has increased and citizens have access to many ways of generating power. However, ancient laws prevent neighbors from selling power across the public street to each other without paying a "wheeling charge." The wheeling charge has no justification in cost, and can only be described as a way of enforcing the monopoly. In Warren County, for example, the County installed a co-gen facility to support the County nursing home and County offices. A new office building was constructed on the other side of State Route 9. There is a conduit under Rt. 9 that could be used to provide power to the new offices, but the monopoly requires the County to connect to the public utility and pay the wheeling charge. So the co-gen has been partially shut down and is costing Warren County taxpayers while the County buys power for the new building from the public utility.

**The 6 Cent Mandate** During the term of President Carter there was an energy crisis. FERC mandated that the utilities would have to pay anyone who could produce power 6 cents per KWH. That seemed to the investor owned utilities like a number that entrepreneurs could not

801-01

**801-01:** Comment noted. The Applicant's objective for the proposed CHPE Project as merchant transmission facility would be to provide electrical energy, primarily hydroelectric and wind energy generated in Canada, to the New York City metropolitan area, which the Applicant states would result in lower wholesale electric power prices, reductions in emissions, greater fuel diversity, and increased energy supply capability and system reliability.

Department of Energy

Page Two

achieve and still make money. However, people started burning trash, developing abandoned hydro sites, and installing turbines from old jet engines run by natural gas to produce power. Then came solar, wind, waste heat recovery and numerous other innovative ways to produce cheap power. There was, in fact, so much of this so-called "cheap power" that the investor owned utilities had to purchase that they could not sell all the power their high cost plants could produce. In New York, the independent power market was wiped out with the stroke of a pen. The plan was called Power Choice. That plan effectively re-imposed the monopoly.

**Con Ed Experience** During the 6 Cent Period, a shareholder at the Con Ed Shareholders' Meeting asked the Chairman of Con Ed in an open forum when Con Ed would build another power plant. The Chairman replied that Con Ed sent out RFQs for 6 cent power, and received so many proposals that Con Ed would not have to consider building another plant for at least 50 years. Then Gov. Pataki signed Power Choice into law and destroyed the free market. There is no incentive to invest in power when there is only one potential customer.

**Low Cost Solution to Our Power Needs** Allow anyone who can produce power to sell to anyone who wants to buy power at the price the two parties agree upon. The telephone and gas transmission industries have already gone though this change, and reduced costs dramatically to the public. Only power is delivered by an ancient business model.

**Benefits** Changing from a central power plant design to a locally produced power plan will reduce power costs to consumers by 50% or more. Thousands of jobs will be created building co-generation, waste heat recovery and other power projects. Jobs will be created at home rather than being exported to Canada. Environmental issues will be avoided. Our national security will be improved by reducing the chance of black outs and cyber invaders from infiltrating the computer systems that control power. A local market will be created for gas from the Marcellus field. Innovative people like Blacklight Power in NJ who can produce power from water will finally have a market to propel their business. The potential for innovation and lower costs will be unlocked.

Given the changes that have already occurred in technology, another large, expensive transmission project cannot be justified. No Action should be taken on the Champlain Hudson Power Express Transmission Line Project.

Very truly yours,



Roger L. Jennings  
President

Comment 802

October 24, 2013

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue  
SW, Washington, DC 20585

Re: The U.S. Department of Energy ( has prepared a Draft Environmental Impact Statement

Email: [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)

Dear Mr. Mills:

I was notified that written comments could be submitted via email, and so here are my comments, as a resident of the Hudson Valley in Cornwall, NY.

The analysis considers the potential environmental impacts from the proposed Federal action of granting a Presidential permit to Champlain Hudson Power Express, Inc. to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northeastern New York State. I believe many items need evaluation.

During construction and maintenance of the above ground towers, aesthetic impacts have been identified, I believe below ground facilities can produce visual and aesthetic impacts, as well and should be identified and evaluated.

In the event that construction or operation of the CHPE facilities results in a release of sewage, such as through inadvertently fracturing a

**802-01:** Construction of the proposed CHPE Project would result in temporary and negligible visual impacts or impacts on aesthetic resources from the presence of construction equipment. Because the transmission line would be buried underground, no aboveground towers are proposed for the proposed CHPE Project. Following construction, up to 16 cooling stations may be constructed at various intervals along the terrestrial portions of the route and would be visible; however, the cooling station buildings would be small (i.e., footprint of 128 square feet each) and would not change the existing character of the viewshed. The Applicant would install the transmission line via HDD techniques in certain terrestrial portions of the route, which would help maintain the visual integrity of the landscape.

**802-02:** There are two identified wastewater lines in the vicinity of the project route. One line has been identified at MP 297.3 and one line has been identified at MP 326.4. HDD techniques would be used to cross underneath both of these wastewater lines; therefore, no impacts are expected. If unknown sanitary sewer lines are discovered during construction activities for the proposed CHPE Project, appropriate BMPs and protocols would be used, including use of protective covering when installing the transmission line over existing infrastructure. Infrastructure owners would also be contacted during planning activities. Cable repairs would occur, as necessary, in one of two ways, depending on if it is an aquatic transmission cable repair or terrestrial transmission cable repair. Repair personnel for both situations would be preselected to save time, per the development of the ERRP. For more information on aquatic and terrestrial transmission cable repair see Section 2.4.13 of the EIS.

pipeline, what could be done if it was to produce substantial environmental impacts?

802-02  
802-03

How will the cable be repaired if necessary?

The DEIS must address the potential for re-suspension of PCBs and other contaminants in the Mid and Lower Hudson River, due to the burying of cable in contaminated sediment. Some areas of cable may be buried by being mechanically plowed or dredged, this would increase the risk of re-suspension. Resuspension of PCB's would impact wildlife and aquatic species. It would also impact many people that enjoy swimming, boating and fishing.

There are many endangered species that live in the area including bald eagles that breed near the Hudson. If there is a potential of disturbance to the nesting grounds or clearing of land in order for the route to be installed I hope that special attention is given to the evaluation of these impacts.

802-03  
802-04

**802-03:** Resuspension of PCBs as a result of the proposed CHPE Project was addressed in Section 5.3.3 of the EIS. The analysis includes modeling information that indicates a maximum concentration of PCBs for all Hudson River sections at 0.1 microgram per liter ( $\mu\text{g}/\text{L}$ ). This PCB concentration would fall below the 0.5  $\mu\text{g}/\text{L}$  threshold established by the USEPA.

**802-04:** Bald eagle breeding habitat has the potential to occur in Dutchess and Ulster counties along the Hudson River. Impacts on bald eagles are not expected to be significant because the aquatic route for the project would occur within the Hudson River, which is used extensively for shipping and recreational activities, and any on-land portion of the project would occur in existing ROWs. It is expected that nonbreeding bald eagles in the ROI have been habituated to disturbance and noise from existing noise sources.

Sincerely,

Kathi Ellick  
Cornwall, NY

## Comment 803



803-01  
803-02  
803-03  
803-04  
803-05  
803-06

**803-01:** See the response to Comment 101-02 regarding jobs, and the response to Comment 708-02 regarding public interest.

**803-02:** See response to Comment 105-04.

**803-03:** As stated in Section 5.3.15 of the EIS, the Applicant would conduct pre-installation chemical sediment sampling in the Hudson River for use in post-installation monitoring, as specified in the NYSPSC Certificate for the proposed CHPE Project. In terrestrial portions of the Hudson River Segment, soil sampling would be conducted in areas where visual or olfactory evidence indicates the potential for elevated levels of contaminants in soil or groundwater. If contaminated soils are detected, the soils would be transported and disposed of in accordance with applicable regulations and standards (see Appendix G of the EIS).

**803-04:** Although the transmission line ROW could impact the margins of the developable areas, the proposed CHPE Project would not prevent the development of waterfront properties in the terrestrial portion of the Hudson River Segment. Property owners would receive just compensation for use of a portion of their property for the transmission line ROW. It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. See Section 5.3.18 of the EIS for the discussion of property values within the terrestrial portion of the Hudson River Segment. See response to Comment 708-03 regarding the Lovett and Bowline power plants.

**803-05:** Other transmission system projects and the potential cumulative impacts from the proposed CHPE Project are discussed in Section 6.1 of the EIS.

**803-06:** See response to Comment 105-04.

Please mark the envelope and Title all responses "CHPE Draft EIS Comments"

Position	Name	Phone	Fax	E-mail	Capitol Address
Secretary to the Public Service Commission	Hon. Jaclyn A. Brilling	518-474-5530	518-488-6081	<a href="mailto:secretary@dps.ny.gov">secretary@dps.ny.gov</a>	NYS Public Service Commission Empire Plaza Agency Building 3 Albany, NY 12223-1360
Administrative Law Judge	Michelle Phillips	518-474-6517		<a href="mailto:Michelle.phillips@dps.ny.gov">Michelle.phillips@dps.ny.gov</a>	As above
Administrative Law Judge	Kevin Casutto	518-474-4506		<a href="mailto:Kevin.Casutto@dps.ny.gov">Kevin.Casutto@dps.ny.gov</a>	As above
Governor	Gov. Cuomo	518-474-8390		<a href="mailto:gov.cuomo@chamber.state.ny.us">gov.cuomo@chamber.state.ny.us</a>	
Dept of Environmental Conservation- DEC	Joe Martens	518-402-6545		<a href="mailto:joemartens@oww.dec.state.ny.us">joemartens@oww.dec.state.ny.us</a>	Commissioner Martens 626 Broadway Albany, NY 12233-1011
Secretary of State	Cesar Perelias	518-474-4752		<a href="mailto:cst@dos.ny.gov">cst@dos.ny.gov</a>	
Web link for DOE documents		<a href="http://energy.gov/nepal/downloads/eis-0447-amended-notice-intent-prepare-environmental-impact-statement">http://energy.gov/nepal/downloads/eis-0447-amended-notice-intent-prepare-environmental-impact-statement</a>			
Senior Planning Advisor	Brian Mills	202-588-8267	202-588-8006	<a href="mailto:Brian.Mills@hq.doe.gov">Brian.Mills@hq.doe.gov</a>	US Dept of Energy, Office of Electricity and Energy Reliability, (OE-20) 1000 Independence Ave, SW Washington, DC 20585
Director , Office of NEPA Policy & Compliance (GC20)	Carol M. Borgstrom	202-588-4600 or 1-800-472-2768	202-588-7031	<a href="mailto:askNEPA@hq.doe.gov">askNEPA@hq.doe.gov</a>	US Dept of Energy 1000 Independence Ave, SW Washington, DC 20585
US Senator	Charles Schumer	914-734-1532	914-734-1673	<a href="mailto:Cody.nelush@schumer.senate.gov">Cody.nelush@schumer.senate.gov</a>	1 Park Place Suite 100 Peekskill, NY
US Senator	Kirsten Gillibrand	845-876-4525	845-876-0999	<a href="mailto:Susan.spears@kirstengillibrand.senate.gov">Susan.spears@kirstengillibrand.senate.gov</a>	P.O. Box 693 Mahopac, NY10541
Congressional Dist 19	Nita M. Lowey (D)	Rockland 845-639-3485	845-634-4079		67 North Main St New City, NY 10536
New York State Senator	William Larkin (R)	Rockland 845-567-1270			1093 Little Britain Rd New Windsor, NY, 12553 <a href="mailto:Larkin@senate.state.ny.us">Larkin@senate.state.ny.us</a>
New York State Senator	David Carlucci	Rockland 845-623-3627			95 South Middletown Rd Nanuet, NY10564 <a href="mailto:Carlucci@nySenate.gov">Carlucci@nySenate.gov</a>
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*Stony Point, New York July 4, 2013*

**DECLARATION OF INDEPENDENCE  
FROM FOREIGN POWER**

We, the gathered, do hereby and unanimously concur in our opposition to the Champlain Hudson Power Express power line and call upon the United States Congress and Army Corps of Engineers, for both historical and economic reasons, to reject this 350-mile electricity transmission line from Quebec to Queens, New York.

On behalf of our fellow Americans and New Yorkers we oppose the exportation of jobs, economic development and the resulting long-term reliance on foreign sources for our energy supply. We further strongly oppose the seizure of American property for the benefit of foreign interests and vehemently oppose the desecration of our historic area where laid to rest are American Patriots who died for our great nation in the Revolutionary War and War of 1812.

During the American Revolution, controlling the Hudson River was seen by the British as critical to dominating the American territories. Rockland, New York was also the site of the first formal recognition of the United States of America by the British.

The Battle of Stony Point took place on July 16, 1779 as 1,350 of General George Washington's Continental Army troops under the command of General Anthony Wayne defeated a British garrison at Stony Point. The British suffered heavy losses in a battle that was considered a huge victory in terms of morale for the Continental Army. The fort at Stony Point and Hudson River crossing site was critical in the colonies victory over Britain.

On May 5, 1783, General George Washington received British Commander, Sir Guy Carleton, in Rockland to discuss the terms of the peace treaty. Then on May 7, 1783, Sir Guy Carleton received General Washington aboard the British vessel *Perseverance*.

Rockland County played a critical role again in the War of 1812 against the British, turning out more soldiers in proportion than any other county in New York, including producing four generals and four Medal of Honor recipients.

We, the people of New York, find the proposed Champlain Hudson Power Express power line provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which need to supply electricity to other parts of the state in order to maintain jobs and keep our local economies viable.

The Champlain Hudson transmission line bypasses the entire New York State transmission system with a one-way, one-customer power line prohibiting any access and opportunity to other New York generators and the tens of thousands of workers they employ.

Because the project is un-economic by design, it can only move forward with New York taxpayer and ratepayer subsidized power purchase agreements that put New Yorkers at a disadvantage in a one-way "energy highway" relationship created only to benefit foreign investors, foreign workers and their greedy Wall Street financers.

We, New Yorkers, do hereby demand our elective leaders in Washington D.C. and the United States Army Corp of Engineers take immediate action to reject this project which will infringe on the landscape of our communities, desecrate sacred and historic communities, while devastating our economics, jobs and future.

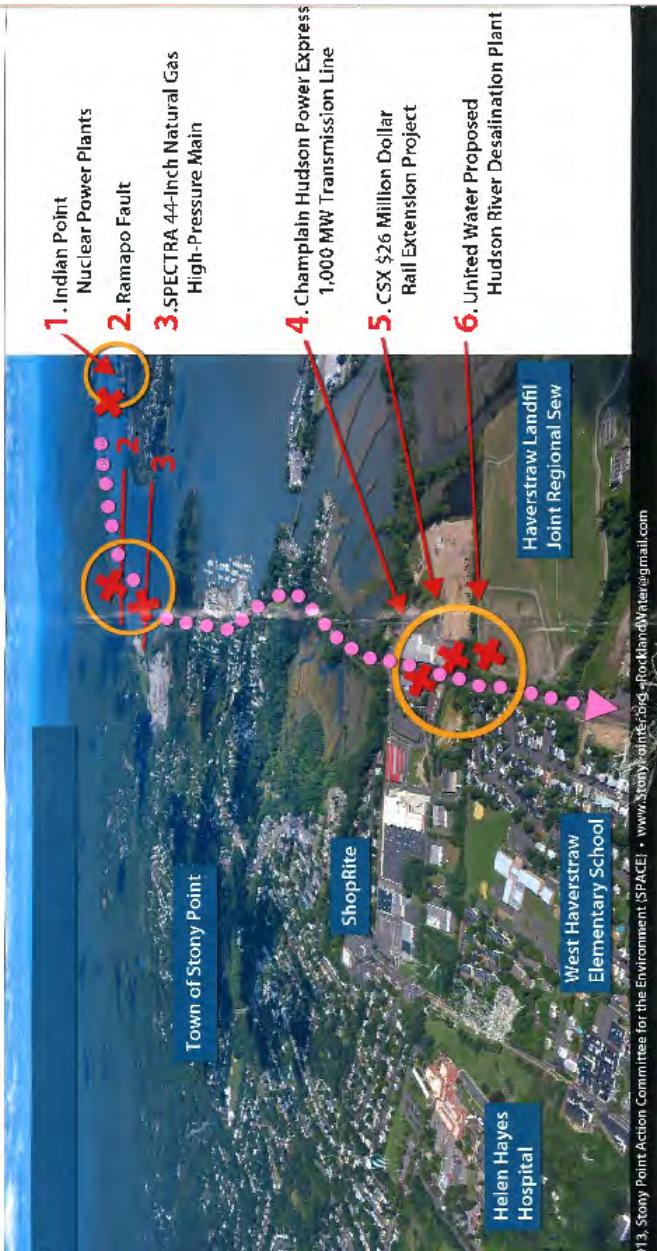
This Canadian power and the exportation of New York jobs and economic development that it stands for must be reevaluated and rejected.

- 803-07

**803-07:** Comment noted. The proposed CHPE Project would not directly outsource any jobs to foreign countries. See response to Comment 121-03 regarding the Stony Point Battlefield Historic Site and Waldron Cemetery.

- 803-08

**803-08:** The New York State electricity market is regulated by the NYSPSC and the NYISO and, therefore, the pricing mechanisms for power purchases in the New York State electricity market are outside the scope of this EIS. NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." Residents and businesses would experience cost savings from the annual reductions in wholesale energy market prices that would occur throughout the state as a result of the proposed CHPE Project's impact on electricity rates. See Section 5.1.18 of the EIS for additional information on this topic. Also see the response to Comment 708-03.



A DVD was submitted as part of this comment. This DVD is available at request from the  
Department of Energy.

Comment 804

November 18, 2013

U.S. Department of Energy – Draft DEIS – Champlain Hudson Power Express

Stony Point Center

17 Cricket Town Road

Stony Point, NY 10980

I would like to take this opportunity to thank the Department of Energy for holding this public hearing regarding the Champlain Hudson Power Express. I especially want to thank Congresswoman Nita M. Lowey for her letter dated July 1, 2013 to Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, alerting her to our important concerns regarding this project and asking her to hold a public hearing as part of the DEIS process. Congresswoman Lowey wanted to make sure we here in Rockland County had the opportunity to express our concerns and that our voices were heard by the DOE.

I would like to begin by saying that Transmission Developers, Inc. - USA is wholly owned by the **Blackstone Group**, one of the world's leading investment and advisory firms with earning assets under management in the hundreds of billions of dollars. Blackstone specializes in private equity and has emerged as one of the largest private equity firms in the world. **Blackstone Group** is the very same company who were the financial advisers to Mirant before, during and after the bankruptcy of the Bowline and Lovett Power Plants. The towns of Stony Point and Haverstraw are still struggling financially as a result of this.

Ms. Lowey rightly states in her letter, dated July 1, 2013 that originally the CHPE line was to run under the Hudson River for most of the project, including the southern section near Rockland County; but the route has been changed so that it now runs parallel to the CSX railroad tracks, which is strongly opposed by local residents, business groups, and elected officials.

804-01

Ms. Lowey further states that eminent domain may be used to take residential and commercial properties; let there be no doubt, eminent domain must be used to achieve CHPE's goals. This project is coming out of the Hudson River in two areas, one being Albany and the second one being in Rockland County, at the Stony Point Battlefield. The Stony Point Battlefield is one of the most significant historical sites in this nation. Battles won here against the British secured our freedom and granted us the right to call ourselves the United States of America. Many of our citizen-soldiers fought and died for our freedom and those who survived the harsh battles suffered unspeakable hardships, no food, lack of training, lack of equipment and clothing, but they persevered. Some of those who perished are buried in the Waldron Revolutionary Cemetery. Many of their descendants still live in our town to this day.

804-02

Our town has 2.2 miles of rail lines from the Battlefield to the Haverstraw Town line. Within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of a mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail; which is equivalent to the size of two football fields or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way. CHPE and CSX have stated clearly in all their documents that they will maintain the right to lease the ROW, thereby making a profit off the taking of any land deemed necessary to complete their project.

804-03

**804-01:** The proposed CHPE Project transmission line was originally slated to be routed through the Hudson River in Rockland County, New York. The Applicant completed and submitted the Coastal Consistency Assessment Form to the NYSDOS on December 6, 2010, for concurrence on their finding that the proposed CHPE Project would be consistent with the policies of the New York State CMP. On June 8, 2011, the NYSDOS issued a Conditional Concurrence with Consistency Certification to the Applicant. In its concurrence, NYSDOS developed conditions that, if met, would allow the project to be consistent with the New York State CMP. Two of these conditions were that the transmission line not occupy any area within the Hudson River north of the southern boundary of the Inbocht Bay and Duck Cove SCFWH and that the transmission line be in a terrestrial, buried configuration around the Haverstraw Bay SCFWH. The Applicant incorporated these and other changes into the project and resubmitted an amended Presidential permit application to DOE in July 2011.

**804-02:** See response to Comment 105-04.

**804-03:** The siting of the transmission line in the State of New York, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the use of eminent domain for the Applicant to obtain limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs if negotiations with private landowners are not successful.

The above mentioned properties generate approximately \$1 million dollars in annual taxes for Stony Point. The CHPE project, according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Settlement Guidelines dated June 23, 2011, states and I quote "The rough estimate totals are as follows:

Rockland County, 7.66 miles estimated taxes - \$796,640.00.

Please understand that this means Rockland County and all of the towns and school districts involved in this project will share this amount of money. Exactly how much in taxes will Stony Point get; we are unsure. The financial impact of this project could be catastrophic to this county and in particular to our town. Should this project go through many of our homes will be devalued, thereby costing the town perhaps several hundred thousand dollars of tax money yearly, as affected local homeowners within the deviation zone will file for tax reductions because their properties no longer maintain their original value. There is the distinct probability that future residential or commercial endeavors will be eliminated due to this project; thereby costing potentially millions of dollars in lost revenue to the Town of Stony Point further eroding our tax base. The CHPE project is a no win situation for our town, county, state and nation.

The CHPE project is not about just 1 transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS's entire energy infrastructure and will create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. According to a letter from the Army Corps of Engineers, dated June 14, 2012, they state that other entities have proposed similar projects and they have questioned "how many other transmission lines could be located along the same route?

804-04

**804-04:** For a response on potential impacts on landowners, the Town of Stony Point, and Rockland County, see response to Comment 810-08.

804-05

**804-05:** Comment noted. The goal of the CHPE project is to provide 1,000 MW of electricity to New York City, which will improve the stability of the electrical grid serving New York City. Also see response to Comment 810-09 for more information on the electricity market.

CHPE states 300 jobs will be created during the construction of this project. This is misleading information, there will be very few jobs, less than 30, and these highly skilled jobs will be filled by Canadian workers, not Americans.

We Americans can re-tool our infrastructures; re-build our own power houses, most notably the Lovett site and the Bowline Power Plant. We, the American people will then be able to keep American jobs in America where they belong! These long lasting jobs will bolster our local, county, state and national economies. I say let's keep American jobs in America! We do not need foreign power; we all know what happens when America becomes dependent on foreign energy.

I would also like to address the issue of safety regarding the CSX Railroad. CSX rails run through our town parallel to the proposed CHPE project. What will happen if there is a derailment and a subsequent explosion of the power cable contacting a derailed tanker car? In one such derailment outside of Baltimore, MD on February 6, 2011, a derailment damaged Verizon's equipment, disrupting land-line telecommunications services. The problems reached all the way to the U.S. Navy Base in Guantanamo Bay, Cuba, where pre-trial hearings were delayed for a day for 5 men charged with orchestrating and aiding the Sept. 11<sup>th</sup> attacks, because files on government servers were temporarily unavailable. We have an international underground telecommunications line spanning the Hudson River, just south of the Stony Point Battlefield.

These rails carry many different materials not the least of which are ethanol, heptane, and sulfuric acid , all of which are extremely volatile substances, some potentially deadly. In the event of a derailment can the hundreds of people living along the rail lines be evacuated quickly? Do our local fire departments have the necessary equipment, knowledge, and training to deal with such a situation? Where will the man power come from should this happen during the day when most of our volunteers fire personnel are at work? Is there even an evacuation plan in place, which by the way is a federal mandate.

804-06    **804-06:** See response to Comment 501-07.

804-07    **804-07:** The Applicant would locate the transmission line within the Canadian Pacific (CP) and CSX ROW and work with those organizations to minimize the chances that a derailment would impact the transmission line. The underground nature of the transmission line provides a high degree of protection and hiding that is not associated with aboveground transmission systems. In the event of a serious derailment, 1,000 MW of electrical service might be temporarily lost in the New York City metropolitan area from the proposed CHPE Project. See EIS Section 5.1.14 for discussion on public health and safety and potential train derailments.

Ladies and gentlemen I would like to state clearly that the New York State Public Service Commission's decision of April 18, 2013 clearly states there will be no jobs created by this project, no new conventional generation facilities will be built as a direct consequence of the decision, the use of eminent domain (aka /deviation Zone) will be used to take NYS residents homes for foreign profit and there will be no savings to the consumer, as these savings will be captured by the applicants and their financial backers and/or users of the Facility. No environmental Impact Statement study was done for the land installation for Rockland County. How do we recoup the lost tax revenue for the devaluation of our properties, should the CHPE transmission line in fact be built?

804-08

804-09

I believe that it is imperative the Presidential permit not be granted for the above listed reasons and I encourage the Department of Energy to withhold this permit. Please keep in mind we do not need this extension cord from Canada. I encourage you to deny this presidential permit for the CHPE project, indefinitely.

804-10

**804-08:** For information on job creation, see response to Comment 501-07. No new power generation facilities would be constructed as a result of this project because the proposed CHPE Project transmission line would span from Canada to New York City to provide 1,000 MW of power to the New York City metropolitan area market. The siting of the transmission line in the State of New York, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the Applicant the right to use eminent domain for this project, if required.

**804-09:** Impacts for terrestrial installation within Rockland County can be found in Sections 3.3 and 5.3 of the EIS. For information on recouping lost tax revenue, see response to Comment 113-02.

**804-10:** Comment noted.

In closing I would like to say that we must be mindful of what precedents will be set if this project proceeds and more importantly what the effects on us will be. What kind of a legacy are we leaving future generations? Please understand once the damage is done to our environment there will be no turning back. Our homes, our majestic Hudson River and our communities will be forever and irreparably changed.

  
Rebecca J. Casscles

69 Beach Road

Stony Point, NY 10980

"JUST SAY NO COMMITTEE"

## Comment 805

11/10/2013 08:55 PMX

0001/0001

Comments for the CHPE EIS

Stony Point Public Hearing 11/18/13

Thank you to The Army Corp of Engineers and the DOE for hosting this Public Hearing.

I am Stephen Beckerle. For the purpose of this Public Hearing I will be wearing two hats.

A Resident Hat and a Business Owner Hat. Let's start with my Resident Hat.

My address is 49 Beach Road Stony Point NY. My property line borders the CSX ROW.

The house was built in 1835. The house has survived the Civil War, the building of the railroad, and more recently it has survived super storm SANDY. I fear it will NOT survive the Champlain Hudson

River Express Project. This project is NOT good for the residents and the tax payers of Stony Point.

Now I will put on my Business Hat. I work for a family business that was started in 1940.

Beckerle Lumber currently employs 90 people in four locations in Rockland County NY.

Beckerle Lumber in 2012, paid more than 1.7 million in Real Estate &amp; Sales taxes. This 1.7 million

Does NOT include, Payroll, Income, FICA, SS, Medicare, Workman's Comp, State, City, and

the dreaded MTA tax. This 1.7 million ALSO does NOT include any of the taxes our workforce  
pays to live and work here. Why am I bringing this up?

The Champlain Hudson Power Express line will be running right alongside our 5.0 acre property

In Haverstraw. I know 1.7 million isn't a lot when compared to the 2.2 billion project proposed by

TDR. It's even less when compared to the, 4 trillion dollar, for-profit-project-backer, Blackrock.

Blackrock the primary backer of this project had net income of 2.4 billion in 2012.

I believe this project if allowed to proceed will just be the start of our local community being

Overrun by the "BIGS".

Recent U.S Treasury estimates show \$400-\$500 billion is available in uncommitted capital in the US

Investment community. We don't want our community to become a blight so the "for profit"

transmission highway industry can prosper at our expense.

Our government officials are sworn to protect our rights. Do your job. Thank you.


  
Stephen Beckerle
  
11/18/13

 Beckerle Lumber  
 49 Westside Ave  
 Haverstraw NY 10527

 805-01    **805-01:** See response to Comment 501-04.

**From:** Stephen Beckerle [<mailto:stephen.beckerle@beckerlelumber.com>]  
**Sent:** Wednesday, January 15, 2014 8:27 AM  
**To:** Mills, Brian  
**Subject:** CHPE EIS opposition

Mr. Brian Mills,  
I am opposed to the proposed CHPE project coming on land in Rockland County NY.  
I am adversely affected both as a resident and a business owner living and working  
in Rockland County NY.

My residence is 49 Beach Road Stony Point NY 10980.  
The house was built in 1835. The house has survived the civil war, the building of the railroad,  
and more recently it has survived super storm SANDY. I fear it will NOT survive the Champlain Hudson  
River Express Project.. My property line borders the CSX ROW where the proposed transmission line  
will run. The proposed CHPE route puts my home at risk.

My business is Beckerle Lumber Supply Co. Inc. 59 Westside Avenue Haverstraw NY 10927.  
In 2012, Beckerle Lumber paid over 1.7 million dollars in Real Estate and Sales Taxes. More  
recently, in 2013, we paid over 1.8 million dollars in Real Estate and Sales Taxes. The proposed line  
will be running right alongside our property in Haverstraw, threatening the viability of running our  
business there.

805-02

**805-02:** The transmission line itself is expected to remain in the transmission line ROW along the property discussed in the comment. The extreme northeast corner of the property is identified as a potential deviation area and does not appear to be occupied by a structure. Any required easements would be negotiated with the landowner. It is unlikely that there would be a substantial impact on a business as any potential impact would be limited to the extreme corner of the property.



<https://www.facebook.com/beckerlelumber>  
<http://www.beckerlelumber.com>

<p><b>Opposition to the Champlain-Hudson Powerline</b></p> <p>This 300 mile extension cord from Canada is unnecessary. <b>Dispersed power generation</b> is the wave of the future.</p> <p>We have an old power grid. Generating power closer to where it is used increases efficiency, reduces stress on the grid, and makes the whole system more reliable. <b>Close and dispersed</b> also saves utilities from having to build and maintain more infrastructure and large, centralized generators. -NY Times 7/26/13</p> <p>The \$2.2 billion could instead create a significant number of <b>green jobs by putting solar panels on roof tops</b>. This would be employment for New Yorkers as opposed to Canadian jobs.</p> <p>Two-thirds of New York City's <b>rooftops</b> are suitable for solar panels and could generate enough energy to meet half the city's demand for electricity at peak periods during the day. source: NY Times, June, 2011 'Mapping the Sun's Potential'. For intermittency issues bundle power delivery with wind turbines off the coast. One study found that roof top solar saved an average of 4 cents per kWh</p> <p>Not enough is said or done in the name of <b>conservation</b> so that we all simply use less electricity.</p> <p>The large <b>converter station</b> is an attractive target for terrorists.</p> <p>Smaller more <b>dispersed power generation</b> has built in resiliency which is much less vulnerable to blackouts.</p> <p>The dams of Quebec are artificially created and environmentally destructive</p> <p>The power industry has a chance to recreate itself just like the telecommunications industry has done.</p> <p>Cornell and Stanford professors wrote a paper on how NYS can become totally energy independent through renewables (not from Canada) by 2030. <a href="http://www.stanford.edu/group/efrh/jacobson/Articles//NewYork//NSEnPolicy.pdf">http://www.stanford.edu/group/efrh/jacobson/Articles//NewYork//NSEnPolicy.pdf</a></p> <p><i>Sandy Steubing Albany, NY 12206 GSO Central Ave # 95 ssteubing@yahoo.com</i></p>	<p>Comment 806 <i>WIA/JS</i></p> <p>806-01</p> <p>806-02</p> <p>806-03</p> <p>806-04</p> <p>806-05</p> <p>806-06</p> <p>11/19/13</p>
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**806-01:** Comment noted. In issuing its Certificate, the NYSPSC determined that the proposed CHPE Project was needed and found that "... as an additional transmission interface into the City of New York, the Project will (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, (3) enhance system reliability, and (4) enhance fuel diversity." The source of the electrical power to be transmitted through the proposed CHPE Project transmission line is outside the scope of the EIS.

**806-02:** See response to Comment 133-10.

**806-03:** Comment noted. Energy-efficiency and conservation measures were considered but eliminated from further detailed analysis because DOE determined that these measures alone were not a reasonable alternative to the proposed CHPE Project (see Section 2.5.3 of the EIS).

**806-04:** The potential for intentionally destructive acts, such as terrorism, was analyzed in Section 5.1.14 of the EIS, but is unpredictable. Although the Luyster Creek HVDC Converter Station would be aboveground, the risk from terrorism activity would be no greater than similar infrastructure associated with aboveground transmission lines or other energy facilities.

**806-05:** Comment noted. The source of the electric power to be transmitted through the proposed CHPE Project transmission line is outside the scope of the EIS.

**806-06:** Comment noted. DOE determined that evaluating potential impacts in Canada is considered outside the scope of the EIS (see Section 1.7.3 of the EIS). See response to Comment 133-01 for more information regarding the analysis of potential impacts in Canada.



A plane equipped with a laser system made nine flights to map the city and collect information. They found that 2/3 of New York's rooftops suitable for solar panels.

source: CUNY via NY Times

## Comment 807

**From:** Jim Fitzgerald [mailto:[fitzgerald@okonite.com](mailto:fitzgerald@okonite.com)]  
**Sent:** Friday, November 22, 2013 12:51 PM  
**To:** Mills, Brian  
**Subject:** CHPE DRAFT EIS Comments

Mr Mills,  
Re the Draft

1. The selection of XLP as the cable insulation and the stated temperature ratings should be reviewed. The ratings stated as 90C normal and 130C Emergency should be 75C Normal and 90C Emergency. XLP goes through a phase change at 103C becoming soft. If operated at the stated temperatures, the cable can go out of round presenting higher stresses to the insulation leading to failure. The suggested revised temperature ratings in turn lower the power ratings.
2. At the transition from the river installation to the land(terrestrial) how will the cable transition from water to land? Is the intention to use a buried manhole or an above ground switching station.
3. Is the land cable construction the same as the water cable design?
4. The land cable is planned to be direct buried. It would better serve a reliability characteristic if the land cable is installed in underground duct/conduit. This will permit simple excavation along the route and an efficient closing of the trench. The cable lengths can then be installed more at the projects convenience as opposed to leaving long lengths of trench open and waiting to close the trench at the completion of the circuit's system test. The manholes can then accommodate the necessary splicing of cable lengths. Having the cable installed in underground conduit should also provide the cable a better sense of physical protection along the RR right of way and minimize the significant vibrations generated by the freight train traffic.
5. What happens to the cable route in the area of the Tappan Zee Bridge construction. At the present time there are a considerable number of construction barges anchored along the northern side of the existing bridge. Many of these barges will move along as the construction progresses. Burying the cable 4 feet below the river bottom does not seem to be adequate in this major construction lay-down areas.
6. How many factory splices are expected during cable production? How many land splices are planned for the terrestrial installation.

807-01  
807-02  
807-03  
807-04  
807-05  
807-06

Jim Fitzgerald  
Retired Engineer-The Okonite Company

**807-01:** As a HVDC transmission line, the proposed CHPE Project's proposed normal and emergency operating temperatures are far below the 194 °F (90 °C) and 266 °F (130 °C), as mentioned in the comment (note that temperatures for an alternating current line [HVAC] are 194 °F [90 °C] and 221 °F [105 °C] respectively). The proposed CHPE's HVDC cables would be designed to operate at normal temperature of 158 °F (70 °C). Under limited durations (i.e., maximum of 2 hours) of emergency overload conditions, the temperature would be limited to 176 °F (80 °C). These temperature limitations are set to limit the electric stress across the insulation of HVDC cables. The operating temperature statement was clarified in Sections S.6.2 and 2.4.9 of the Draft EIS.

The conductor temperatures under normal and emergency operating conditions would be below the 217 °F (103 °C) level cited in the comment. Although cross-linked polyethylene (XLPE) cables go through a “phase change” at 217 °F (103 °C), it is important to mention that its mechanical properties remain unchanged. Based on the April 2012 CIGRE (International Council for Large Electric Systems) Technical Brochure 219 (Recommendation for Testing DC Extruded Systems for Power Transmission at Rated Voltages up to 500 kV, April 2012), HVDC XLPE insulated cables can adequately perform at temperatures up to 203 °F (95 °C).

**807-02:** At each transition from the river (aquatic) to upland (terrestrial) portions of the route, buried transition vaults would be employed. Transition (or splice) vaults at these water-to-land transition points are typically 35 feet (10.7 meters) by 9 feet (2.7 meters) by 8 feet (2.4 meters) segmental precast reinforced concrete assemblies installed to facilitate splicing. After splicing is completed, the vaults would be filled with sand or fill that allows liquid to flow through.

The transition vault would house the transition joints (from aquatic to terrestrial cables) and the anchoring system of the aquatic cables. Transition vaults are similar to all the regular “joint bays” used to

house other cable joints along the upland portions of the line. They are buried below grade and covered with concrete slabs. Their locations would be clearly identified to ensure public safety.

**807-03:** As described in Section 2.4 of the EIS, the terrestrial and aquatic cables are of different design.

**807-04:** Comment noted.

**807-05:** The Applicant would coordinate cable installation activities within and around the Tappan Zee Bridge project with the NYSDOT.

**807-06:** An estimate of the number of terrestrial cable splices (more than 400) is provided in Section 2.4.10.2 of the EIS.

# Keep CHPE OUT of **Stony Point**

The U.S. Department of Energy (DOE) has prepared a Draft Environmental Impact Statement (EIS). The analysis considers the potential environmental impacts from the proposed Federal action of granting a Presidential permit to Champlain Hudson Power Express, Inc. (CHPE) to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northeastern NY State.

*Susan Figueras*  
Chairwoman  
Stony Point Action Committee

A Special Project of the  
**STONY POINT ACTION COMMITTEE FOR THE ENVIRONMENT**

**DOE Public Hearing:**

When: Monday, November 18, 2013  
 Where: Stony Point Center  
 Address: 17 Cricket Town Rd, Stony Point, NY 10580  
 Time: 6:00 PM

Comments on the Draft EIS can be submitted verbally during public hearings or in writing. Please title all documents, envelopes & e-mail subject lines as "CHPE Draft EIS Comments." - Respond To:

Mr. Brian Mills

Office of Electricity Delivery and Energy Reliability (OE-20),  
 U.S. Department of Energy,  
 1000 Independence Avenue, SW,  
 Washington, DC 20585;  
 via e-mail to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov);  
 by facsimile to (202) 586-8008;

**Written comments must be received by December 16, 2013. Comments submitted after that date will be considered to the extent practicable.**

**Any questions please call: Susan Figueras 845-429-3229    [sfigueras@optonline.net](mailto:sfigueras@optonline.net)**

Comment 808

*Stony Point, New York July 1, 2013*

## DECLARATION OF INDEPENDENCE

### FROM FOREIGN POWER

We, the gathered, do hereby and unanimously concur in our opposition to the Champlain Hudson Power Express power line and call upon the United States Congress and Army Corps of Engineers, for both historical and economic reasons, to reject this 330-mile electricity transmission line from Quebec to Queens, New York.

On behalf of our fellow Americans and New Yorkers we oppose the exportation of jobs, economic development and the resulting long-term reliance on foreign sources for our energy supply. We further strongly oppose the seizure of American property for the benefit of foreign interests and vehemently oppose the desecration of our historic area where laid to rest are American Patriots who died for our great nation in the Revolutionary War and War of 1812.

During the American Revolution, controlling the Hudson River was seen by the British as critical to dominating the American territories. Rockland, New York was also the site of the first formal recognition of the United States of America by the British.

The Battle of Stony Point took place on July 16, 1779 as 1,350 of General George Washington's Continental Army troops under the command of General Anthony Wayne defeated a British garrison at Stony Point. The British suffered heavy losses in a battle that was considered a huge victory in terms of morale for the Continental Army. The fort at Stony Point and Hudson River crossing site was critical in the colonies victory over Britain.

On May 5, 1783, General George Washington received British Commander, Sir Guy Carleton, in Rockland to discuss the terms of the peace treaty. Then on May 7, 1783, Sir Guy Carleton received General Washington aboard the British vessel *Perseverance*.

Rockland County played a critical role again in the War of 1812 against the British, turning out more soldiers in proportion than any other county in New York, including producing four generals and four Medal of Honor recipients.

We, the people of New York, find the proposed Champlain Hudson Power Express power line provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which need to supply electricity to other parts of the state in order to maintain jobs and keep our local economies viable.

The Champlain Hudson transmission line bypasses the entire New York State transmission system with a one-way, one-customer power line prohibiting any access and opportunity to other New York generators and the tens of thousands of workers they employ.

Because the project is un-economic by design, it can only move forward with New York taxpayer and ratepayer, subsidized power purchase agreements that put New Yorkers at a disadvantage in a one-way "energy highway" relationship created only to benefit foreign investors, foreign workers and their greedy Wall Street financers.

We, New Yorkers, do hereby demand our elective leaders in Washington D.C. and the United States Army Corp of Engineers take immediate action to reject this project which will infringe on the landscape of our communities, desecrate sacred and historic communities, while devastating our economies, jobs and future.

This Canadian power and the exportation of New York jobs and economic development that it stands for must be reevaluated and rejected.

808-01

**808-01:** See response to Comments 105-04, 501-07, and 501-12 for information on eminent domain, job creation, and economic impacts, respectively, regarding this project.

808-02

**808-02:** See response to Comment 501-04 for economic impacts related to this project.

808-03

**808-03:** Comment noted. The Final EIS addresses the potential environmental impacts on visual resources (see Section 5.3.11), socioeconomics (see Section 5.3.18), and cultural resources (see Section 5.3.10) in Rockland County.

## Comment 809

Mr. Brian Mills  
 Department of Energy  
 Office of Electricity Delivery and Energy Reliability (OE-20)  
 U.S. Department of Energy  
 1000 Independence Ave, SW  
 Washington, DC 20585

Can be submitted via email to: [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)

Request to the DOE and USACE for extension of comment period, ["Draft EIS Comments"](#)

Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervenor funds for the impacted communities. In this case there are no intervenor funds from the developer which would allow the residents, business owners and other stakeholders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE.

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left.

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker; easily lost in the general bulk mail.

There was no outreach and translated information for our Hispanic population.

Stony Point was promised by CHPE that they would not go through the Waltron Revolutionary War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents?

I have sent the attached request to the New York State Public Service Commission, regarding the new trajectory of the CHPE project. (See attached)

We are respectively requesting the extension based on the above reasons.

Resident: Diane Reicheit Phone: 845-945-4152  
 Address: 33 Seing stacken Dr, E-mail: \_\_\_\_\_  
Stony Pt. N.Y. 10980

**The Just Say NO! to the Champlain Hudson Power Express Committee**

Susan Filgueras	87 Mott Farm Rd	Farmkins Cove, NY 10986	845-429-3229	<a href="mailto:SFFILGUERAS@OPTONLINE.NET">SFFILGUERAS@OPTONLINE.NET</a>
Laurie Cozza	205 Wayne Ave	Stony Point, NY 10980	845-269-3979	<a href="mailto:cozzafesta@optonline.net">cozzafesta@optonline.net</a>
Rebecca&Wellington Casscles	69 Beach Rd	Stony Point, NY 10980	845-786-5416	<a href="mailto:casscilelec@aol.com">casscilelec@aol.com</a>
Annie Wilson	351 Broadway, 3rd fl.	New York, NY 10013	212-388-9870	<a href="mailto:awilsonenergy@gmail.com">awilsonenergy@gmail.com</a>

**US Department of Energy**

DEC 6 2013

**Electricity Delivery and  
Energy Reliability**

809-01  
 809-02  
 809-03  
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**809-01:** See response to Comment 303-01. The availability of intervenor funds from the developer is outside the scope of this EIS.

**809-02:** See response to Comment 703-06.

**809-03:** See response to Comment 703-07.

**809-04:** See response to Comment 109-03.

**809-05:** See response to Comment 121-03.

**809-06:** See response to Comment 703-10.

## Comment 810

December 9, 2013

Mr. Brian Mills, NEPA Document Manager  
 Office of Electricity Delivery and Energy Reliability (OE-20)  
 U. S. Department of Energy  
 1000 Independence Avenue, SW  
 Washington, DC 20585

Request to the DOE and USACE for extension of comment period,

DOE: "Draft CHPE EIS Comments"

USACE: NAN-2009-01089-EYA

Dear Mr. Mills,

We would like to start this letter by letting you know that we are vehemently opposed to the Champlain-Hudson Power Express. We would also like to request a 180 day extension in order to be able to read and digest volumes 1-Impact Analyses and Volume 2-Impact Analyses of the USDOE, Champlain Hudson Power Express Transmission Line Project. We are neither lawyers nor engineers we are lay people; I am sure you will agree these filings can be difficult for anyone to digest.

November 18, 2013, a public hearing regarding the Champlain-Hudson Power Express was held at the Stony Point Center, 17 Cricketown Road, Stony Point, NY. This was at best a very poor, but well thought out location for Mr. Jessome and TDI; the meeting was held in an arena that offered very limited parking to the public. In addition to this Mr. Donald Jessome, CEO, of Transmission Development, Inc., had hired the center to host a dinner for approximately 220 members of Laborers' Union, 274, thus ensuring that most of the available parking would be taken up by union members, virtually leaving very few slots for parking so that many people in opposition to this project were not able to find spaces available to park. The James A Farley Middle School would have been a much better space given it has ample parking and other meetings had been held there in the past. Those meetings accommodated over 300 plus people with more than ample parking for all, also the residents of Stony Point who arrived later and saw the sea of Union members in orange tee shirts - would have not been so intimidated and left.

We would also like to comment on the fact we were given a three minute opportunity to voice our opposition to this project, which is really disturbing. How can one be expected to give testimony regarding this huge project in a matter of three short minutes. We were told that if we couldn't finish our testimony in three minutes we could go to the end of the line and after everyone had spoken we could then finish our statements. We did this but it was extremely difficult because our testimony was fragmented at best. We are hopeful that our passion for our town and our objections to this project were heard loud and clear.

810-01

**810-01:** See response to Comment 303-01.

810-02

**810-02:** Comment noted. See response to Comment 703-06 for information on the hearing location criteria and an explanation of why Stony Point Center was selected as a hearing location. Any comment that was not submitted at the public hearing could be submitted via other means as identified on the CHPE EIS Web site and other media.

810-03

**810-03:** Comment noted. The practice of keeping verbal comments limited to 3 minutes is commonly used at public hearings and is intended to ensure that the hearing continued at an appropriate pace, giving all people who wanted to comment on the project an opportunity to do so. Due to the number of people who attended the meeting, it was appropriate to have such a time limit on each speaker. Speakers were offered another chance to speak again toward the end of the hearing after all those who signed up to speak had been heard once. All verbal comments were recorded by a court reporter and all meeting attendees were encouraged to either submit their written comments at the hearing, by mail or email, or submit their comments online through the CHPE EIS Web site.

We have been opposed to this project since we first heard about it at the April 2012 Stony Point Town Board meeting, as there was no notification given to any property owners on this route in the Town of Stony Point, regarding the taking of our properties.

810-04

The NYS Public Service Commission decision for approval of the CPHE project, granted on April 18, 2013, generously gifted CHPE with a 1/8 mile (666 feet) deviation zone in any direction from the center rail of the CSX railroad. The Article VII application, which is rooted in the Eminent Domain Law, will allow CSX Railroad to take our properties without our consent. This is a travesty of justice to think that CSX will be able to take our property without our consent to be used by a foreign entity. How can CSX offer a ROW for the land installation throughout the State of New York when the ROW was never wide enough for to accommodate CHPE's transmission lines and meet CSX's construction guidelines? Through Eminent Domain that's how.

810-05

Our town has 2.2 miles of rail lines from the Stony Point Battlefield to the Haverstraw town line; within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of one mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent Domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way.

810-06

When was the deviation zone approved and by whom? When did New York State residents decide to give their property away for a foreign transmission line? We certainly have not nor do we have any intentions to do so. This project will do nothing to help this town, county, state or this nation, except to make us once again dependent on foreign energy and we all know how well that has worked in the past.

810-07

The 2.2 miles of property in Stony Point yield an estimated \$1.2 million dollars annually in simple property taxes and this is merely using just the homes and businesses that border the railroad. The CHPE project has estimated according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Guidelines;" states approximately \$796,640.00 annually to be paid to the three Towns, County, and three School Districts equals \$113,805.70 each, if divided equally. The above mentioned properties currently generate approximately \$1.2 million dollars annually for the Town of Stony Point. CHPE's stated tax revenues are significantly less than what is currently being paid. Furthermore the Town will lose more revenue as each individual touched by this project asks for a reduction in taxes because our properties will be worth significantly less.

810-08

The CHPE project is not about just one transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS entire energy infrastructure and will

810-09

**810-04:** In 2010, the proposed CHPE Project transmission line was proposed to be routed in the Hudson River through Haverstraw Bay. Through its CZMA Consistency Review, NYSDOS developed conditions that, if met, would be consistent with the New York State CMP. One of these conditions was that the transmission cable would not be routed through Haverstraw Bay, but routed instead in the terrestrial area around Haverstraw Bay to protect SCFWHs. These changes were incorporated into the proposed CHPE Project design and were resubmitted with an amended Presidential Permit application to DOE in July 2011. The Joint Proposal was issued in 2012 with these design changes to the route alignment. Notification of the Joint Proposal was provided via the CHPE EIS Web site, *Federal Register* notice, and the email distribution list.

**810-05:** Comment noted. The siting of the transmission line in New York State, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the Applicant the right to use eminent domain for this project, if required.

**810-06:** See response to Comment 105-04.

**810-07:** The deviation zone, or deviation area, is an area where the transmission line can deviate from the existing railroad ROW if engineering constraints or some other form of obstacle dictates. The deviation area is approved by NYSPSC. The Applicant would negotiate with landowners regarding just compensation (see response to Comment 105-04).

**810-08:** Private landowners would be compensated for the use of their land to bury the transmission line and, if appropriate, to offset a potential reduction in property values. It is possible that municipal tax revenues from property taxes could also change; however, such changes would be expected to be minimal. Increases in wages and taxes and purchases of goods and services in the project area would be expected from workers employed for maintenance and repair activities. Municipalities

create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. By The Army Corp of Engineers own letter dated June 14, 2012 you state that other entities have proposed similar projects and you have questioned "how many other transmission lines could be located along the same route?". An interesting question one that we would like the answer to before the Presidential Permit is ever issued.

810-09

The CHPE transmission line is coming out of the Hudson River on to land at the site of the Stony Point Battlefield, one of the most important and significant historical sites in this nation. It is here that battles were begun in 1775 being fought by citizen-soldiers and would last 5 years. There would be five years of battles and significant deprivation to our forefathers ultimately resulting in defeating the most powerful army of the age and winning independence for this new country, the United States of America. Many of our local citizen-soldiers are buried in the Waldron Revolutionary War and the War of 1812 cemetery located west of the CSX Railroad ROW, and numerous members of their ancestors are still living in this town to this day. There are over 200 bodies in this cemetery, many without any headstones because of the length of time they have been interred. The cemetery is in the deviation zone for this project, our committee the "Just Say No to CHPE" informed Mr. Jessome about the cemetery and its historical importance and we informed him about the many burial plots that were disturbed in the mid 1800's when the railroad came through and the bodies were moved and disposed of, what a horrible tragedy for our nation. More bodies were disturbed when Orange & Rockland Utilities, Inc. constructed high-tension lines through our town. When the cemetery was mentioned as being in the way of this project Mr. Jessome's answer to the problem was "We'll just shoot a bullet under the graves"; a distasteful and most irreverent insult to our forefathers. This is a highly sensitive matter and we in this town take this very seriously and were deeply offended by this remark.

810-10

Next we must discuss the jobs issue. The NYSPSC decision (Pg. 84 Pp. 3) states "The Applicants' evidence on job creation was incomplete in a fundamental way" and further states "the record is void on the critical question of whether those jobs would be offset, or more than offset, by the jobs displaced at the conventional generational facilities that WILL NOT be built as a consequence." New generating stations can be built in this state and some can be re-tooled thereby creating hundreds of new jobs. Why not put American workers back to work allowing them to improve or to create the new infrastructure we need, thereby making us energy independent. This is what will increase local and state tax bases over the long haul.

810-11

The Town of Stony Point has been nearly bankrupted by the Blackstone Group, which owns Transmission Developer's, Inc. The Blackstone Group is the very same company that were the financial advisors to Mirant Corporation, when they filed for Bankruptcy. Blackstone was the financial advisor to Mirant before, during, and after the bankruptcy of the Lovett and Bow Line Power plants. The towns of Stony Point and Haverstraw will continue to struggle financially as a result of this. In addition Blackstone is the company representing United Water, GDF Suez, which is attempting to build a desalination plant which converges on the Stony Point and Haverstraw town line. This is yet another project that will most assuredly help to deepen the town's financial crisis.

810-12

would not collect real property taxes on any portions of the proposed CHPE Project that would occur on state lands. Residents and businesses in the Hudson River Segment would also experience cost savings from the annual reductions in wholesale energy prices associated with the proposed CHPE project.

**810-09:** The proposed CHPE Project transmission line would deliver 1,000 MW of electricity into the New York City power market, which would save ratepayers in this area approximately \$405 million to \$720 million per year. It is also estimated that power being delivered would be of lower cost than other available sources, thus leading to competitive pricing among electricity providers.

**810-10:** See response to Comment 121-03.

**810-11:** Comment noted. Construction of new power-generating stations is not within the scope of this EIS. See response to Comment 501-07 for information on job creation as a result of this project.

**810-12:** See response to Comments 501-04 and 810-08 for information on potential socioeconomic impacts on Stony Point.

CSX Railroad has also undertaken a \$26 million dollar rail rehabilitation project in this same area. We have been personally approached by CSX, three times, in an effort to lease them the identical piece of property that CHPE wants from us. We have refused and we will continue to refuse. We were told by William Braman of CSX Real Estate, Jacksonville, FL., that CSX will use Eminent Domain to obtain the property they want; is this an intimidation tactic being used to force us to something we do not want to do?

*On page 2 of the Joint Proposal CHPE states – “none of the provisions of the JP are opposed by any land owners along the route other than at the location of the Converter Station, by any municipalities or residents along the route, or by any business entities outside of the electric power industry.” FALSE! How can CHPE state that there is no objection to their project and that they say they have overwhelming support when so many people in Rockland County and entities have come out against this project?*

810-13

**810-13:** Comment noted. This language was not found in the Joint Proposal.

The Rockland Legislature came out against this project on June 12, 2012 with Resolution 10 C 1 that was signed by every legislator (16) except one that has ties to the local utility company. Our current County Executive, Scott Vanderhoff as well as our newly elected County Executive, Edward Day have stated numerous times that they are against this project. The current members of the Town of Stony Point Town Board, as well as the newly elected members of the board, are and have been solidly against this project from the beginning. Geoff Finn, Town Supervisor of Stony Point and Howard Phillips, Town Supervisor of Haverstraw have been against this project and continue to object to it.

Congresswoman Nita Lowey alerted Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, in a letter dated July 1, 2013 of our numerous concerns and wanted to make sure our voices were heard, please hear us now before it is too late.

New York State Senators William Larkin, David Carlucci, and New York State Assemblyman James Skoufis all have opposed this project, and have said so many times and they continue to support our efforts against this project to date.

On July 1, 2013, Patrick Guidice, Senior Business Representative of Local 1049 of the International Brotherhood of Electrical Workers stood on the steps of Stony Point Town Hall and again affirmed his opposition and the opposition of his Union brothers to this project.

Phil Wilcox, Business Representative for IBEW Local 97 states, “Thousands of existing New York state jobs will be lost and thousands of potential new ones as well.” (Albany Times-Union, February 25, 2012). The International Brotherhood of Electrical Workers Local 97 state, “The CHPE project’s failure to provide access to New York’s valuable generation resources is contrary to the policy laid out by Governor Cuomo in his State of the State address.” (Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc., March 16, 2012). The New York Power Authority states “(NYPA) it is also concerned about the accuracy of CHPE’s current estimates of its projected construction costs

and the results of its cost/benefit analysis. Based upon NYPA's experience, the construction costs are significantly underestimated and the cost benefits are significantly overestimated in light of current projections of load and electric prices." (Statement Regarding the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc., March 16, 2012).

On October 23, 2012 The New York State Senate Standing Committee on Energy and Telecommunications, hosted by State Senators George Maziarz, William Larkin, David Carlucci and Nancy Calhoun held a public hearing at the RHD Building in the Town of Stony Point to garner testimony regarding the CHPE project, at which time numerous people spoke against this project. Bart Brooks, Compatriot and President of the Stony Point Battle Chapter of the Sons of the American Revolution came out in opposition. Susan Filgueras, President of the Stony Point Historical Society opposed this project. Laurie Cozza, Anita Babcock, Tim Waldron, George Patonovic, President SPACE, Stony Point Action Committee for the Environment. Michele Cornish, Rebecca J. and Wellington T. Casscles, Stephen and Breda Beckerle, affected homeowners, are against the CHPE project, these are simply a few of the names of record.

Al Samuels, President, Rockland Business Association – against, Scott Jensen, Business Manager IBEW 503 – against. Mike Hichak, Recording Secretary, IBEW Local 320 (representing John P. Kaiser, President and Business Manager IBEW, Local 320) – against.

Tom Rumsey, Vice-President – External Affairs, NY Independent System Operator – against.

Gavin Donohue, President & CEO of Independent Power Producers of New York, Inc. – against.

Michael Twomey – on behalf of Entergy – against.

Arthur "Jerry": Kremer, Chairman of the New York Affordable Reliable Electricity Alliance – against.

All these people testified at the October 23, 2013 Senate hearing and all opposed this project, how could it possibly been approved by the NYSPSC?

These are only the names of our community; we know that in Canada, there is also strong opposition. With such opposition how does this project continue to move forward, perhaps politics has quite a bit to do with it.

The maps used by CHPE have changed numerous times, sometimes the line appears on our property sometimes off of our property. Which is it? These maps showed the CPHE line ending at the Astoria-Queens sub-station and suddenly now it shows it will end at the "Big Alice" Ravenswood Generating Station. What happened to the Astoria-Queens sub-station plan? Also the Danskammer Generating Station was taken off line and suddenly put back on line – why?

810-14

**810-14:** See response to Comment 501-03.

We feel that there are so many unanswered questions regarding this project, that the Presidential Permit must be held up until all of the queries can be answered openly and honestly by CHPE.

These are just a few of the overriding reasons we feel we need the 180 day extension.

Sincerely,  


Rebecca J. Casscles  
Wellington T. Casscles  
69 & 71 Beach Road  
Stony Point, NY 10980  
(845) 786-2416 (Home phone)  
[casscleaselec@AOL.com](mailto:casscleaselec@AOL.com)  
[becky.casscles@AOL.com](mailto:becky.casscles@AOL.com)

## Comment 811

Nicolas Graver  
 Skidmore College  
 815 North Broadway  
 Saratoga Springs, NY  
 ngraver@skidmore.edu

Thank you for taking public comment in regards to the Draft EIS on the CHPE Transmission Line Project. I am writing to support the "No Action Alternative," as the impacts of increased population and energy demand in Southeastern New York are much better addressed by conservation strategies than by the massive disruption of aquatic ecosystems that this plan represents. The Draft EIS dismisses this as a goal which would not be completed within the State of New York's energy efficiency plan, but does not acknowledge the opportunity for New York City and the surrounding region to take additional action and conservation measures. Increasing energy demand and conservation in this part of the state should be tackled by the consumers themselves in terms of conservation efforts and increased energy costs, thereby reducing demand, and not subsidized by environmental destruction elsewhere in the state. A balanced energy plan should absolutely require all new sources of energy to be not only sustainable in terms of greenhouse gas emissions, but also environmentally responsible in terms of land impacts.

The DEIS also dismisses several alternate routes which prevent environmental destruction on the scale of the proposed project, largely due to the additional project expenses associated with each of these projects. These projects are not considered practical alternatives by the applicant, but this assessment is done entirely based on the increased expense of the projects and not based on the relative merits of these options, which are immense. The alternatives described in Appendix B do represent a significant increase in cost (ranging from a 15% to 42% cost increase for the project), but are hugely advantageous in that they reserve environmental impacts to existing developed land and do not disrupt important aquatic ecosystems in the Hudson River and Lake Champlain, not to mention disruption of PCBs that have settled in the riverbed substrate. These are key waterways in the northeast and incredibly valuable for protection, well worth the additional cost of alternatives.

Increased energy costs to be borne by the consumer may also be a necessary part of a responsible energy plan for the state and the NYC downstate region, and should be considered first as an alternative to destruction of the natural environment. These costs should be transferred directly to the companies supplying power and correspondingly to power users, instead of allowing valuable habitat and ecosystems in Lake Champlain and the Hudson River to be sacrificed as a cost saving measure.

The principles which caused public objections when the NYRI project was originally proposed remain true; the notion that the people and environment upstate should bear the costs of increased power use in the NYC area is inherently objectionable and unjust. Instead of addressing the fundamental tenet of this objection, the new CHPE proposal hides the impacts from the immediate public gaze while simultaneously magnifying the environmental and social impacts of the project, creating more destruction but hiding it from the public gaze in order to reduce opposition.

811-01   **811-01:** Comment noted.

**811-02:** The current proposed CHPE Project route was the result of negotiations between the Applicant, NYSPSC, NYSDEC, USACE, and other agencies. The impacts that the transmission line would have on aquatic ecosystems in Lake Champlain and the Hudson River were discussed in EIS Sections 5.1.4, 5.1.5, 5.3.4, and 5.3.5. The impacts associated with PCBs in Lake Champlain and Hudson River substrate were discussed in EIS Sections 5.1.3 and 5.3.3. For information on the presence of PCBs, see response to Comment 802-03.

**811-03:** Increasing energy costs to help meet the electricity demand for New York City is not within the scope of this EIS.

**811-04:** Impacts as a result of the proposed CHPE Project in the Lake Champlain, Overland, Hudson River and New York City Metropolitan Area Segments are expected to be negligible. Appropriate BMPs and mitigation measures would be applied, where appropriate. Therefore, upstate New York State would not be impacted negatively from either a cost or environmental standpoint.

## Comment 812



Brian Mills  
CHPE Draft EIS Comments  
Office of Electricity Delivery & Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Ave SW  
Washington, D.C. 20585

Dear Mr. Mills,

I am writing on behalf of Dann Marine Towing, as a member of the Tug & Barge Committee (TBC) of the Maritime Association of the Port of New York and New Jersey to strongly request that the Champlain Hudson Power Express (CHPE) cable route application as proposed in the Hudson River be denied.

"the Applicants recognize that there is significant waterborne commerce on the Hudson River, with the majority of the cargo originating from the Ports of New York and New Jersey."<sup>1</sup>

The Maritime Industry feel that vessel safety has been dismissed in this process and that safe navigation will be compromised. A vast and powerful river, the Hudson has long been a vital piece in our nations Marine Transportation System (MTS) serving New York State and our Nation connecting cities/ports world-wide with numerous ports along the Hudson including the State Capital Port Albany.

#### STATE POLICY 3

"The installation and operation of the transmission cables may affect navigation or future dredging activities which may, in turn, affect the operation of port facilities in New York City and Albany. However, the applicant has consulted with appropriate port facility operators and agreed to site the project in a manner that would not hamper or interfere with port activities."<sup>2</sup>

The mission of Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey is: "To develop non-regulatory solutions to operational challenges in the Port of New York and New Jersey." The Energy Sub-Committee has worked closely with numerous Alternative/Conventional Energy proposals to develop workable sensible

812-01 **812-01:** See response to Comment 701-01.

812-02 **812-02:** See response to Comment 701-02.

<sup>1</sup> HDR Letter October 18, 2010, Sean Murphy

<sup>2</sup> NYSDOS Letter June 8, 2011, Signed by Daniel E. Shapiro, First Deputy Secretary of State

## Dann Marine Towing, LC

CANAL PLACE  
Post Office Box 250 / Chesapeake City, Maryland 21915  
(410) 885-5055 / (800) 770-TUGS / FAX (410) 885-5570



proposals and met with the CHPE consultants on March 16, 2011 to discuss cable routing. At that meeting the Energy Sub-Committee raised several concerns regarding the proposed cable route and installation. The consultant informed the Energy Sub-Committee that they were negotiating with the New York State Department of Conservation (DEC) to route the cable outside the channel in shallow water and that the route would not be the same as presented, however, the recently approved New York State DEC proposed CHPE route is very similar though not identical to the first proposal and therefore the Applicant has met but NOT consulted with the appropriate port facility operators.

### STATE POLICY 2

"Should the bi-pole occupy any federally maintained navigation channels it will be buried at least 15 feet below the authorized depth in a single trench within those channels. In this matter, the siting of the cable at these depths will minimize conflicts with water based navigation by substantially avoiding anchor strikes and potential future navigational improvements."<sup>3</sup>

Anchors vary in size and use but regardless have long been a staple of the shipping industry performing many functions for vessels including anchoring, docking, and emergencies and while docks and anchorages are predictable, emergencies are not. The Hudson River varies in channel width and depths primarily rock and can narrow to 400 feet in width. The primary tool to mitigate non-controllable factors is the anchor. Non-controllable external factors include diminishing visibility (fog, snow, and thunderstorms), ice, or other vessels or internal casualty factors (loss of engines or steering). As non-controllable factors can occur anytime and anywhere in any navigable channel, anchoring must be a primary factor in considering proposals in navigational waters that may impact anchoring.

Risk of fouling an anchor on a cable has many impacts to include but not limited to loss of assets, supply chain schedules, asset/human casualties, and/or environmental damage. Vessels transiting the River trade in various liquid products including Albany exports of crude oil and ethanol.

<sup>3</sup>Another condition requires that the applicant verify the transmission cables' burial depth on a periodic basis so that they do not become a hazard to navigation or marine resources."<sup>4</sup>

812-03 **812-03:** See response to Comment 701-03.

812-04 **812-04:** See response to Comment 701-04.

<sup>3</sup>IBID  
<sup>4</sup>IBID

**Dann Marine Towing, LC**

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The Energy Sub Committee and the Tug and Barge Committee have serious concerns with the proposed cable routing and burial depths for this project and strongly object to burial depths as proposed. Burial depths should be analyzed, verified, and certified by the applicant and MUST be for ALL navigational channels maintained or not maintained.

New York is home to many of our employees. Over 31,000 New York City residents earn their livelihood in the maritime industry. Because we recognize the importance of balancing the working waterfront activities we support environmental stewardship balanced with economic growth and welcome the opportunity to partner with DEC, FERC, and USACE to create a sensible approach to cable routes.

I wish to thank you in advance for your considerations to our needs. Have a great Holiday Season.

Regards,

A handwritten signature in black ink, appearing to read "Jason".

Jason Wisneski  
Dann Marine Towing  
410-885-5055

812-05 **812-05:** See response to Comment 701-05.

Comment 813

**From:** Bryan and Doddy [<mailto:bbcd@verizon.net>]

**Sent:** Friday, December 13, 2013 8:16 PM

**To:** [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)

**Cc:** Mills, Brian

**Subject:** CHPEI

Dear Sir, I am writing to state my opposition to the proposed underwater transmission line to be run under Lake Champlain and the Hudson River. It will do nothing to help the people of New York. We need to upgrade our existing lines and to look for local generation such as wind power and small hydros. Importing more power from Canada will do very little to help New York's power problems. Thank you,  
Bryan J. LaVigne

813-01

**813-01:** The proposed CHPE Project would be a merchant transmission line that would provide electrical energy to the New York City metropolitan area market, which would result in lower wholesale electric power prices, reductions in air emissions, greater fuel diversity and increased energy supply capability, and improved system reliability. The upgrading of existing electrical transmission lines and local electrical generation are not within the scope of this EIS.

## Comment 814

**From:** [wehew@q.com](mailto:wehew@q.com) [mailto:[wehew@q.com](mailto:wehew@q.com)]  
**Sent:** Sunday, December 15, 2013 1:48 PM  
**To:** Mills, Brian  
**Subject:**

Dear Mr. Mills

I am writing to express my opposition to the proposed Champlain Hudson Power Express (CHPE) high voltage direct current line proposed to carry 1,000 megawatts of electricity from Canada to New York City.

According to information obtained from CHPE's website and United States Geological Survey maps, this transmission line will cross the US border into the most seismically active region of NY. The proposed northernmost converter station for this line also lies within this region. This converter and the cable would be susceptible to damage from seismic activity.

As this is a two pole DC line, it is not compatible with NY's current three phase AC based electrical grid, and we CAN NOT tie into it in the event of a regionalized failure. A failure along any point of this line effectively removes the entire line from service. Losing 1,000 MW of power during a period of peak demand with no means of replacing it may have catastrophic consequences for the end users in NY City and Long Island. Furthermore, a DC line will do nothing to strengthen the electrical backbone of NERC's Northeast Power Coordinating Council region. The CHPE project amounts to little more than extending a very large extension cord from Canada directly to New York City.

In addition to these concerns, this line also relies on the presumption of continued amicability from a foreign country. In the event that Quebec manages to achieve its longstanding ambition of independence, this relationship may be called into question.

The solution to meeting New York City's electrical needs lies in upgrading our existing transmission facilities to provide power from generators in western, central, and northern New York.

Thank you for your attention to this important issue.

Very truly yours,  
 Todd Jones

Sent from Windows Mail

814-01

814-02

**814-01:** Each segment of the proposed CHPE project has a different range of seismic hazard rating. The highest seismic hazard rating is between 12 and 30 percent g (peak ground acceleration as a percentage of the force of gravity) in the Lake Champlain Segment. Higher seismic hazard ratings are closer to the Canadian border. Soils in this segment have a 10 percent chance of liquefaction from a seismic event with a ground shaking rating of 15 percent g (see Section 3.1.9 of the EIS). Though this area has a potential for low to moderate damage during seismic event, the overall probability for seismic activity is low. See Section 5.1.9 of the EIS for more information related to geologic hazards in the Lake Champlain Segment. The other three segments (i.e., Overland, Hudson River, and New York City Metropolitan Area) have seismic hazard ratings of 8 to 12 percent g, 8 to 12 percent g, and 14 to 18 percent g, respectively. These ratings represent an even lower potential for damage due to a seismic event. All cooling stations would be constructed to conform to seismic hazard standards appropriate for the area. For more information relating to geologic hazards that could pose a risk to the transmission line and the cooling stations, see Sections 5.1.9, 5.2.9, 5.3.9, and 5.4.9 of the EIS.

**814-02:** The proposed CHPE Project is designed to deliver up to 1,000 MW of electric power to the New York City metropolitan market from renewable power sources in Canada. As an HVDC transmission line, efficiency and cost benefits are gained from reduced transmission losses and low magnetic fields when compared to an HVAC transmission line. HVDC can carry more power per conductor than HVAC lines. The buried HVDC line associated with the proposed CHPE Project would terminate at the Astoria Converter Station site, where it would be converted to be compatible with New York City's three-phase, alternating current-based electrical grid. Once converted to HVAC, the line's energy is indistinguishable from other electrical service. As an underground line, it is markedly less prone to the types of damage that an overhead line would be, including those due to severe weather such as ice, wind storms, and lightning. Consequently, the

transmission line represents a reliable and durable source of power to New York City and the North American Electric Reliability Corporation's (NERC) Northeast Power Coordinating Council region. NYISO stability studies have demonstrated that loss of the proposed CHPE Project transmission line, operating at 1,000 MW, would not adversely impact the stable operation of the NYISO system, including New York City and Long Island. Existing New York City and Long Island peaking plants, which have significant capacity, would be called on less once the proposed CHPE Project is energized and would continue to be available in the unlikely event of a disruption of service from the proposed CHPE Project transmission line. The proposed CHPE Project's HVDC line could have "black start" capabilities similar to that of the nearby Cross Sound Cable. This feature makes it possible to deliver 1,000 MW of electricity to New York City in case of a major blackout. The Cross Sound Cable brought 330 MW to The Long Island Power Authority during the August 2003 blackout.

## Comment 815



December 18, 2013

Mr Brian Mills  
Office of Electricity Delivery and  
Energy Reliability (OE-20j)  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585  
[Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)

Complexe Desjardins, Tour Est  
19<sup>e</sup> étage  
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Tel. (514) 879-4648  
Fax. (514) 879-4685  
E-mail [Clermont.sylvain@hydro.qc.ca](mailto:Clermont.sylvain@hydro.qc.ca)

**Subject : Champlain Hudson Power Express**  
**Docket No. PP-362 / DOE/EIS-0447**  
**Clarifications on the permitting process in Canada**

Dear Mr. Mills:

Hydro-Québec TransÉnergie is following with interest the DOE process considering the application for a Presidential permit for the Champlain Hudson Power Express line.

Unfortunately, we noted some information that needs to be clarified in the Environmental Impact Statement, more precisely about the permitting process that will apply to the Hertel-New York Interconnection project in Canada as described at section 1.7.3 entitled "Issues Outside the Scope of this EIS – Impacts in Canada".

We therefore wish to respectfully bring to your attention the information that needs to be clarified.

**Paragraph 2**

"The Canadian Government, through the National Energy Board, would conduct an environmental review for impacts in Canada, as applicable, as part of its authorization process associated with the facilities to be constructed in Canada."

The Government of Québec, through the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, will conduct an environmental review for impacts of the project in Québec, as part of its authorization process associated with the facilities to be constructed in the province. The Canada Government, through the National Energy Board, will also authorize the project and will consider the environmental impacts in its analysis. In both cases, Hydro-Québec will provide an Environmental Impact Statement to the authorities with the filings for the project approval.

815-01

**815-01:** The text in Section 1.7.4 of the Final EIS has been revised per comment.

**Paragraph 3**

"The electrical power to be supplied by the proposed CHPE Project would be transmitted through a proposed new HVDC converter station at Hydro-Québec TransÉnergie's 765/315-kilovolt (kV) Hertel Substation, south of Montreal in Québec, Canada."

The Hertel Substation voltage is 735/315 kV.

815-02

**815-02:** The text in Section 1.7.4 of the Final EIS has been revised per comment.

**Paragraph 4**

"Hydro-Québec TransÉnergie has filed an interconnection request (Number 157T) for the construction and operation of the facilities in Canada with the Canadian National Energy Board and the Québec Régie de l'énergie."

The interconnection request was filed by Hydro-Québec Production to Hydro-Québec TransÉnergie. Hydro-Québec TransÉnergie is the Reliability Coordinator and the Transmission Service Provider in the province of Québec.

The roles of the National Energy Board and of the Régie de l'énergie are different. The National Energy Board will authorize the construction of the international power line at the federal level. At the provincial level, the Government of Québec will also authorize the construction of the line. The Régie de l'énergie is the Québec energy board that will authorize the investment necessary for the construction of the transmission line, in accordance with the Hydro-Québec Open Access Transmission Tariff.

815-03

**815-03:** The text in Section 1.7.4 of the Final EIS has been revised per comment.

**Paragraph 4**

"At the Canadian Federal level, Environment Canada and the Canadian Environmental Assessment Agency administer the Canadian Environmental Assessment Act (CEAA), which requires prescribed Federal authorities to assess the environmental impacts of Canadian Federal projects and private projects that receive Federal funding, take place on Federal lands, or require certain Federal permits. In accordance with the National Energy Board Electricity Regulations, an environmental assessment of the proposed Hertel-New York Interconnection would be carried out either under the CEAA or under provincial laws."

Following changes in the Canadian environmental legislation in 2012, international power line projects that are less than 345 kV and less than 75 km, in a new right of way, are no longer subject to a federal environmental assessment. The National Energy Board still considers the environmental impacts as part of its analysis.

Hydro-Québec TransÉnergie will file its Environmental Impact Statement at the provincial level with the Government of Québec, through the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs and with the National Energy Board at the federal level.

815-04

**815-04:** The text in Section 1.7.4 of the Final EIS has been revised per comment.

Paragraph 5

"The most likely source of power that would be transmitted on the proposed CHPE Project transmission line is expected to be from the four-station, 1,500-MW Romaine hydroelectric generating complex that is currently under construction by Hydro-Québec in Canada. This hydroelectric facility is expected to be put into service starting in 2015 (NYSPSC 2012). The development of this hydroelectric facility is independent of and not connected to the proposed CHPE Project and would not be affected by the possible Federal action of issuing a Presidential permit."

The energy that would be transmitted on the proposed international power line will come from the bulk electric transmission system. As such, the source of supply can be any generating station interconnected to the Hydro-Québec TransÉnergie electric transmission system. The Romaine hydroelectric generating complex will represent only a fraction of the total generation capacity interconnected to Hydro-Québec TransÉnergie electric transmission system.

I hope that you will find this information useful. You may find further information on the Hertel – New York project on the Website <http://www.hydroquebec.com/hertel-new-york/en>. If we can provide any further information about Hydro-Québec TransÉnergie's activities, please feel free to contact me.

Best regards,



Sylvain Clermont, ing.  
Chef, Commercialisation des services de transport

815-05

**815-05:** The text in Section 1.7.4 of the Final EIS has been revised per comment.

c.c.: Stéphane Verret

Comment 816

12/30/2013

Mr. Brian Mills, NEPA Document Manager

Office of Electricity Delivery and Energy Reliability (OE-20)

U.S. Department of Energy

1000 Independence Avenue, SW

Washington, DC 20585

Draft CHPE EIS COMMENTS

USACE NAN-2009-01089-EYA

Mr. Mills,

Thank you for extending the comment period for 30 days and also for hearing our concerns at the Nov. 18, 2013 meeting.

Attached is a list of areas that I think need to be looked at.

Mr. Mills I would like to mention that as far back as I can remember when a candidate was running for President for the first time or was seeking reelection they all used the ***We need to make the U.S. less dependent on Foreign Energy*** campaign platform. What happened to this Goal? By allowing CHPE to run from Canada to New York City (bypassing a number of power plants) does not seem to follow this Goal.

As stated by CHPE in section S.3 **Therefore it is possible that the proposed CHPE project power would be purchased first and DISPLACE NATURAL GAS & OIL FUELED SOURCES OF ELECTRICAL GENERATION SUPPLYING THE REGION i.e. CLOSE POWER PLANTS.** Section S.3 also states **REDUCE AIR POLLUTION AND GHG EMISSIONS WITHIN NEW YORK CITY BY ALLEVIATING THE NEED TO OPERATE ONE OR MORE EXISTING FOSSIL-FUELED POWER PLANTS WITHIN THE REGION DURING PERIODS OF TRANSMISSION CONGESTION.**

All this comes down to is:

Close Existing Power Plants

Eliminate Jobs

Weaken our already weak economy

Reduce Blue collar work force and add to the Unemployment figure.

816-01    **816-01:** See response to Comment 101-02.

How many KW or Mw will we be losing verses the 1MW they say they will supply (SOUNDS LIKE A LOSS TO ME).

816-02

Please look at all our Items. I feel as a state we would be better to invest in STATE OF THE ART Power Plants which will create jobs and boost our economy. The U.S. has the Technology to build the BEST & SAFEST power plants and generate our own power IN State by State Workers for the People of this state.

After Sandy the state of NJ used the saying STRONGER THAN THE STORM why cannot NEW YORK State say OUR POWER IS PRODUCED BY THE PEOPLE FOR THE PEOPLE.

Thank You,

Wellington & Rebecca Casscles 69 & 71 Beach Rd. Stony Point, NY 10980

TDI has had (4) sets of maps each showing different Proposals and Deviation zones, Row's & Routes not to mention that if you look at the CSX Row maps they are also different. I would suggest that CHPE supply you with their latest maps.

816-03

Attached are pages S-3, S-4, S-6,S-11,S-12,S-13, S-14, S-15,S-16,S-34, S-35, S-37, 1-16,2-13, 2-21, 2-28, 2-32, 2-33, 2-35, 3-107, 3-112.

#### S-3 CLOSEING POWER PLANTS

#### S-4 CLOSEING POWER PLANTS

#### S-6 S.6.1 STATES TO BE BURIED IN Railway ROW (most will be Eminent Domain)

Cooling stations will be needed- Mr. Jesome says they will not be needed WITCH IS IT.

816-04

Hudson River Segment states that in Stony Point the line would be in the CSX ROW of 2.2 miles it would be in ROW about .7 miles.

816-05

S-11 S.6.2 Under water installation activities would be limited to certain times of year WHY CANNOT THIS BE DONE FOR HAVERSTRAW BAY.

816-06

S-12 Where will Splice vaults be located, how many, what are the sizes of vaults.

816-07

Where are the staging areas & how large are they,(ROW NOT LARGE ENOUGH)

816-08

S-13 Additional Engineering Details-HEAT how will it affect surrounding vegetation and soil temps.

816-09

S-14 Magnetic Fields how is this going to affect the use of the land.

Trench would be 9' wide at top and 3' wide at bottom, if in the slope of the rail bed would this be STABLE if on the flat part of ROW this would be out of ROW.

**816-02:** The proposed CHPE Project would add an additional 1,000 MW of capacity and provide approximately 7,640 GWh per year to the New York City metropolitan area electricity market via an HVDC electric power transmission line system. This would help satisfy the growing demand for electricity in New York State, which is currently projected to increase at a greater rate than current capacity growth.

**816-03:** The latest maps provided by the Applicant, dated September 2013, are consistent with those shown in the Joint Proposal and the Draft EIS.

**816-04:** The Draft EIS did not identify the length of the transmission line in the CSX ROW in Stony Point as indicated in the comment. The proposed route of the proposed CHPE Project within Stony Point would be in approximately 1.1 linear miles (1.8 linear km) of railroad ROW and 0.9 linear miles (1.4 linear km) of deviation zone approved by NYSPSC. As proposed, approximately 2.3 acres (0.9 hectares) of the 20-foot (6-meter)-wide permanent transmission line ROW would occur within railroad ROW, and up to 2.6 acres (1.1 hectares) would occur outside the railroad ROW in Stony Point. In Haverstraw, the proposed CHPE Project route would be in approximately 3.2 linear miles (5.2 linear km) of railroad ROW and 0.6 linear miles (1.0 linear km) of deviation zone approved by NYSPSC. Approximately 7.3 acres (3.0 hectares) of the permanent transmission line ROW would occur within the railroad ROW, and up to 1.5 acres (0.6 hectares) would occur outside the railroad ROW in Haverstraw. See response to Comment 105-04 regarding the ROW and the use of eminent domain. Information on the installation of cooling stations along the transmission line to disperse accumulated heat in long cable segments installed by HDD techniques was provided to the DOE by the Applicant for incorporation into the Draft EIS. Therefore, the EIS addresses the potential impact of installing cooling stations along the terrestrial portions of the transmission line route in certain locations. Eliminating the cooling stations is not part of what is being proposed for the CHPE Project.

**816-05:** See response to Comment 718-04.

**816-06:** The locations of construction staging areas would change as the installation progresses southward along the transmission line

route. Information on staging areas that would be required to support aquatic installation was provided in Section 5.3.2 of the EIS. Information on staging areas along the terrestrial portion of the installation route was provided in Sections 2.4.1.1, 5.2.2, 5.3.18, and other similar sections of the EIS. See response to Comment 807-02 regarding splice vaults.

**816-07:** Operation of the transmission line would increase the ambient soil temperature within 3 feet (0.9 meters) of the transmission line by 2 °F (1 °C). It is possible that this temperature increase could affect vegetation growth in the immediate vicinity of the installed line; however, the temperature would quickly dissipate as distance from the transmission line increases. Additionally, cooling stations would be constructed to serve the HDD-installed segments and excess heat would be removed from the underground conduits through the cooling station chiller equipment.

**816-08:** The potential impacts associated with magnetic fields associated with the transmission line were described in detail for each segment of the proposed route in Section 5.1.14 and other similar sections of the EIS. Specifically, the proposed transmission line ROW within the railroad ROW would be 20 feet (6 meters) wide, and access to the railroad ROW would be limited in some areas by fencing and entry restrictions. Table 5.1.14-1 and Figure 5.1.14-1 of the EIS present the magnetic field levels associated with the transmission cables. The magnetic field levels at the edges of the 20-foot (6-meter)-wide transmission line ROW for the Overland Segment were calculated to be 24.8 milliGauss (mG), which is well below the 200-mG magnetic field strength interim standard established by the NYSPSC. Land use restrictions are not expected as a result of magnetic fields.

**816-09:** The width of the trench that would be excavated for the transmission line would vary based upon topography and soil types. The transmission line would be constructed at least 10 feet (3 meters) away from the railroad tracks in generally flat areas away from the raised bed of the tracks, and the railroad ROW in most cases is wide enough to accommodate the transmission line. If these requirements put the transmission line outside of the railroad ROW, negotiations with adjacent landowners are planned (see response to Comment 105-04).

S-15 Permanent ROW this would have to be Eminent Domain.

S-16 Cable Repair would create more Splice Vaults.

S-34 & 35 EMINENT DOMAIN WILL BE NEEDED.

S-37 Converter Station will be in flood plain has this been updated with new FEMA maps.

1-16 this project is inconsistent with Governor Cuomo's ENERGY HIGHWAY.

2-13 Construction Corridor 48' EMINENT DOMAIN AGAIN.

2-21 2.4.5 Cooling Stations Chiller units noisy and 8x8x16 structure Esthetic

2-28 Aquatic cable installation GRAPPLE RUN.

2-32 Supplies and Equipment would be transported over local roads,(can roads handle this weight and who will repair them.

CSX ROW MAPS these maps need to be looked at to determine if this can be done. SEE 2-33.

2-35 Cable support facilities, EMINENT DOMAIN

3-107 "The Boundaries of the Waldron Cemetery would be determined during the survey of this portion  
PRIOR to the DOE's issuance of its FINAL EIS.

When is this going to happen and will we be notified.

3-112 Contaminated Soils

] 816-10

**816-10:** Installation of energy transmission lines in the United States must occur within a permanent ROW to ensure the lines, land, and support equipment can be maintained and protected for the life of those uses. Sections 2.6.1 and 5.2.1 and other similar sections of the EIS describe how the transmission line, in most cases, would be installed within existing road and railroad ROWs, but in some locations would deviate outside of these ROWs. Deviation areas refer to alterations of the transmission line route from the established road and railroad ROWs to bypass features such as bridges, roadway crossings, and areas where the existing ROW is too narrow to permit cable installation while meeting established clearance criteria from infrastructure, such as railroad tracks and edges of roadways. Deviation areas are identified in the maps provided in Appendix B of the Joint Proposal. Some deviation areas will overlap with privately owned lands. In these instances, it is anticipated that bilateral easements with private landowners would be negotiated such that the Applicant and landowner mutually agree to the easement provisions. Such agreements ensure that the landowner would be provided financial compensation for providing the Applicant with the right to bury the transmission line on their property and for future access to the property to conduct maintenance, inspections, and emergency repairs should such actions be necessary. Use of eminent domain would be avoided to the maximum extent practical. However, it is possible that limited use easements or leases for the transmission line ROW would need to be obtained through eminent domain, as provided for through the NYSPSC Article VII approval process. This would only occur in the event a property owner and the Applicant are unable to reach a mutually acceptable agreement.

] 816-11

] 816-12

] 816-13

] 816-14

] 816-15

] 816-16

**816-11:** As discussed in Section 5.4.3 of the EIS, the Luyster Creek HVDC Converter Station would be constructed and operated within the 100-year floodplain of the East River (see EIS Appendix A). Based on the Preliminary Work Maps prepared by FEMA as part of an evaluation of flood hazards following Hurricane Sandy, the converter station site would be designated as Base Flood Elevation (BFE) Zone AE at an elevation of 14 feet (4 meters) above mean sea level (MSL), which has only a 1 percent (100-year) chance of inundation.

**816-12:** The New York Energy Highway Blueprint is a broad and encompassing plan that provides recommendations intended to unify New York State's efforts to create an energy infrastructure to serve residents and businesses for years to come. It was developed in response to the existing uncertainties that affect New York State's existing energy infrastructure. Private developers, investor-owned utilities, the financial community, and others were actively engaged to identify options for bolstering the aging infrastructure while promoting the supply of clean energy, jobs, and economic growth. The four main areas of focus and goals in the Blueprint are expanding and strengthening the Energy Highway, accelerating construction and repair of electric and natural gas delivery systems, supporting clean energy, and driving technology innovation. Installation and operation of the proposed CHPE Project transmission line is directly aligned with the goals outlined in the New York Energy Highway Blueprint.

**816-13:** The cooling stations would be designed so that noise levels meet state standards at the property line. The stations would be small in size and resemble other similar utility structures such as fiber optic amplifier units or wastewater pumping stations.

**816-14:** The first step in the cable installation would be to tow a hook-type device, or a grapnel, along the underwater transmission line route (“a grapnel run”) to clear debris from the path of the cable installation plow. The grapnel run operation is subject to the same environmental conditions as the cable installation with respect to time of year restrictions and turbidity levels.

**816-15:** The number of construction vehicles required to install the transmission line at any one location is limited. To ensure that there are no impacts from large construction equipment using roads designed for lighter vehicles, the Applicant would restore access roads to preconstruction conditions as required. A project Maintenance and Protection of Traffic (MPT) Plan would be developed and implemented by the Applicant in consultation with local government transportation agencies to minimize impacts on traffic and the transportation network. Therefore, transportation of materials for the terrestrial portion of the CHPE Project is not anticipated to result in significant impacts on the existing

transportation network. See Sections 5.2.2, 5.3.2, and 5.4.2 of the EIS for more information on potential impacts on transportation in terrestrial portions of the proposed CHPE Project route.

**816-16:** It is expected that the CRMP, which would contain measures to minimize impacts on Waldron Cemetery, would be made available on the NYSPSC Web site for the CHPE Project (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?Mattercaseno=10-T-0139>) upon completion, although specific locations of any cultural resources information would likely remain confidential. Also see response to Comment 121-03.

## Comment 817



American Sugar Refining, Inc.  
1 Federal Street  
Yonkers, NY 10705  
E | 1914.709.8238  
Lael.Paulson@asr-group.com  
Lael Paulson  
Refinery Manager

Mr. Brian Mills  
RE: CHPE Draft EIS Comments  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

January 13, 2014

Dear Mr. Mills:

RE: Champlain Hudson Power Express (CHPE) Project – Draft EIS Comments

American Sugar Refining, Inc., operates a sugar refining facility located at 1 Federal Street in Yonkers, NY 10705 on the eastern bank of the Hudson River, at approximately river mile 17.5. The Facility, which is located on an 19.4 acre site, was originally constructed in the early 1900's and currently employs over 280 employees on a full time rotating shift basis; providing much needed manufacturing jobs in the city of Yonkers and Westchester County.

The sugar refining process requires raw material, in this case raw sugar, which is transported to the facility by barge or ship. All of the raw sugar arrives at the facility via the Hudson River by vessels travelling up the federal navigation channel from the port of New York to our Yonkers facility. The vessels are docked at the facility, with the assistance of tug boats, and moored while the raw sugar is unloaded. These vessels arrive on a frequent basis, often with more than one vessel each week, year round, to maintain production.

To maintain sufficient draft for the vessels, the river bed surrounding our facility is dredged under permit on an annual basis to remove accumulated sediment. Attached is a file showing the result of recent soundings performed which shows the extent of the dredging area. American Sugar respectfully requests that our continued unrestricted Hudson River access is assured as the pipeline routing, construction and future repair plans are finalized for this project. An area extending the entire length of the facility and 500 additional feet of clearance from the edge of our dredging area toward the center channel is required by ASR.

If you require additional information, or require clarification please contact me.

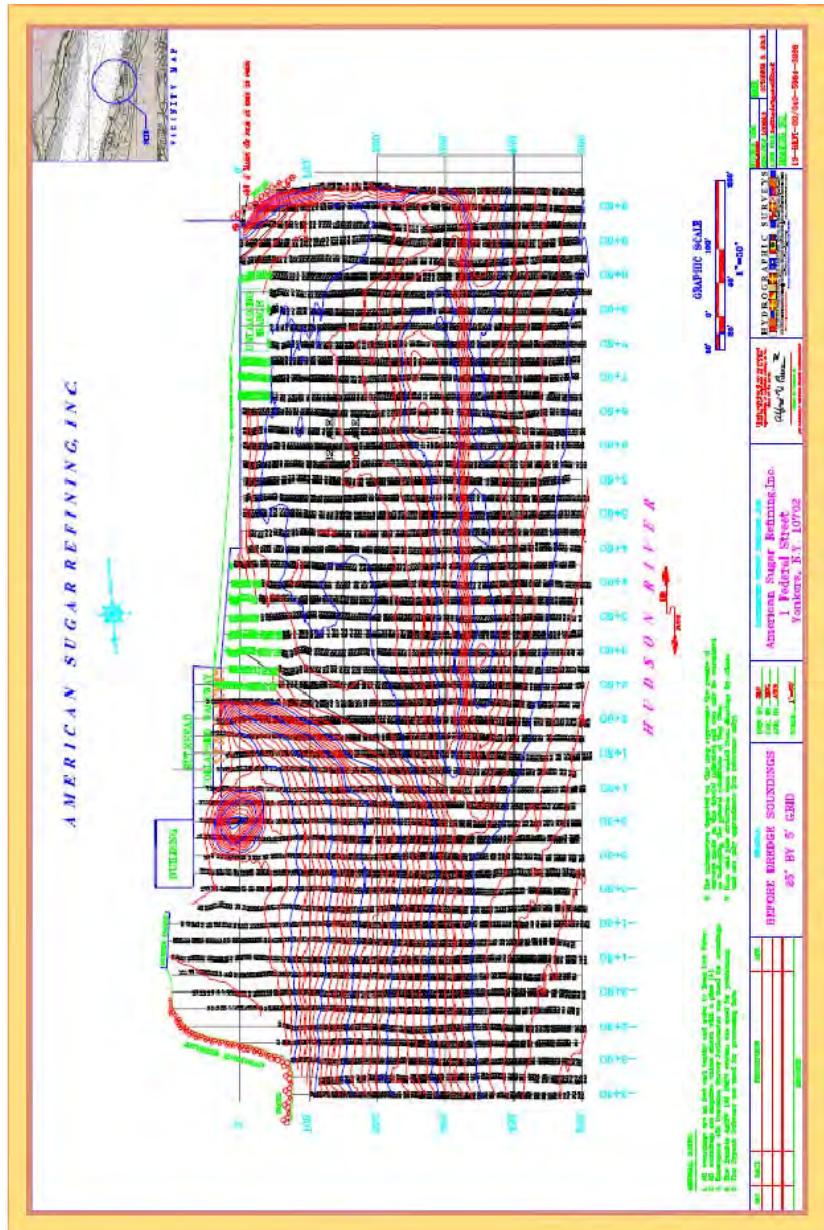
Yours sincerely,

Lael J. Paulson  
Sent via Email to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)  
cc File.

817-01

**817-01:** Disturbance of recreational and commercial activities would be temporary and localized at the work sites in the Hudson River. As stated in the EIS, approximately 1 to 3 miles (2 to 5 km) of transmission cable can be installed per day, so the worksite would not remain at any one location for a long period of time. For more information addressing Hudson River access during construction and maintenance of the transmission line, see EIS Section 5.3.2 (Transportation and Traffic).

Making Life A Little Sweeter  
Visit Our Family of Brands at [ASR-Group.com](http://ASR-Group.com)



## Comment 818

----Original Message----

From: [cozzafesta@optonline.net](mailto:cozzafesta@optonline.net) [mailto:[cozzafesta@optonline.net](mailto:cozzafesta@optonline.net)]

Sent: Wednesday, January 15, 2014 2:54 PM

To: Mills, Brian

Subject: comments: CHPE EIS

Mr. Mills,

I have spent an enormous amount of time researching the proposed CHPE project, as have others, and have not heard anything at meetings or hearings or have found anything in the paper work that addresses the serious consequences of allowing a transmission line to run through wetlands, a super fund site, a brownfield and sewage piping in the towns of Stony Point and Haverstraw. Also of concern is the close proximity to United Water's proposed Desalination Plant, CSX Rail Extension project (which comes first?), Indian Point Nuclear Power Plants, the Ramapo Fault and the Spectra Natural Gas High-Pressure Main. In the event of a serious accident who will pay for clean up and damage? and has any evacuation route for the towns of Stony Point and Haverstraw been established?

I would ask that all decision makers walk this route to get a complete understanding of the predictable catastrophe that Rockland County will experience should the CHPE project be allowed to go forward.

Thank you.

Laurie Cozza  
205 Wayne Ave.  
Stony Point, NY  
845.269.3979

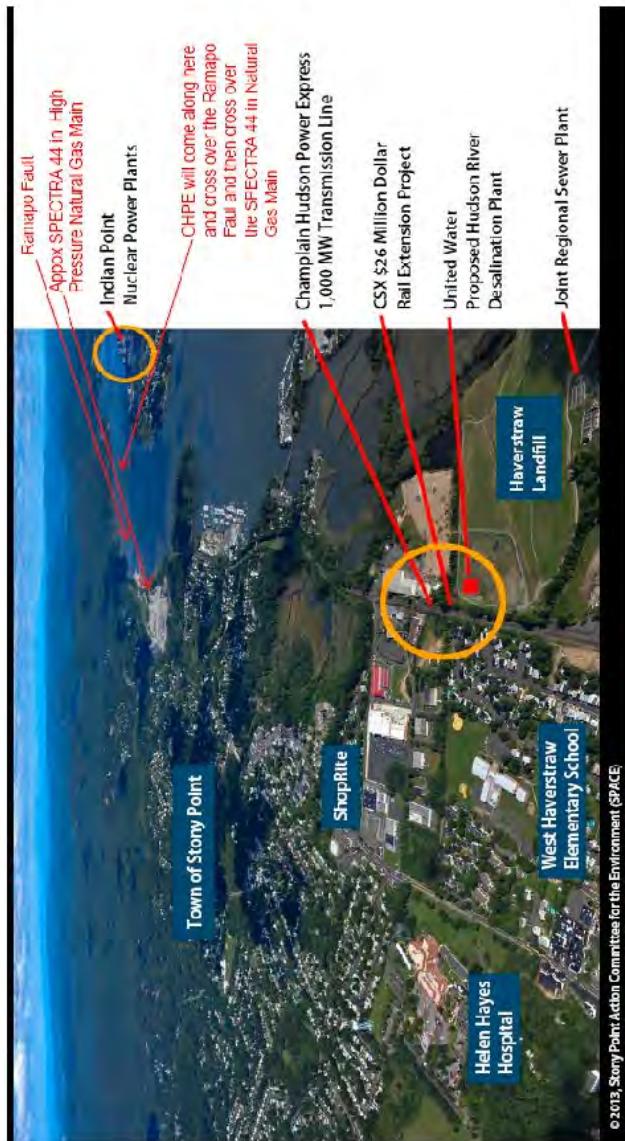
**818-01:** Impacts on wetlands as a result of this project are provided for each segment of the transmission line in EIS Sections 5.1.8 (Lake Champlain), 5.2.8 (Overland), 5.3.8 (Hudson River) and 5.4.8 (New York City Metropolitan Area). There are two identified wastewater pipelines in the vicinity of the project route. As stated in Section 5.3.15 of the EIS, one line has been identified at MP 297.3 and one line has been identified at MP 326.4. HDD techniques would be used to cross underneath both of these wastewater lines; therefore, no impacts are expected. For information regarding impacts on Superfund sites, see Sections 3.3.15 and 5.3.15 of the EIS.

818-01  
818-02  
818-03

**818-02:** See Chapter 6 (Cumulative Impacts) of the EIS for information related to potential impacts related to the United Water's Desalination Plan, CSX Rail Extension, and Indian Point Nuclear Power Plant. See EIS Section 5.3.9 for information relating to the Ramapo Fault. The Spectra-Algonquin Incremental Market (AIM) Natural Gas Pipeline project description has been added to Section 6.1.1.4 of the Final EIS, and the cumulative impacts analysis in Section 6.1.2 of the Final EIS.

**818-03:** The responsible party for the accident would be the one that is responsible for any damage caused to the transmission line. See Sections 5.1.14 and 5.3.14 of the EIS regarding responses to transmission line problems during operation.

Comment 819



"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EVA

["CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA](#)

**["CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA](#)**

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20),  
U.S. Department of Energy,  
1000 Independence Avenue, SW,  
Washington, DC 20585;

via e-mail to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov);  
by facsimile to (202) 586-8008;  
Please mark envelopes and e-mail subject lines as "[CHPE Draft EIS Comments](#)."

Written comments must be received by **January 15, 2013**. Comments submitted after that date will be considered to the extent practicable.

---

Please Title your response: [USACE; Public Notice #NAN-2009-01089-EYA & DOE: "CHPE Draft EIS Comments"](#)

Your e-mail or phone call or fax or e-mail can be sent to:

Mr. Brian Mills  
Department of Energy  
Office of Electricity Delivery&Energy Reliability (OE20)  
U. S. Department of Energy  
1000 Independence Ave, SW  
Washington, DC 20585  
Phone: 202-586-8267  
Fax: 202-586-8008  
[Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov)

Jodi M. McDonald  
USACE Chief, Regulatory Branch  
New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, NY 10278  
917-790-8092  
212-264-4260  
[jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)

Susan Filgueras  
87 Mott Farm Rd  
Tomkins Cove, NY 10986  
845-429-3229  
[SFilgueras@optonline.net](mailto:SFilgueras@optonline.net)

[Just Say No! to the Champlain Hudson Power Express.](#)

[Susan Filgueras, 845-429-3229](#)

["CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA](#)

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PUBLIC SERVICE COMMISSION  
STATE OF NEW YORK

1-16-2014

Case 13-ET

Verified Petition Of Champlain Hudson Power Express, Inc. And CHPE Properties, Inc.  
Requesting A Declaratory Ruling That The Companies Are Subject A Lightened Regulatory Regime,  
And A Declaratory Ruling That A Prior Transfer Of Ownership Did Not Require Commission Approval  
Or In The Alternative Approving Such Transfer

VERIFIED PETITION OF CHAMPLAIN HUDSON POWER EXPRESS, INC. AND CHPE PROPERTIES,  
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2012 Public Hearing Notices – April 12, 2012

Ownership Documents, verification of Canadian ownership

2-27-2012 CSX Design and Construction Standard Specifications ( Joint Proposal exhibit)

3-6-2012 Preferred Alternative Trajectory- e-mail William S. Helmer to Dr. Pell

6-14-2012 -USACE to Brian Mills DOE- how many other transmission lines on row?

6-19-2012 Rockland County Resolution –Opposing CHPE

7-2012- CHAMPLAIN HUDSON POWER EXPRESS PROJECT, ENVIRONMENTAL IMPACTS  
ASSOCIATED WITH ROUTING PROPOSED IN JOINT PROPOSAL  
Case 10-T-0139 Joint Proposal Hearing Exhibit 121, Page 1 of 503

CSX claims to offer a right of way on property they do not own

9-12-2012- E-mail (2) to Brian Yates – New York State Historic Preservation –regarding Waldron  
Revolutionary War and War of 1812

.9-12-2012 Letter to Jeffery Earle for injunction against CHPE to save the Waldron Cemetery

10-23-2012 NYS Senate Hearing on Energy & Telecommunications

4-18-2013 NYS Order Granting Certificate of Environmental for Compatibility and Need - pgs 31 to 36

4-18-2013 NYS Order Granting Certificate of Environmental for Compatibility and Need --- pgs 83 to 85

Just Say No! to the Champlain Hudson Power Express.

Susan Filgueras, 845-429-3229

[“CHPE Draft EIS” Comments / Public Notice NAN-2009-01089-EYA](#)

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- 7-1-2013      Congresswoman Lowey- Requesting a DOE Hearing in Stony Point  
11-18-2013 –     Capitol News- Scott Waldman – 11-18-13 Hydro Quebec recently requested access to state money to help fund the \$2 Billion project. The states pot of money to support renewable energy projects, currently comes from a utility bill surcharge on New York State residents.

Community Reconstruction Zone Program –Fact Sheet

JP Exhibit 117 List of Cooling Equipment

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYABackground

January 15, 2014

Mr. Mills,

I have repeatedly tried to find a reply portal or person for the Army Corps of Engineers. Jodi McDonald ran out of business cards at the DOE's Public Hearing in November, so I have never had her contact information. I find it very difficult to even find her listed at the USACE's headquarters.

I am somewhat confused as to the process, I had thought I had found all of the documents and then stumbled onto the USACE filing on the Champlain Hudson Power Express and they are a whole set of additional documents. They were not filed on the USACE's web site the maps were but not the documents. Is it usual for the USACE to file their DEIS documents on the applicants web site? I want to note that on this response.

The Champlain Hudson Power Express (aka "CHPE") proposed 333 mile transmission line has been a roller coaster of incorrect information, deliberately misled, and in some cases a study of totally incorrect information. To the novice trying to navigate State and Federal procedures this is simply overwhelming. When I began to research the Champlain Hudson Power Express (aka "CHPE") application three years ago I did not believe it had any value to New York State, especially Rockland County. All along the route, are abandoned Power Plants, tax challenges on these plants, their owners claiming the property no longer has the value, unemployment from Plant closures, the projected trajectory heavily residential and well established.

The main points I would like to make are:

- 1- You do realize that the route is not settled, and the delivery end point may very well be the Ravenswood Plant in Queens NY, owned by Trans Canada. There has been little environmental review on that end , but as it is simply an attachment to the Joint Proposal was it evaluated fairly and equally along with all other parts of this proposal? This delivery point is not mentioned in any of the documentation with the exception of Attachment J to the Joint Proposal.
- 2- The Desecration of the Stony Point Battlefield, where we know that soldiers are buried where they fell.
- 3- The Destruction of the Waldron Revolutionary War and War of 1812 Cemetery.
  - a. Con Ed I believe accidentally purchase the land and then built a sub-station on the outer fringes.
  - b. I have spoken to them about the Cemetery but they were embroiled in their own debate with CHPE over the Luyster Creek site.
- 4- Eminent Domain- CSX row is not big enough in Rockland has anyone really checked the rest of NYS.
- 5- No Jobs- Joint Proposal, Order Granting Certificate of Environmental for Compatibility and Need, DOE DEIS all agree MINIMAL JOBS.
  - a. Each of these documents state but do not expand that CHPE may be given a higher ranking in the electric pool that is purchased, thereby cutting NYS production , closing NYS Power Plants
- 6- Savings- each of the controlling documents show a significantly "LESS"/ different savings than CHPE, it is not quantified clearly- the JP and Order state the savings are Production area savings not Stake Holders.
- 7- No Environmental Impact Statement done on the Rockland County Land Installation

I really do not want to be disrespectful to the fish but..... what about the humans who live on the line, don't we count?

[Just Say No! to the Champlain Hudson Power Express.](#)

Susan Filgueras, 845-429-3229

819-01

819-02

819-03

819-04

819-05

819-06

819-07

819-08

**819-01:** Jodi McDonald, Chief of the USACE New York District Regulatory Branch, can be contacted at 26 Federal Plaza, New York, NY 10278-0900.

**819-02:** The EIS was developed cooperatively among multiple Federal and state agencies to address the potential impacts of issuing the Presidential permit for the proposed CHPE Project. Two of the agencies involved in the preparation of the EIS are the DOE, the lead Federal agency, and the USACE, a cooperating agency. The EIS for the proposed CHPE Project and related documents are available for review in the Document Library on the CHPE EIS Web site (<http://www.chpexpresseis.org>), and a subset of the EIS documents are available on the DOE NEPA Web site (<http://energy.gov/nepa/eis-0447-champlain-hudson-power-express-transmission-line-project-new-york>). The Draft EIS was not available on the USACE and Applicant Web sites.

In addition to being a cooperating agency for the preparation of the EIS, USACE is responsible for reviewing the Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA permit applications submitted by the Applicant for the proposed CHPE Project. As such, the USACE's Web site for the CHPE project (<http://www.nan.usace.army.mil/Missions/Regulatory/RegulatoryPublicNotices/tabid/4166/Article/18814/nan-2009-01089-eya.aspx>) consists of documents related to their review of the Applicant's Section 10 and Section 404 permit applications.

**819-03:** See response to Comment 109-04.

**819-04:** See response to Comment 121-03.

**819-05:** Yes. The maps provided as Appendix B to the Joint Proposal show a number of deviation areas along the terrestrial portions of the route outside Rockland County.

**819-06:** The New York State electricity market is regulated by the NYSPSC and the NYISO and, therefore, the pricing mechanisms for power purchases in the New York State electricity market are outside the scope of this EIS. As presented in Section 1.2 of the EIS, the purpose and need for DOE's Proposed Action is whether or not to issue a Presidential permit for the proposed transmission line crossing of the U.S./Canada international border (i.e., proposed CHPE Project). Continued operation of other in-state electric power sources is not the subject of the application for a Presidential permit and, therefore, is outside the scope of the EIS.

**819-07:** See response to Comment 803-09.

**819-08:** Section 5.3 of the EIS provides a full analysis of the potential environmental impacts associated with installing the buried transmission line on land through Rockland County.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

I object to CHPE's portrayal of the CSX ROW within Rockland County. Except for a few small areas it does not exist. See attached 10-23-12 Presentation to the NYS Senate Energy and Telecommunications Committee, Hearing held in Stony Point NY. The majority of CHPE's proposed trajectory within Stony Point and Haverstraw is Eminent Domain, CSX claims to offer a right of way on property *they do not own.*

]- 819-09

Case 10-T-0139 Joint Proposal Hearing Exhibit 121  
Page 1 of 503

CHAMPLAIN HUDSON POWER EXPRESS PROJECT, ENVIRONMENTAL IMPACTS  
ASSOCIATED WITH ROUTING PROPOSED IN JOINT PROPOSAL

**Comment:** [Page 2- last pp- CSX installation Guide lines for HDD drilling- the installation must be 25 ft from the centerline of the outside rails](#)

## 1.1.1 Overland Installation Methodology

For the overland portions of the Facility route, the cables will be buried via excavated trenches or trenchless technology (e.g., Horizontal Directional Drilling ("HDD") or Jack and Bore (J&B)) methods. For underwater cable installation, the primary methods utilized for installation will be water jetting, jet plowing, plowing, and dredging, with shoreline crossings completed by HDD. Further details of the cable installation methods and equipment are described below. The majority of the overland portion of the Facility route is located within or immediately adjacent to the existing CP, CSX Railroad ("CSX"), and NYS Route 22 rights-of-way. A minimum separation distance is required from the rails to the cables by each railroad; CP requires a minimum separation of 10 feet from the centerline of the outermost track to the cable trench, and **CSX requires a minimum separation of 25 feet from the centerline of the outermost track.** The typical and preferred layout is to have the bipolar (2 cables) installed on one side of the railroad tracks. With this layout, the limits of construction activity extend 40 feet beyond the required minimum setback of the railroads. This 40-foot area will include the area needed for excavation of the trench, installation of erosion and sediment control measures, installation of the two cables and stockpiling of excavated material. Along the railroad, the construction corridor will generally be 40 feet wide on one side of the track. There are areas that will require different configuration and pose additional engineering challenges, such as steep slopes, environmentally sensitive areas, and existing structures. These areas will be identified and site-specific engineering solutions will be developed as part of the EM&CP. A minimum construction corridor of 25 feet will be required along the edge of Routes 22 and 9W for installation of the HVDC bi-pole cables, although a wider width may be employed to allow for more efficient construction and quicker completion of the work in these areas

**Volume I Impact Analysis S-6.2 Proposed CHPE Details** page S-12

**Comment:** [Donald Jessome, Vice president CHPE and Board Member of TDI-Canada, specifically stated in the June 26, 2012 Stony Point Meeting that there would be no cooling stations, simply more misdirection- apparently he did not expect us to have read the actual documents.](#)

]- 819-10

**Cooling Stations.** In certain situations where there is a long segment of cable installed by HDD, heat can accumulate in the HDPE conduit and reduce the performance of the transmission system. The Applicant has identified 16 sections of underground cabling where the potential for heat accumulation could require that a cooling equipment station be installed at each section. Each of the 16 cooling stations would consist of a chiller unit and pumping system within a building and this equipment would circulate chilled water through tubing in a closed-loop system alongside the HVDC cable to cool the cables.

**819-09:** See response to Comment 816-04 regarding transmission line lengths in ROWs in Stony Point and Haverstraw and Comment 105-04 regarding the ROW and the use of eminent domain.

**819-10:** Cooling stations are proposed and are discussed in detail in Section 2.4.5 of the EIS, and an impact analysis for construction and operation of such is included in resource areas in Chapter 5.

[Just Say No! to the Champlain Hudson Power Express.](#)

Susan Filgueras, 845-429-3229

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA**3.3.15 Hazardous Materials and Wastes**  
**Section 3.1.15**

Page 3-111 pp-2

**Comment:** There is a cursory glance at the sites mentioned below; shouldn't CHE have mentioned the 285ft. coal ash pile that is leaching into our ground water? It is mentioned prominently in the DEC letter dated 11-5-2011. Is this what passes for an Environmental Review, I have many of the records for 3 of the 4 sites listed below and the blithe fashion that CHPE has addressed these sites is appalling. Where does the Haverstraw Land Fill stand? What happens if CHPE starts HDD drilling, are there gases trapped? Is there chemical waste intermingled with the debris? If CHPE start HDD drilling will contaminated waste escape out into the Hudson River? The Temco site is in a heavily populated residential area, if they disturbed that area will the gases become air borne? How will that affect the Health of the residents? Is there a plan in place to evacuate in case of a disaster? The same questions will apply to Kayfries.

I think we can say there has been NO Environmental Impact Statement for the Rockland County Land Installation.

- 1- Letter dated 11-5-2011 DEC to town of Stony Point concerning the Lovett Power Plant Site (attached)
- 2- The Haverstraw Landfill is a Brown field at the very least
- 3- Temco Uniform Factory

Regarding the terrestrial portions of the Hudson River Segment, as noted in **Section 3.2.15**, railroad ROWs are areas with high potential for environmental contamination. Additionally, environmental contamination is possible in the vicinity of railroad and roadway ROWs from adjoining industrial and commercial facilities. Examples of adjacent facilities where soil and groundwater contamination is present or potentially present in this segment are the former Mirant-Lovett Electric Generating Station, Haverstraw Landfill, Kay-Fries National Priorities List **Superfund site (USEPA Identification Number NYD980534564)**, the former Temco Uniform Factory site, and automobile repair facilities located along U.S. Route 9W in Clarkstown. The former Temco Uniform Factory is a **NYSDEC Class 2 Inactive Hazardous Waste Site located at MP 298.4** of the proposed CHPE Project transmission line route in West Haverstraw. This site currently is being investigated by the NYSDEC for environmental contamination resulting from industrial uniform manufacturing, washing, and dry cleaning that occurred from 1985 through 2002 (TRSA 2012).

**What they are not mentioning is the**

See cover Picture in front of my reply it shows all of the projects in this area of 7.2 miles.

**SPECTRA AIM Project- a 42in High Pressure Gas Main being fracked across the Hudson in the Ramapo Fault. CHPE's plans are to lay their "HOT" Transmission line on top of the 42in High pressure gas main. Then the West Point power Express will do the same thing as it comes out of the ground at Indian Point. Are you nervous yet?**

The worst is – is that they are I believe 3 existing and 1 new (42inc.) Natural Gas High Pressure Mains that cross to Westchester in front of the Lovett site, mile marker just north of mile marker 295.5

**Iona Island**

Iona Island is an American Eagle sanctuary. CHPE will need to blast ledge along Iona Islands riverfront to proceed. Has anyone told CHPE that this island was once used as an ARMORY and there may still be ordnance on the island?

Just Say No to the Champlain Hudson Power Express.

Susan Filgueras, 845-429-3229

819-11

**819-11:** See response to Comment 819-07. Section 5.3.15 of the EIS addressed the potential impacts of constructing the proposed CHPE Project in the vicinity of the former Mirant-Lovett Electric Generating Station, Haverstraw Landfill, the Temco Uniform Factory, and Kay-Fries National Priorities List Superfund site. During construction and operation of the proposed CHPE Project, the Applicant would implement environmental and construction management procedures and plans included in the EM&CP and other Applicant-proposed measures to minimize potential impacts during construction. Other plans, such as the Health and Safety Plans and the Emergency Contingency Plan, would also be implemented to ensure construction activities are conducted in a safe manner.

819-12

**819-12:** A description of the Spectra AIM Natural Gas Pipeline project has been incorporated into Section 6.1.1.4 of the Final EIS. The West Point Transmission Project is discussed in Section 6.1.1.4 of the EIS. The Applicant would design, construct, and install the proposed CHPE Project to be compatible with existing utilities, including natural gas and electric power system infrastructure, in both aquatic and terrestrial portions of the route. The Applicant would consult with utility owners prior to construction to design protection measures and specifications to account for existing utility facilities. The Applicant would also implement various additional BMPs to minimize potential impacts on utilities (see Appendix G of the EIS).

819-13

**819-13:** Blasting would not be conducted in the vicinity of Iona Island during installation of the proposed CHPE Project.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

Desecration of the Stony Point Revolutionary War Battlefield, where we know there are soldiers buried where they fell.

Waldron Revolutionary War and War of 1812 Cemetery

The final insult to common decency, Donald Jessome, Vice President of the Champlain Hudson Power Express's utter contempt for the Waldron Revolutionary War and War of 1812 Cemetery, stated at a June 26, 2012 meeting in Stony Point, don't worry we will shoot a bullet through the Cemetery, how deep will your bullet be- Jessome "oh about 3ft". I guess they bury Canadians in shallow graves.

819-14

**819-14:** See response to Comment 121-03 regarding details about the installation of the transmission line under the Stony Point Battlefield Historic Site via HDD, the siting of the transmission line at Waldron Cemetery, and the CRMP that would manage such (also see EIS Section 5.3.10).

Joint Proposal, approved on a trajectory they have agreed not to use, and agreed to in the Joint Proposal.

A Joint Proposal negotiated and approved on an installation route in the HUDSON RIVER,

Do we know where CHPE is going?

The final loss of all common sense is that the New York State Public Service Commission approved a project to ..... WHERE? In an e-mail from William Helmer to Dr. Pell dated 3-6-2012, he states that the preferred route is the one that was submitted with the Joint Proposal. You need to read ALL 5000+, pages to know that on

**Volume 1                    IMPACT ANALYSIS                    Page S-17**

**S.7 Alternatives Considered but Eliminated from Further Detailed Analysis**

Several technology, alignment, and construction alternatives were considered but eliminated from further detailed study for various reasons. Alternatives considered but dismissed are discussed in the following paragraphs, along with the reasons for dismissal.

**S.7.1 Alternative Upland Transmission Line Routes**

The Applicant considered a range of terrestrial routes for the transmission line. These alternatives included consideration of transmission line alternatives that would have been installed either on overhead structures or buried within a new or existing terrestrial ROW, rather than in Lake Champlain or the Hudson, Harlem, and East rivers. An alternatives analysis report documenting the evaluation of alternative routes was submitted by the Applicant to the USACE in July 2013 as part of the Applicant's Clean Water Act (CWA) Section 404 permit application. This report is included in the EIS as **Appendix B**. DOE determined that these alternative transmission routes were not reasonable due to engineering feasibility, cost, and logistical considerations (e.g., legal limitations), and, therefore, they have been eliminated from further consideration in the EIS.

Alternatives considered included the following:

- ☒ Constructing the transmission line in and along existing electrical transmission line ROWs from the U.S./Canada border to New York City
- ☒ Constructing the transmission line in and along existing highway and roadway ROWs
- ☒ Constructing the transmission line within existing railroad ROWs beyond those identified as part of the proposed CHPE Project
- ☒ Using combinations of railroad, electrical, and roadway ROWs
- ☒ Development of a new electrical transmission line ROW

**Comment:** All of these documents finally hint at it will be the route as stipulated within the Joint Proposal, CHPE once again has mislead the Stake Holders in this case, he had promised our Supervisor that the Cemetery would not be invaded.

Just Say No! to the Champlain Hudson Power Express.

Susan Filgueras, 845-429-3229

**"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA****CHPE's Environmental Trust Fund** <http://www.chpexpress.com/environmental-trust-fund.php>

**Comment:** 2003 to March of 2007- the Blackstone Group was the financial manager for the Mirant – Bowline and Lovett Power Plant bankruptcy they had plenty of time to study the interaction of the various groups of the Hudson Valley (while Rocklanders paid them to decimate our towns with the closure of the Power Plants) once again Blackstone found a weakness and exploited it. Blackstone, offered the Riverkeeper, Scenic Hudson and the NYS Council of Trout Unlimited an Environmental Trust Fund.

When the people along the trajectory of this transmission line begin to develop diseases and die, just like they did in Buffalo at the Love Canal, do you think that these groups will say at least we protected the fish?

**Public Notice**

As hard as it is for the layperson to understand the process, it is even more difficult for me to believe that the DOE, the USACE, and the NYS PSC, simply skipped over the Towns of Haverstraw and Stony Point during their public input sessions in 2010. The one meeting in 2012 held in Haverstraw was poorly attended. I cannot find where the meeting was publicized in the Local paper, I only knew because my Dad went into the Haverstraw Town Hall. There has been no local outreach.

819-15

**Bilingual Populations**

We have two communities that have a bi-lingual population yet no outreach has been done for those communities.

819-16

**Congresswoman Lowey**

Had it not been for Congresswoman Lowey's letter of July 1, 2013 requesting that the Department of Energy schedule a hearing here in Stony Point, our voices would never have been heard.

**What CHPE tells to the Stake Holder**

Rockland County was introduced to the Champlain Hudson Power Express the hard way, the deal was already done. We have been defending our Town from CHPE for almost three years. CHPE has come to Stony Point three times and each time the story changes. On June 6, 2012 Donald Jessome, Vice President CHPE-USA and Board Member of TDI Canada, came with his team, and stated for the record,

CHPE's Marketing Claims	Addressed by one or the other or All 3- DOE- DEIS/, Joint Proposal- Order Approving
No Eminent Domain	States clearly Eminent Domain will need to be used
Savings,	Each of the documents state clearly – Production Area Savings, not rate payers
Jobs	NO JOBS- DEIS is clearest – 26 jobs, Construction-labor would be imported due to specialization of work- Order Approving- states –applicant's submission was

[Just Say No! to the Champlain Hudson Power Express.](#)

Susan Filgueras, 845-429-3229

**819-15:** As stated in Section 1.7.1 of the EIS, DOE conducted seven EIS public scoping meetings in 2010, although none were in Haverstraw or Stony Point. DOE's 2010 Scoping Summary Report is in Appendix D of the EIS. DOE did not conduct separate scoping meetings after it published an amended Notice of Intent in April 2012, but it did accept scoping comments. DOE's 2012 Scoping Summary Report Addendum is in Appendix D of the EIS. The NYSPSC held six public statement hearings on the Joint Proposal in April 2012, of which one was held at the Haverstraw Town Hall. DOE reviewed the public statement hearing transcripts from the NYSPSC public statement hearings and considered them, in addition to scoping comments submitted directly to DOE on the EIS, as potential scoping comments for purposes of the EIS. The public hearing for the Draft EIS held in Stony Point in November 2013 was attended by over 200 people.

**819-16:** See response to Comment 109-03.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

	wholly inadequate in this area	
Support Local Economies	CHPE devalues ALL of the properties it crosses,	- 819-17
Taxes	the taxes collected will be a Utility formula as is standard practice in NYS - will be far less than what we lose as CHPE crosses multiple properties	- 819-18
Will help close Indian Point	This project was not mentioned in the "Order Instituting Proceeding and Soliciting Indian Point Contingency Plans" – until the correct infrastructure is in place in WESTCHESTER Indian Point cannot be closed for good, short term outages work but stress the GRID- CHPE does nothing to address that stress	

**819-17:** See response to Comment 105-06.

**819-18:** See response to Comment 105-06.

Submitted on Nov 18, 2013 to Brian Mills, and to be made a part of this testimony:

The Just say No, committee gave to Brian Mills on Nov 18, 2013 a Disk of the Feb 5, 2013 CHPE meeting in the Town of Stony Point. (We had to insist they come back)

#### Ownership

The "NRE Transaction" (2009).

1 day after all comments are due to the DOE and USACE, CHPE has filed, with the NYS PSC "Requesting A Declaratory Ruling That The Companies Are Subject A Lightened Regulatory Regime, And A Declaratory Ruling That A Prior Transfer Of Ownership Did Not Require Commission Approval Or In The Alternative Approving Such Transfer". (Case 13 -ET) This sale took place in 2009. The "NRE Transaction" (2009), has been in all of the financial documents that CHPE has submitted to the FERC and the NYS PSC. What is the importance of this filing, who will it impact, does it have any financial, integrity or liability issues?

(Attached is the Ownership documentation submitted to the PSC by CHPE for their application)  
Department of Energy web site- Document Library <http://chpexpresseis.org/library.php>– Bottom of page (the Presidential Permit document is too big to attach)

For verification purposes – the Champlain Hudson Power Express is a wholly owned Canadian Company,

"CHPEI is a joint venture of TDI-USA Holdings Corporation (TUCH), a Delaware Corporation, and National Resources Energy, LLC (NRE). TUCH, the majority shareholder in CHPEI, is a wholly owned subsidiary of Transmission Developers Inc. (TDI) a Canadian Corporation. NRE is a wholly owned subsidiary of National REsources Group, a limited liability corporation duly organized under the state of Connecticut."

Presidential Permit, bottom of page 2- states

#### 1.4 Foreign Ownership and Affiliations

*Neither the applicant nor its proposed transmission facilities are owned wholly or in part by any foreign government or instrumentality thereof.*

Just Say No! to the Champlain Hudson Power Express.

Susan Filgueras, 845-429-3229

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

Has the Department of Energy verified that CHPE's relationship with Hydro – Quebec will simply be that of a shipper? That Hydro-Quebec has no other ties to the Blackstone Group that will allow them to influence the transactions on this transmission line.

819-19

Financing

Repeatedly CHPE has said that they will not take public money to build this transmission line. As reported by Scott Waldman in *Capitol News, 11-18-13* "Hydro-Quebec is a Canadian state-owned utility that has received approval to sell power through the Champlain Hudson Power Express a 330 mile long transmission line. It recently requested access to State money to help fund the \$2 billion project. The states pot of money to support renewable project's, currently comes from a utility bill surcharge on New York residents...."

**819-19:** As presented in Section 1.2 of the EIS, the purpose of and need for the DOE's action is whether or not to issue a Presidential permit for the proposed transmission line crossing of the U.S./Canada international border. Transactions in the New York State electricity market are regulated by the NYSPSC and the NYISO and are outside the scope of the EIS.

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["CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA](#)

## **Volume 1 Impact Analysis**

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"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

## SUMMARY

Someone said to me have you followed the process. Yes we have, please note these are not the original Public Hearing dates, Stony Point nor Haverstraw was on the list. We were behind before we got started.

July 8, 2010 City Hall, Bridgeport, CT 10

July 9, 2010 Federal Building, Manhattan, New York City 25

July 12, 2010 Royal Regency Hotel, Yonkers, NY 27

July 13, 2010 Holiday Inn, Kingston, NY 28

July 14, 2010 Holiday Inn, Albany, NY 31

July 15, 2010 Ramada Inn, Glens Falls, NY 18

July 16, 2010 North Country Chamber of Commerce, Plattsburgh, NY 28

**Table S-1 Summary of Potential Impacts Associated with the Proposed CHPE Project page  
S-21**

(middle of page) Impacts on Resource areas from Construction and Operations, Maintenance and Emergency Repairs of the Proposed CHPE Project

Comparison Factor/ Resource Area	Lake Champlain Segment	Hudson River Segment
Land Use	<b>Construction:</b> Temporary, non-significant increase in limitations on water-based uses. <b>Operations:</b> *Potential for future limitations on water based uses or access during inspection activities; use limitations from maintenance and emergency repairs would be shorter-term and more localized than for construction	<b>Construction/Operations:</b> Same temporary use and access limitations or disruptions and potential future land use restrictions as Lake Champlain and Overland segments.

**Comment:** I believe that this is the first hint that Rockland County and New Yorkers in General will have limited access to the Hudson River along the trajectory of CHPE. If approved CHPE, a wholly owned Canadian Corporation can use our property as a high voltage "Hot" electric transmission line corridor creating a CANAL of transmission lines (I believe that CSX and CHPE have an agreement to solicit more transmission lines for this row) to one of the world most lucrative electric markets NEW YORK CITY.

In essence reducing our majestic Hudson River to a flowing waste land of leaking fluids from these transmission lines, making this route the "LOVE CANAL" of the 21<sup>st</sup> CENTURY!

]- 819-20

**819-20:** The proposed CHPE Project would not prevent, prohibit, or inhibit access to the Hudson River in Rockland County. As discussed in Section 5.3.1 of the EIS, short-term, water-based limitations in the Hudson River would occur in areas directly adjacent to transmission line installation activities, and would include temporary localized limitations on boats entering a work area during periodic inspection and emergency repair (if necessary) for vessel safety reasons.

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"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYAImpacts from Operations, Maintenance and Emergency Repairs Pg-S-34&S-41

Impacts on land use would result from operation of the proposed CHPE Project because future use of the land within the transmission line ROW would be limited for the lifespan of the transmission line. The Applicant would be granted either exclusive control of (via fee or easement for private property), or other appropriate interest or rights to use (via revocable consent or use and occupancy permit for public ROWs such as roadways or state land or lease for the railroad ROWs) a 20-foot (6-meter)-wide transmission line ROW. Property owners granting the use of portions of their lands as the transmission line ROW would be prohibited from taking any action on that land that would damage or interfere with the Applicant's maintenance, inspection, and emergency repair activities with the ROW. It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. While use of eminent domain would be avoided to the maximum extent practicable, limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs might need to be obtained via eminent domain as part of the NYSPSC Article VII approval process. However, property owners would receive just compensation for this loss of use.

**Comments:** Within Rockland County the amount of ROW is questionable, simply put

CSX does not own the land it is offering for the ROW!

Is what CSX proposes to do Legal?

Can CSX offer land for a ROW that they do not own?

Frankly this is simply a "Land Grab" by both CSX and the Blackstone Group, so that they may have enough land to lease on the row to other transmission lines per the USACE letter dated June 14, 2012, "how many other transmission line will fit on this row?"

Impacts from Operations , Maintentaince and Emergency Repairs S-34 pp 2

Activities impacting transportation and traffic operations along the terrestrial portion of the proposed CHPE Project route would include those associated with operation, regular inspection, maintenance, and possible emergency repairs of the transmission line. Regular inspection of the terrestrial portions of the transmission line and aboveground infrastructure (i.e., cooling stations and converter station), and routine preventive maintenance of the aboveground infrastructure would generally be non-intrusive and not disrupt (i.e., delay, temporarily cancel, or otherwise change) transportation operations or traffic. If necessary, emergency repairs of the transmission line or aboveground infrastructure would be expected to result in temporary construction-related disturbances (e.g., temporary lane rerouting or closures from the presence of emergency repair activities) that would impact transportation uses along the proposed CHPE Project route.

**Comment:** CHPE also down plays their request for access roads, which will become a "LAND GRAB" they justify the so called access roads as, needed for inspections and maintenance, then they state there is little to no maintenance.

S.8.7 Terrestrial Protected and Sensitive SpeciesImpacts from Construction S-45 pp2

Transmission line construction in the Overland Segment would directly impact approximately 67 acres (27 hectares) of wetlands within the construction corridor. The Hudson River Segment of the proposed CHPE Project would have an 8-mile (13-km) terrestrial segment that would cross three additional wetland areas

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819-21   **819-21:** See response to Comment 105-04.

819-22

**819-22:** Access roads would be sited to the extent possible within existing road and railroad ROWs, and would be limited to the minimum space necessary. Where practical and with landowner and NYSDPS approval, existing private roads, driveways, and farm lanes would be used. If access roads would be required outside of the existing road and railroad ROWs, the Applicant would obtain authorization (e.g., leases, easements, construction permits, revocable permits/consent, highway work permits, use and occupancy agreements/permits, or other agreements) from the public or private landowners. See response to Comment 803-02 regarding use of eminent domain.

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in Stony Point and Haverstraw totaling 0.8 acres (0.3 hectares). The transmission line would cross a 0.03-acre (0.01-hectare) wetland in Haverstraw; the other two crossings would be by HDD. No delineated wetlands are present in the construction corridor of the New York City Metropolitan Area Segment.

**Comment: What will happen to the Stony Point Trunkline Sewers within this trajectory which have not been identified within the DEIS by CHPE.**

We have two –

- Just north of MILE MARKER 296.5,
- Between MILE MARKERS 297.3 and 297.4

Stony Point is part of Governor Cuomo's Community Reconstruction Zone Program, and this area figures heavily into storm mitigation. The CHPE transmission line is in direct conflict with Stony Points participation in the Governors Community Reconstruction Program.

CHPE has not addressed the new FEMA Flood Zones and how will their proposed trajectory disables Stony Point's ability to develop a plan for Resiliency when CHPE negates all that we can or could do. CHPE is taking ownership of a 20ft ROW smack in the middle of the Community Reconstruction Zone, NOW WHAT!

**S 8.10 Cultural Resources****Impacts from Construction S47 whole page**

Ground-disturbing activities associated with construction could damage archaeological features and would disturb the context of artifacts of terrestrial archaeological sites, underwater sites, and historic cemeteries. In the case of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP, this could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation. Because the transmission line would be underground or underwater and would avoid any standing structures, the adverse effects from construction on the NRHP-listed and –eligible architectural properties in the APE would be limited to exposure to temporary noise, dust, and vibrations and short-term visual effects from the proximity of construction activities and equipment. The effects would not require mitigation. HDD would be used to install the transmission line under Stony Point Battlefield Historic Park. As specified in the conditions

**Comments:** I cannot under any circumstances condone this leg of the project- within the Battlefield there are soldiers buried where they fell on the property, THIS IS DESCREATION of a burial ground and a National Treasure. It is offensive to me as a Catholic, and to my Native American Heritage!

I personally hold Governor Cuomo responsible for this desecration. I will consider this a personal challenge to make sure that I communicate the fact that Governor Cuomo has approved and supports a project that totally dismisses and dishonors our the very soldiers who died for his right to be elected! I have to ask myself the question – does NYS need a Governor who has no respect for our Veterans?

**Impacts from Operations, Maintenance, and Emergency Repairs****2<sup>nd</sup> pp S-49**

Where the proposed CHPE Project route would cross aesthetic resources such as Stony Point Battlefield State Park and Rockland Lake State Park, the Applicant would use HDD techniques, which would allow installation of the transmission line without disturbing the surface features of the parks. This would eliminate any potential impacts on these aesthetic resources from construction activities. Construction equipment would be visible during construction at the HDD staging area sites.

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819-23

**819-23:** The referenced infrastructure is identified in Section 3.3.12 of the EIS, which identifies a storm water drainage pipe at approximate MP 296.6 and a sewer line at approximate MP 297.3. Section 5.3.12 of the EIS states that there would be no impacts on the storm water drainage pipe or the sanitary sewer line because both would be avoided by using HDD technology. See Appendix G of the EIS and the response to Comment 102-010 regarding additional impact minimization measures applicable to utility infrastructure that would be implemented during construction.

819-24

**819-24:** The Floodplain Statement of Findings appendix in the Final EIS (Appendix S) reflects the best available FEMA-approved flood zone data. See the response to Comment 803-04 regarding the proposed CHPE Project route near developable areas.

819-25

**819-25:** The proposed CHPE Project transmission line would be installed using HDD technology under the Stony Point Battlefield State Historic Site (see EIS Section 5.3.10). The proposed route would be installed under the railroad ROW using HDD through the battlefield. No cemeteries or gravesites have been identified along this portion of the railroad ROW, and the transmission line would be installed via HDD at such a depth under the battlefield that any features near the surface would not be disturbed.

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**Comment:** First there has to be a staging area (a fairly large installation with fuel, tools, parking for truck storage) and within a reasonable distance of the installation. There are no roads within the Battlefield –Park. How does the DOE and USACE foresee managing the issue of CHPE wanting to cut in access roads, which would be HIGHLY DETRIMENTAL and destructive to the Battlefield-Park. Worse they will want to keep their access roads for the life of the transmission line, appox 30 years.

819-26

**5<sup>th</sup> PP**

**Cooling stations** would be present along the proposed CHPE Project route within aesthetic resources, such as Saratoga Spa State Park and Spensieri Park. However, the cooling stations would not result in significant visual impacts or would have impacts on aesthetic resources because the cooling stations would be small and only minimally change the character of the existing view shed

**Comment:** Donald Jessoome said and I quote "there would be no cooling stations" How does CHPE propose to go from a submarine cable to a land cable in the Stony Point Battlefield without a cooling station? The transference of HEAT will be enormous!

**SEE BELOW COMMENT****S.8.13 Recreation**

page S-50, pp6

Use of HDD would avoid adverse impacts on recreational users by allowing installation of the transmission line without disturbing the surface features or uses of park lands. Staging areas for HDD would be outside of park boundaries, though equipment could be visible during construction; however, no permanent impacts on recreational resources would be anticipated. **No cooling stations would be constructed on park lands or in recreational areas, and access to recreational areas would be maintained during construction**

**Comment:** Within the Joint Proposal and the Order Granting Certificate of Environmental Compatibility and Public Need issued- 4-18-13, they state clearly there will be cooling stations placed within the Battlefield-park. I believe that it will be a physical necessity that a cooling station be built on Park property as CHPE will be transitioning from submarine cable to land cable- there will be an enormous transfer of heat. **How does the DOE and USACE plan to make sure that enormous damage is not done to the Battlefield with this installation?**

819-27

**S.8.14 Public Health and Safety**

page 51 pp-1

**Comment:** This is a difficult topic to address, especially as I have tried to read the majority of the 5000 plus pages, (and the USACE file on CHPE's web site) and frankly the entire proposal makes me ill. I do not believe that any Government Agency has really looked at the Health and Welfare of the Stake Holders. I believe Governor Cuomo has allowed the Canadians to New Yorkers as guinea pigs.

819-28

**S.8.18 Socioeconomics**

page 55 pp-5

Construction and operation of the proposed CHPE Project would require relatively few specialized workers and laborers over the lifetime of the project. Project requirements for non-specialized construction workers and local housing units along the CHPE Project corridor should be adequate to meet labor demands associated with the project. Tax receipts and revenue associated with construction expenditures would increase for local municipalities and an annual reduction in wholesale electrical energy market prices would occur.

**819-26:** The proposed CHPE Project transmission line would be installed using HDD technology under the Stony Point Battlefield State Historic Site. No staging areas, including those for the HDD drilling rig, or access roads would be constructed within Stony Point Battlefield State Historic Site.

**819-27:** The NYSPSC Certificate does not state that there would be a cooling station in Stony Point Battlefield State Historic Site, but rather indicates that Exhibit 117 of the Joint Proposal includes a list of cooling equipment at locations along the proposed CHPE Project route. Exhibit 117 identifies that a cooling station might be required at MP 296 for the portion of the proposed CHPE Project route installed using HDD technology under the Stony Point Battlefield State Park. The cooling station would be located outside of Stony Point Battlefield State Historic Park. Section 2.4.5 of the EIS states that a cooling station would be installed at approximate MP 296.

**819-28:** Comment noted. Sections 5.1.14, 5.2.14, 5.3.14, and 5.4.14 of the EIS address potential impacts of the proposed CHPE Project on public health and safety.

"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

- Comment:** Once again CHPE has managed to misinform the Stake Holders, jobs if any will be minimal due to the specialization needed for the installation. That means NO JOBS under any scenario.
- If in fact your document is correct, then that makes CHPE's assertions about Jobs, false, how does the USACE and the DOE reconcile this fact, one of you (DOE&USACE or CHPE) has to be wrong.
- CHPE states ratepayers will receive significant savings, HOW. The Devaluation of our personal properties as CHPE crosses them, fear of a 1,000 MW transmission line will prevent residents from selling their homes, essentially reducing the homeowner's net worth and overall wealth by ..... Would you buy a home with a 1,000 MW transmission line on the property, especially if you had children, Ummmm I don't think so.
- Would you buy a home in a Town that allowed a foreign nation, for self-serving profit to totally obliterate a Revolutionary War Cemetery?
- The proposed CHPE transmission line will take over our shore line and then claim National Security due to their transmission line and Stony Point will lose access to the shore line and the last bastion of hope for economic development within Stony Point.
- Stony Point is part of Governor Cuomo's Community Reconstruction Zone Program- specifically developed for those communities that Hurricane Irene and Sandy battered. It is an opportunity for a \$3 million dollar grant to Build Back Bigger and Better with more Resiliency.
- It has enabled Stony Point to work with "AKRF, INC. Environmental, Planning, and Engineering Consultants" as part of the program. To develop a flood mitigation plan, and at the same time develop an economic plan for community growth.*
- I guess you need to be a New Yorker to see the irony in Stony Point belonging to such a program, what Governor Cuomo gives to Stony Point CHPE will come in and tear it asunder.*

Page S-55**Impacts from Construction**

Over the approximated 4-year construction period, the proposed CHPE Project would result in an Estimated average 300 direct construction jobs. Additionally produced indirect and induced jobs would be associated with supplying materials and providing other services for construction of the proposed CHPE Project.

Comment: Once again CHPE has managed to misinform the Stake Holders, jobs if any will be minimal due to the specialization needed for the installation. That means NO JOBS under any scenario. See below they tell you in section S. 8.18 Socioeconomics, there are minimal jobs. This entire paragraph is deliberately misleading.

819-33

**819-33:** See response to Comment 101-02."S.8.18 Socioeconomics

*Construction and operation of the proposed CHPE Project would require relatively few specialized workers and laborers over the lifetime of the project"*

Page S-56Relatively few (i.e., approximately 20) specialized workers would be required during construction activities and would be on site only for the duration of those activities (i.e., 2 weeks or less) in any given location.

Non-specialized workers would be hired from the existing construction workforce along each segment of the proposed CHPE Project corridor. Therefore, it is unlikely that large numbers of workers would permanently

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**"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA**

migrate to the area to meet the labor demands of the project. The few specialized workers travelling to the area for construction of the proposed CHPE Project would likely be housed either in local hotels or other short-term boarding units. Given the low number of specialized workers required for construction, existing housing options along each segment of the proposed project corridor should be adequate to meet the temporary increase in demand.

**Comment:** **NO JOBS< NO JOBS< NO JOBS< NO JOBS< NO JOBS- what are we missing I think it is clear one of the entities is wrong, CHPE, DOE or the USACE,**

Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and revenue for local economies. Building materials required for the proposed CHPE Project would be purchased as needed from local sources. Construction activities within roadways could interfere with access to local businesses. However, construction zones would be established in a given location for 2 or less weeks at a time and a Maintenance and Protection of Traffic Plan would be developed to ensure continuous road access to businesses. Easements would be acquired by the Applicant, where appropriate, along the proposed CHPE Project corridor and the Applicant would pay for any associated land restoration costs following construction activities in these areas. Since construction activities would be temporary and property would be returned to pre-construction conditions once completed, it is unlikely that property values would be impacted.

**Comment:** **This is EMINENT DOMAIN-, as for the properties being impacted – again I ask would you purchase a home with a 1,000 MW transmission line buried under your back yard, driveway? The CHPE transmission line has the ability to crush North Rockland and surrounding communities, as this is not about 1 transmission line but several. (USACE Ltr dated 6-14-12) CHPE will be a legislated monopoly and Rockland will be forced to allow (EMINENT DOMAIN- really no choice at all) additional transmission line installations creating a "LOVE CAMAL" area within Rockland County. DEMOLISHING Stony Point and Haverstraw's access to the Hudson River, CHPE's exit strategy is abandonment, with no thought to what the environmental impact will be.**

819-34   **819-34:** See response to Comment 101-02.

Page S-56

819-35

**819-35:** See response to Comment 803-04 regarding the proposed CHPE Project route near developable areas, and response to Comment 105-04 regarding the use of eminent domain.

**Impacts from Operations, Maintenance, and Emergency Repairs**

Approximately 26 direct, full-time employees would be hired to operate the proposed CHPE Project; of this total, 21 employees would be located in the New York City metropolitan area. A negligible number of indirect jobs could also be created for maintenance inspections and possible emergency repairs that, if needed, would be conducted by contractors. Considering the low number of jobs that would be created, the existing workforce within the project area would be able to meet the employment and housing demands of the proposed CHPE Project. The Applicant would pay fees, as appropriate, to New York State agencies for use of state lands occupied by the proposed CHPE Project. Some elements of the proposed CHPE Project transmission system facilities would be taxable as real property. Local municipalities would impose a tax on the facilities and the Applicant would pay the tax. Tax receipts are estimated to be 2 percent of the annually assessed municipal property value; this percentage is calculated per New York State tax regulations and is subject to change.

**Comments:** **I challenge CSX's statement of ROW, it is not big enough for CHPE to be installed on the ROW. Though the majority of Rockland the ROW is 50ft wide, 25ft from the center line of the rail . The minimum construction guidelines for installation on CSX ROW is 25ft from the centerline of the rail. -NO ROW OUT OF PROPERTY\_ CSX DOES NOT HAVE the PROPERTY.**

819-36   **819-36:** See response to Comment 105-04.

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Tappan Zee Hudson River Crossing Project, and possibly the Grande Isle Intertie across Lake Champlain and the West Point Transmission Project in the Hudson River (though the timing of these projects are unknown). Multiple activities occurring at the same time and vicinity would have greater impacts than just one project. If construction activities overlap in this area, then the construction-related impacts, such as disturbed substrate, temporary water quality degradation, sediment redeposition, increased turbidity, increased noise and vibration, and the potential for spills could be greater than for just one project. However, construction of the proposed CHPE Project would not affect any one area for long (i.e., no more than 2 weeks), so the short temporal overlap would limit cumulative impacts. Construction activities along terrestrial portions of the proposed CHPE Project route could result in vegetation clearing, disturbances to wildlife, localized degradation of wildlife habitat, possible

**Comment:** The following installations are ongoing and will converge on the Haverstraw/ Stony Point Boarder:

- 1- SPECTRA AIM Project
- 2- West Point Power Express
- 3- Haverstraw Desalination Project
- 4- CSX \$26 Million dollar expansion
- 5- CHPE

To an extent each of the above mentioned projects will at any one point in time be dredging, fracking and performing construction activities within the Hudson River and on land in Stony Point and Haverstraw.

The cumulative effect of these projects is not addressed with any of the documents. CHPE just ignored all and when SPECTRA applied to FERC and received approval for their project CHPE was not thought of. (SPECTRA is a 2 phase project, we are in the second phase)

Per the Picture on the cover page, Please note that both CHPE and the West Point Power Express will lay on top of 3 if not 4 High Pressure Natural Gas Mains. The newest of them will be SPECTRA AIM's 42 in High Pressure Natural Gas Main.

What is especially disturbing shouldn't CHPE have known what projects are being installed along the trajectory. Yet if they didn't, then we really need to ask ourselves if this is the type of company we want dragging a "HOT" extension cord behind them. If they knew and deliberately left it out of the application, that is a whole differ issue, so which is it frankly neither answer is a good one.

A decision needs to be made, depending on how much you are willing to turn a blind eye on CHPE's professionalism, their intelligence, their knowledge of the transmission line business and the area in which they want to install their transmission lines,

Rockland County really needs to know if we can trust CHPE to install a high tension transmission line. The absence of these High Pressure Natural Gas Mains especially the SPECTRA AIM, 42 ins pipeline, CHPE should have known about them, , do we really want to see how high a pipe like that go blow?

All of the attachments and referred to documents will be mailed tomorrow on a disk as they were to large to attached.

Thank You  
Susan Filgueras

Just Say No! to the Champlain Hudson Power Express.

Susan Filgueras, 845-429-3229

819-37

**819-37:** Section 6.1.2 of the EIS discusses potential cumulative impacts from other past, current, and foreseeable future activities, including the West Point Transmission Project, Haverstraw Water Supply Project, and CSX Track Expansion projects, when combined with the proposed CHPE Project. A description and analysis of the Spectra AIM project has been incorporated into Section 6.1.1.4 of the Final EIS.

**"CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA**

87 Mott Farm  
Tomkins Cove, NY 10986

Ph: 845-429-3229

*Just Say No! to the Champlain Hudson Power Express.*

Susan Filgueras, 845-429-3229



Comment 820

William A. Hurst  
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January 15, 2014

**VIA ELECTRONIC MAIL and  
UPS OVERNIGHT DELIVERY**

United States Corps of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, New York 10278-0090  
ATTN: Regulatory Branch  
Public Notice No.: NAN-2009-01089-EYA  
(jun.yan@usace.army.mil)

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, D.C. 20585  
(Brian.Mills@hq.doe.gov)

Re U.S. Army Corps of Engineers Application No. 2009-01089-EYA  
United States Department of Energy, Office of Electricity Delivery and  
Energy Reliability -- Presidential Permit Application No. PP 362

Draft Champlain Hudson Power Express Transmission Line Project  
Environmental Impact Statement (issued September 2013)

Dear Sir/Madam:

We write on behalf of Entergy Nuclear Indian Point 2, LLC, Entergy Nuclear Indian Point 3, LLC, and Entergy Nuclear Operations, Inc. (collectively, for the purpose of this filing, "Entergy-IP") to provide comments regarding the sufficiency of (i) the above-referenced permit application submitted by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, "CHPE") to the U.S. Army Corp of Engineers ("USACE") for authorization to construct and operate portions of a 336-mile high-voltage, direct-current ("HVDC") transmission line and affiliated facilities in the waters of the United States (collectively, "Proposed Project"), and (ii) the associated Draft Environmental Impact Statement ("DEIS"), dated September 2013, prepared by the U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability ("DOE"), as lead agency under the National Environmental Protection Act ("NEPA"), 42 U.S.C. §§ 4321, *et seq.* The DOE is considering whether to issue a Presidential Permit authorizing the Proposed Project to interconnect with yet unidentified electric generation sources located across the international border in Quebec, Canada.

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As discussed below, CHPE's permit application pending before USACE should be denied for failure to comply with the Rivers and Harbors Appropriation Act of 1899 ("RIAA"), and based on the Proposed Project's inability to satisfy the stringent requirements of Clean Water Act ("CWA") § 404(b), 33 U.S.C. § 1344. Moreover, the DOE should withhold the Presidential Permit because the DEIS fails to take the requisite "hard look" at all environmental impacts associated with, and reasonable alternatives to, the Proposed Project, largely due to the DEIS's reliance on outdated and/or inapposite studies and findings generated during the related CHPE siting proceeding conducted under Article VII of the N.Y. Public Service Law ("PSL").<sup>1</sup> For all of these reasons, no permits or authorizations should be granted for the Proposed Project until the administrative record is supplemented in the manner discussed below, and in the accompanying Expert Report titled, *Technical Review of Environmental Impact Assessments of the Hudson River Segment of the Champlain Hudson Power Express* (Normandeau Associates, 2013), which Entergy-IP hereby submits for the record.<sup>2</sup>

820-01

## Background

### A. Entergy-IP's Interest in the Proceedings

Affiliates of Entergy-IP own and operate three of the six operating nuclear-electric generating units located in New York: Indian Point Units 2 and 3 (together, "Indian Point"), located on the Hudson River in Westchester County, and the James A. FitzPatrick Station ("FitzPatrick;" collectively, the "Stations"), located on Lake Ontario. The three units have a cumulative capacity of approximately three thousand (3,000) megawatts ("MW"), and collectively produce approximately 16% of New York's electricity. On a day-in, day-out basis, Indian Point alone provides a substantial percentage of metropolitan New York City's electricity, and therefore anchors the base load supply that advances the electric-system reliability and affordability goals that underpin the New York economy. The operation of Indian Point furthers federal and State goals of reducing emissions of criteria pollutants in New York State, especially in the non-attainment area of downstate New York, as well as advancing New York's Climate Change goals.

Entergy Corporation ("Entergy") and its affiliates, including Entergy-IP, are committed to environmental stewardship, as evidenced by the recognition it has received for its environmental performance and work to promote sustainability. On the strength of its industry-leading environmental performance, Entergy was named to the 2013/2014 Dow Jones Sustainability World and North America Indices. Entergy is the only U.S. company in the electric utility sector named to the World Index for 2013/2014. This is the 12th consecutive year the Dow Jones Sustainability Index, which measures the sustainable value companies provide to stakeholders, has included Entergy. Entergy also was named to the CDP S&P 500 Climate Performance Leadership Index. CDP, formerly known as the Carbon Disclosure Project, is an international, not-for-profit organization providing the only global system for companies and

**820-01:** Comment noted. The analysis of impacts on the environment from implementing the proposed CHPE Project provided in the EIS is based upon best available information which includes, but is not limited to, the documentation submitted as part of the CHPE Article VII siting proceeding. Other recent, relevant sources of information used in the analyses included the Tappan Zee Hudson River Crossing Project EIS, the USACE Environmental Assessment for Maintenance Dredging of the Hudson River Channel, NMFS's Biological Opinion on the effects of the continued operation of the Indian Point Nuclear Generating Units 2 and 3, the U.S. Department of Interior Bureau of Ocean Energy Management, Regulation, and Enforcement study on the Effects of EMFs from Undersea Power Cables On Elasmobranchs and Other Marine Species (Normandeau et al. 2011), and numerous other technical studies.

<sup>1</sup> See NYPSC Case No. 10-T-0139, *Application of Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City, "Order Granting Certificate of Environmental Compatibility and Public Need"* (issued April 18, 2013).

<sup>2</sup> A true and correct copy of the Normandeau technical report is annexed hereto as Exhibit I.

cities to measure, disclose, manage and share vital environmental information. Entergy is the only utility added to the performance index during the year just ended. Entergy was also named to the CDP S&P 500 Climate Disclosure Leadership Index. The disclosure index highlights companies with a strong approach to providing information on climate change. Only the top 10 percent of companies assessed are included on the index, with 53 companies making the list for 2013. These diverse awards underscore the Entergy companies' commitment to sustainability and the environment.

As related to the above referenced proceedings, Entergy-IP is particularly concerned about ensuring that any excavation and/or construction activities associated with the Proposed Project, to the extent conducted in the Hudson River adjacent to Indian Point, are undertaken with the utmost care and concern for public safety and the environment. Entergy-IP's operations are potentially affected during the CHPE project's construction phase, when dredging and cable-laying activities, with associated cable and support vessels, will occur just beyond the federally designated Safety and Security Zone at Indian Point. During the CHPE Project's operational phase, moreover, water temperature changes caused by the emanation of heat from the HVDC cables could alter the riverine environment in front of Indian Point in such a way as to directly impact critical operations at Indian Point. In other words, Entergy-IP's operations, which occur directly adjacent to an underwater portion of the Proposed Project, may be directly and adversely affected by the activities that would be authorized by CWA § 404(b) and other approvals CHPE seeks in these proceedings.

#### B. Description of Proposed Project

The Proposed Project includes: (i) an approximately 336-mile, HVDC transmission line that would run from the New York State border with Quebec to a new converter station in Astoria, Queens, largely via an underwater route; and (ii) an approximately five mile, underground alternating-current ("AC") line running from the Astoria converter station site to the existing Rainey Substation. *See* USACE, Public Notice, dated Oct. 2, 2013 ("October Notice"), Attachments 1, 3-4. In addition to being buried in or laid on the beds of Lake Champlain and the upper Hudson River, the HVDC Line would pass through multiple towns and cities along the 336-mile route, and be buried within two State-owned parks in Rockland County, prior to reentering and passing under the Hudson River, then the Harlem and East Rivers, and making landfall in Astoria, Queens. Upon making landfall, the HVDC Line would terminate at a converter station where the Direct-Current ("DC") power transmitted over the line from Canada would be converted into AC power for distribution to New York City customers. *See* DEIS, § 2.4.1.

The HVDC Line would be installed along the following route: From the Quebec border, the HVDC Line would enter into, and run under (or be laid on the bed of), Lake Champlain for approximately 101 miles, and would occupy the Federally-maintained navigation channel for part of that length. *See* October Notice, Attachment ("Att.") 2; Att. 3, Sheets 2-26. The HVDC Line would exit at the southern terminus of Lake Champlain in the Town of Dresden, Washington County, via Horizontal Directional Drilling ("HDD") – the practice of boring a hole with drilling equipment directionally into the ground to acceptable levels, and then gradually orienting the drill bit to run parallel to the surface of the earth. October Notice, p. 6. From there, the HVDC Line would be buried underground, first for approximately 11 miles within the Route

-820-02  
-820-03

**820-02:** As noted in the EIS, work in the proximity of any single location along the segment would likely last no more than a few days to up to 2 weeks. Measures would be implemented to ensure that construction vessels avoid impacts on vessel traffic along the construction corridor. Further, construction activities would not preclude access to or from the federally designated Safety and Security Zone at Indian Point, and no dredging activities associated with the proposed CHPE Project are proposed in this location.

**820-03:** As indicated in the EIS, the Applicant calculated thermal impacts on water quality from operation of the transmission line based upon a burial depth of 4 feet (1.2 meters). The source methodology for this analysis was provided by Worzyk, T. 2009. *Submarine Power Cables: Design, Installation, Environmental Aspects*, Springer-Verlag, Berlin, as cited in Exhibit 24 of the 2012 CHPE Joint Proposal. At a burial depth of 4 feet (1.2 meters), the predicted increase in temperature at the sediment surface directly above the cables, with no cable separation, was estimated to be 1.8 °F (1.0 °C), and the temperature change in the water column would be less than 0.01 °F (0.004 °C). Based upon this analysis, impacts are expected to be negligible because this very small temperature change would be quickly dissipated in the water column. Further, the transmission line would be installed at revised depths prescribed in the October 2013 USACE New York District Public Notice (NAN-2009-01089-EYA) for the proposed CHPE Project, which are greater than the depths assumed in the EIS. Therefore, the heat that would be emitted into the water column would be less than that analyzed in the EIS. The burial depth information has been clarified in Sections S.6.2 and 2.4.10.1 of the Final EIS.

22 right-of-way through several towns in Washington County, and then for 65 miles along a railroad right-of-way owned by Canadian Pacific Railway, and running through the Town of Whitehall and several towns in Saratoga and Schenectady Counties until it would reach the City of Schenectady. October Notice, Att. 4, Sheets 1-194.

From the City of Schenectady, the HVDC Line would pass underground southwest through various private properties and rights-of-way until it would reach the City of Rotterdam, from which it would run through a railroad right-of-way owned by CSX that travels through the Towns of Bethlehem and Coeymans in Albany County, and then through the Village of Athens and the Town of Catskill in Greene County. October Notice, Att. 4, Sheets 195 *et al.* At that point, the HVDC Line would enter the Hudson River via a tunnel excavated by means of HDD. The HVDC Line would then travel 67 miles under (or be laid on the bed of) the Hudson River, until it would reach a point north of Haverstraw Bay. *Id.*, Att. 3, Sheets 29-46. The HVDC Line would bypass Haverstraw Bay for approximately 7.66 miles, via a combination of trenching and no less than three additional excavations by HDD that would enable the line to run under the Stony Point State Historic Park and the Rockland State Park. *Id.*, Att.3, Sheets 46-47.

The HVDC Line would then re-enter the Hudson River via further HDD and run approximately 21 miles to the Spuyten Duyvil Creek, and then into the Harlem River for 6.6 miles, where it would again occupy the Federally-maintained navigation channel. October Notice, Att. 2; Att. 3, Sheets 47-54. After leaving the Harlem River, the line would run along a 1.1 mile right-of-way until it enters and crosses under the East River, and then onto land in Astoria, Queens. *Id.*, Att. 3, Sheet 53. The submarine portions of the HVDC Line would collectively span almost 200 miles in length, making it the longest submarine transmission line in the United States.<sup>3</sup>

In July 2010, the Federal Energy Regulatory Commission (“FERC”) granted CHPE’s request for market-based rate authority, and authorized CHPE to pre-subscribe as much as 75% of the HVDC Line’s transmission capacity to one or more “anchor tenants.”<sup>4</sup> HQ Energy Services (US) Inc. (“HQUS”), the power-marketing subsidiary of Hydro-Quebec (a Canadian, state-owned utility), has identified itself as the most likely purchaser of those pre-subscription rights, and is actively seeking changes to New York’s Renewable Energy Portfolio Standard (“RPS”) eligibility criteria to obtain State subsidy of that purchase.<sup>5</sup> Because the HVDC Line

<sup>3</sup> The Proposed Project also includes the “Astoria-Rainey Cable” – an approximately five mile long, underground AC transmission line, which would connect the Astoria Substation to the Consolidated Edison Company of New York, Inc.’s existing Rainey Substation.

<sup>4</sup> See FERC Docket No. ER10-1175, “Order Authorizing Proposal and Granting Waivers” (issued July 1, 2010). Additionally, as noted below, Transmission Developers Inc. (“TDI”) – an affiliate of CHPE – and Hydro-Quebec each submitted responses in another State proceeding noting Hydro-Quebec’s proposal to become the anchor tenant for the CHPE project.

<sup>5</sup> NYSPC Case 13-M-0412, *et al.*, Petition of New York State Energy Research Development Authority to Provide Initial Capitalization for the New York Green Bank, “Comments of HQ Energy Services (US) Inc.” (filed October 28, 2013) at p. 3 (“In addition to the direct economic and environmental benefits intrinsic to hydropower, incentives for hydropower could enhance the prospects for successful completion of the proposed Champlain Hudson Power Express (“CHPE”) transmission facilities as well as future AC transmission investments currently being pursued to relieve upstate congestion by promoting increased hydropower deliveries over these facilities.”).

has no intermediate access points in New York – *i.e.*, “on ramps” – it is designed and intended to inject Canadian power directly into the New York City load pocket.<sup>6</sup>

### C. Construction Methodology

The aspects of the Proposed Project requiring underwater cable installation activities would be undertaken 24-hours per day/7-days per week in most areas, with nighttime shutdowns occurring only in select sensitive receptor areas. The continual construction schedule would thus result in the operation of heavy machinery and equipment (*e.g.*, generators, water pumps, and vessel engines) during all hours of the day and night. See Supplement to Dec. 10, 2010 Application & Responses to Additional Information Request for the CHPE Project (“Supplemental Application”), Appendix (“App.”) A-3, pp. 9-10, 15.<sup>7</sup> The primary method for laying and burial of the underwater HVDC cable would be by jet plowing – a process that can simultaneously trench, lay and embed the cable with one device. This process is used in areas where the sediments are sufficiently soft, without significant rocky material. *Id.*, pp. 16-18. For sections where jet plowing is not possible, “plowing” and “dredging” of the lake and/or river bed would be necessary. *Id.*, p. 19. The decision regarding the type of equipment necessary to lay and bury the cables underwater would depend on precise field conditions that are unknown at this time. *Id.*, p. 15.

The application shows that installation of the submarine portions of the HVDC Line would cumulatively affect as much as 347 acres of USACE jurisdictional waters of the United States. October Notice, p. 6. Additionally, in areas of hard substrate on lake and river bed, and in instances where the HVDC Line would cross over existing underwater utility infrastructure, the record shows that work crews would lay the cable on the bed underlying the applicable water body and cover it with concrete mats. Supplemental Application, p. 21. CHPE only recently acknowledged the precise locations of these concrete mats and the fact that such matting would cover approximately 4.45 miles of the HVDC Line.<sup>8</sup> Moreover, while the October Notice specifies that the Proposed Project would permanently affect 10.5 acres of forested and non-forested wetlands and temporarily affect 67.4 acres of such wetlands, October Notice, pp. 7-8, the application shows that the impact would be much greater. Indeed, as explained in the

<sup>6</sup> After the conclusion of the Proposed Project’s State level Article VII proceeding, the New York Public Service Commission (“NYPSC”) initiated a new proceeding, the purpose of which is to examine AC upgrades to New York’s Bulk Transmission System that would relieve existing transmission constraints affecting electric transfers between New York’s “Central East” and “UPNY-SENY” electrical interfaces. The relief of such constraints is intended to increase the flow of electricity from upstate and western New York into the New York City load pocket. NYPSC Case 12-T-0502, *Proceeding on Motion of the Commission to Examine Alternating Current Transmission Upgrades, “Order Instituting Proceeding”* (issued November 30, 2013). Numerous overland AC alternatives have since been filed and are under active consideration in that proceeding. See generally, NYPSC Case 13-E-0488, *In the Matter of AC Transmission Upgrades – Comparative Proceeding*. In essence, those newly proposed AC projects serve exactly the same function, from a transmission system perspective, as the Proposed Project.

<sup>7</sup> Although the Supplement is not dated, it appears that it was provided to USACE via a letter from IIDR Engineering, Inc., dated February 29, 2011. Based on the information in the Supplement, however, the date specified on the letter must be incorrect; it should be dated 2012, not 2011. Of note, USACE has not posted any of CHPE’s application documents on its website, or provided an appropriate website link to the application documents. In its October Notice, USACE provided a link to DOE’s website but that website does not provide any information related to the application with USACE.

<sup>8</sup> See Supplement Application, App. A-3, Table 5-1.4.

820-04: Subsequent to their initial filings with the USACE and the October 2013 Public Notice, the Applicant has continued to provide more detailed information concerning transmission line burial depths, the equipment and methodologies that would be used as part of the cable installation process, and the locations and extent of concrete mats that could be used to cover the transmission line where full burial is not possible. The environmental analyses contained in the EIS are based on reasonable understanding of the likely construction methods to be employed in the installation of the transmission line.

820-05: Based on refined analysis of concrete mat requirements provided by the Applicant (see response to Comment 820-04), up to approximately 3.0 miles (4.8 km) of the transmission line, representing approximately 1.5 percent of the aquatic portion of the entire route, may require the use of concrete mats to cover the portions of transmission line that could not be buried.

820-06: The USACE Public Notice Web site for the proposed CHPE Project (<http://www.nan.usace.army.mil/Missions/Regulatory/RegulatoryPublicNotices/tabid/4166/Article/18814/nan-2009-01089-eya.aspx>) provides information on the CHPE Section 404 Permit Application.

annexed Expert Report, the application appears to show that approximately 25.4 acres would be permanently impacted and 168 acres temporarily impacted in the Hudson, Harlem and East Rivers. *See* Expert Report, Table 1. The record needs to be clarified for a better understanding of the extent to which wetlands would be impacted by the Proposed Project. However, given the discrepancy in impacts to wetlands, the compensatory mitigation identified in the October Notice appears to be far too minimal and needs to be supplemented.

**I. The Proposed Route for the HVDC Line Does not Comply with the Rivers and Harbors Appropriation Act of 1899**

Section 10 of the RHAA prohibits “the creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States.” 33 U.S.C. § 403. Section 10 also provides that it shall be unlawful to (i) “build or commence the building of . . . structures . . . in any . . . navigable river, or other water of the United States,” or (ii) “excavate or fill . . . the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning same.” *Id.* Three aspects of the submarine routing of the HVDC Line included in CHPE’s application are prohibited under in this provision: (a) 9-miles of cable that would run coincident with federal navigation channels in Lake Champlain and the Harlem River; (b) a 4.45-mile portion of the cable that would be anchored to the Hudson River sediment by concrete matting; and (c) all aspects of the transmission cable to be routed under Lake Champlain to the extent (i) the HVDC Line is to be surfaced laid with no covering at depths of greater than 150’; and (ii) the burial depth is less than four feet elsewhere in Lake Champlain.<sup>9</sup>

**A. Aspects of the Proposed Project Route That Coincide with Federal Navigation Channels Are Prohibited Under RHAA § 10**

Attachment 3 of the October 2013 Notice provides a detailed map-set of the underwater aspects of the CHPE’s proposed cable route. The map-set shows that the proposed cable would be located directly within Federal navigation channels or their side slopes in the following areas: (i) mile markers 98 through 101 – in Lake Champlain near the Town of Dresden; and (ii) mile markers 324-30 – which correspond to the entire Harlem River. Attachment 2 of the October 2013 Notice provides a proposed cable route description table, which also indicates that the aspects of the cable route identified in (i) and (ii) above would be located within Federal navigation channel or side slopes.

Stacey M. Jensen, USACE Section Chief of the Eastern Permits Section, provided a letter to CHPE, dated July 5, 2011 (“July 2011 Letter”), in which she explained that construction of permanent structures, such as a transmission cable, linearly within a federal navigation channel is prohibited under RIIAA § 10:

The Corps of Engineers does not permit permanent structures with the length of the right of way, including side slopes, of a Federal navigation

<sup>9</sup> An affiliate of Entergy’s raised the legality of these aspects of the Proposed Project in the proceedings held before the NYPSC. The NYPSC specifically deferred to USACE. *See* NYPSC Case 10-T-0139, *supra*, “Order Granting Certificate of Environmental Compatibility and Public Need,” at p. 72 (“It is simply premature to guess the outcome of USACE’s review.”).

820-07

820-08

**820-07:** Comment noted. As indicated in the 2013 USACE Public Notice for the proposed CHPE Project and Section 5.2.8 of the EIS, the proposed CHPE Project would directly impact a total of 77.7 acres (31 hectares) of wetlands, including temporary impacts on 67.4 acres (27.2 hectares) and permanent impacts on 10.3 acres (4.2 hectares). In reference to Table 1 in the comment, areas designated as SCFWH might contain a range of habitats, including wetlands, that support fish and wildlife; however, SCFWH areas are not synonymous with wetlands. Although the proposed CHPE Project would transect SCFWH areas (as noted in Section 3.1.4.1 of the EIS), the Project would not cross or impact any wetlands contained therein. Crossings of wetlands located within SCFWHs have been clarified in Section 3.3.8 of the Final EIS.

**820-08:** Installation of the transmission line within federally managed navigation channels was and continues to be coordinated with the USACE and is addressed in the USACE Public Notice. A total of 3.0 miles of the transmission line (representing approximately 1.5 percent of the entire aquatic portion of the installation route) would be covered by concrete mats. The extent to which concrete mats would be used has been clarified in Section 2.4.2 of the Final EIS. The Applicant continues to coordinate with the USACE on burial of the transmission line.

channel (perpendicular crossings are permitted). . . . For this project to be deemed acceptable from a navigation perspective, the cable alignment must remain outside the Federal right of way. Minimal utility crossings perpendicular to the Federal navigation channel will be evaluated on a case by case basis in consultation with the regional harbor operations committees for navigation impacts when such crossings are unavoidable.

*See Exhibit B, p. 1.*<sup>10</sup> After identifying the portions of the proposed route located within federal navigation channels, including along mile markers 98-101 and mile markers 324-30, the letter requested that CHPE “[p]lease correct” the deficiency. *Id.*, p. 5.<sup>11</sup>

In its Supplemental Application (at p. 3), CHPE acknowledged “propos[ing] to align the cables within close proximity to the Federal navigation channels located in the narrows of Lake Champlain . . . and the Harlem river.” Rather than amending the proposed cable route to fully avoid the noted federal navigation channels, however, CHPE “request[ed] a meeting with USACE engineering staff to review this proposed configuration.” *Id.* The record provides no evidence of whether such a meeting was scheduled and, if so, the matters discussed at the meeting, or its outcome. It would be inappropriate for the USACE to base its determination on private agreements reached at a non-public meeting, particularly since the basis and justification for any such agreements appear nowhere in the written record of this proceeding and thus cannot be subjected to public scrutiny. Nevertheless, whether or not such a meeting occurred, the final application documents conclusively show that the proposed route would coincide with the length of two federal navigation channels in clear violation of RHAA § 10.

#### B. Use of Concrete Matting to Anchor Transmission Cables to the Bed of the Hudson River is Prohibited

In its original application, dated December 6, 2010, CHPE explained that protective covering, such as concrete matting, would be mounted on top of the transmission cables in certain areas where the cable is surface laid because submarine burial is not feasible:

In limited areas along the Project route, surficial geology may not permit adequate cable burial depths to ensure adequate cable protection. In these areas, the cables will be laid on the lake/riverbed with protective coverings, such as rip-rap, articulated concrete mats, grout/stone filled mattresses, or within a protective duct. Areas where these methods may occur are at existing pipeline or cable crossings, small unavoidable bedrock areas, and potentially in areas of highly contaminated sediments.

<sup>10</sup> This requirement is consistent with Nationwide Permit No. 52 (Water-Based Renewable Energy Generation Pilot Projects), which provides that “[s]tructures may not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR part 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.”

<sup>11</sup> The July 2011 Letter also insists that CHPE take measures to avoid Haverstraw Bay – which also corresponds with a federal navigation channel. CHPE has since modified the route to avoid Haverstraw Bay, although it still affects other Significant Coastal Fish and Wildlife Habitats (“SCFWHs”).

See Application, dated December 6, 2010, § 4.2.4. In response to this aspect of CHPE's application, USACE notified CHPE in the July 2011 Letter (at p. 2) that the use of concrete matting for this purpose is prohibited: "Laying cables in lake/river bed in limited areas with protective coverings would not be acceptable. All cables must be buried."<sup>12</sup>

Nevertheless, as noted above, it appears that CHPE's final application includes requests to (1) surface lay the cable in Lake Champlain at depths of greater than 150' with no protective covering (other than the cable sheath); and (2) place approximately 4.45 miles of concrete matting over the HVDC Line in the Hudson River. Although CHPE's Supplemental Application (at p. 4) directly quotes USACE's notification that "protective coverings would not be acceptable," it provides a response that fails to address the matting question, noting only that certain parties in the completed proceeding before the NYPSC have "agreed that non-burial within Lake Champlain would be acceptable provided a report prepared by a recognized authoritative technical consultant demonstrated and concluded that public health and safety can be appropriately protected without such burial, and that the proposed installation method was approved by the Commission."

CHPE also included with its Supplemental Application an appendix – Appendix K – that purports to identify instances where surface laying transmission cable within Lake Champlain may be appropriate; however, nothing in the appendix addresses the appropriateness of using concrete matting to anchor transmission lines on the bed the Hudson River. Rather than providing any further written information in response to USACE's notification, CHPE again "requested a meeting with USACE staff to discuss this issue." Supplemental Application, p. 4. As previously stated, it would be inappropriate for the USACE to base its determination on private agreements reached at a meeting with CHPE that was not the subject of a public notice.

#### C. The Portions of Transmission Cable to Be Buried under Lake Champlain to a Depth of Less than Four Feet are Prohibited

Finally, with respect to the aspect of the HVDC Line to be situated within Lake Champlain, CHPE requested in its Supplemental Application (at p. 4) that USACE waive the requirement that the cable be covered at depths of greater than 150', and waive the requirement that, in all other cases in Lake Champlain, the cable be buried to a depth of no less than four feet. *See also id.*, App. A-3., p. 15 (the underwater transmission cables will be manufactured with armoring and buried primarily . . . from zero to four feet within Lake Champlain north of Crown Point, and three to four feet deep within Lake Champlain south of Crown Point").<sup>13</sup> USACE rejected this request in the October Notice (at p. 4), which specifies that "[t]he proposed burial

<sup>12</sup> The prohibition against the use of protective covering is consistent with Condition (b)(2)(iii) of the New York District's Nationwide General Permit No. 12 (Utility Line Activities), which requires instead that all transmission cable must be buried and to a certain depth: "In cases where the channel's existing bottom is already deeper than the authorized project depth, the utility line shall be located a minimum of 4 feet below the existing bottom in sediment .

<sup>13</sup> CHPE had also requested a meeting with USACE staff to discuss this issue. The results of that meeting, if any, have not been made public.

would be 4 feet below the bottom of Lake Champlain . . .”<sup>14</sup> Should USACE decide to waive this requirement, Entergy-IP requests that the record be reopened so that such a waiver may be properly evaluated and subjected to public comment.

## II. The Application Fails to Meet the Minimum Requirements Specified under Section 404(b) of the Clean Water Act

### A. Applicable Legal Standard

Section 404 of the CWA requires a permit for the discharge of “dredged or fill materials” into “waters of the United States.” 33 U.S.C. § 1344(a). To issue a Section 404 permit, the USACE must ensure that the Proposed Project complies with the Guidelines established by the U.S. Environmental Protection Agency (“EPA”) under 40 C.F.R. Part 230. The critical provision of the Guidelines is the requirement that “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem.” 40 C.F.R. § 230.10(a). USACE must deny a permit application under Section 404 if the application does not contain “sufficient information” for the agency “to make a reasonable judgment as to whether” the proposed project constitutes the least environmentally damaging practicable alternative (“LEDPA”). *Id.*, § 230.12(a)(3)(iv).

The purpose of LEDPA is to *avoid* environmental impacts; *i.e.*, mitigation is required only after a showing that environmental impacts could not be avoided. See 75 Fed. Reg. 85,336, 85,340 (Dec. 24, 1980) (“if destruction of an area of water of the United States may be avoided, it should be avoided”). Under the terms of § 230.10(a), the ultimate project alternative approved by USACE must be *both* (i) the least environmentally damaging and (ii) practicable. The burden of demonstrating that no such alternative exists “is the sole responsibility of the applicant.” See USACE, “HQUSACE Review & Findings: Old Cutler Bay Permit 404(q) Elevation” (“Old Cutler”), dated Sept. 13, 1990, p. 5.

In addition to the LEDPA test, Section 230.10(a)(3) establishes a rebuttable presumption with respect to a *non-water dependent activity* undertaken within a *special aquatic site*:

[w]here the activity associated with a discharge which is proposed for a *special aquatic site* . . . does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (*i.e., is not ‘water dependent’*), practicable alternatives that do not involve special aquatic sites are presumed to be available . . .”

*Id.* (emphasis added). Under §§ 230.3(q)(1), and 230.40-43, the term “special aquatic site” is defined to include all wetlands, mudflats, vegetated shallows, and all sanctuaries and refuges designated under State and federal laws or local ordinances to be managed principally for the preservation and use of fish and wildlife resources. In this respect, the October Notice estimates – albeit inaccurately (see Part C below) – that 10.5 acres of wetlands would be permanently impacted and 67.4 acres of wetlands would be temporarily impacted because of the Proposed

<sup>14</sup> USACE informed CHPE in its July 2011 Letter (at p. 4) that “[o]utside of channel areas, the burial depth requirement is four feet.” This requirement is also consistent with Condition (b)(2)(iii) of New York District’s Nationwide General Permit No. 12 (Utility Line Activities).

Project. To obtain approval for the Proposed Project, CHPE must show by “clear and convincing evidence” that there are no practicable alternatives that would not cause a discharge of dredge and fill material into those wetlands. *See* USACE, In re: Plantation Landing Resort, Inc. (“*Plantation Landing*”), p. 12;<sup>15</sup> *see also* 40 C.F.R. § 230.10(a)(3) (practicable alternatives to non-water dependent activities are presumed to be available “unless clearly demonstrated otherwise”); 45 Fed. Reg. 85,336, 85,339 (Dec. 24, 1980) (“where an applicant proposes to discharge in a special aquatic site it is his responsibility to persuade the permitting authority that . . . these presumptions have clearly been rebutted”).

Notably, the rebuttable presumption under the existing version of § 230.10(a)(3) replaced a “special, irrebuttable presumption” that existed in the original 1975 regulation. *See* 45 Fed. Reg. at 85,339/col. 2. EPA made this change based upon its “experience” that (i) it was “not always the case” that “alternatives to wetlands were always less damaging to the aquatic ecosystem,” and (ii) “there could be substantial impacts on other elements of the environment and only minor impacts on wetlands.” *Id.* In other words, EPA replaced the “irrebuttable presumption” with a “rebuttable presumption” in recognition of the fact that a proposed non-water dependent project to be located within a special aquatic site may not always be the most environmentally damaging alternative. Accordingly, this aspect of the regulation was changed to acknowledge that, with respect to a non-water dependent project to be located within a special aquatic site, one water-based alternative may be preferable to other water-based alternatives. The change was not intended to make a water-based alternative preferable to land-based alternatives.

Here, USACE appropriately determined in its July 7, 2010 letter to CHPE (at p. 2) that “[t]he proposed power line project is not a water dependent use.” It appears that USACE based this determination on the commonsense finding that transmission power lines, by their very nature, are not water dependent. This fact is further evidenced by the submissions in the NYPSC’s ongoing AC Transmission proceeding (NYPSC Case 12-T-0502; Case 13-E-0488, *supra*), in which all but one of the proposals to relieve congestion on New York’s bulk transmission system would occupy existing, overland rights of way.<sup>16</sup> Accordingly, the rebuttable presumption under Section 230.10(a)(3) is applicable to *all* aspects of the Proposed Project that affect a “special aquatic site,” and cannot be overcome in this instance.

CHPE has also failed to consider that the aspects of the Hudson River through which the Proposed Project would be routed also constitute a “special aquatic site.” Specifically, the State of New York enacted the Hudson River Estuary Management Act (“Act”), which establishes a “Hudson River estuarine district” that includes “the tidal waters of its tributaries and wetlands from the federal lock and dam at Troy to the Verrazano-Narrows.” *See* N.Y. Envtl. Conserv.

<sup>15</sup> As noted in the *Plantation Landing* decision, the presumption under Section 230.10(a)(3) is intended to “increase the burden on an applicant for a non-water dependent activity to demonstrate that no practicable alternative exists to his proposed discharge in a special aquatic site.” *Id.*, p. 3; *see also* *Old Cutler*, p. 5 (“presumption should have the effect of forcing a hard look at the feasibility of using environmentally preferable sites to discourage avoidable discharges in special aquatic sites”) (internal quotes omitted); “USACE, HQUSACE Findings: Hartz Mountain Development Corp.,” August 17, 1989, at 3 (“if a 404 discharge may reasonably be avoided, it should be avoided”) (internal quotes omitted);

<sup>16</sup> A diagram of the competing proposals in the NYPSC AC Transmission proceeding, drawn from the record of that proceeding, is annexed hereto as Exhibit 2.

Law (“ECL”) § 11-0306(1). The purpose of the Act is to “protect, preserve and, where possible, restore and enhance the Hudson River estuarine district,” *id.* § 11-0306(2). Since enactment of the Act, five sites have been designated as part of the Hudson River National Estuarine Research Reserve. Additionally, included within the Hudson River are numerous areas that have been formally designated as SCFWHs, several of which would be adversely affected by the HVDC Line. CHPE’s failure to appropriately consider the Hudson River as a “special aquatic site” in its permit application is grounds to deny the application. Moreover, as shown below, CHPE has failed to show why practicable measures are not available to *avoid* both the wetlands that would be impacted by the Proposed Project, as well as the Hudson River.

**B. CHPE’s Application Fails to Show That The Proposed Project is the Least Environmentally Harmful Practicable Alternative**

*1. The Proposed Project Constitutes the Most Environmentally Harmful Alternative*

CHPE has selected the *most* environmentally harmful alternative from among the range of alternatives. Deeming alternatives that avoid the Hudson River Estuary as “not practical” eliminates them from further consideration in the alternatives analysis. Thus, according to CHPE, the only remaining practicable alternative was the submarine route through the Hudson River Estuary. The environmental impacts of reasonable alternatives are therefore not considered as part of CHPE’s alternatives analysis in making this selection, and a full environmental cost benefit analysis was not performed as it would be for a water dependent use project to monetize the value of the aquatic resources affected as both direct use and non-use benefits (and costs). By default, the submarine alternative appears to be the “least environmentally damaging” merely because it is the *only remaining* alternative. However, the 404(b)(1) guidelines stipulate that the project proponent must demonstrate there is no “practicable alternative . . . which would have less adverse impact on the aquatic ecosystem” and “does not have other significant adverse environmental consequences.” 40 C.F.R. § 230.10(a) (emphasis added).

There is simply no way for CHPE to meet this standard. CHPE’s application advances the claim that no other reasonable, non-water dependent alternatives to the Proposed Project exist, when in fact numerous examples of such alternatives are currently under active consideration by the NYPSC in the AC Transmission proceeding (NYPSC Case 12-T-0502, Case 13-E-0488, *supra*). At the least, CHPE’s Section 404(b) application, and the DEIS, must be supplemented to include a meaningful consideration of these alternative means of meeting the overall DOE goal of relieving congestion in the New York State bulk transmission system.

*2. CHPE Has Failed to Make the Requisite Showing that Each of the Alternatives it Rejected is Impracticable*

An alternative is practicable where “it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.” 40 C.F.R. § 230.10(a)(2). Here, CHPE has essentially acknowledged that each of the overland alternatives it evaluated is feasible. *See* “Updated Least Environmentally Damaging Practicable Alternative Evaluation,” dated July 3, 2013, attached as Att. I to Application (hereinafter,

820-09

**820-09:** As presented in Section 1.2 of the EIS, the purpose of and need for the DOE’s action is whether or not to issue a Presidential permit to the Applicant for their proposed transmission line crossing of the U.S./Canada international border, not to identify methods of relieving congestion in the New York State bulk electric power transmission system. Continued operation or development of other new in-state power sources or transmission lines is not the subject of the Presidential permit application and is outside the scope of the EIS.

"LEDPA Evaluation"), § 3. Moreover, none of the identified logistical challenges associated with routing the HVDC Line overland are insurmountable as evidenced by the fact that *virtually all transmission lines in New York have historically been routed overland*. Indeed, the notion that no practicable overland alternative routes for the HVDC Line exist is belied by the history of New York's bulk transmission system as it has developed over the last 100-plus years. Virtually all bulk transmission lines operating at 230 kilovolts and above in New York are routed overland. See N.Y.S. Energy Planning Bd., "Transmission & Distribution Reliability Study & Report" dated Aug. 2012, at p. 11, Figure 2.<sup>17</sup>

This point is reinforced by the pending submissions in the NYPSC's AC Transmission proceeding, in which a group of electric distribution utility companies calling itself the "New York Transmission Owners" ("NYTOs") has filed for permission to construct two new transmission projects, both of which would be routed overland: (i) Second Ramapo to Rock Tavern 345 kV Line; and (ii) Second Oakdale to Fraser 345 kV Line. Several merchant transmission companies, including NextEra Energy Transmission, LLC, Boundless Energy NE, LLC, and North America Transmission, LLC, have each submitted overland transmission alternatives to what the NYTOs' submitted, including a proposal to construct a Marcy to New Scotland 345 kV Line. Thus, irrespective of CHPE's evaluation, it is just not credible to conclude that overland routes are impracticable.<sup>18</sup>

Nor is it credible, as CHPE suggests, to find that overland alternatives are too costly – another of the elements of impracticability. LEDPA Evaluation, pp. 3-3 to 3-5. The standard to be applied when examining the cost of an alternative under Section 230.10(a) is whether the alternative is "unreasonably expensive" (45 Fed. Reg. at 85,343), which, in turn, is based on "whether the projected cost is substantially greater than the costs normally associated with the particular type of project." See EPA, "Memorandum: Appropriate Level of Analysis Required for Evaluating Compliance with the Section 404(b)(1) Guidelines Alternatives Requirements."<sup>19</sup> Again, given that *only* overland alternatives are being examined in the context of the NYPSC's AC Transmission Proceeding, the suggestion that overland alternatives are *unreasonably* expensive when compared to the Project is groundless.

<sup>17</sup> The Report can be found at <http://www.nysenergyplan.com/Reliability-Study-and-Report/reliabilitystudy.aspx>. There are two submarine transmission lines that provide electricity to Long Island (the Neptune and Cross-Sound lines) and one that provides electricity to New York City (the Bayonne line). About two-thirds of the 65 mile long Neptune line – or 44 miles – extends under New York's waters. See Map of Project at <http://neptunerts.com/the-project/>. About half of the 24-mile Cross-Sound line – or 12-miles – is located in New York's waters. See <http://www.crosssoundcable.com/>. The Bayonne line extends approximately 2.5 miles under New York waters. See <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=18BF803F7-F587-439E-AB32-83C01BB41401>. By contrast, there are currently 4,000 miles of bulk transmission lines operating at 230 kilovolts and above in New York. Report, p. 10. Thus, submarine transmission lines represent about 1.5% of the bulk transmission system in New York.

<sup>18</sup> CHPE also refers to the discontinued proceedings related to the New York Regional Interconnection ("NYRI") project, apparently to imply that construction of overland bulk transmission cables is logically problematic. See LEDPA Evaluation, pp. 1-3 to 1-5. The NYRI project, however, is irrelevant to a determination of logistics here, given that the route that would have been traversed by the NYRI project is entirely different from any of the overland alternative routes considered by CHPE. Furthermore, consideration of the difficulty in obtaining political support for overland transmission projects would set a bad precedent in that it would create an incentive for future transmission projects to be routed through New York's waterways.

<sup>19</sup> The Memorandum can be found at <http://water.epa.gov/lawsregs/guidance/wetlands/flexible.cfm>.

In any event, to address the cost issue, CHPE also makes an inapposite comparison of the HVDC Line to four other submarine transmission lines constructed in the United States. For example, CHPE points to the Juan de Fuca Project, which connects power sources on View Royal, British Columbia, to Port Angeles in the State of Washington. LEDPA Evaluation, p. 3-4. However, that line had to be routed under the Strait of Juan de Fuca for the simple reason that View Royal is located on an island.<sup>20</sup> Additionally, the submarine route selected in the context of the Juan de Fuca Project constituted the shortest distance between View Royal and Port Angles, and the line was routed across the Strait, rather than along the length of a lake and river, which would be the case here. Each of the other projects identified by CHPE similarly was routed across, rather than along the length of, the applicable water body, and vastly shortened the distance between power source and end point. *Id.* Here, by contrast, CHPE went out of its way to ensure that the HVDC Line would be routed through the length of waterways.

Moreover, CHPE makes an inapt comparison between the costs per MW of the Proposed HVDC Line versus the cost per MW of the submarine transmission lines installed in the context of the four referenced projects. The appropriate comparison should be cost per mile, not cost per MW, for the simple reason that there is nothing that requires the HVDC Line to be connected to a power source in Canada. The fact is that CHPE has proposed to construct a transmission line that is close to two times the length of the Northern Pass line (the longest one on the list). Again, as the submissions in the NYPSC AC Transmission proceeding show, the HVDC Line is not the only solution to congestion relief. The incredibly long span of the HVDC Line serves to prove only that the project itself is impracticable. A more appropriate cost per mile comparison shows that the CHPE project is by far the *least* expensive of the projects evaluated.

	CHPE Project	Neptune	Port Angeles-Juan de Fuca	Trans Bay	Northern Pass
Overall Cost	\$ 2.0 billion	\$600 million	\$750 million	\$505 million	\$1.1 billion
Distance	336 miles	65 miles	31 miles	57 miles	180 miles
Cost per Mile	\$5.95 million	\$9.2 million	\$24.2 million	\$8.9 million	\$6.1 million

CHPE is proposing to build the longest submarine HVDC transmission line in the country's history. Unlike the projects CHPE evaluates for comparison purposes, there is simply no compelling reason why the Proposed Project needs to be routed through New York's waters to the extent proposed. As evidenced by the lengthy discussion in the LEDPA Evaluation regarding the NYRI proceeding, CHPE intended from the beginning to route the HVDC line through State waterways specifically because of perceived political – not environmental or feasibility – problems related to routing transmission lines overland. LEDPA Evaluation, pp. 1-3 to 1-5. That simply cannot form the basis of a project that the USACE acknowledges does not qualify as a water dependent use. The waterways of New York should not be used as a mechanism to make an impracticable project less expensive.

<sup>20</sup> A map of the project can be found at <http://jdfcable.com/maps.shtml>.

**C The Proposed Compensatory Mitigation Recommended by USACE is Far Too Minimal as a Matter of Law**

EPA's CWA § 404(b) Guidelines also require compensatory mitigation associated with the loss of any aquatic resources, including wetlands. *See* 40 C.F.R. Subpart J. Specifically, pursuant to 40 C.F.R. § 230.93(a)(1), the required compensatory mitigation "must be commensurate with the amount and type of impact that is associated with a particular [] permit." (Emphasis added). Again, as explained in the annexed Expert Report (Table 1), information from CHPE's application shows that approximately 25.4 acres would be permanently impacted in the Hudson, Harlem and East Rivers – much greater than the 10.5 *total* acres identified in the October Notice. Thus, because CHPE's proposed compensative mitigation is based on an incorrect amount of wetlands impacted, it must be rejected. At minimum, USACE must require additional compensatory mitigation, and another opportunity for public comment to ensure that the mitigation is appropriate.

**III. The DEIS Fails To Take the Requisite "Hard Look" At the CHPE Project's Environmental Impacts**

NEPA "is our basic national charter for protection of the environment," 40 C.F.R. § 1500.1(a). It is a procedural statute that requires federal agencies to assess the environmental consequences of their actions before those actions are undertaken. In *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360 (1989), the United States Supreme Court noted that "NEPA promotes its sweeping commitment to prevent or eliminate damage to the environment and biosphere by focusing Government and public attention on the environmental effects of proposed agency action" so that the "agency will not act on incomplete information, only to regret its decision after it is too late to correct." *Id.* at 371 (internal quotation marks and citations omitted).

"At the heart of NEPA is a requirement" that for every "major Federal action[] significantly affecting the quality of the human environment," the agency involved must prepare a "detailed statement" regarding, among other things, (i) "the environmental impact of the proposed action," (ii) "any adverse environmental effects which cannot be avoided should the proposal be implemented," and (iii) "alternatives to the proposed action." *Dep't of Transp. v. Pub Citizen*, 541 U.S. 752, 763 (2004) (quoting 42 U.S.C. § 4332(2)(C)). In *Winter v. Natural Resources Defense Council, Inc.*, 55 U.S. 7 (2008), the Supreme Court reiterated that "[p]art of the harm NEPA attempts to prevent in requiring an EIS is that, without one, there may be little if any information about prospective environmental harms and potential mitigating measures." *See also Monsanto v. Geertson Seed Farms*, 130 S. Ct. 2743 (2010) (Stevens, J., dissenting) (noting that an EIS is especially important where, as here, the environmental threat is novel). Ultimately, federal agencies must take a "hard look" at the potential environmental consequences of their actions. *Kleppe v. Sierra Club*, 427 U.S. 390, 410 n.21 (1976). Conclusory presentation of data and "general statements about possible effects and some risk" do not satisfy the "hard look" standard. *Ocean Advocates v. U.S. Army Corps of Engineers*, 361 F.3d 1108, 1118 (9th Cir. 2004).

As explained more fully in the accompanying Expert Report of Normandeau Associates, Inc., titled, *Technical Review of Environmental Impact Assessments of the Hudson River Segment of the Champlain Hudson Power Express*, the DEIS is inadequate when measured

against NEPA's exacting standards.<sup>21</sup> The CHPE project is of unprecedented scale in New York, and proposes to convert more than 80 miles of the Hudson River – a critical natural resource – into a transmission cable right of way approximately 30 feet wide. Whether viewed in the context of impacts to fish (including ESA-listed sturgeon), and/or their habitat from cable construction, which will be significant and long-lasting, or the impacts to recreational and commercial use of the Hudson River caused by a new, 88-mile long “no anchor” zone that will render 320 acres of river bottom unavailable for anchorage,<sup>22</sup> the CHPE project requires the utmost in environmental scrutiny, not a rehash of insufficient and outdated studies generated for a State-level siting proceeding, which is all the DEIS contains. See *Klamath-Siskiyou Wildlands Center v. Bureau of Land Management*, 387 F.3d 989, 998 (9th Cir. 2004) (“A non-NEPA document – let alone one prepared and adopted by a state government – cannot satisfy a federal agency’s obligations under NEPA.”).

#### A. The DEIS Fails to Take a Hard Look at the Proposed Project’s Potential Environmental Impacts

The tidal Hudson River possesses regionally and globally rare communities in one of the largest freshwater tidal river systems in the northeastern United States. The Hudson River Estuary contains about 130 species of fish, and supports nearly 100 species of special emphasis, including federally and state-listed endangered or threatened species of fish, birds, and plants. It provides habitat for spawning and nursery of commercially and ecologically important fish and shellfish species such as Striped Bass, American Shad, Alewife, Blueback Herring, and Blue Crab. In addition, it hosts two federally listed endangered fish species, the Atlantic Sturgeon and Shortnose Sturgeon, and an expanding population of nesting bald eagles.

Within the Hudson River Estuary are several SCFWHs designated under the federal Coastal Zone Management Act and New York Coastal Management Program, and an additional five sites constituting the Hudson River National Estuarine Research Reserve.<sup>23</sup> The proposed CHPE Project route within the 88-mile Hudson River Segment will directly intrude upon several of these SCFWHs, yet the direct and indirect impacts of selecting the submerged route through

<sup>21</sup> See Normandeau Associates, Inc., Technical Review of Environmental Impact Assessments of the Hudson River Segment of the Champlain-Hudson Power Express (dated January 15, 2014), Exhibit 1 hereto.

<sup>22</sup> The DEIS indicates that “[v]essel anchorage would be prohibited in the transmission line ROW,” which is further described as being “approximately 30 feet (9 meters) in width in most underwater areas.” See DEIS, p. S-34, 2-31. Thus, the acreage amount is based upon a simple conversion of area to acreage: 88 miles x 5280 feet/mile x 30 feet x 1 acre/43,560 feet<sup>2</sup>. Additionally, the DEIS (at S-34) recognizes that “local authorities” would be relied upon “to prevent the possibility of anchor damage” to the HVDC Line. It seems entirely inappropriate and unreasonable for a safety issue of this dimension to be based upon local enforcement shared between the numerous municipalities having jurisdiction along the 88-mile Hudson River route.

<sup>23</sup> In a combined Article 78/declaratory judgment action currently pending in the New York State courts, affiliates of Entergy have challenged the designation of the four-mile stretch of the Hudson Highlands SCFWH adjacent to Indian Point as a Habitat. That challenge, which does not pertain to the entire Hudson Highlands SCFWH, was denied by a trial court judge on November 20, 2013. The appeal of that decision was filed on December 26, 2013, raising multiple grounds why the New York Appellate Division should reverse or vacate the decision of the trial court, and nothing in this letter or the annexed Expert Report should be deemed a waiver of the position taken in that proceeding. Importantly, even if the particular portion of the Hudson Highlands SCFWH challenged in that proceeding should be redesignated, the points made above in text remain in force with respect to the balance of the Hudson Highlands SCFWH and the other Habitats mentioned.

820-10

**820-10:** As indicated in Section 3.3.4 of the EIS, the proposed CHPE Project would transect SCFWHs along the Hudson River; however, the proposed CHPE Project would not impact any wetlands contained therein. Impacts on wetlands in SCFWHs have been clarified in Section 3.3.8 of the Final EIS. Sufficient analysis of impacts on SCFWHs is otherwise provided in EIS Section 5.3.4 and other similar sections. The transmission line route that transects five SCFWHs was approved by state agencies (including NYSDEC and NYSDOS) during the NYSPSC Article VII process culminating in the issuance of the NYSPSC Certificate in April 2013.

the sanctuary and these SCFWHs is inadequately addressed in the DEIS and CWA § 404(b) Application. For example, the CHPE Project route intentionally selected an overland route to avoid the Haverstraw Bay SCFWH, but failed to afford the same protections for other SCFWHs (Catskill Creek, Esopus Estuary, the Kingston-Poughkeepsie Reach, the Hudson Highlands, and the Lower Hudson River Reach). Because reasonable alternate overland routes along existing utility and transportation corridors are both available and obvious, prudent management practices warrant avoiding the uncertainties of an underwater route to protect all SCFWHs within the Hudson River Estuary.

The DEIS does not adequately address the cumulative environmental impacts associated with the Hudson River Segment of the CHPE Project, when combined with other, reasonably foreseeable construction projects affecting the Lake Champlain and Hudson River environments. Other projects proposed coincident with the CHPE Project include the West Point Transmission Project (77.6 miles of underwater buried cable) and the TDI New England Clean Power Link Project (100 miles in Lake Champlain, apparently on the same route as CHPE), yet the cumulative impact of these projects when combined with the CHPE have not been adequately addressed in the DEIS.<sup>24</sup> This can be demonstrated by comparison to another massive construction project, the Tappan Zee Bridge Construction Project, the impacts of which will overlap with those of the CHPE. The impacts from the CHPE Project are spatially extensive and of a similar magnitude of disturbance (185 acres) compared to the spatially and temporally restricted Tappan Zee Project (246 acres), yet the Tappan Zee project has undergone, and will undergo, far more detailed environmental study, analysis and mitigation than is offered in the DEIS. Further, new information arising from studies of endangered species and their habitat use required by the Tappan Zee Project must be considered in the DEIS here to adequately assess the incremental and cumulative impacts of the CHPE Project, when added to the Tappan Zee Bridge Project.

There is also a convergence of existing and proposed projects in the Hudson River near Indian Point that warrant a more thorough cumulative impact analysis than is found in the DEIS. The Hudson River near Indian Point is an area of a high level of anthropogenic use, including the existing Spectra gas pipeline and proposed expansion, and the proposed underwater West Point transmission cable that would exit the river at Con Edison's Buchanan North Substation, located adjacent to the Indian Point Energy Center. These existing and proposed uses are all within the recently (August 2012) expanded lower reach of the Hudson Highlands SCFWH, which extended the former Hudson Highlands SCFWH from Hudson River miles (HRM) 44-56 by four miles downstream to Stony Point and by an additional four miles upstream to Denning Point to now encompass HRM 40-60.<sup>25</sup> The CHPE Project will bisect this newly designated SCFWH for several river miles.

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**820-11:** The West Point Transmission Project is already addressed in Section 6.1.1.4 of the EIS and in the cumulative impacts analysis in Section 6.1.2. The New England Clean Power Link Project is now addressed in Sections 6.1.1.2 and 6.1.2 of the Final EIS. Section 6.1.2 also includes a consideration of the potential for cumulative impacts in the Hudson River from the USACE Hudson River maintenance dredging project, the Spectra-AIM Project, the West Point Net Zero Project, the Tappan Zee Hudson River Crossing Project, among others.

**820-12:** Analysis and development of the Draft EIS was based upon best available information, and EIS Chapter 6 presents an analysis of the cumulative impacts of the proposed CHPE Project, the Tappan Zee Bridge Project, and other projects in the vicinity. In addition, DOE has prepared a BA in consultation with NMFS and USFWS, and this is included as Appendix Q of the EIS. Among the sources used in the preparation of the CHPE BA were the BA and the Biological Opinion issued by NMFS for the Tappan Zee Project. DOE and the Applicant continued coordination with NMFS and the USFWS to address potential impacts on protected species.

**820-13:** The potential impact to the Hudson Highlands SCFWH are addressed in Section 5.3.4 of the Final EIS.

<sup>24</sup> As reported on the website established by TDI New England, the company proposes to construct a 1,000 MW HVDC transmission to Vermont and the New England marketplace by, in part, routing the line under Lake Champlain. See [http://neelink.com/docs/New\\_England\\_Clean\\_Power\\_Link\\_Map.pdf](http://neelink.com/docs/New_England_Clean_Power_Link_Map.pdf). Upon information and belief, TDI New England is a sister-company to CHPE's parent, TDI.

<sup>25</sup> As noted in footnote 23, nothing in this letter or the annexed Expert Report should be deemed a waiver of the position taken in the court proceeding related to the designation of the four-mile stretch of the Hudson Highlands SCFWH adjacent to Indian Point as a Habitat.

The organic fraction of the sediments that will be redistributed by dredging will likely be transported even further than the inorganic fraction, potentially exacerbating the spread of anoxic or low oxygen concentration waters that are in violation of numeric and narrative water quality standards for waters of the Hudson River Estuary. Blasting, HDD activities, and the use of drilling fluids have the potential to increase turbidity and contaminants in nearby groundwater wells due to bedrock fracturing and an increase in pore volume. Due to a slow rate of groundwater exchange, these alterations to groundwater quality are rarely "temporary" as described in the DEIS and CWA § 404(b) Application. Furthermore, the Spill Prevention, Controls, and Countermeasures ("SPCC") and/or an Environmental Management and Construction Plan ("EM&CP") proposed in the DEIS rely on subjective visual and operational management, and not on quantitative best management practices like volume or pressure metrics, and thus are inadequate for a project of this magnitude and potential impacts. While the DEIS provides rudimentary information on the heat dispersion properties of the HVDC cable at depth and in varying types of sediments, there is insufficient information to determine whether this thermal input to the Hudson River will have no significant individual or cumulative impact on the Hudson River Estuary or on the permitted existing permitted uses.

The annexed Expert Report also demonstrates how the DEIS's evaluation of magnetic fields and induced electrical fields is incomplete, particularly regarding the potential effects on two federally-listed endangered fish species, Atlantic Sturgeon and Shortnose Sturgeon. These are both bottom oriented fish species that spawn over the soft substrates, use the near bottom areas as nursery habitat for their larvae and juveniles, forage for benthic invertebrates, and in general spend nearly all of their estuarine life within 3 feet of the Hudson River substrate and therefore in close proximity to the CHPE transmission cable whether buried or covered by rip rap mats. Studies of other sturgeon species suggest that these two endangered species may be sensitive to both magnetic and induced electrical fields and avoid contact with these fields. Recent (2012-2013) Hudson River Biological Monitoring Program trawl catch data from 2012-2013 demonstrate relatively high abundance of juvenile Atlantic Sturgeon and Shortnose Sturgeon caught directly on the proposed cable route in the upper portion of the Hudson Highlands CHPE. As noted in the Report, a concentration of Atlantic and shortnose sturgeon overwintering in the expanded northern portion of the Hudson Highlands SCFWH was recently revealed through analysis of fisheries monitoring data from August 29, 2012 through August 29, 2013 and reported to the National Marine Fisheries Service. Displacement of sturgeon from this habitat was not addressed in the DEIS or CWA § 404(b) Application, and must be adequately addressed to determine the impacts of the proposed CHPE cable route for these two endangered species. Furthermore, the evaluation of fish exposure to magnetic fields generated by the AC cable and to induced electrical fields, although superficially addressed in the DEIS for electrosensitive species, is incomplete because it does not consider species other than those with documented electrosensitivity.

#### B. The DEIS Fails to Take a Hard Look at All Reasonable Alternatives

As previously stated, an EIS must assess, *inter alia*, "alternatives to the proposed action." 42 U.S.C. § 4332(2)(C). An agency's assessment of alternatives "sharply defin[es] the issues and provid[es] a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14. Agencies must "[r]igorously explore and objectively evaluate all reasonable alternatives." *Id.*, § 1502.14(a). Although agencies have discretion to identify the

**820-14:** As noted in the EIS Sections 2.6.3, 5.2.3, and 5.3.3, impacts on groundwater quality could occur from HDD and drilling fluids and if blasting of bedrock is required. These impacts would be short-term in the sense that the potential exposure period would only occur during construction activities. As explained in Section 5.2.3, there is a low likelihood of groundwater impacts from drilling fluids due to the characteristics of the fluid and natural soil filtration processes, and any groundwater impact would be localized to the area immediately adjacent to the construction area. Blasting activities

**820-16:** would be performed in strict adherence to all industry standards applicable to control of blasting and blast vibration limits as specified in a blasting plan to be developed by the Applicant as part of its EM&CP. The Applicant is also developing a private well response plan to address relevant impacts (see Section 5.2.9 of the EIS).

**820-15:** As identified in Joint Proposal Appendix F, Best Management Practices (see EIS Appendix C), a Drilling Fluid Management and Disposal Plan would be developed as part of the EM&CP. This plan would establish the procedures to be used during HDD operations and include, for example, both visual and quantitative monitoring of the drilling fluid. The Applicant would also use sheet pile cofferdams at the HDD exit points in waterbodies to minimize the risk of a drilling fluid release to the aquatic environment. Such measures are described further in Sections 5.1.9 and 5.1.15 and Appendix G of the EIS.

**820-16:** See response to Comment 820-03.

**820-17:** Impacts on sturgeon species that overwinter in the expanded northern portion of the Hudson Highlands SCFWH is sufficiently addressed in the BA included as an appendix to the Final EIS. Also see response to Comment 204-28 regarding how construction windows for the project were developed to minimize impacts on overwintering and spawning grounds.

**820-18:** As addressed in Section 5.3.4 of the Final EIS, the present state of knowledge about the impacts on fish from magnetic and

electric fields emitted by underwater transmission lines is variable and inconclusive. The analysis of impacts of exposure to magnetic and electric fields on aquatic species was based upon best available information and covered a range of species on which scientific data were available, including sunfish, minnows, bass, sturgeon, flounder, sharks, and eels. This analysis demonstrated that the potential effect of magnetic fields or induced electric fields on fish or their prey would not be significant.

range of “reasonable” alternatives, they must “include the alternative of no action.” *Id.*, § 1502.14(c)-(d). As DOE noted in the DEIS (at p. S-3), “[i]n determining whether a proposed action or a reasonable alternative is in the public interest, DOE considers the potential impacts of the proposed action and any reasonable alternatives on the environment pursuant to NEPA, the Proposed Action’s impact on the reliability of the U.S. electric power supply system, and any other factors that DOE considers relevant.” The ostensible justification for the Proposed Project is to by-pass existing system congestion problems and inject presumably lower-cost Canadian power directly into the constrained New York City load pocket. *Id.* A fundamental flaw in the DEIS’s alternatives analysis, however, is its sole focus on alternative means of sourcing *Canadian* power to achieve that purpose. As evidenced, again, by the NYPSC’s ongoing AC Transmission proceeding (NYPSC Case Nos. 12-T-0502 and 13-E-0488), there are numerous other more local and potentially less environmentally harmful means of relieving those system constraints and increasing the deliverability of power to the New York City load pocket, yet the DEIS impermissibly fails to consider them as alternatives to the Proposed Project. It also fails to consider those projects as part of the “no action” alternative, *i.e.*, the likelihood that, should the Proposed Project not be authorized, congestion relief could still be accomplished through the AC transmission projects. In other words, the Proposed Project may be unnecessary and redundant of other projects.

820-19 820-19: See response to Comment 820-08.

### C. The Proposed Project Does Not Serve the Public Interest

“Applications for Presidential Permits are evaluated based on the potential impacts that a proposed project could have on the environment, the operating reliability of the U.S. electric power supply, and any other factors relevant to the public interest.” DEIS, at p. S-3. With a project of this magnitude, the possibility that New York consumers will be forced to subsidize the Proposed Project’s costs, directly or indirectly, is a matter directly “relevant to the public interest.” Here, although denominated a “merchant” transmission project (DEIS, at p. S-3), *i.e.*, one in which the project’s investors assume all financial risk, it is now quite clear that CHPE’s business model will impose at least some of the Proposed Project’s costs on New York consumers.

On May 30, 2012, CHPE (by and through their affiliate TDI) and Hydro-Quebec separately submitted their respective responses to Governor Andrew Cuomo’s “Energy Highway Initiative” (“Energy Highway”) Request for Information (“RFI”).<sup>26</sup> The first proposal contained in Hydro-Quebec’s EHI submission is titled “Hydro-Quebec participation in Champlain Hudson Power Express.” The accompanying text states, *inter alia*, “[Hydro-Quebec] proposes to become the ‘anchor tenant’ for the [TDI] project by committing up to a 40-year purchase of 75% of the transmission rights, effectively paying for the construction of the line.”<sup>27</sup> TDI’s companion EHI submission states, “TDI will enter into a 35-40 year Transmission Service Agreement with [Hydro-Quebec] or other entity for 750 MW of transmission capacity.”<sup>28</sup>

<sup>26</sup> A true and correct copy of CHPE’s and Hydro-Quebec’s Energy Highway submissions are annexed hereto as Exhibit 2.

<sup>27</sup> *Id.*, Hydro-Quebec EHI submission at 3 of 13 (footnote omitted).

<sup>28</sup> *Id.*, TDI EHI submission at 11 of 26.

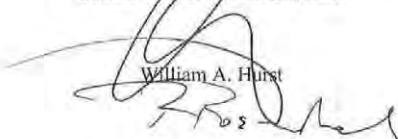
Read together, as they are intended to be, TDI's and Hydro-Quebec's RFI submissions reveal a business model under which Hydro-Quebec may finance the Project, in whole or in part, "effectively paying for the construction of the line," in return for the right to 75% of the Project's transmission capacity for a term of years. As evidenced by, *inter alia*, Hydro-Quebec's recent entreaty to the NYPSC to amend the qualifying criteria of the RPS program to include hydropower imports, Hydro-Quebec would likely only be willing to undertake such an obligation if the costs could be offset by some extra-market mechanism that would allow recoupment of the price paid to secure long-term transmission rights on the HVDC Line. Under the RPS program, and/or through an out-of-market contract with a New York load serving entity, that offset would come through payments made by New York consumers, not the Proposed Project's investors. If that were to occur, the Proposed Project would actually harm, not advance, the public interest.

#### CONCLUSION

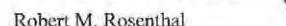
Entergy-IP is seeking to ensure through submission of this comment letter, as well as the annexed Expert Report, that all entities that have filed permit applications to undertake energy-related activities in New York are held to an appropriate-level of scrutiny. However, for the reasons specified above, given the high standard of environmental review to which USACE and DOE are held under applicable law, the permit applications submitted by CHPE to the two agencies should be denied.

Respectfully submitted,

GREENBERG TRAURIG, LLP



William A. Hurst



Robert M. Rosenthal

WAH/rsb  
Enclosure  
ALB 1746671v1

# EXHIBIT 1



**Technical Review of Environmental Impact  
Assessments of the Hudson River Segment  
of the Champlain-Hudson Power Express**

**Prepared For:**  
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Entergy Indian Point 3, LLC and  
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**Submitted On:**  
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**CHPE REVIEW OF IMPACT ASSESSMENTS****Executive Summary**

A technical review was performed of the September 2013 Draft Environmental Impact Statement (DEIS) and the Clean Water Act Section 404 Permit Application Alternatives Analysis Report (404 Application) for the Champlain Hudson Power Express, Inc. (CHPE) proposal to construct, operate and maintain an approximately 336-mile long 1000 MW high-voltage, direct-current (HVDC) transmission line and related facilities from Quebec to New York City (CHPE Project). The objective of this technical review was to assess the selection of an 88-mile long Hudson River Segment of the CHPE Project as the Least Environmentally Damaging Practicable Alternative (LEDPA) based on the temporary, permanent, and cumulative impacts to the natural environment identified and described in the DEIS.

The Hudson River Estuary is classified as the length of river from the Verrazano Narrows – the tidal strait separating Staten Island and Brooklyn, to the Troy Dam just north of Albany, is a variable habitat that represents the overlap between southern and northern ecological zones, traverses saline, brackish and fresh waters, and includes many important natural resources, including a substantial recreational fishery and nursery areas for many important commercial species. The Hudson River drainage has more than 200 species of fish, with 129 of those being found in the tidal portion of the estuary (Daniels et al. 2005). In addition, the Hudson River Estuary supports nearly 100 species of special emphasis, including federally and state-listed endangered or threatened species of fish, birds, and plants.

Within the Hudson River Estuary are many Significant Coastal Fish and Wildlife Habitats (SCFWHs) designated by the New York State Coastal Zone Management Act, and an additional five sites constituting the Hudson River National Estuarine Research Reserve. While the proposed CHPE Project route within the 88 mile Hudson River Segment avoids direct contact with all but five SCFWHs, the direct and indirect impacts of selecting the submerged route through this area and these five SCFWHs are problematic in that they are inadequately addressed in the DEIS and 404 Application. It appears the CHPE Project route intentionally selected an overland route to avoid the Haverstraw Bay SCFWH, but did not afford the same protections for five other SCFWHs (Catskill Creek, Esopus Estuary, the Kingston-Poughkeepsie Reach, the Hudson Highlands, and the Lower Hudson River Reach). Prudent management practices warrant avoiding the uncertainties of an underwater route for the CHPE Project to protect all SCFWHs within the Hudson River Estuary when overland routes along existing corridors are both available and obvious, low-environmental impact alternatives.

The 88 miles of CHPE Project transmission cable proposed for installation within the Hudson River Segment would either be installed over the hard bottom substrate or be buried in a shallow trench beneath the soft bottom habitat of the Hudson River Estuary through a mechanism known as a jet or hydraulic plowing. Jet plowing uses a pressurized water jet to displace the bottom sediment from the trench in which the cable is placed, allowing the suspended sediment to re-settle on top of the cable. Although use of jet plowing was included in the Best Management Practices (BMP) guiding this project, detailed model input parameters were not provided, sediment dispersion was not modeled, and assumptions may have been overstated. For these reasons it is unclear if the specific displacement of sediments within the five SCFWHs of the Hudson River Estuary by jet plowing represents a temporary disturbance, or if the suspended material could have

– 820-20 **820-20:** The transmission line route that transects five SCFWHs (and that avoids the Haverstraw Bay SCFWH) was approved by state agencies as identified in the response to Comment 820-10, and the EIS analysis on impacts in SCFWHs is considered sufficient.

– 820-21 **820-21:** The Final EIS included an evaluation of the potential impacts in the Hudson River that would be associated with the planned jet plow method for installing the transmission line. Information related to water quality and sediment transport modeling efforts and compliance with water quality standards is located in Section 5.3.3 and information concerning the potential impact to aquatic species is presented in Sections 5.3.4 and 5.3.5 of the Final EIS, Section 5 of the BA (EIS Appendix Q), and Section 4 of the EFH Assessment (EIS Appendix R).

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substantial long-term detrimental impacts on biota in the water column. Key potential impacts for a project of the scale addressed here include de-oxygenation of potentially large areas of the water column by re-suspended organic materials, turbidity above known tolerances for certain species, and smothering. Sufficient overland routes along existing transportation or transmission corridors exist to make the selection of 88 miles within the Hudson River Estuary the most environmentally damaging alternative, particularly since the CHPE Project is not a water-dependent use.

The DEIS and 404 Application have not adequately demonstrated that the submerged CHPE Project route within the Hudson River Estuary is significantly less costly than overland routes. The DEIS and 404 Application have not adequately demonstrated that an overland route is logically impracticable compared to the 88 miles of submerged cable within the Hudson River Estuary. To the contrary, the potential for significant adverse effects of the Hudson River Segment of the CHPE Project to "waters of the United States" clearly demonstrate that it fails to be the LEDPA.

The DEIS and 404 Application also have not adequately addressed cumulative impacts or imposed sufficient mitigation measures associated with the Hudson River Segment of the CHPE Project. By comparison, the level of study and mitigation (both in-kind and out-of-kind) required for the Tappan Zee Bridge Construction Project far exceeds that related to the proposed CHPE Project. The impacts from the CHPE Project within the Hudson River Segment are spatially extensive along 88 miles of river bottom and greater in magnitude (168 acres of temporary disturbance and 25 acres of permanent change estimated by the DEIS) compared to the spatially constrained Tappan Zee Project (139 acres total disturbed and 107 acres permanently changed). New information arising from studies of endangered sturgeon species and their habitat use required by the Tappan Zee Project should be considered to adequately assess the incremental and cumulative impacts of the CHPE Project. Other projects proposed coincident with the CHPE Project include the West Point Transmission Project (77.6 miles of underwater buried cable) and the TDI New England Clean Power Link Project (100 miles in Lake Champlain), and these cumulative impacts have not been adequately addressed in the DEIS or 404 Application.

In addition, the area of Hudson River permanent impact based on Table 5.1-4 "Locations of non-burial cable installation and associated area of impact and volume of permanent fill" in the CHPE Project Description and Purpose Attachment A, Part 3 is much greater (25.4 acres) than the value given in the Public Notice table "Obstacles encountered: impacts from non-cable burial along the submarine route" (8.8 acres). Regarding in-water cable burial (temporary) impacts as illustrated in the public notice, some of these values could not be reproduced based on the information contained within the table, and therefore one or more of the source documents are believed to contain errors which should be reconciled to validate the final estimated areas and volumes of impact.

Surface and groundwater quality considerations should be included in the permit applications as they are filed. Water quality aspects of the CHPE Project were not sufficiently modeled in the DEIS or 404 Application to provide reasonable certainty regarding the magnitude of impacts from sediment disturbance, redistribution of sediments, sediment contamination including PCBs, biological oxygen demand, groundwater quality, hazardous wastes, and electrical and magnetic fields. The process specified for burying the CHPE Project cable in the soft sediment portions of the Hudson River Estuary would not

**820-22:** Section 2.5 of the Final EIS presents the analysis of alternatives considered while Sections 5.3.3, 5.3.4, 5.3.5, and 5.3.8 of the Final EIS identify that the construction, operation, and maintenance of the transmission line in the Hudson River would not have significant environmental impacts on water quality and SCFWHs.

**820-23:** Comment noted. See EIS Section 2.5.2 for an explanation of why the alternative upland transmission line routes were dismissed from further evaluation.

**820-24:** A list of measures to minimize potential impacts is presented in EIS Appendix G. The Applicant continues to coordinate with agencies, as appropriate, to ensure the proposed CHPE Project design and associated mitigations are in accordance with regulations and that the analysis addresses not only individual impacts, but also cumulative impacts of the Project along the installation route.

As indicated in Section 5.3.8 of the EIS, 0.03 acres of wetlands would be temporarily impacted by the proposed CHPE Project in the Hudson River Segment. A Conceptual Wetland Mitigation Plan has been prepared by the Applicant and is available for review on the CHPE EIS Web site at <http://www.chpexpresseis.org>.

Analysis provided in the Draft EIS on the impacts of the proposed CHPE Project on endangered species and their habitats was based upon best available information. Additional details on the impacts of the proposed CHPE Project on endangered species are included in the BA. The Applicant continues to coordinate with the NMFS and the USFWS regarding impacts on endangered and otherwise protected species and their habitats.

The proposed CHPE Project combined with other reasonably foreseeable projects, including the Tappan Zee Project, are sufficiently addressed in the cumulative impacts analysis in Chapter 6 of the EIS. The West Point Transmission Project is already addressed in Section 6.1.1.4 of the EIS and in the cumulative impacts analysis for each resource area in the same section. The New England Clean Power Link Project is now addressed in Sections 6.1.1.2 and 6.1.2 of the Final EIS.

**820-25:** As indicated in the EIS, water quality impacts would be within regulatory standards as estimated through water quality modeling processes. See Sections 5.3.3, 5.3.4, 5.3.5, 5.3.9, and 5.3.12 of the EIS for more information on the analysis and impacts of the proposed CHPE Project on water quality, aquatic species, sediment quality, hazardous wastes, and public health in the Hudson River Segment.

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include containment of sediments and thus would result in re-suspension of up to 242,257 cubic yards (6.5 million cubic feet) of bottom material for some unknown distance from the trench (assumed to be at least 15 feet laterally). The potential re-suspension of sediments remains unquantified by the modeling as described in the available documents at the level of detail required for a project of this magnitude. Presumably natural currents, bed load transport, and wave action will return a portion (up to 70% or 80%) of the displaced material to fill back into the trench. However CHPE's calculation of the amount of original material that would be returned to the trench and the rate of filling is largely speculative and should be thoroughly delineated to best quantify the habitat disturbance and whether that disturbance is temporary or permanent for each component of the aquatic community. For example, the organic fraction of the sediments redistributed by dredging would likely be transported even further than the inorganic fraction, potentially exacerbating the spread of anoxic or low oxygen concentration waters that may violate numeric and narrative water quality standards for waters of the Hudson River Estuary.

Likewise, blasting, shear plowing, conventional dredging, horizontal directional drilling activities, and the use of drilling fluids associated with transition zones between overland and underwater segments of the CHPE Project have the potential to increase turbidity and contaminants in nearby groundwater wells due to bedrock fracturing and an increase in pore volume. Due to a slow rate of groundwater exchange, these alterations to groundwater quality are rarely "temporary" as described in the DEIS and 404 Application. Furthermore, although the DEIS specifies that either a Spill Prevention, Controls, and Countermeasures (SPCC) Plan and/or an Environmental Management and Construction (EM&C) Plan would be prepared in the future to address potential discharges of hazardous materials related to the Project, the DEIS also makes clear that whatever plan is chosen would rely on subjective visual and operational management, and not on quantitative BMPs like volume or pressure metrics. Implementation of such subjective measures is wholly inadequate for a project of this magnitude and potential impacts.

Further, the evaluation of magnetic fields and induced electrical fields in the record is incomplete, particularly regarding the potential effects on two federally-listed endangered fish species, Atlantic Sturgeon and Shortnose Sturgeon. These are both bottom oriented fish species that spawn over the soft substrates, use the near bottom areas as nursery habitat for their larvae and juveniles, forage for benthic invertebrates, and in general spend nearly all of their estuarine life within three feet of the Hudson River substrate and therefore in close proximity to where the CHPE Project transmission cable would be buried or covered by rip rap mats. Studies of other sturgeon species suggest that these two endangered species may be sensitive to both magnetic and induced electrical fields and avoid contact with these fields. The most recent Hudson River Biological Monitoring Program trawl catch data reported from 2012-2013 also demonstrate high abundance of juvenile Atlantic Sturgeon and Shortnose Sturgeon caught on the river bottom directly along the proposed cable route in the upper portion of the Hudson Highlands SCFWH. The sturgeon use of this expanded portion of the Hudson Highlands SCFWH and the expansion of the State's SCFWHs are both recent phenomena. Neither phenomenon was taken into account in the State level Article VII proceeding, the record of which closed long before the discovery of this new habitat use and the designation of additional SCFWH habitat. Nor are these new

**820-26:** The quantities of suspended material generated and its distribution in the Hudson River Segment is addressed in Section 5.3.9 of the Final EIS. The potential sediment concentrations and impact on the water column are presented in Section 5.3.3.

**820-27:** The CHPE Project would involve HDD operations at four locations along the Hudson and Harlem Rivers where the cable

820-26 would transition between land and water. As cited in Section 2.4.3 of the EIS, the drilling process would use bentonite clay as a lubricant. A monitoring program would be established to determine whether this drilling fluid is leaking from the borehole, and if so, whether any response action is needed. Due to the limited area that could potentially be impacted, and the low likelihood that the bentonite clay could flow to a nearby drinking water well, the EIS concludes in Section 5.3.3 that significant impacts on groundwater

820-27 quality are not anticipated.

**820-28:** As stated in Section 2.4.3, "The monitoring program would

820-28 consist of visual observations in the surface water at the targeted drill exit point and monitoring of the drilling fluid volume and pressure within the borehole. Visual observations of drilling fluid in the water, or excessive loss of volume or pressure in the borehole would trigger response actions by the HDD operator, including halting drilling activities and initiating cleanup of released bentonite."

820-29 Monitoring the borehole pressure and measuring the amount of bentonite are quantitative measures used to identify when losses are occurring and are standard industry procedures. Detailed plans and procedures for monitoring, agency notifications, and remedial actions would be developed by the Applicant as part of the EM&CP.

**820-29:** See response to Comment 820-18.

820-30 **820-30:** See response to Comment 820-17.

***CHPE REVIEW OF IMPACT ASSESSMENTS***

developments addressed in the DEIS or 404 Application, as they must be to determine the impacts of the proposed CHPE Project cable route on these two endangered species.

↑ 820-30

**CHPE REVIEW OF IMPACT ASSESSMENTS**

## 1.0 Introduction

Normandeau Associates, Inc. (Normandeau) undertook a technical review of the September 2013 Draft Environmental Impact Statement (DEIS) and the Clean Water Act Section 404 Permit Application Alternatives Analysis Report (404 Application) for the Champlain Hudson Power Express, Inc. (CHPE) plan to construct a 330-mile long 1000 MW high voltage direct current (HVDC) transmission line and related facilities from Quebec directly to New York City. The objective of this technical review was to assess the selection of an 88-mile long Hudson River Segment of the CHPE Project as the Least Environmentally Damaging Practicable Alternative (LEDPA) based on the temporary, permanent, and cumulative impacts to the natural environment identified and described in the DEIS.

Many of the references to the available biological information related to the Hudson River Estuary are associated with specific locations measured along the centerline of the Hudson River from New York City to Albany. These locations within the Hudson River Estuary are labeled by Hudson River Miles (HRMs), which denote one-mile long segments of the river between successive mile marks measured along the river's centerline progressing upstream from Battery Park at the southern tip of Manhattan Island in New York City to the Troy Dam near Albany. Each HRM segment is named according to the mile mark at the boundary furthest from Battery Park, so there is no HRM 0. For example, HRM 1 in the Battery region of the Hudson River is from mile mark 0 at Battery Park to mile mark 1, HRM 2 is from mile mark 1 to mile mark 2, etc. The Troy Dam forms the upstream boundary of HRM 152 and the upper boundary of the Hudson River Estuary. This document will refer to HRM and distinguish these segments of the Hudson River Estuary from the mile points designated by the CHPE (CHPE MP) that were measured south from the CHPE MP 0 at the Canadian-New York border along the proposed HVDC cable route.

With respect to the DEIS, this review evaluates if the route selected for the Hudson River Segment of the CHPE Project is adequately supported by findings of no, low, or temporary impacts; i.e. if the selected route is indeed the LEDPA. With respect to the 404 Application, this review considers if the LEDPA recommendation for the Hudson River Segment in the DEIS adequately avoided or minimized impacts, and proposes sufficient mitigation for those impacts not avoided. This review relies on Normandeau's areas of expertise in water quality certification (Section 401), wetlands, dredge and fill regulations (Section 404) of the Clean Water Act, and aquatic ecology, based on the unparalleled technical information derived from approximately 40 years of performing annual environmental monitoring in the Hudson River Estuary for both the Hudson River power generators (including Entergy Nuclear Operations, Inc., "Entergy") and on behalf of the New York State Department of Environmental Conservation (NYSDEC).

The specific documents reviewed include:

- Department of Energy Draft Environmental Impact Statement (DOE 2013)
- United States Army Corps of Engineers (USACE) 404 Permit Application, as supplemented in February, 2012 (CHPE 2012b), and relevant Appendices

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- New York State Public Service Commission 401 Water Quality Certificate Conditions (PSC 2013a)
- New York State Certificate of Environmental Compatibility and Public Need Conditions (PSC 2013b)
- New York State Department of State Conditional Coastal Zone Consistency Determination (DOS 2011)
- Army Corps of Engineers Public Notice (USACE 2013).

**2.0 Water Quality and Hazardous Materials****2.1 Water Quality**

As acknowledged in all documents reviewed, submarine cable installation in the beds of all water bodies will result in "increased turbidity and downstream sedimentation and re-suspension of contaminated sediments in surface water." The specific form of cable embedment via jet plow proposed for the CHPE Project presents particular habitat and aquatics concerns. Sufficient quantities of displaced material can have substantial detrimental impacts on biota in the water column from increased turbidity and downstream displacement of sediments, as well as the biota buried by jet plowing within the trench. Key potential impacts for a project of the scale addressed here include de-oxygenation of potentially large areas of the water column, turbidity above known tolerances for certain aquatic species, and smothering. Key questions include whether this technology is appropriate for work of the scale of the CHPE Project, why other routes that result in far lower impacts are not considered and preferred, the implications of sediment loading on aquatic organisms, particularly for species of heightened susceptibility. None of these topics are adequately addressed at a sufficient level of detail in the CHPE application documents for a project of this magnitude.

Disturbance of the top layer of sediments for a project of this magnitude will mobilize a considerable organic fraction into the overlying water. This mobilization would increase the biological activity within the water column for extended periods during the resettlement time, and can cause or contribute to a locally significant increase in biological oxygen demand. Because organic material would likely be transported greater distances than inorganic material due to its lower density, the area of potential reduced dissolved oxygen could extend to far beyond the 15 feet lateral zone centered on the HVDC cable path that is assumed to be the zone of impact, and therefore the zone of sediment redistribution (CHPE 2012d). Newly decaying biological loads may serve as substrate for benthic bacteria and algal growth which could increase the benthic metabolism and associated oxygen demands, creating blooms that further exacerbate the spread of hypoxic or anoxic zones. These conditions would in turn jeopardize survival of benthic invertebrates, shellfish and fish within the affected zone, particularly some of the less mobile forms like bivalve and some gastropod mollusks. It is unclear whether the temporal and spatial extent of the impact on dissolved oxygen was investigated through the modeling activities or through any other investigation conducted by the applicant.

**820-31:** Given the short term nature of the transmission line installation process, the water quality analysis focused on acute rather than chronic effects. Impacts to dissolved oxygen levels are typically assessed using the biochemical oxygen demand (BOD<sub>5</sub>) parameter, which assesses the impact on oxygen levels over a 5-day period. Measurement of total suspended solids (TSS) includes the organic materials that would contribute to BOD<sub>5</sub>, and assessing and controlling TSS levels is an accepted method of managing the potential impact on dissolved oxygen levels for construction projects. See EIS Section 5.3.3 for a discussion on the TSS analysis for the proposed CHPE project.

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Cable embedment via jet plow is considered in the DEIS and in the 404 Application to cause no violation of water quality standards for any regulated water quality parameters. It is not clear, however, where those predictions were made along the 88 miles of Hudson River Segment, and at what level of spatial resolution. Furthermore, the complete set of input parameter and results of the DHI MIKE3 model were not disclosed in any of the review documents.

Without a detailed review of the input data, only generalized assessments can be made. We note that there was no attempt to model sediment dispersion during cable installation. But there was reference in the DEIS to sediment re-deposition not being significantly distant from the point of disturbance under average Hudson River water velocity of less than three (3) miles per hour. However, a peer-reviewed publication by Neff and Geyer (1996) indicates velocities of approximately 2 meters per second (or 4.4 miles per hour) within the Hudson River under normal flow conditions. Thus, the analysis is incomplete, even in terms of normative Hudson River conditions.

Theories of hydraulic flow assume a no-slip condition at the interface of the water and conduit merely for mathematical simplicity. By assuming that the disturbance of material is occurring below the interface, velocities that may be influential in disturbing sediments are minimized to potentially unrealistically low magnitudes, hence further under-estimating the potential for sediment transport. Additionally, despite the use of a three-dimensional model, there is no indication that cross-directional flow, confluences, or empirically-determined turbulence caused by the highly uncharacterized bathymetry of the water bodies were included, which may have led to an incorrect conclusion that 70% to 80% of the sediments would "settle back into the trench".

There is no indication of the particle size and density distribution used to predict the sediment disturbance. Estuarine and deep-riverine sediments may be much smaller than anticipated. Moreover, the return of sediments disturbed by jet plowing to their initial position in the water column can take several hours to days, as shown through the utilization of laboratory Imhoff cone experiments conducted in introductory level water quality courses.

The proposed dredging activities will mobilize up to 242,257 cubic yards (6.5 million cubic feet) along the entire 88 miles of Hudson River Segment (including the Hudson, Harlem and East Rivers; USACE 2013). Exacerbated disturbance of this volume of material with water velocities reaching a known normal velocity of 4.4 miles per hour (and the potential for considerably greater velocities) could result in turbidity that exceeds the water quality standard, specifying that "there is to be no increase that will cause a substantial visible contrast to natural" for the water quality classifications of the surface waters found along the Hudson River Segment of the CHPE Project (Class SB, Class B, Class A; <http://www.dec.ny.gov/chemical/23853.html>). Even with 70% to 80% of the sediments returned to the trench through gravity settling, as claimed in the DEIS, there is the potential for the remaining 1.3 to 2.0 million cubic feet of bottom sediments and its associated contaminant load to be displaced from the trench and dispersed widely over previously undisturbed portions of the Hudson River. The above concerns are exacerbated where known contamination or species of particular susceptibility to those contaminants exists, as discussed below.

- 820-32:** The Applicant's Water Quality Modeling Report for the Hudson, Harlem, and East Rivers (CHPEI 2012oo) provides the inputs for the DHI MIKE3 model and reports the results by CHPE Project route mile. According to the Applicant, the model and its inputs were calibrated and verified and was approved by the USACE, the USEPA, and an independent panel of experts as part of the USACE Harbor Navigation Study in 1995. In addition, the methodology for the water quality modeling was reviewed by the NYSDEC. This report was provided as Exhibit 85 to the NYSPSC Article VII application and is available at <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?Mattercaseno=10-T-0139>.

**820-33:** As stated in the response to Comment 820-32, studies of sediment suspension and dispersion during the transmission line installation process in Lake Champlain, and in the Hudson, Harlem, and East rivers were completed by the Applicant and provided to NYSDEC for review during the Article VII process. These analyses specifically evaluated the release of sediment to the water column during the transmission line installation process and concluded that construction activities would comply with the identified guideline of 200 milligrams per liter (mg/L) of TSS. On the basis of this evaluation, and in turn accepting its parameters and results, the NYSDPS and NYSPSC issued the Section 401 Water Quality Certificate and the Article VII Certificate respectively for the proposed CHPE Project. The NYSPSC Certificate for the proposed CHPE Project limits the potential for the project to exceed TSS concentrations by requiring CHPE to conduct test trials to demonstrate its ability to achieve TSS standards before using the jet plow or shear plow.

**820-34:** As cited in the two previous responses, the Mike3 model was selected and set up for analyzing sedimentation impacts in the Hudson River on behalf of the USACE and USEPA. The results of the analyses, which are reported in EIS Section 5.3.3, have been accepted by NYSDEC and NYSDOS as part of the NYSPSC Certificate and the Section 401 Water Quality Certificate issued for the CHPE Project.

**820-35:** The particle size and density distribution of the sediments used in the model were based on actual core samples obtained along the transmission line route. See Section 5 (Pages 20–21) of the Water Quality Modeling Report (CHPEI 2012oo) for these parameters.

**820-36:** The transmission line installation would be carried out by a jet plow, not by dredging as stated in the comment. The water quality impacts presented in the EIS were based on the use of the jet plow, which limits the release of sediment to the water column, relied on site-specific physical and chemical sediment quality data and were based on an agency-approved water quality model. In addition, a Section 401 Water Quality Certificate has already been issued for the proposed CHPE Project.

**CHPE REVIEW OF IMPACT ASSESSMENTS****2.1.1 Modeling of Expected Contaminant Concentrations**

As acknowledged in all documents, submarine cable installation in the beds of all water bodies will result in "increased turbidity and downstream sedimentation and re-suspension of contaminated sediments in surface water", with the contaminants cited including "mercury, PCBs [polychlorinated biphenyls], and other toxins that could include dioxins/furan, PAHs [polycyclic aromatic hydrocarbons], pesticides, and other heavy metals". The jet plow may disturb contaminants attached electromagnetically or through molecular forces to sediments. This disturbance could, in turn, cause a contaminant plume that may be transported to areas much farther than estimated as the temporary impact zone in the DEIS, and at potentially higher concentrations.

**2.1.2 PCBs and Metals**

While the Project Applicant has taken steps to mitigate impacts to areas impacted by polychlorinated biphenyls (PCBs), the DEIS acknowledges that concentrations of PCBs exist at varying levels throughout the Hudson River Estuary outside of remediation areas (Levinton and Waldman 2006). Furthermore, the DEIS acknowledges that there remain concentrations of cadmium in some sediments above remedial action levels. There appears to be no specific plan for interaction and potential mobilization of this metal, which leaves an unacceptable exposure risk unaddressed.

**2.1.3 Turbidity**

Localized increased turbidity in the Hudson River Estuary is an expected impact from jet plowing and shear plowing. The DEIS concedes that increased turbidity "could include smothering, reduction of filtering rates, toxicity from exposure to anaerobic sediments, reduced light intensity, and physical abrasion," including mortalities (DOE 2013). However the review of these potential impacts to all life stages of fish, macroinvertebrates, and plankton is incomplete and no attempt at quantifying these impacts, including potential mortality, has been attempted. Fish are particularly sensitive to increased turbidity (Kemp et al. 2011), and many species will avoid using habitat disturbed by increased turbidity, while some benthic macroinvertebrates (e.g., attached clams and mussels) are not capable of moving and will become embedded or buried, where they smother and die. Presumably, natural currents, bed load transport, and wave action will return a portion (up to 70% or 80%) of the displaced material to fill back into the trench; however the amount of original material returned to the trench, the amount of material redistributed away from the trench, and the rate of settling and filling are largely speculative and should be thoroughly delineated in the DEIS to best quantify the amount of habitat disturbance and whether that disturbance is temporary or permanent for each component of the aquatic community.

**2.2 Electrical and Magnetic Fields**

The presence of an electrical field may pose a small increase to the immediate water temperature as calculated by the applicant; however, within the sediments surrounding the cable and in areas where the transmission line will remain exposed (where covering is not possible due to impenetrable surfaces at the bottom of the water bodies), this temperature increase will be perpetual and potentially significant. Based on the material presented in the

820-37: See response to Comment 820-25.

820-38: While page 3-111 of the Draft EIS stated that "some of the sediment samples included contaminants above remedial action levels", it is not apparent from the comment where in the EIS it is acknowledged that cadmium levels in sediment would be above remedial action levels. With respect to cadmium, the water quality modeling evaluated the potential release of cadmium into the water column during cable installation and found that cadmium concentrations would remain well below the NYS cadmium water quality standard. The analysis concluded that there would be no exceedances of New York State water quality standards for arsenic, cadmium, mercury, benz(a)anthracene, pyrene, 4,4-DDE, copper, lead, phenanthrene, naphthalene, fluorine, nickel, dioxin, acenaphthene, or PCBs established for protecting aquatic life from acute toxicity.

820-39: The EIS conclusions regarding the potential impact of Project-related turbidity on fish is based on analyses presented in the Essential Fish Habitat Assessment contained in Appendix R of the Final EIS. This evaluation was prepared in consultation with NMFS.

820-40: As noted in the Section 5.1.3 of the EIS and other similar sections, the impacts of suspended sediment deposition would not be significant because suspended sediment concentrations well below thresholds (based on accepted suspended sediment modeling) in average waterbody currents and tides of less than 3 miles (5 km) per hour would be redeposited immediately upstream or downstream of the site of sediment disturbance. In Lake Champlain, the model results show higher deposition values in areas of the lake where the bathymetry has local depressions. At no point does the depth exceed 3 millimeters (mm). Sediment deposition in the southern part of Lake Champlain would be substantially lower than the rest of the lake because the sediment resuspension caused by shear plow installation would be lower than by water jetting installation. Therefore, such an additional level of analysis is not warranted. Impacts of sedimentation on the aquatic community are summarized in EIS Section S.8.4, and are provided in greater detail in EIS Sections 5.1.3, 5.3.3, and 5.4.3.

820-41: See response to Comment 820-03.

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DEIS, there has been no investigation as to the long-term temperature impacts of the perpetual addition of heat. Increased temperatures can cause modifications to the character of deposited metals and volatile organic compounds, potentially creating spontaneous mobilization and unanticipated chemical reactions.

The introduction of a non-dissipating magnetic field via HVDC cable to environments that are potentially contaminated with a myriad of metals could cause spontaneous mobilization of these metals, attraction to and agglomeration on the transmission cable, and the potential and unexpected corrosion and/or deterioration of the protective surface of the transmission line. The magnetic field may also cause an electrostatic agglomeration of sediments and contaminants, increasing localized concentrations that may result in exceedances of state and federal water quality criteria.

In Section 5.1.4 of the DEIS, the proponent cites two documents (Fisher and Slater 2010; Cada et al. 2011) as evidence that high magnetic field strengths did not elicit "effects" on several aquatic species. First, Fisher and Slater (2010) is a synthesis report, so it would have been appropriate to examine the primary literature so that experimental design could have been considered. Cada et al. (2011) was reporting on a toxicological experiment designed to evaluate mortality, not to examine subtle nonlethal effects. In addition, the magnetic field was generated by a magnet, not a current, and so did not reflect conditions that would occur in the vicinity of an energized underwater cable.

Also in Section 5.1.4 of the DEIS, discussion of potential effects on Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) and Shortnose Sturgeon (*Acipenser brevirostrum*) was based on studies of exposure to magnetic fields generated by AC cables. Given that the physics of AC current are different from DC current in that AC currents reverse roughly 60 times per second whereas DC current flow continuously in one direction, the ability of organisms to sense the resultant magnetic fields differs as well (Normandeau, et al. 2011). The use of studies designed to examine mortality during exposure to AC magnetic fields do not provide sufficient evidence needed to conclude that exposure to DC magnetic fields would have no impact on these two federally-listed endangered species.

The DEIS discussion on induced electric fields is incomplete. First, any movement through a magnetic field, whether it be a water current, a particle, or large object (e.g., fish or vessel), induces a secondary electric field. It is not restricted to electrosensitive organisms as suggested in the DEIS. Although Section 5.3.4 directs the reader to Section 5.3.5 for discussion on the effects of induced electric fields on sturgeon, in fact, there is no discussion in the latter section other than a dismissal of the issue and a referral back to Section 5.1.5. In turn, Section 5.1.5 provides no substantive additional information and concludes that "the current state of knowledge about the magnetic fields emitted by aquatic transmission lines and induced electric fields is sometimes considered too variable and inconclusive to make an informed assessment of the effects on these species (Cada et al. 2011)."

The DEIS does not make a strong enough case to dismiss exposure to EMF as a source of impact to the two species of sturgeon that use the Hudson River segment for critical stages in their life cycle. By incorporating information on AC currents without clearly acknowledging how they differ from the DC currents that would flow through the CHPE aquatic cable, the DEIS clouds the issue.

820-41

-820-42

**820-42:** Based on comments received on the DEIS, additional analyses of the potential impact of magnetic fields and induced electric fields on aquatic species including Atlantic and shortnose sturgeon have been included in Section 5.3.5 of the Final EIS and in the BA included as Appendix Q. These analyses demonstrate that the potential effect of magnetic fields or induced electric fields on fish or their prey would not be significant.

-820-43 **820-43:** See response to Comment 820-18.

**CHPE REVIEW OF IMPACT ASSESSMENTS****2.3 Groundwater Quality**

The DEIS acknowledges (1) the possible necessity to use blasting to penetrate bedrock, and (2) that "(b)edrock blasting has the potential to increase bedrock fracturing near the blasting zone". The associated conclusion that "(b)lasting could result in changes in local hydrology and temporarily increased levels of turbidity in nearby groundwater wells" greatly underestimates the potential adverse impact of blasting. For example, the inclusion of the statement that "short-term impacts on groundwater quality could occur if blasting of bedrock is required" should be adequate recognition that such activities should not be permitted. The DEIS further acknowledges that "drilling fluid would be used and has the potential to percolate to groundwater", which is an indication that blasting of bedrock may cause an immediate threat to human health. Moreover, the DEIS acknowledges that "the bentonite clay particles would become trapped, through absorption, by the soil and would aggregate within soil pore spaces" but then offers no explanation of the long-term impact of such an occurrence. Indeed, it is highly likely that soil permeability will be reduced and diminished groundwater recharge capacity will occur, resulting in adverse impacts to groundwater resources that may extend in perpetuity.

**2.4 Hazardous Waste**

In addition to the potential mobilization of hazardous substance discussed above, the use of horizontal directional drilling (HDD) at the entry and exit points to the river utilizes hazardous materials, as acknowledged by the DEIS. The US EPA and many state environmental agencies have issued guidance documents regarding how to manage inadvertent discharges from HDD, illustrating the real potential for such an unauthorized discharge. These agencies recommend that use of HDD in wetlands and sensitive ecological systems should be avoided due to the potential for irreparable impacts. As indicated in the DEIS, several wetlands and other sensitive ecological systems will be encountered during the installation, operation, and maintenance of the transmission line, suggesting that there could be unauthorized discharge of hazardous materials in these sensitive areas.

The DEIS indicates that the applicant will be issuing a Spill Prevention, Controls, and Countermeasures (SPCC) Plan and/or an Environmental Management and Construction (EM&C) Plan prior to commencing installation of the transmission line. The DEIS states that "visual and operational monitoring" will be associated with the program, which indicates that subjective and fallible human observation will be the stop-gap measure employed by the contractors to detect "excessive loss of volume or pressure", which is not a "Best Management Practice (BMP)". The contractor will use judgment - not specified volume or pressure metrics - to determine whether a response would be triggered.

The cofferdams to be constructed around the HDD exit areas will be designed to contain certain fluids, including "hazardous materials and petroleum products such as gasoline, diesel, oils, hydraulic fluids, and cleaners", meaning that the applicant has an expectation that drilling fluids will be discharged to the environment. However, there are no pre-defined clean-up activities associated with these anticipated discharges, which suggests that the discharges will be addressed *ad-hoc*, and, despite the presence of a barge to collect fluids, there is no explanation of how the contractor will determine scientifically that discharged fluids have been collected, which does not constitute a "Best Management Practice".

**820-44:** The comment is speculative and the analysis in Section 5.2.3 of the EIS is considered sufficient. Also see response to

820-44 Comment 820-14.

**820-45:** As cited in the Draft EIS, the HDD operations would use a non-hazardous bentonite clay mixture during the drilling operations, which would be conducted in accordance with the terms of the NYSPSC Certificate, the Section 401 Water Quality Certification, and the USACE Section 10/404 permit.

**820-46:** See response to Comment 820-28.

**820-47:** The comment uses the phrase "hazardous materials and petroleum products such as gasoline, diesel, oils, hydraulic fluids, and cleaners" out of context. The Draft EIS only used this phrase to indicate that these materials would be used during normal transmission line installation activities, such as in the operation and maintenance of equipment and vehicles. The Draft EIS did not suggest that these hazardous materials would be released into the cofferdam during HDD operations. It is anticipated that only drilling mud and sediment from water-to-land HDD transitions would be released into the water column. As per industry BMPs, and in accordance with NYSDEC and USACE guidance, a full cofferdam enclosure would be constructed around the drill exit point to contain any release of mud and sediment. In addition, a floating silt curtain would be employed around the cofferdam to ensure that any releases of mud or sediment that escape the cofferdam would be contained to the work area. These BMPs are appropriate for preventing drilling mud and sediment releases, and would avoid and minimize any potential impact during HDD operations.

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Despite the inclusion of the information on activities proposed by the applicant (in Appendix G of the DEIS, DOS 2013), there is no ability to assess if those measures will be adequate to completely mitigate the potential for increased risk or remediate any unauthorized release. As each SPCC (or EM&CP) is site-specific, each should be prepared and submitted based on scientifically measurable parameters for the installation, operation, and maintenance of the transmission line prior to the issuance of a permit for construction. Moreover, since the activities will be conducted upon public lands, these documents should be made available for public review.

820-48

**820-48:** EIS Appendix G includes BMPs and mitigation measures that were incorporated into the EIS analysis and that formed part of the basis for the finding that no significant environmental impact would occur during construction or operation of the proposed CHPE Project. Additional detailed construction and operational BMPs would be developed prior to construction by the Applicant when more site-specific information is available, and made available to regulatory agencies and the public for review and comment as part of the EM&CP. Also see response to Comment 820-15.

### 3.0 Aquatic Ecosystem

This section examines the 88 miles of the CHPE Project referred to as the Hudson River Segment that is located on or under the substrate in the Hudson River Estuary between Catskill and New York City. Mile Points (CHPE MP's) designated along the CHPE Project route are measured from the New York-Canadian Border at CHPE MP 0 to New York City at CHPE MP 336. The submerged or aquatic section of the CHPE Project route enters the Hudson River Segment at CHPE MP 228 and continues along the bottom of the Hudson River Estuary downstream (south) for 67 miles to Stony Point (CHPE MP 295) where it exits the river on the west side. The CHPE Project runs overland to avoid the Haverstraw Bay SCIWII, re-enters the Hudson River Estuary at CHPE MP 303, and continues south along the bottom of the Hudson River for another 21 miles until it reaches the end of the Hudson River Segment at Spuyten Duyvil Creek (CHPE MP 324). From there it enters into the Harlem River for 6.58 miles, goes overland in the Bronx (CHPE MP 330) and finally enters the East River briefly before exiting at the terminal Luyster Creek Converter Station (CHPE MP 332).

#### 3.1 Hudson River Estuary Background

The Hudson River Estuary consists of the tidal waters from the Federal Dam at Troy, NY to the Verrazano Narrows in New York City. The tidal Hudson River possesses regionally and globally rare communities in one of the largest freshwater tidal river systems in the northeastern United States. The estuary supports nearly 100 species of special emphasis, including federally and state-listed endangered or threatened species of fish, birds, and plants. It is a spawning and nursery ground for commercially and ecologically important fish and shellfish species such as Striped Bass (*Morone saxatilis*), American Shad (*Alosa sapidissima*), Alewife (*Alosa pseudoharengus*), and Blueback Herring (*Alosa aestivalis*) (Alewife and Blueback Herring are referred to collectively as "river herring"), and Blue Crab (*Callinectes sapidus*). In addition, it hosts two endangered fish species, the Atlantic Sturgeon and Shortnose Sturgeon, and nesting bald eagles (*Haliaeetus leucocephalus*).

The IIudson River Estuary is highly diverse, and more than 200 species of fish have been recorded within the estuary and its tributaries (Daniels et al. 2005; Levinton and Waldman 2006). The only freshwater tidal wetlands in the state of New York occur in the Hudson River Estuary. It is a unique and valuable state and local resource, and has been recognized as such by the NYSDEC New York Natural Heritage Program, which identified numerous sites with rare plant and animal species and exemplary ecological communities.

Recognizing the river's wealth scientifically, the Hudson River National Estuarine Research

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Reserve was established to “[i]mprove the health and vitality of the Hudson River Estuary by protecting estuarine habitats through integrated education, training, stewardship, restoration, and research programs.” Nearly 5,000 acres of tidal wetlands and upland buffer represent the diverse plant and animal communities of the Hudson River National Estuary Research Reserve, which is headquartered at Norrie Point within the Mills-Norrie State Park, and include the Stockport Flats in Columbia County, Tivoli Bays in Dutchess County, Piermont Marsh and Iona Island in Rockland County. In addition, the New York Department of State (NYDOS) has designated numerous SCFWHs in areas that provide living and feeding areas for organisms in the estuary (see Section 3.2).

The wealth of knowledge and resources provided by the Hudson River Estuary makes it both important and unique. While the impacts as summarized in the DEIS are largely considered to be temporary, the CHPF Project is of a substantial magnitude. Further explanation of environmental reasoning behind the rejected overland alternatives is needed to justify such a large-scale impact to the Hudson River Estuary.

### **3.2 Significant Coastal Fish and Wildlife Habitats**

The NYDOS Office of Communities and Waterfronts has identified several SCFWHs along the length of the Hudson River. NYSDEC also identified certain “exclusion zones” in the Hudson River during the N.Y. *Public Service Law* Article VII review process conducted at the State level.

The CHPE Project footprint and dredging plan illustrate how the project will encounter each SCFWH in the Hudson River from Catskill to Manhattan. A total of five different SCFWHs are directly transgressed by the CHPF Project. They are, from north to south, Catskill Creek, Esopus Estuary, Kingston-Poughkeepsie Deepwater Habitat, Hudson Highlands, and Lower Hudson Reach. Based on plan view maps provided in Attachment 3 of the USACE public notice, approximately 36 miles of SCFWH will be directly impacted, which is 40 percent of the total length of the project’s Hudson River reach including the Harlem and East Rivers (88 miles, Table 1).

820-49

**820-49:** Such reasoning is sufficiently provided in the alternatives analysis from the Applicant’s CWA Section 404 Permit Application. The analysis is also provided in EIS Appendix B.

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**Table 1. DEIS and Army Corps In-Water Impacts to Significant Coastal Fish and Wildlife Habitats (SCFWH) Identified Within the Entire Hudson River Segment of the CHPE.**

SCFWH Name	Approx. Location (CHPE MP)	Approx. Location (HRM)	Approx. Length (Mi)	Length of Temporary Impact <sup>2</sup>	Permanent Impact Impact (Ft)	(Sq. Ft)	(Acres)	(Sq. Ft)	(Acres)
Catskill Creek <sup>3</sup>	221.4	112	0.06	317	4,755	0.1	-	-	-
Esopus Estuary	232.5-236	99-103	3.5 <sup>4</sup>	18,480	277,200	6.4	-	-	-
Kingston-Poughkeepsie	244-270	65-92	6.0 <sup>2</sup>	31,680	475,200	10.9	307,977	7.1	
Hudson Highlands	276-295.7	40-60	19.7 <sup>2</sup>	104,016	1,560,240	35.8	239,277	5.5	
Lower Hudson Reach	317-324	0-22	7.0 <sup>2</sup>	39,960	554,400	12.7	13,117	0.3	
<b>Total SCFWH<sup>5</sup></b>	-	-	<b>36.3</b>	<b>191,453</b>	<b>2,311,424</b>	<b>53.1</b>	<b>560,371</b>	<b>12.9</b>	
<b>Total Hudson River Reach (including Harlem and East Rivers)</b>	-	-	<b>88.5</b>	<b>467,280</b>	<b>7,357,860<sup>6</sup></b>	<b>168*</b>	<b>1,107,668<sup>6</sup></b>	<b>25.4<sup>6</sup></b>	

<sup>1</sup> Source: CHPE 2012e. Revised Wetland Delineation Report, Table 4-2.

<sup>2</sup> Source: CHFB 2012b; Length of CHPE Project cable through SCFWH measured from "Plan View Maps - Submarine Route."

<sup>3</sup> Assumed jet plow impact zone width of 15 feet as used by CHPE in impact calculations (DOP 2013).

<sup>4</sup> Source: CHPE 2012c; Tables 5.1-3 and 5.1-4. The values in these tables differ from what is presented in the Public Notice (USACE 2013) and we were unable to determine how the 8.8 acres of permanent impact was derived. The area of Hudson River impact based on Table 5.1-4 "Locations of non-burial cable installation and associated area of impact and volume of permanent fill" is much greater (25.4 acres) than the value given in the Public Notice table "Obstacles encountered: impacts from non-cable burial along the submarine route."

<sup>5</sup> Square foot and acre values do not sum within this table because permanent impacts were estimated by subtraction from total impacts in each SCFWH.

<sup>6</sup> The values for total Hudson River (including Harlem and East Rivers) temporary impacts were taken from the tables labeled "Impacts from In-Water Cable Burial" from the CHPE Project Description and Purpose (CHPE 2012d) and Public Notice (USACE 2013). Some of these values could not be reproduced here based on the information contained within the table, and therefore the source documents are believed to contain errors which should be reconciled before the Project moves forward.

Coastal Fish and Wildlife assessment documents created for each SCFWH assess criteria including ecosystem rarity, species vulnerability, human use, population level, and replaceability. Each of these five SCFWHs was declared unique and valuable for protection, and the NYDOS has routinely advised that SCFWHs should be avoided during construction. Where avoidance of SCFWHs is impracticable, DOS requests siting of any new disturbance within areas that are previously disturbed including dredged navigation or other channels. The proposed CHPE Project cable line does not appear to have been routed through previously disturbed areas except at roughly CHPE MP 239 near the town of Ulster, NY.

The CHPE Project includes both temporary disturbance of and long-term permanent impact on these important areas described above. The criteria used to determine practicability and the results of the required habitat impairment tests presented in the DEIS are ambiguous and do little to quantify the net ecological impacts on the affected SCFWH compared to the rejected overland alternatives. The areas impacted as stated in these comments were calculated based on information found in the DEIS and supporting documents, but nowhere

- 820-50 **820-50:** See response to Comment 820-10.

- 820-51 **820-51:** See response to Comment 820-10.

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in the available public record are these values made clear. A more thorough quantification and assessment of the impacts on SCFWH in the Hudson River by the CHPE Project is needed. Each of these five SCFWHs is discussed below in more detail to illustrate their features and ecological factors that were either overlooked or deemphasized in the DEIS and 404 Application.

### **3.2.1 Catskill Creek SCFWH**

The Catskill Creek SCFWH is located in the town of Catskill, on the west side of the Hudson River. An important feature of the riverine habitat is 1.2 kilometers (0.75 mile) of Kaaterskill Creek to the first impassable fish barrier, which provides spawning habitat for Alewife, Blueback Herring, White Perch (*Morone americana*), and resident Smallmouth Bass (*Micropterus dolomieu*) and Largemouth Bass (*Micropterus salmoides*), because it is more accessible than other streams in the area. These species and others including Sea Lamprey (*Petromyzon marinus*), American Shad and Striped Bass can also be found spawning throughout other areas of the Catskill Creek SCFWH in April-August. There are also several beds of submerged aquatic vegetation (SAV) in this habitat that provide food and shelter for fish and invertebrates, and a number of threatened and endangered plant species can be found in its wetlands. At least ten reptile and amphibian species are found in the Catskill Creek area. Freshwater recreational fisheries, birdwatching and nature studies are listed as human benefits.

The NYDOS SCFWH assessment for Catskill Creek warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and 404 Application, the CHPE Project will temporarily impact 0.11 of the 156 acres of the Catskill Creek SCFWH (Table 1). Some of these impacts may include degradation of water quality, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation. While the area impacted in Catskill Creek SCFWH is small, these impacts will occur in strict opposition to the protection of SCFWH as required by the NYDOS.

### **3.2.2 Esopus Estuary SCFWH**

The Esopus Estuary SCFWH is located at the mouth of the Esopus Creek, a major tributary to the upper Hudson River estuary. It is a tidal wetland complex encompassing the lower two (2) kilometers (1.3 miles) of Esopus Creek to the first barrier, and extensive unique wetlands habitats. These habitats are important spawning, nursery, and feeding areas for anadromous fish including White Perch, American Shad, Alewife, Blueback Herring, and Rainbow Smelt (*Osmerus mordax*). They also provide habitat for resident and coastal migratory species like Smallmouth and Largemouth Bass, Striped Bass and American Eel (*Anguilla rostrata*). Deepwater areas near the mouth of Esopus Creek provide important post-spawning and overwintering habitat for Shortnose Sturgeon, and both sturgeon species (Atlantic and Shortnose) use the area as a thruway for their migrations.

Estuarine-dependent and marine species are also found in the Esopus Creek SCFWH, including Atlantic Silverside (*Menidia menidia*), Bay Anchovy (*Anchoa mitchilli*), Bluefish (*Pomatomus saltatrix*), Weakfish (*Cynoscion regalis*), and Hogchoker (*Tinectes maculatus*). This stretch of the river contains several sites that appear to be important for overwintering Shortnose Sturgeon. The deepwater habitat extends right up to the shorelines in this

820-51  
820-52

**820-52:** Potential impacts to the five SCFWHs cited were addressed in EIS Sections 5.3.4 and 5.3.5. As noted in these sections, the potential for impact to each SCFWH would be minor, and the transmission line installation has been approved by the New York State agencies with jurisdiction over SCFWH areas. The NYSDOS and the NYSDEC have approved the CHPE Project installation in the SCFWHs through the issuance of the NYSPSC Certificate for the proposed CHPE Project, the Coastal Consistency Determination, and the issuance of a Section 401 Water Quality Certification.

820-53

**820-53:** As described in EIS Section 5.2.4, the crossing of Catskill Creek and its associated SCFWH by the transmission line would be accomplished by HDD and no impact to the SCFWH would occur.

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SCFWH, railroads run along both shorelines, and there are only small areas of marsh and flat habitat behind the railroad. The only sizable marsh is found behind the railroad tracks on the east side of the river at Crum Elbow.

The tidal freshwater wetlands surrounding Esopus Creek provide important feeding and resting habitat for migrating waterfowl and osprey. Submerged aquatic vegetation beds provide food and habitat for fish, invertebrates, amphibians, and birds. The wetlands contain several rare plant species including heart-leaf plantain (*Plantago cordata*), kidneyleaf mud-plantain (*Heteranthera reniformis*), and spongy arrowhead (*Sagittaria montevidensis* var. *spongiosa*). Human value from Esopus Creek SCFWH comes from recreational fishing, waterfowl hunting, and birdwatching opportunities.

The NYDOS SCFWH assessment for Esopus Creek warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and 404 Application, the CHPE Project will temporarily impact 6.4 of the 970 acres of the Esopus Creek SCFWH (Table 1). Some of these impacts may include degradation of water quality, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation. While the area impacted in Esopus Creek SCFWH is small, it is still proposed in strict opposition to the protection of SCFWH as required by the NYDOS.

### **3.2.3 Kingston-Poughkeepsie Deepwater SCFWH**

The Kingston-Poughkeepsie Deepwater habitat (sometimes referred to as two separate habitats, Kingston and Poughkeepsie) is a 40.2-kilometer (25-mile) stretch of the river from Kingston Point to Rhinecliff. It is the northernmost section of deepwater habitat in the Hudson River Estuary and contains a nearly continuous deepwater section, with depths ranging from 9 meters (30 feet) to as much as 30 meters (100 feet). Dense saline bottom waters abundant here are important to the federally listed endangered Atlantic and Shortnose Sturgeon as overwintering habitat. The area represents the upper limits of the saltwater reach of the estuarine Hudson River, and a host of estuarine-dependent and marine species are found in this area, including Atlantic Silverside, Bay Anchovy, Bluefish, Weakfish, and Hogchoker. Many of these species are commercially important and this area is believed to contribute directly to production of in-river and ocean populations of food, game, and forage fish species. In addition, many other freshwater and brackish fish species are found here, along with Blue Crab and migratory waterfowl.

The NYDOS SCFWH assessment for the Kingston-Poughkeepsie Deepwater habitat warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and the 404 Application, the CHPE Project will temporarily impact 10.9 of the 6,350 acres of the Kingston-Poughkeepsie Deepwater SCFWH, and in addition, this habitat would experience permanent impacts totaling 7.1 acres (Table 1). Some of these impacts may include degradation of water quality, change in bottom substrate, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation. While the area impacted in the Kingston-Poughkeepsie Deepwater SCFWH is relatively small, it is still proposed in strict opposition to the protection of SCFWH as required by the NYDOS.

**820-54:** As noted in the comment and in EIS Section 5.3.4, the potential for impacts to the Esopus Creek SCFWH would be minor, and the proposed CHPE Project has been approved by the New York State agencies with jurisdiction over SCFWHs. The NYSDOS and the NYSDEC have approved the proposed CHPE Project installation in the SCFWH areas through the issuance of the NYSPSC Certificate, the Coastal Consistency Determination, and the issuance of a Section 401 Water Quality Certification.

**820-55:** See response to comment 820-54, which also applies to the Kingston-Poughkeepsie Deepwater SCFWH.

**CHPE REVIEW OF IMPACT ASSESSMENTS****3.2.4 Hudson Highlands SCFWH**

The Hudson Highlands SCFWH is a swift, narrow, and deep portion of the Hudson River estuary that was recently (August 2012) expanded from encompassing HRM 44 (Jones Point) through HRM 56 (Storm King Mountain) to now include the reach of the river running from Denning's Point (HRM 60) on the north down to Stony Point (HRM 40). [As noted in the Comments to which this Report attached, Entergy is currently challenging in court the designation of the four-mile stretch of the Hudson River Estuary adjacent to Indian Point as an extended part of the Hudson Highlands SCFWH, and nothing in this Report should be deemed a waiver of its position in that proceeding.] The physical attributes of the Hudson Highlands SCFWH contribute to a rocky bottom substrate, which in turn provides highly favorable conditions for Striped Bass spawning each spring. This is also an important part of the migratory route for Atlantic and Shortnose Sturgeon, and provides habitat for freshwater, brackish, and marine species depending on the location of the salt front. In addition, a large overwintering population of bald eagles is found in this reach of the river. The Hudson Highlands SCFWH contributes directly to the populations of commercially and recreationally important fish species, and recreational fishing is a popular activity here.

The NYDOS SCFWH assessment for Hudson Highlands habitat warns against any activities that would substantially degrade water quality, increase turbidity or sedimentation, or alter flows, temperature or water depths. Based on the DEIS and the 404 Application, the CHPE Project will temporarily impact 35.8 acres of the 6,350 acres of the Hudson Highlands SCFWH, and another 5.5 acres will be permanently impacted (Table 1). Some of these impacts may include degradation of water quality, change in bottom substrate, increased turbidity or sedimentation, and an altered temperature or water depth due to cable construction and operation.

New information reveals that the upper reaches of this SCFWH (approximately HRM 53-59) are also a critical overwintering habitat for juvenile sturgeon of both species, but particularly for juvenile Atlantic Sturgeon. This new information is found in a report submitted to the National Marine Fisheries Service (NMFS) on behalf of Entergy to describe the "lake" of Atlantic and Shortnose Sturgeon while performing the Hudson River Biological Monitoring Program (HRBMP) during the period 29 August 2012 through 28 August 2013 (Normandeau 2013a).

The HRBMP is a continuing and extensive annual biological monitoring program that has been performed for more than four decades to assess potential impacts of cooling water withdrawals from electric power generating stations (including Indian Point) on the Hudson River ecology. The present HRBMP consists of four discrete fisheries sampling programs that have been developed under the oversight, and with the input, of regulators including the NYSDEC. Conducting the HRBMP is an annual requirement of the current State Pollutant Discharge Elimination System ("SPDES") water withdrawal and discharge permit for Indian Point. The four fisheries sampling programs comprising the current HRBMP are the Long River Ichthyoplankton Survey, Fall Juvenile Survey, Beach Seine Survey, and Striped Bass/Atlantic Tomcod Mark/Recapture Survey. Fisheries sampling is scheduled in each month of the year by one or more of these four programs in the Hudson

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River Estuary from the Battery in Lower Manhattan (HRM 0) to the Troy Dam near Albany (HRM 152).

Shortnose Sturgeon and Atlantic Sturgeon are occasionally collected while performing the HRBMP. The incidental collection and handling of these two sturgeon species during performance of the current HRBMP is permitted under the provisions of NMFS Permit to Take Protected Species for Scientific Purposes No. 17095-01 and NYSDEC Permit No. 313. One program in particular, the Fall Juvenile Fish Survey, has been independently verified to provide a valuable index of the abundance and distribution of juvenile sturgeon in the Hudson River Estuary (Woodland and Secor 2007). The primary objective of the Fall Juvenile Survey is to determine the seasonal occurrence, abundance, and distribution of juvenile (young of the year, or "YOY") fish in the 152 mile portion of the Hudson River estuary between Battery Park at the southern tip of Manhattan and the Troy Dam above Albany. Sampling is performed during 8 to 12 alternate weeks spread between early July and late October of each year. About 200 samples per week are collected at randomly selected tow paths allocated among 13 geographic regions and three depth strata. The present Fall Juvenile Fish Survey is a massive biological monitoring program that is unprecedented in the combined within-year temporal, spatial and geographic extent for the number of consecutive years of sampling. Annually, the Fall Juvenile Fish Survey collects about 2,050 samples per year, and identifies and enumerates all fish caught, with more than 66,000 samples collected and analyzed during the 1979-2013 period.

The 2012-2013 HRBMP collected a total of 121 Atlantic Sturgeon and 57 Shortnose Sturgeon during the one-year period from 29 August 2012 through 28 August 2013, and these sturgeon were caught primarily in 3-m beam trawl samples deployed to collect fish living directly (i.e., within 0.7 meters or 2 feet) in association with the river bottom substrate at randomly selected locations throughout the Hudson River Estuary. When the GPS locations of trawl samples catching sturgeon are overlaid on the maps of the CHPE Hudson River Segment transmission line route (Figure 1), it is apparent that more than half (65 fish or 54%) of the total catch of 121 Atlantic Sturgeon came from the upper portion of the Hudson Highlands SCFWH located between Denning's Point and Constitution Island (HRMs 53-59; CHPE MPs 277-283). More importantly, nearly all of these juvenile Atlantic Sturgeon (52 fish out of 65 fish or 80%) came from just one mile of the Hudson Highlands SCFWH (HRM 55; CHPE MPs 280-281) adjacent to Storm King Mountain that is directly in contact with the substrate along the proposed route of the CHPE transmission line (Figure 1). Nearly all of the juvenile Atlantic Sturgeon caught during 2012-2013 from the Hudson Highlands SCFWH near Storm King Mountain were caught during the late summer and fall, indicating that this area is an important and previously undiscovered overwintering habitat for juvenile Atlantic Sturgeon. Thus, any cable embedment activities should avoid this location and sensitive time period to protect the sturgeon. Shortnose Sturgeon also inhabit the same upstream portion of the Hudson Highlands SCFWH as evident by their catch in the 2012-2013 HRBMP (Figure 1). Based on these new observations, in conjunction with the uncertainties about operational EMF and construction impacts on these two federally-listed endangered sturgeon species (Section 2.2 above), and the exact spatial juxtaposition of both overwintering juvenile Atlantic Sturgeon and the CHPE Project transmission corridor, we conclude that at least the upper portion of the Hudson Highlands SCFWH should be avoided by an overland route to protect the sturgeon.

820-56

**820-56:** As documented in its BA and in EIS Section 5.3.5, in consultation with NMFS, DOE has concluded that the proposed CHPE Project may affect, but is not likely to adversely affect, the shortnose sturgeon or the Atlantic sturgeon. DOE has also concluded that an overland route avoiding this area of the river is not a reasonable alternative (See EIS Section 2.5.2).

**CHPE REVIEW OF IMPACT ASSESSMENTS****3.2.5 Lower Hudson Reach SCFWH**

The Lower Hudson Reach extends from Battery Park to Yonkers, and is considered one of the New York City SCFWHs. The shoreline in this area has been extensively altered, but its status as one of only a few large tidal river mouth systems in the northeastern US makes it unique and important habitat. The Lower Hudson Reach is characterized by a wide range of salinities and by the seasonal influx of large volumes of freshwater flowing from the Hudson River, especially from fall through spring. The area is a very important feeding and overwintering area for juvenile Striped Bass, which feed on abundant zooplankton near the salt front. Other important fish species including Summer Flounder (*Paralichthys dentatus*), White Perch, Atlantic Tomcod (*Micragadus tomcod*), Atlantic Silverside, Bay Anchovy, Illograsher and American Eel use this area of the estuary, as well as Shortnose and Atlantic Sturgeon. This habitat also plays an important role for Blue Crabs and waterfowl. Based on information in both the DEIS and the 404 Application, the CHPE Project would have a temporary impact of 12.7 acres in the Lower Hudson Reach SCFWH, with approximately 0.3 acres of permanent impact (Table 1). Some of these impacts may include degradation of water quality, increased turbidity or sedimentation, change of bottom substrate, and an altered temperature or water depth due to cable construction and operation. While the area impacted in Lower Hudson Reach SCFWH is relatively small, it is still proposed in strict opposition to the protection of SCFWH as required by the NYDOS.

820-57

**820-57:** As noted in the comment, the potential for impact to this SCFWH would be minor, and the transmission line installation has been approved by the New York State agencies with jurisdiction over SCFWHs. The NYSDOS and the NYSDEC have approved the proposed CHPE Project installation in the SCFWHs through the issuance of the NYSPSC Certificate, the Coastal Consistency Determination, and the issuance of a Section 401 Water Quality Certification.

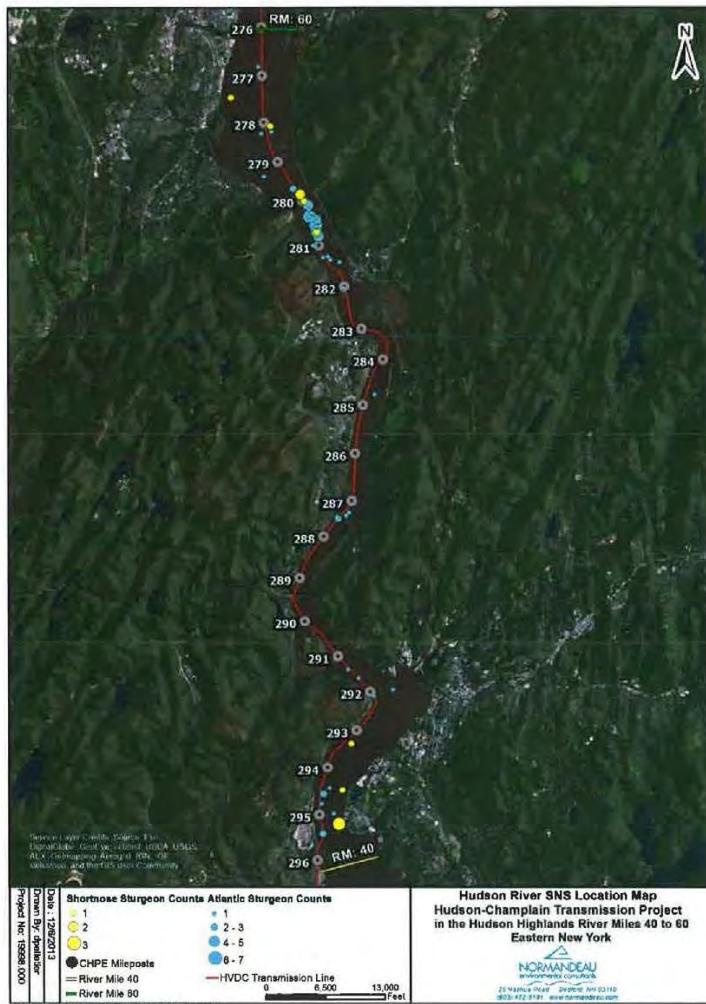
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Figure 1. Trawl sampling locations from random locations within the Hudson Highlands SCFWH of the Hudson River Estuary where juvenile Atlantic Sturgeon and Shortnose Sturgeon were caught by the HRBMP during 29 August 2012 through 28 August 2013 in relation to the proposed CHPE Project transmission cable route.

**CHPE REVIEW OF IMPACT ASSESSMENTS****3.3 Construction Impacts****3.3.1 Jet Plow Entrainment**

Both the CHPE Project DEIS and USACE Public Notice (NAN-2009-01089-EYA) state that "the proposed method for laying and burial of a majority of the underwater HVDC cable is the plow/water jetting embedment process." In-water cable burial impacts will include 185.8 miles of installation in Lake Champlain, the Hudson River, the Harlem River, and the East River. The DEIS indicates that installation of HVDC cable in an aquatic environment proceeds at approximately one to three (1-3) miles per day. Assuming this rate of cable embedment is correct, aquatic installation of the HVDC cable within the 88 miles of the Hudson River Segment will encompass anywhere between 29 and 88 days of habitat disturbance due to jet plowing activities in the benthic substrates. Although these trenches are considered a temporary impact and part of the BMP, jet plowing activities have direct impacts on fish spawning and foraging activities, planktonic eggs and larvae (ichthyoplankton), and zooplankton found in the water column as a function of increased turbidity, and benthic macroinvertebrates, as a function of direct disturbance, burying, or sedimentation in adjacent substrates. While these impacts may be negligible for certain embedment activities, the magnitude of the CHPE Project suggest otherwise.

Effective use of the jet plow ("water jet," "hydraulic plow") construction technique is dependent upon the requisite information being available to understand potential aquatic impacts. However, there is too much uncertainty in the application to establish that the process is or can be properly used for the CHPE Project to minimize impacts. For instance, it is unclear where in the water column the inlet siphon for the jet plow would withdraw water, whether it will entrain demersal or pelagic fish eggs or both, and whether the time period for in-river construction will avoid all stages of ichthyoplankton. The jet plow method is not likely to significantly impact adult or juvenile fish on a long-term basis because they will likely avoid the suction current during construction and therefore not be subject to impingement or entrainment by the jet plow water withdrawal currents.

The Long River Survey ("LRS") is part of the HRBMP that was initiated in 1974 and annually monitors the seasonal abundance and distribution of ichthyoplankton weekly or biweekly during the months of March through November at randomly-selected stations throughout the entire Hudson River Estuary. Results of each annual survey are presented to NYSDEC and other agencies in a document referred to as a "Year Class Report". In the most recent year available (the 2011 Year Class Report), fish eggs and larvae from at least seven important fish species identified from the SCFWH designations were present and often abundant within the Hudson River Estuary from July to November (ASA 2013; AKRP 2013; Normandeau 2013b; Table 2), which overlaps with the proposed in-water construction periods for the Hudson, Harlem, and East River portions of the Hudson River Segment of the CHPE Project (Table 2-2 of DEIS).

Although considered environmentally sensitive, the DEIS and 404 Application do not quantify the impacts from the use of ambient river water for jet plowing due to entrainment of river organisms including ichthyoplankton (i.e., fish eggs and larvae) and zooplankton (Reine and Clarke 1998). Entrainment is defined as the direct uptake of aquatic organisms by a suction field, and may result in injury or mortality due to mechanical damage when drawn into, and passed through the water jet. While the DEIS claims that the project

**820-58:** The Applicant has consulted with the NYSDOS, NYSDEC, and NMFS, and has agreed to conduct aquatic activities only during certain time periods to prevent impacts to fish spawning, planktonic eggs and larvae, juvenile fish, and fish migration. The evaluation presented in EIS Sections 5.3.4 and 5.3.5 considered the implementation of these construction windows (identified in Table 2-2 in the EIS) and other BMPs in reaching the conclusion that installation of the proposed CHPE project would not result in significant impacts on the environment.

820-59 **820-59:** See response to Comment 820-58.

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operations have been scheduled to minimize interaction with aquatic organisms in the water column, plankton are nearly ubiquitous within the aquatic project construction zone during all portions of the construction window for the CIPE Project (Cole and Caraco 2006), and recent (2011) data shows that ichthyoplankton are present in the Hudson River throughout the range of underwater construction windows (Table 2). Therefore, jet plow cable embedment will inevitably entrain and kill an unspecified number of ichthyoplankton.

**Table 2. Range and peak seasonal occurrence of Hudson River ichthyoplankton species and life stages, 1974-2011<sup>1</sup>.**

Species	Eggs		YSL		PYSL	
	Range	Peak	Range	Peak	Range	Peak
Striped bass	July-Aug	end July	July-Aug	end July	July-Sep	mid Aug
White perch	July-Sep	end July	July-Sep	end July	July-Sep	mid Aug
Atlantic tomcod	Dec-Jan	January	Feb-Apr	March	Apr-May	April
Bay anchovy	July-Oct	mid Sep	July-Nov	late Aug	Aug-Nov	mid Sep
American shad	July-Aug	mid July	July-Aug	end July	July-Sep	early Aug
Alosa spp.	July-Aug	end July	July-Aug	end July	July-Sep	early Aug
Rainbow smelt	July	mid July	July	mid July	July-Aug	end July

Adapted from ASA 2013, AKRF 2013, and Normandeau 2013b.

The expected impact from the loss of these organisms must be quantified in the DEIS and 404 Application and placed in perspective with other known sources of entrainment losses to fully assess cumulative impacts. A model using the volume of Hudson River water pumped per hour in hydraulic plowing and the expected hours of hydraulic plow use during construction should be developed. Such a model can be used in conjunction with available data on seasonal abundance to determine the expected losses if an overland route is not selected. Information about where in the water column (at what depth) water is suctioned for the jet plow and dimensions of the intake should also be provided and compared with the seasonal and vertical distribution of all planktonic organisms to determine the size and magnitude of organisms entrained during jet plowing activities. Entrainment of ichthyoplankton from a moving plow apparatus is particularly worrisome as many of the SCFWII the CIPE Project traverses are important nursery areas and the path may effectively siphon up large concentrations of fish eggs and larvae.

Losses of phytoplankton, macroinvertebrates such as comb-jellies (*Ctenophora spp.*), and zooplankton from the water column have the potential to directly impact populations of these species themselves, but also have indirect impacts to the local food web including commercially and ecologically sensitive species that rely on them as prey during different stages of their life history. Unlike a fixed location intake, the water entrained during jet plowing will come from a variety of diverse and sensitive habitats that are known to be important spawning and nursery areas, including SCFWII's, throughout the 88 miles of the Hudson River Segment. Because of these potential losses, this jet plow entrainment analysis should be included in both the DEIS and 404 application impact summary to determine no significant impact to Hudson River Estuary aquatic communities.

- 820-60 **820-60:** See response to Comment 820-39.

- 820-61 **820-61:** See response to Comment 820-39.

**CHPE REVIEW OF IMPACT ASSESSMENTS****3.3.2 Recreational Fishing Data**

The DEIS concludes that there will be no impact on recreational angling in the Hudson River "because vessels could either transit around the work site or use a different area of the Hudson River." This is obviously a vast oversimplification of the issue. Sedimentation will affect species, as noted above, in a manner unaddressed in the DEIS. Further, the DEIS fails to consider that the CHPE Project will require a "no anchor" corridor for its full extent in the Hudson River (88 miles by 30 feet wide), for which the responsibility of enforcement will fall on local and State law enforcement officials.

The affected environment section gives one short paragraph on Hudson River recreational fisheries, with a citation for surveys conducted in the mid-1990s. However, creel surveys conducted in 2001-2002 and 2005 for NYSDEC provide detailed information on fishing effort, catch, and characteristics of the fishery that is considerably more up to date and inclusive than what was considered in the DEIS and 404 Application (Normandeau 2007). Impacts on fisheries in the Hudson River cannot be adequately measured in the DEIS without use of more recent and complete data.

**3.3.3 Riprap Mats**

The DEIS and 404 Application both indicate that there will be sections of the submarine cable that cannot be buried to full depth due to obstacles such as existing infrastructure (utility lines, etc.) or surface bedrock. At these areas the project proposes to place the cable on the riverbed or at a shallower buried depth (less than four feet below the riverbed). Protective covering such as articulated concrete or riprap mats would be used to protect the cable.

Based on information from the Army Corps of Engineers Public Notice NAN-2009-01089-EYA, the use of protective coverings for the HVDC cable where underwater obstacles are encountered will result in a permanent impact to approximately 25.4 acres of habitat in the Hudson River. This value is not stated in the DEIS, nor is there provided any indication of where these areas of habitat alteration are likely to occur and their relation to SCFWH. [We approximated the value by converting the "Footprint area (sq ft)" in Table 5.1-4 of CHPE 2012d to acreage.] Some of the areas may include subsurface bedrock that prevents burial at the desired depth, which would cause loss of soft bottom habitat and replacement with protective riprap covering, resulting in a net loss of foraging habitat for Atlantic and Shortnose Sturgeon.

The use of riprap mats also has the potential to act as suitable habitat for invasive Zebra Mussels (*Dreissena polymorpha*), a mussel species introduced in 1992 that has caused significant declines in phytoplankton and zooplankton biomass due to their filter feeding activities, and has changed the foraging habits of some important fish species (e.g., Blueback Herring juveniles; Pace et al. 1998, Strayer et al. 2004). The short-term and long-term consequences of the proposed habitat alterations due to CHPE Project construction activities have not been adequately investigated for Zebra Mussels and for other, more recent invasive species, like the Asiatic clam (*Corbicula fluminea*), the Chinese Mitten Crab (*Eriocheir sinensis*) and the Asian Shore Crab (*Hemigrapsus sanguineus*). Altering the benthic habitat due to addition of rip-rap mats could encourage the establishment and expansion of these invasive species in portions of the Hudson River Estuary that are currently unsuitable because the established benthic communities are capable of repelling these invasive species.

820-62 **820-62:** See response to Comment 205-03.

820-63 **820-63:** Impacts on fisheries in the Hudson River are addressed in the EIS using best available information. The EFH Assessment, included as Appendix R to the Final EIS, provides an analysis of impacts on Magnuson-Stevens Fishery Conservation Management Act (MSA)-protected fisheries.

820-64 **820-64:** See response to Comment 204-16. Maps of the SCFWHs in relation to the transmission line route have been added to the BA.

820-65 **820-65:** See response to Comment 204-15.

**CHPE REVIEW OF IMPACT ASSESSMENTS****3.4 Cumulative Impacts****3.4.1 Tappan Zee Bridge Project**

The NYSDEC issued a permit to the New York State Thruway Authority authorizing construction of a new bridge to replace the existing Tappan Zee ("TZ") Bridge on 25 March 2013 ("the Permit"). The TZ Bridge is located within the mile-long segment of the Hudson River referred to as HRM 27. The Permit provides authorizations for the TZ Bridge construction activities beginning 25 March 2013 and continuing through 24 March 2019 under Tidal Wetlands – ECL Article 25, Section 401 Water Quality Certification – ECL Article 15, and Endangered/Threatened Species (Incidental Take) – ECL Article 11.

The Permit requires, among other things, implementation of an Endangered and Threatened Species Mitigation Plan ("ET Mitigation Plan") for the TZ Bridge Construction Project ("the TZ Bridge Project"), consisting of the following seven (7) activities to insure the project will proceed with a Net Conservation Benefit to the Shortnose and Atlantic Sturgeon within the Hudson River Estuary:

1. Mapping of benthic habitat that could be used by both sturgeon species for 152 miles of the Hudson River from NY Harbor to Troy.
2. Study of the foraging habits of each life stage of both species of sturgeon so that their diet can be linked to use of the benthic habitats mapped for foraging within the entire Hudson River Estuary.
3. Tagging of Shortnose and Atlantic Sturgeon and tracking their movements so habitat use can be determined within the entire Hudson River Estuary.
4. Collection of immature and adult Shortnose Sturgeon and immature Atlantic Sturgeon during the winter months to identify important overwintering habitat throughout the entire Hudson River Estuary.
5. Collection and tagging of both sturgeon species with ultrasonic tags and passive integrated transponder tags that are compatible other research activities, and searching for tags administered by all researchers to better understand sturgeon movements and habitat use within the entire Hudson River Estuary.
6. Tracking acoustic tagged sturgeon of both species in the vicinity of the TZ Bridge Project and elsewhere to obtain knowledge of species distribution and habitat use as affected by construction activities.
7. Develop an outreach program to the commercial fishing industry with the goal of reducing the commercial by-catch of Atlantic Sturgeon in the near-shore Atlantic Ocean coastal waters.

The Permit also requires implementation of a Compensatory Mitigation Plan to mitigate impacts from the construction of the new TZ Bridge, including:

1. Re-establishment of 13 acres of hard bottom/shell oyster habitat nearby from material removed from the TZ Bridge Project.
2. Secondary Channel Restoration at Gay's Point (HRM 122).
3. Wetland Enhancement at Piermont Marsh (HRM 24, west).

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4. Supplemental Habitat Replacement or Enhancement elsewhere within the Hudson River Estuary.

The new information obtained from the ET Mitigation Plan Studies represent important advances in the scientific knowledge of sturgeon habitat use within the Hudson River Estuary that must be considered before sound scientific conclusions can be reached about the nature and magnitude of impacts from the CHPE Project. It is clear that the CHPE Project DEIS and 404 Application did not consider the important new information that will be obtained by the ET Mitigation Plan for the TZ Bridge Project because these studies just began in 2013 and will conclude in 2019. However, given the coincidence of the CHPE Project and TZ Bridge Projects in time and space, the importance of the Hudson River Estuary as a special aquatic site designated by the Hudson River Estuary Management Act, and the voracity of the scientific information required by the ET Mitigation Plan for the TZ Bridge Project, conclusions of no or temporary impacts stated in the DEIS for the CHPE Project on federally listed Shortnose Sturgeon and on the Gulf of Maine Distinct Population Segment ("DPS"), New York Bight DPS and the Chesapeake Bay DPS of Atlantic Sturgeon are premature.

Both in-kind and out-of-kind mitigation for endangered sturgeon species affected or potentially affected by the CHPE Project must be commensurate with the magnitude of impacts quantified. The intersection of benthic habitat disturbance along the path of the CHPE Project in the Hudson River Segment and the foraging, overwintering, spawning, nursery, and resting habitat use by each life stage (egg, larvae, juvenile, adult) of the two sturgeon species in space and time must be reconciled before scientifically valid conclusions can be reached about the magnitude of impacts. It is not scientifically credible to reach LEDPA conclusions in the DEIS or 404 Application for the CHPE Project based the "best available information" with the knowledge that significant new information was required and is forthcoming from the studies required by the ET Mitigation Plan for the TZ Bridge Project.

While the outcome of studies required by the ET Mitigation Plan of the TZ Bridge Project is not yet known, the available information suggests the scale of the CHPE Project is of a comparable relative magnitude or larger than the TZ Bridge Project with respect to the potential to impact Shortnose and Atlantic Sturgeon in the Hudson River Estuary. The TZ Bridge Project impacts are spatially constrained to a relatively short mile-long segment of the Hudson River Estuary and temporally restricted to a construction period of 6 years. Impacts are further constrained to construction periods within each year to avoid use of the habitat near the TZ Bridge Project by migrating sturgeon. Adult sturgeon, particularly the anadromous Atlantic Sturgeon, must traverse the TZ Bridge Project both when entering the Hudson River Estuary from the sea to migrate upstream and spawn in the freshwater portion, and when returning to the sea after spawning. The CHPE Project is spatially extensive within the Hudson River Segment over approximately the same construction period, and therefore has a greater potential to interact with all life stages of sturgeon than the TZ Bridge Project. Specifically, the TZ Bridge Project will disturb 139 acres of Hudson River Estuary benthic habitat due to dredging, and 107 acres of this dredged habitat will be covered with sand and stone and permanently altered during and following construction. None of the habitat temporarily or permanently disturbed by dredging for the TZ Bridge

**820-66:** The Tappan Zee Bridge Project Endangered and Threatened Species Mitigation Plan has not yet provided data that are useful to the proposed CHPE Project analysis in the Final EIS. Also see response to Comment 820-15.

**820-67:** DOE, in consultation with NMFS, has determined that the available data on the presence of Atlantic and shortnose sturgeon, and their use of the area is sufficient to reach a conclusion that the proposed CHPE Project may affect, but is not likely to adversely affect, the shortnose sturgeon or the Atlantic sturgeon. See response to Comment 820-66 regarding the mitigation plan.

**CHPE REVIEW OF IMPACT ASSESSMENTS**

Project is within a designated SCFWH. The Hudson River Segment of the CHPE Project will extend along 88 miles of benthic habitat in the Hudson River Estuary, 36 miles of which are located among five SCFWHs, temporarily disturbing an estimated total of 168 acres of aquatic benthic habitat during entrenchment by jet plowing, and permanently disturbing another 25 acres of habitat by installation of rip-rap mats (Table 1). However, this review suggests that the amount of habitat temporarily or permanently altered may both be underestimated in the DEIS when the additional impacts identified in this report are considered. Therefore, based on available quantitative estimates of the areas affected by construction and installation activities, the CHPE Project is at least comparable to the TZ Bridge construction Project, but has the potential to affect a wide variety of habitats and five SCFWHs along 88 miles of the Hudson River Estuary and should require at least comparable mitigation.

#### **3.4.2 West Point Transmission Project**

West Point Partners, LLC submitted an application to the United States Army Corps of Engineers (“USACE”) dated 31 July 2013 for a Department of the Army Individual Permit for the West Point Transmission Project (“West Point Project”). This project falls under jurisdiction of the New York State Public Service Commission rather than the New York State Department of Environmental Conservation. The permit is being sought to install a buried cable system for delivery of high voltage electricity between the existing National Grid Leeds Substation (Leeds Substation) in the Town of Athens, Greene County, NY and the existing Consolidated Edison Company of New York, Inc. (Con Edison), Buchanan North Substation (Buchanan Substation) located adjacent to the Indian Point Energy Center in the Village of Buchanan, Town of Cortlandt, Westchester County, NY. For approximately 77 miles of its length, the Project will be buried under the bed of the Hudson River Estuary.

The proposed In-River Cable Route runs from the Transition Vault located in the vicinity of the Northern Landfall near HRM 118 on the west side of the Hudson River to the Transition Vault located in the vicinity of the Southern Landfall near HRM 42 on the east side of the Hudson River. The total length of the In-River Cable between these two locations will be approximately 77.6 miles. The large majority of this cable will be embedded into the river bottom by hydraulic jetting.

The permit requests authorization for the West Point Project construction activities beginning June 2014 and continuing through May 2016, with cable installation work beginning in 2015. While the permit has not yet been granted, the permit will likely require completion of agency consultations, modeling of benthic impacts, essential fish habitat assessment, and several other impacts. Some of these have already been completed and others are in process or will be scheduled as the permitting process continues.

The new information obtained from these studies represents important advances in the scientific knowledge of the Hudson River Estuary that must be considered before sound scientific conclusions can be reached about the nature and magnitude of impacts from the CHPE Project. It is clear that the CHPE Project DEIS and 404 Application did not consider the important new information that will be obtained by the permitting and impact analysis of the West Point Project because these studies just began in 2013 and will conclude in 2016. However, given the coincidence of the CHPE Project and West Point Projects in time and space, the importance of the Hudson River Estuary as a special aquatic site designated by

**CHPE REVIEW OF IMPACT ASSESSMENTS**

the Hudson River Estuary Management Act, and the wealth of the scientific information required by the permitting process of the West Point Project, conclusions of no or temporary impacts stated in the DEIS for the CHPE Project on federally listed Shortnose Sturgeon and on the Gulf of Maine Distinct Population Segment (“DPS”), New York Bight DPS and the Chesapeake Bay DPS of Atlantic Sturgeon are premature.

The proposed West Point Project is planned for a subset of the same stretch of the river where CHPR intends to install HVDC cables. Because this overlap is not detailed in either permit application at this time (CHPE or West Point Partners), it is unclear whether the installation would occur simultaneously or staggered, or where the two cables would be laid in relation to each other. The disturbance of the same area of river bottom twice in a short period of time has the potential to disrupt communities attempting recovery from the first installation, and could cause the long-term degradation of habitat. The area in which the West Point Project is planned also includes SCFWHs deemed to be unique and valuable living and feeding grounds for animals. The impacts of construction, operation (including electro-magnetic fields), and maintenance of the West Point Project will add significant pressure to an area and aquatic community already disturbed by the CHPE Project and may increase the duration and severity of impacts.

It is essential that the cumulative effects section of the CHPE Project DEIS be expanded to include updated facts about the placement and timing of the West Point Project in relation to the installation of HVDC by CHPE. Without this information, the conclusion of no significant negative impact is made using incomplete analysis.

**3.4.3 TDI New England Clean Power Link Lake Champlain**

TDI New England has proposed a 1,000 MW HVDC underwater and underground transmission line from the Canadian border to New England via Vermont, to be installed by 2019. Approximately 100 miles of this HVDC cable would run through Lake Champlain. The impacts of this project should be considered in Cumulative Impacts under Present and Reasonably Foreseeable Transmission Projects.

**4.0 Least Environmentally Damaging Practicable Alternative**

The CHPE Project Alternatives Analysis presented in the DEIS followed the Clean Water Act 404(b)(1) Guidelines for Selecting the Least Environmentally Practicable Alternative (LEDPA). The project proponent must demonstrate there is “no practicable alternative that would have less adverse impact” and “which does not have other significant adverse environmental impacts to waters of the United States”. An alternative is considered practicable “if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose”.

CHPE conducted and refined several alternatives analyses, including for the New York State Siting and Permitting Process (CHPE 2010a, 2010b), the DEIS (DOE 2013, Appendix B), an updated Alternatives Analysis dated January 18, 2011 in the Coastal Zone Consistency Determination (CHPE 2011), a supplemental Alternatives Analysis (CHPE 2012c) and the Alternatives Analysis Report included in the CWA 404 permit application (CHPE 2013). According to the USACE 2013 permit application and attachments (CHPE 2013d), several design and routing changes were adopted that avoid the in-water route “to the extent

**820-68:** Comment noted. The EIS cumulative effects analysis is considered to cover the updated information sufficiently for the proposed West Point Transmission Project. Also see response to Comment 820-11.

**820-69 820-69:** See response to Comment 820-11.

**CHPE REVIEW OF IMPACT ASSESSMENTS**

practical and feasible" as part of the NYS siting and permitting process, specifically Article VII of the New York State Public Service Law (CHPE 2010a, 2010b) and NY DOS Coastal Zone Consistency determination (CHPE 2011). The applicant claims that these routing changes included portions of the Hudson River Western Rail Line Route and Harlem River Rail Line route.

According to the 404 Alternatives Analysis report (CHPE 2013), adopting these elements would result in the applicant incurring additional "significant" costs. The alternatives analysis then evaluated the practicability of three alternatives that avoid Hudson River impacts: the Hudson River Western Rail Line Route, use of existing ROWs east of the Hudson River including rail and roads; and an alternative entirely over land (either with overhead or buried transmission lines) using a new power line route. These alternatives were deemed not practicable based on logistics and costs.

One of the alternatives located the CHPE Project with other utilities or roadways. The proponents state that co-location of utility and transportation corridors expose infrastructure to increased risk from terrorism, necessitating a single corridor for each utility to minimize risk. In addition, the applicant states that submarine routes are inherently more secure because of the lack of visible markers. First, the vast majority of high-voltage transmission lines in the United States are above-ground. Second, the submarine location through the Hudson River Estuary, even though not visible, is no less vulnerable than an overland route and could still be easily located by simple reference to navigation charts (due to the "no anchor" zone), and would therefore not offer substantially increased protection from terrorism or attack, even assuming such a threat realistically exists (none has been documented in the record).

Elimination of alternatives as impracticable based on cost raises the question of what is an acceptable cost. Under the 404(b)(1) guidelines that determine what is an unreasonable expense, the applicant should be required to consider whether the projected cost is substantially greater than the cost normally associated with this type of project. In this respect, the applicant compares construction costs for the CHPE Project to costs for other cable installation projects; specifically the Neptune, Port Angeles-Juan de Fuca, Transbay and Northern Pass (the sole overland project) projects (Table 3-2 in Appendix B, CHPE 2013). The applicant claims that the costs per MW are significantly higher by 47% compared to the next most expensive project (Port Angeles). The "comparable" projects are much shorter than CHPE, and thus do not capture the economies of scale that would occur in a project of the length of CHPE. The cost per mile of CHPE (approximately \$6.0 million) is less than the cost per mile for the other submarine projects and compares favorably with the overland Northern Pass (\$6.1 million per mile). Cost per mile is also more appropriate comparison than cost per megawatt. The applicants estimate that an overland project would increase costs by 35% to 79% over what is defined as baseline costs. This increase would still make the costs per mile similar to "reasonable" costs of comparable overland projects.

**820-70:** As presented in EIS Section 2.5 and in the LEDPA analysis included as Appendix B in the EIS, the Applicant considered a number of factors, including cost, in developing their proposed project. DOE reviewed and independently analyzed the LEDPA analysis and other documents to arrive at its determination that certain overland and overhead options are not reasonable alternatives to the Applicant's proposed project. Project development costs were just one factor among many considered.

**CHPE REVIEW OF IMPACT ASSESSMENTS****Table 3. Transmission line construction cost comparison.**

	CHPE	Neptune	Port Angeles-Juan de Fuca	Transbay	Northern Pass
Overall cost	\$1,999,800,000	\$600,000,000	\$750,000,000	\$505,000,000	\$1,100,000,000
MW	1,000	660	550	400	1,200
Miles	332.8	65	31	57	180
Cost per Mile	\$6.0m <sup>b</sup>	\$9.2m	\$24m	\$8.9m	\$6.1m

<sup>b</sup>million

Deeming alternatives that avoid the Hudson River Estuary as "not practical" eliminates them from further consideration in the alternatives analysis. The only remaining practicable alternative under this analysis is the submarine route through the Hudson River Estuary. Thus, the applicant failed to examine the environmental impacts or perform a full environmental cost benefit analysis with respect to each of the alternative routes as it would have done for a water dependent use project. By default, the submarine alternative is deemed the "least environmentally damaging" because it is the only remaining alternative. However the 404(b)(1) guidelines stipulate that the project proponent must demonstrate there is no "practicable alternative ...which would have less adverse impact on the aquatic ecosystem" and "does not have other significant adverse environmental consequences".

The project proponent considered only freshwater and tidal wetlands in its wetland impact assessment. Impacts to the Hudson River Estuary bottom should be considered both a regulated tidal wetlands and a special aquatic site based on consideration of the portions that are SCFWH. Approximately 7,357,860 square feet (168 acres) of river bottom would be disturbed during burial of the HDVC cable (USACE 2013). This would be considered a temporary impact as well as a temporal impact, as there would be a loss of wetland functions and values during habitat recovery. An additional 1,107,700 square feet (25 acres; based on Table 5.1-4 of CHPE 2012d) of permanent impact would result from fill from concrete mats placed over cable crossings over bedrock and existing utilities. These impacts were not considered in the assessment of wetland impacts. The proposed wetland mitigation did not include compensation for these impacts. We would argue that these impacts to the Hudson River, along with impacts to freshwater wetlands would constitute a significant adverse impact to waters of the United States'.

Compliance with the 404 (b)(1) Guidelines includes special consideration of discharges proposed for special aquatic sites. Defined in Subpart E, these include sanctuaries and refuges, wetlands, mudflats, and vegetated shallows. The Hudson River Estuary is defined as a special aquatic site. If the activity associated with the discharge does not require access or proximity to, or siting within, a special aquatic site (also known as "water dependent use") to fulfill its basic purpose, practical alternatives that do not include special aquatic sites are presumed to be available unless clearly demonstrated otherwise. The applicant states that "while the project does not itself constitute a 'water-dependent' use, several conditions ensure that the transmission cables will be sited and installed in a manner that facilitates water-dependent economic uses and avoids interference with other important water-dependent uses such as navigation and fishing". These conditions include installation using a single-trench jet plow at the "maximum achievable depth", at least six feet below the sediment-water interface and 15 feet in Federal Navigation channels (NYDOS Coastal Zone Consistency Determination, CHPE 2011). The proposed project does not require access or proximity to, or siting within, a special aquatic site to fulfill its project purpose nor do the

820-71

**820-71:** Until such designations are made by the appropriate agencies, the EIS analysis cannot assume such considerations. Also see responses to Comments 820-07 and 820-10.

**CHPE REVIEW OF IMPACT ASSESSMENTS**

special conditions assure that water dependent uses of this project are maintained. Therefore, when fully valued, it appears that indeed at least one practicable overland alternative exists that is not within the Hudson River Estuary and therefore does not traverse five SCFWHs. The land-based alternatives may indeed be the LEDPA when the scientific uncertainties identified in this review are fully addressed and compared to the significant adverse impact to the Hudson River Estuary by the CHPE Project in a revised alternatives analysis.

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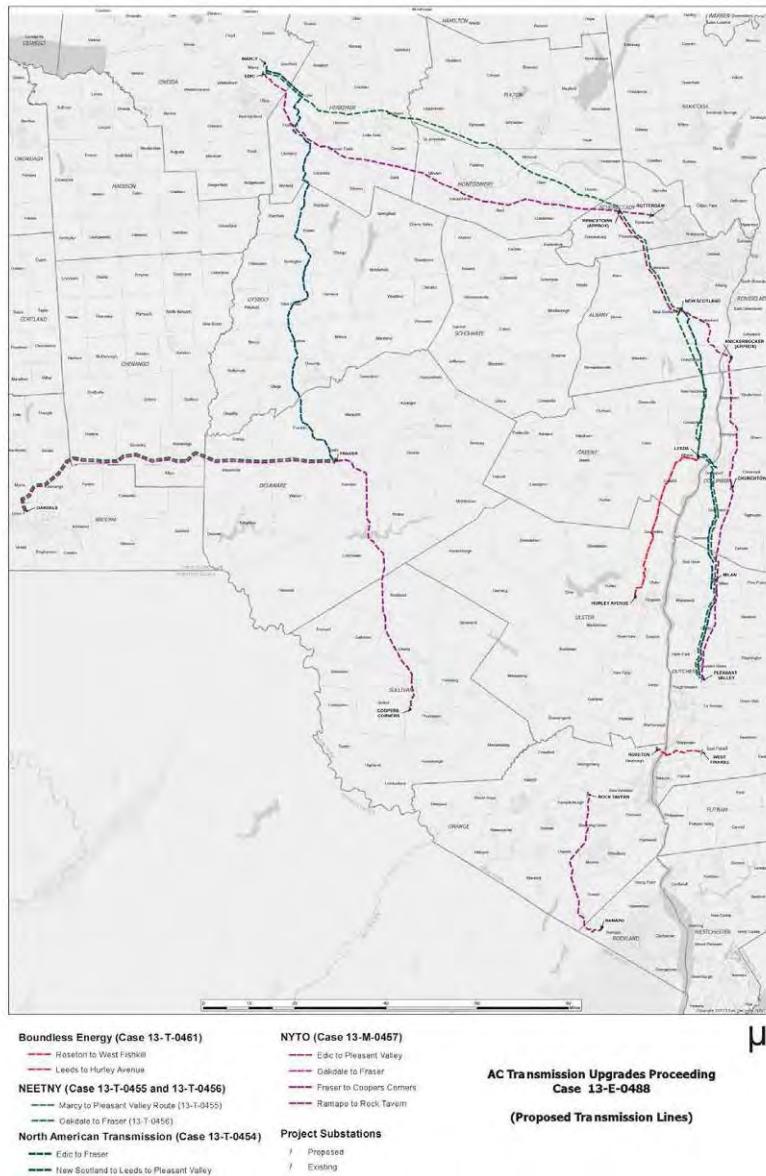
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## EXHIBIT 2



# EXHIBIT 3

**Hearing Exhibit 213**

**Champlain Hudson Power Express, Inc.**  
**Case 10-T-0139**

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Request No.:	IPPNY-44 Supplement	Date of Request:	June 1, 2012
Requested By:	Independent Power Producers of New York, Inc.	Reply Date:	June 18, 2012
Subject:	New York Energy Highway Request for Information	Witness:	

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**REQUEST:**

- a. Did Applicants or their affiliates submit any proposals in response to the Energy Highway Task Force's New York Energy Highway Request for Information?
- b. If yes, please provide the proposals.

**RESPONSE:**

Applicants object to this request on the grounds that the materials requested are not relevant to any issue in this proceeding, and on the further ground that the information contained in the materials requested is not publicly available at this time.

Without waiving the foregoing objections, Applicants state as follows:

- a. A response to the Energy Highway Task Force's New York Energy Highway Request for Information was submitted by TDI-USA Holdings Corp. on May 30, 2012. Hydro-Québec Production ("HQP") has informed Applicants that it also submitted a response to the New York Energy Highway Request for Information referencing the Champlain Hudson project on or about May 30, 2012.
- b. Notwithstanding the fact that the Energy Highway Task Force has established that it will produce a summary of all submissions but copies of this information will not otherwise be made available absent the submission of a Freedom of Information Law request, Applicants elect in this instance to attach to this response copies of the May 30, 2012 submission(s) to the Energy Highway Task Force of both TDI and HQP.

**Hearing Exhibit 213**



**The New York Energy Highway  
Response to  
Request for Information (RFI)  
Submitted by:  
TDI-USA Holdings Corp.  
May 30, 2012**

Hearing Exhibit 213



**Respondent Information**

Respondent's Name: TDI-USA Holdings Corp.  
Pieter Schuyler Building  
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Albany, New York 12207

Primary Contact: William Helmer  
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TDI-USA Holdings Corp. ("TDI") is a Delaware corporation formed by Transmission Developers Inc. in 2008 for the purpose of developing merchant energy transmission projects throughout North America. Energy transmission has been identified by the utility industry and the United States Department of Energy ("DOE") as one of the primary vehicles by which costs to electricity consumers may be reduced and newer and cleaner generation resources may enter the marketplace.<sup>1</sup> Since wholesale energy markets were opened to competition by the Federal Energy Regulatory Commission ("FERC") nearly two decades ago, transmission development of new transmission facilities has lagged for a number of reasons. Two reasons in particular stand out: (a) community opposition to overhead transmission lines; and (b) the complexity and controversy arising out of determining who benefits from and who pays for the service under a traditional cost-of-service model. Given these realities, TDI has developed a simple strategy:

1. Develop projects on a merchant (entrepreneurial) business model;
2. Use best in class technology; and
3. Develop projects in the most environmentally responsible manner and pay utmost respect to community values and concerns.

In order to achieve these strategic objectives, TDI adopted the FERC merchant transmission model, whereby TDI must find its own customers to pay for the transmission service, selected high voltage direct current ("HVdc") technology, and determined to bury the transmission system in existing, well-established corridors of maritime, railway, and road transportation and other upland rights-of-way ("ROWS"). Given the fact that buried cable technology can be three to five times more expensive to install than traditional overhead transmission, TDI concluded

<sup>1</sup> National Electric Transmission Congestion Study, August 2006;  
[http://nietc.anl.gov/documents/docs/Congestion\\_Study\\_2006-9MB.pdf](http://nietc.anl.gov/documents/docs/Congestion_Study_2006-9MB.pdf); See also, Power Trends State of the Grid 2012: [http://www.nyiso.com/public/webdocs/newsroom/power\\_trends/power\\_trends\\_2012\\_final.pdf](http://www.nyiso.com/public/webdocs/newsroom/power_trends/power_trends_2012_final.pdf)

## Hearing Exhibit 213



that it should focus its efforts on projects that presented the best combination of need, available ROWs, and environmental merit.

TDI began by assembling a core team of exceptionally experienced senior managers, beginning with Donald Jessome, Anthony Turner, and William Helmer. The biographies of these managers are appended to this response to the New York Energy Highway Request For Information ("RFI") and attest to their extensive experience in the energy area. Less than a year after the Champlain Hudson Power Express Project ("CHPE Project") was publicly announced in February of 2009, TDI was acquired by the Blackstone Group, L.P. ("Blackstone"), the largest private equity fund in the world, and was added to Blackstone's portfolio of energy companies. Shortly after the acquisition, TDI added Thomas O'Flynn and Todd Singer to its senior manager roster, and their biographies, also appended to this RFI response, confirm the exceptional talents they bring to TDI and the CHPE Project. The biographies of TDI's senior managers are appended to this RFI as Appendix A.

#### **Project Description<sup>2</sup>**

Project Name:	Champlain Hudson Power Express
Type of Proposed Project:	Transmission
Size of Proposed Project:	1,000 MW (expected annual energy delivery up to 8.3 TWh, expected capacity rights of between 600-1,000 MW)
Proposed Project Location:	U.S.-Canada Border to Zone J, Astoria-Queens, NYC (Project Map is Appendix B to this RFI) <sup>3</sup>
Fuel Source:	Anticipated to be predominantly hydroelectric power <sup>4</sup>
Commercial Operations Date:	Q4-2017
Project Technology:	HVdc Voltage Source Converter similar to the attached information provided below at "Project Justification" #2.

<sup>2</sup> In the Article VII proceeding now pending before the New York State Public Service Commission, TDI has also proposed to construct a 345 kV cable circuit connecting NYPA's Astoria Annex to the Rainey Substation owned and operated by the Consolidated Edison Company of New York, Inc. (the "Astoria-Rainey Cable"). The Astoria-Rainey Cable will be constructed to increase the amount of electric energy that can flow from the Astoria Annex into Con Edison's transmission system without violating applicable reliability requirements and is not included in the definition of the "CHPE Project" for purposes of this RFI Response.

<sup>3</sup> From north to south, the CHPE Project traverses Lake Champlain; Washington, Saratoga, Schenectady, Albany and Greene Counties; the upper Hudson River, Rockland County; the lower Hudson and Harlem Rivers; Bronx County; the East River; and Queens County.

<sup>4</sup> Hydro resources currently represent nearly ninety-eight percent (98%) of the power generation in the Hydro-Québec control area. Hydro-Québec, Annual Report 2011, pg. 5.  
[http://www.hydroquebec.com/publications/en/annual\\_report/pdf/annual-report-2011.pdf](http://www.hydroquebec.com/publications/en/annual_report/pdf/annual-report-2011.pdf)

## Hearing Exhibit 213

**Project Justification**

The following discussion explains how the CHPE Project will address the objectives and goals outlined in the RFI.

- 1. Reduce constraints on the flow of electricity to, and within, the downstate area; and expand the diversity of power generation sources supplying downstate.**

The downstate area of New York has increasingly relied on natural gas power generation sources as coal and oil generation has declined. Once in operation, the CHPE Project will bring clean and reliable hydroelectric energy from the Quebec control area to consumers in and around New York City and will enhance fuel diversity in the downstate mix of generation.<sup>5</sup> Furthermore, the major constraints on bringing this new generation source to downstate through the existing, congested grid will be averted by the CHPE Project, and resulting savings to consumers have been estimated by the New York State Public Service Commission ("PSC") staff to be as high as \$720 million in 2018 from energy benefits alone.<sup>6</sup> These consumer savings are generated through reductions in congestion costs on the existing transmission system assuming operation of the most efficient in-state generation resources along with the energy supplied by the CHPE Project. In addition, PSC staff has estimated that the environmental benefits of the CHPE Project would reach 838 tons of SO<sub>2</sub>, 1,432 tons of NOx, and 2.2 million tons of CO<sub>2</sub> in its 2018 test year analysis. Environmental benefits are forecasted at similar levels in subsequent years.<sup>7</sup>

- 2. Assure the long-term reliability of the electric system is maintained in the face of major system uncertainties.**

The CHPE Project will both add new clean and reliable energy resources to New York's electric system and help reinforce the grid by using state-of-the-art HVdc technology with its inert cables installed in existing ROWs. The CHPE Project is expected to be in-service for at least 40 years and will use HVdc voltage source converter technology to deliver the energy and capacity into New York's electric system. The CHPE Project will be a ± 320 kV, 1,000 MW HVdc cable circuit, comprised of two polymer ("XLPE") cables for both the land and marine portions of the cable route. The system design uses HVdc voltage-sourced converters ("VSC"), which allows for fully independent control of both the active and the reactive power flow over its operating range. An overview of two manufacturers' Voltage Source Converter technology (which is typical of VSC technology in general) can be found at:

<sup>5</sup> NYISO, *Power Trends 2012, State of the Grid* at pg. 19.

<sup>6</sup> Champlain Hudson Power Express, Inc. Joint Proposal for Settlement. Submitted to the New York State Public Service Commission on February 24, 2012. On-line at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={C5F63E41-5ED5-46A2-99A5-F1C5FC522D361}>. See pg. 58, ¶ 137.

<sup>7</sup> See, Joint Proposal filed February 24, 2012, ¶ 141.

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[https://netfiles.uiuc.edu/vsharon2/www/enrgsym/talks/larsson\\_talk.pdf](https://netfiles.uiuc.edu/vsharon2/www/enrgsym/talks/larsson_talk.pdf) and  
[http://www.ieee.org.br/t-diamerica2010/T\\_D\\_2010\\_Brasil\\_paincis\\_PDF/on%202010\\_11/morning/IEEE%20HVDC\\_PL\\_US%20Technology\\_Overview.pdf](http://www.ieee.org.br/t-diamerica2010/T_D_2010_Brasil_paincis_PDF/on%202010_11/morning/IEEE%20HVDC_PL_US%20Technology_Overview.pdf)

This technology not only offers unprecedented flow control to the New York Independent System Operator ("NYISO") as it works to balance the system, it also incorporates world-class "smart grid" technologies such as phasor measurement units at each end of the converter station. As the CHPE Project will be in service for a long period of time, it will not only help to address the near-term uncertainties of the state's aging transmission system, potential generation retirements, and energy-demand growth, it will also add a clean and reliable long-term source of secure supply into the New York market.

**3. Encourage development of utility-scale renewable generation resources throughout the State.**

The CHPE Project has the ability to increase access to its facilities by adding additional intermediate converter stations in the future, if and when economic conditions supporting such a capital investment arise. Most critically, the hydroelectric power resources that will flow from the Québec control area have extremely responsive operational characteristics both in terms of fine scale load-following and frequency control along with the longer term energy balancing of the operational spectrum. Energy balancing allows system operators to maximize the integration of utility-scale renewable generation resources, which tend to be intermittent in nature. Thus, the CHPE Project can help to facilitate the development of wind generation by providing the NYISO with an important means of balancing the transmission system on a real-time basis.

**4. Increase efficiency of power generation, particularly in densely populated urban areas.**

The CHPE Project will lower power costs to consumers in the downstate region through the introduction of reliable, lower cost energy and capacity resources. Power prices in the NYISO Zone J market will therefore trend lower for existing generators, which should have the effect of inducing them to make investments in re-powering. In general, the effect of lower power costs will be to incent improvements to efficiency.

**5. Create jobs and opportunities for New Yorkers.**

The CHPE Project on average will save consumers an estimated \$650 million per year, year after year, through the introduction of lower cost, clean, and reliable hydroelectric power. A study performed by London Economics International ("LEI") and Regional Economics Modeling, Inc. ("REMI") estimates that the consumer savings will create approximately 2,400 indirect and induced jobs across a wide spectrum of the New York State economy. In addition, during the 3.5 year construction period, the study projects that, on average, 300

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construction jobs will be created by the CHPE Project (with a peak employment of 600), and an additional 1,200 indirect and induced jobs will be created during this period.

**6. Contribute to an environmentally sustainable future for New York State.**

Given the clean and reliable sources of power that are anticipated to utilize the CHPE Project, substantial and sustained environmental benefits will accrue to New York State. As noted above, PSC staff has estimated that the CHPE Project will lead to reductions of 838 tons of SO<sub>2</sub>, 1,432 tons of NOx, and 2.2 million tons of CO<sub>2</sub> in the test year 2018.<sup>8</sup> Annual environmental benefits in subsequent years will be on a similar scale. The CHPE Project converter station is planned to be situated in what may be characterized as the Astoria energy campus in northern Queens. Traditionally, the Astoria campus has housed conventional fossil-fuel generation. For many years, the people of Queens have struggled with high electricity prices while hosting a disproportionate number of fossil-fuel generating facilities. A buried 1,000 MW transmission project that will displace higher-cost fossil generation with clean power, save hundreds of millions of dollars through reduced consumer costs, and increase the reliability of the grid will be a very positive event for the people of Queens. Furthermore, if approved, the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust (the “Trust”), discussed in detail below, will establish a lasting legacy of stewardship that will benefit New York State’s environment for decades to come.

**7. Apply advanced technologies that benefit system performance and operations.**

The CHPE Project will utilize best-in-class HVdc voltage source converter station technology, along with inert XLPE transmission cable. An HVdc transmission system integrated into the existing HVac transmission network allows grid operators enhanced control over both voltage and frequency, the most significant reliability metrics of the transmission grid, and also improves grid system operation.<sup>9</sup> The innovative technology chosen by TDI will also include many “smart grid” technologies, including phasor measurement units at each end of the converter station. This technology will give real time synchronized data regarding the operations of the CHPE Project to the NYISO, a critically important advantage in the management of the modern power system. In addition to the advantages of the HVdc technology, the hydroelectric power resources that will flow easily on the line from the Québec control area will allow for much needed fast responding regulation and frequency control, along with the capability to balance the existing and new intermittent resources being integrated into the transmission system.

<sup>8</sup> See, Joint Proposal filed February 24, 2012, ¶ 141.

<sup>9</sup> D.E. Martin, W.K. Wong, D.L. Dickmander, R.L. Lee and D.J. Melvold, *Increasing WSCC Power System Performance with Modulation Controls on the Intermountain Power Project HVDC System*, 1992.

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**8. Maximize New York State electric ratepayer value in the operation of the electric grid.**

The CHPE Project employs a privately-financed, user-pay transmission model that will not impose the cost of service on the ratepayers of New York State. Notably, the CHPE Project will significantly reduce the cost of service borne by utility customers in the downstate region without increasing costs in other parts of the state. As noted above, consumer benefits from the CHPE Project have been estimated by PSC staff to be as high as \$720 million in 2018 from energy benefits alone. These consumer savings are generated by reducing congestion costs on the existing transmission system by incenting reliance on the most efficient in-state generation resources, along with the energy supplied by the CHPE Project. In addition to the estimated energy benefits, the introduction of up to 1,000 MW of capacity in the Zone J market will help dampen capacity prices well into the future. In addition, as discussed above, environmental benefits were estimated by PSC staff to be as high as 838 tons of SO<sub>2</sub>, 1,432 tons of NOx, and 2.2 million tons of CO<sub>2</sub> in 2018. Environmental benefits are forecasted at similar levels in subsequent years.

**9. Adhere to market rules and procedures and make recommendations for improvements as appropriate.**

The CHPE Project has been involved in the NYISO interconnection process since 2008 occupying queue position 305. The CHPE Project has completed its System Reliability Impact Study ("SRIS") and is currently participating in the 2012 Class Year Facilities Study.

**Financial**

As noted above, TDI was purchased by Blackstone in January of 2010. Blackstone is a leading global investment and advisory firm that has a remarkable track record in terms of its energy portfolio. Since the acquisition of TDI in January 2010, Blackstone has invested approximately \$30 million in the CHPE Project, and Blackstone is fully committed to investing the approximately \$500 million of equity required to build the CHPE Project. In addition, TDI is securing the debt required for the CHPE Project through a combination of shipper's access to capital markets, sovereign banks associated with the potential equipment suppliers, and other traditional project financiers. TDI has committed in its Article VII Certificate application now pending before the PSC to develop the CHPE Project as a privately-financed, shipper-pay merchant transmission line with no requirement for ratepayer or governmental support. In response to the RFT's inquiry with respect to public-private partnerships, TDI remains open to such a structure if it increases the CHPE Project's benefits to all parties and is consistent with the commitments made in the "Joint Proposal of Settlement," discussed below.

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**Permit/Approval Process**

In order to develop, construct, and operate the CHPE Project, TDI is seeking or has obtained a number of state and federal permits. It may be noted that, on June 8, 2011, the New York State Department of State ("DOS") completed its review of the CHPE Project by issuing its concurrence pursuant to the Federal Coastal Zone Management Act ("CZMA"), and, on July 1, 2010, FERC approved a negotiated rate and open season process for this merchant transmission project. The key permits and approvals still to come are as follows:

1. *PSC (Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law).* TDI submitted its initial application to the PSC on March 30, 2010. Since that initial application was filed, extensive public and intervenor consultation has been carried out, and this effort culminated with the filing of a Joint Proposal of Settlement ("Joint Proposal") on February 24, 2012 supported, in whole or in part, by 14 state agencies, municipalities, environmental groups, and an electric utility.<sup>10</sup> The Joint Proposal is currently under review by the PSC Administrative Law Judges supervising Case 10-T-0139. TDI anticipates that the PSC will make its final ruling granting a Certificate of Environmental Compatibility and Public Need (the "Article VII Certificate") before the end of 2012.
2. *Other New York State Approvals.* The PSC will issue a Water Quality Certificate pursuant to section 401 of the federal Clean Water Act ("CWA") contemporaneously with the Article VII Certificate. In addition, TDI will apply to the PSC for a number of ancillary approvals, such as a regime of "lightened regulation," late in 2012. Finally, TDI will apply to the New York State Office of General Services ("OGS") for an interim construction permit (and draft grant of lands under water pursuant to the New York State Public Lands Law) in mid-2012.
3. *DOE (Presidential Permit).* TDI submitted its initial application to the DOE on January 27, 2010. DOE is preparing an Environmental Impact Statement ("EIS") to evaluate potential environmental impacts associated with the CHPE Project in accordance with the National Environmental Policy Act of 1969 ("NEPA"). The EIS will only address potential impacts in the United States; NEPA does not require an analysis of environmental impacts that occur within Canada. The EIS, however, will evaluate all relevant environmental impacts within the United States related to or caused by project-related activities in Canada. The original application to DOE was amended on August 5, 2010, updated on July 7, 2011 to reflect the DOS CZMA consistency determination, and further amended on February 28, 2012 to reflect revisions to the application arising out of the Joint Proposal. The draft EIS is expected later this year, with a final determination regarding the Presidential Permit application expected in the first half of 2013.

<sup>10</sup> See Footnote No. 5 above and references below.

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4. *Other Federal approvals.* TDI has applied to the United States Army Corps of Engineers ("ACOE") for permits pursuant to section 404 of the CWA and section 10 of the 1899 Rivers and Harbors Act, and this permitting process is proceeding on a parallel track with the DOE permitting and NEPA processes. A final determination regarding these applications is expected in early 2013.
5. *NYISO approval of interconnection agreement.* As noted above, the CHPE Project is participating in the 2012 Class Year Facilities Study, and conclusion of this study and final approval of the CHPE Project interconnection agreement is expected by mid-2013.<sup>11</sup>

**Other Considerations**

1. *Anchor Supply Background.* It bears repeating that the source of supply for the CHPE Project is of utmost importance in terms of its overall benefits. Hydro-Québec, which will most likely be the anchor tenant for the CHPE Project, as well as its predecessor companies, have sold power to New York State for decades in the wake of the construction of the Cedars-Dennison intertie in the late 1910's and more recently, the Châteauguay-Massena intertie in the early 1980's. It is the opinion of Hydro-Québec and TDI that the addition of the CHPE Project will significantly contribute to fostering already deep and long-standing electricity relationships between New York State and the Province of Québec by adding 1,000 MW of intertie capacity to the existing 1,700 MW. Hydro-Québec currently owns or controls approximately 37,000 MW of generation capacity, as of the end of 2011, producing approximately 195 TWh of energy every year, nearly 98% of which flows from hydroelectric power stations. Hydro-Québec continues to add resources in its generation fleet in Quebec as well as capacity improvements to its existing generation stations. Since 2005, nearly 1,600 MW of hydroelectric generation capacity have been commissioned (including the Eastmain-1, Pérignon, and Toulnustouc powerhouses) and 918 MW of new capacity will be commissioned in 2012 after the completion of the Eastmain-1A/Sarcelle/Rupert project. In addition, the four-station, 1,550 MW Romaine hydro complex, currently under construction, will be put in service incrementally starting in 2015.

<sup>11</sup> Additional NYISO approvals may also be required for the Astoria - Rainey Cable proposed in the Joint Proposal in the Article VII proceeding.

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2. *Ancillary Benefits.* If the HV ac transmission and distribution system suffers a shut-down, or “blackout,” conventional generators must have an energized HVac system to connect to before they can begin to restore power. This can take considerable time in conventional generation systems. There is need to be able to start-up the system from the blackout, and this is known as “Blackstart” capability. The VSC technology used in the CHPE transmission system has an inherent Blackstart capability, which means that it can provide up to 1,000 MW of power into a completely blacked-out system as required by the system operator.

**Property**

For a project of its scale and scope, the CHPE Project is fortunate in having a very limited number of “landlords.” Well over 90% of the route will occupy ROWs owned by the State of New York (the beds of Lake Champlain, the beds of the Hudson, Harlem and East Rivers, and state highways 9W and 22) and two large and established railroad corporations (CSX Transportation and the Canadian Pacific Railway). Incidental landlords or providers of real property rights will include some upland municipalities and, potentially, a limited number of commercial landowners. A detailed description of the CHPE Project routing can be found in Exhibit B to the Joint Proposal. The CHPE Project converter station will be located in the Astoria neighborhood of the Borough of Queens in an area that has been dedicated to industrial and commercial use for many years.

**Projected In-Service Date and Project Schedule**

A Gantt chart of the currently anticipated CHPE Project schedule is appended to this RFI response as Appendix C.

**Interconnection**

The CHPE Project point of interconnection will be the Astoria Annex 345 kV substation in Astoria, which is owned by the New York Power Authority (“NYPA”) and is located on land owned by the Consolidated Edison Company of New York, Inc. (“Con Edison”). The Astoria Annex interconnects with the Con Edison system through two cables that connect to its East 13th Street substation. In addition, Con Edison is in the process of constructing an additional interconnection between the Astoria Annex and its Astoria East 138 kV Substation. An interconnection diagram is appended to this RFI response as Appendix D. The Astoria interconnection point was selected for a number of different reasons including voltage level, breaker positions, and proximity to land for the converter station, as well as consideration of deliverability and reliability. TDI has agreed to upgrade facilities at the Astoria Annex so that the energy deliverability to the Con Edison system will be at least 1,550 MW, thus ensuring that both the CHPE Project and Astoria II Project can deliver low-cost energy supplies to the market. As noted above, the CHPE Project is currently participating in the 2012 Class Year Facilities Study, and conclusion of this study and final approval of the CHPE Project interconnection agreement is expected by mid-2013.

**Hearing Exhibit 213****Technical**

The CHPE Project is expected to be in service for at least 40 years. TDI is requesting that the construction contractor ultimately selected to provide engineering, construction, and procurement services (the “EPC Contractor”) provide a three-year equipment guarantee, and it is anticipated that the EPC Contractor will also be responsible for the ongoing maintenance and emergency repairs to the CHPE Project.

**Construction**

TDI is currently conducting an EPC Contractor selection process. It is expected that the construction teams will be companies based in the United States, with the equipment manufacturers being suppliers with some on-shore based manufacturing capability. Labor to construct the project will be primarily local and drawn from the communities in which the cables will be installed and from the New York City area. Cable manufacturing capability will be in the critical path for the construction of the CHPE Project, as there is limited manufacturing capability and high demand in the European and Asian markets. It may be necessary to form a cable manufacturing consortium in order to manufacture the cable on the timeline required by TDI. The HVdc voltage source converter technology, as well as the submarine and terrestrial HVdc cables, are commercially available and are used throughout the world.<sup>12</sup> The CHPE Project is expected to be in service for at least 40 years, and historical experience with the cable and converter station technologies has demonstrated that properly-maintained equipment can be in service much longer. If the technology becomes uneconomic or inoperable, the least environmentally disruptive option would be to leave the inert cables *in situ*.

**Operational**

The CHPE Project has an expected lifespan of 40 or more years. During this period, it is estimated that the transmission system will maintain an availability of 95%, which translates to a capability of delivering up to 8,322 GWh of clean, reliable energy year after year. The HVdc voltage source converter technology uses best-in-class real time fault detection equipment to clear any fault in 50 milliseconds (0.05 seconds), making the risk of damage to human health and the environment *de minimis*. In addition, the cables are buried to depths that minimize the risk of potential external mechanical damage from ship anchors or fishing equipment. Finally, the transmission cables will both be shielded and buried, so the magnitudes of the electric field levels will be inconsequential. The CHPE Project will meet applicable regulatory standards with respect to magnetic fields and the impacts to potential receptors, if any, are projected to be insignificant.

<sup>12</sup> See, <http://www.abb.com/industries/us/0AA4F400197.aspx>; and <http://www.transbaycable.com/>

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**Socio-Economic**

As noted above, LEI and REMI prepared a study detailing the socio-economic benefits of the CHPE Project. Inasmuch as the CHPE Project will be primarily installed in ROWs, the impacts to the affected communities will be limited to the construction periods. For those communities in which the CHPE Project will be buried along railroad ROWs or streets and highways, an estimated \$20 million of property taxes will be paid annually. Once the CHPE Project is *in situ*, there will be little or no burden on the communities. Property values in the communities are also expected to be unaffected by the CHPE Project as the project is almost wholly invisible once buried. It may also be noted that the CHPE Project will receive a grant of land underwater from OGs, and this will generate tens of millions of dollars towards the State's general fund. As previously stated in this RFI response, the introduction of a low-cost, clean, reliable energy source in Astoria will be a very positive event due to the introduction of zero emissions energy in their community. During the three to four year construction period, an estimated 300 unionized construction jobs will be created in a number of trades and crafts. At the peak of construction, there will be 600 workers employed by the CHPE Project. The LEI/REMI study also has determined that 1,200 indirect and induced jobs will be created from this construction activity. Once the CHPE Project is operational and the estimated \$650 million of annual energy cost savings flows into the economy, the LEI/REMI study has determined that approximately 2,400 sustainable jobs will result from the energy cost savings. Finally, the CHPE Project will be the largest and longest HVdc transmission project in North America. As such, New York State will be able to showcase the implementation of the technology, bringing further prominence to the emerging high tech revolution that is occurring in the Capital District region of New York State and once again restoring New York State to the forefront of the electric power industry.

**Financial**

The CHPE Project is a privately-financed merchant transmission project. The CHPE Project will be financed as follows:

1. *Customer Commitments.*
  - a. TDI will enter into a 35-40 year Transmission Service Agreement with Hydro-Québec Production or other entity for 750 MW of transmission capacity;
  - b. TDI will offer the remaining 250 MW in an open season process. Such process will be administered by the third party evaluator Boston Pacific in accordance with FERC order ER10-1175-000 issued July 1, 2010; and
  - c. Qualifying parties will need to offer, at a minimum, investment grade credit.

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2. Sources of Project Finance.

- a. Hydro-Québec may supply all debt for the CHPE Project;
- b. Sovereign Export banks can and may supply between 25-50% of the debt financing for those suppliers selected to manufacture the cables and converter stations;
- c. Traditional project finance may be utilized; and
- d. TDI continues to be a participant in DOE's "Section 1703" Loan Guarantee Program established pursuant to the Energy Policy Act of 2005.

3. Source of Equity. Blackstone will provide all equity for the CHPE Project. Current estimates are that equity will represent 25% of the required capital.

4. Customer Revenues. TDI will not assume ownership of the energy and capacity that will be sold into the NYISO administered markets, but rather will transport these valuable products to the market. The expected markets that Hydro-Québec and other shippers are expected to access include the energy (Zone J Locational Marginal Price), New York In-City capacity markets, and, potentially, the ancillary services markets administered by the NYISO.

5. Risk in Price Changes. TDI is currently in the process of selecting an EPC Contractor for the CHPE Project through a request for proposal process. The risks associated with commodity prices (e.g. copper, lead, etc.) will be borne by the EPC Contractor after issuance of the "notice to proceed" with the work identified by the contract. Risks associated with geotechnical and environmental conditions will be apportioned between the EPC Contractor and TDI in accordance with determinations regarding which of the parties can best manage a particular risk. Risks associated with the NYISO markets will be borne by the shippers using the CHPE Project and will be managed in accordance with the shippers risk management strategies.

6. Public Service Commission. The CHPE Project is a merchant, privately-financed, user-pay transmission project and is therefore not involved in any PSC rate-making proceedings. The CHPE Project is, as noted above in this RFI response, the subject of the PSC Article VII siting proceeding, Case No. 10-T-1039.

7. Power Purchase Agreement. The CHPE Project will be a merchant, privately-financed, user-pay transmission project and TDI is not seeking a Power Purchase Agreement with any utility or state authority. If in the future an authority or utility in New York undertakes a power purchase request for proposal process, it is anticipated the shippers using the CHPE Project may participate, offering their long-term, clean, and reliable energy supply to the New York market on a competitive basis.

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Environmental

TDI has completed a thorough review of the environmental aspects of the development, construction, and operation of the CHPE Project in the context of the PSC Article VII process. On February 24, 2012, the Joint Proposal was filed on behalf of the following parties:

1. The Applicants (TDI subsidiaries Champlain Hudson Power Express, Inc. and CHPE Properties, Inc.);
2. PSC Staff;
3. New York State Department of Environmental Conservation ("NYSDEC");
4. New York State Department of State ("DOS");
5. New York State Department of Transportation ("NYSDOT");
6. New York State Department of Agriculture and Markets ("Ag & Mkt's");
7. Adirondack Park Agency ("APA");
8. Riverkeeper, Inc. ("Riverkeeper");
9. Scenic Hudson, Inc. ("Scenic Hudson");
10. New York State Council of Trout Unlimited ("Trout Unlimited");
11. City of Yonkers;
12. City of New York ("CNY");
13. New York State Office of Parks, Recreation and Historic Preservation ("OPRHP");
14. Palisades Interstate Park Commission; and
15. Vermont Electric Power Company – Only with respect to those sections associated with co-located infrastructure.

As part of the Joint Proposal, a comprehensive review was conducted regarding all aspects of the CHPE Project. The application, testimony, and exhibits designated for inclusion in the evidentiary record describe the nature of the probable environmental impacts of the CHPE Project and are briefly summarized below. The environmental impacts associated with the CHPE Project are expected to be avoided, minimized or mitigated, provided that the Best Management Practices ("BMPs") and Guidelines for the preparation of the Environmental Management and Construction Plan ("EM&CP Guidelines") agreed to by the signatory parties are adhered to in the preparation of the Environmental Management and Construction Plan ("EM&CP") and provided that the EM&CP and the proposed Certificate Conditions agreed to by the signatory parties are strictly complied with during CHPE Project construction, operation, and maintenance. The signatory parties have agreed in the Joint Proposal that the CHPE Project, located and configured as provided therein, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations. The route of the CHPE Project is preferred

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because it would avoid and/or minimize the disturbance of natural habitats and would primarily use existing and previously disturbed ROWs.

The Joint Proposal further details the environmental aspects of the CHPE Project in the following sections:

**Environmental Impact: Sections 24-98**

- a. Topography, Geology, Soils: Section 26
- b. Aquatic Physical Characteristics: Sections 27-34
- c. Aquatic Sediment and Water Quality: Sections 35-39
- d. Benthic Resources: Sections 40-45
- e. Finfish: Sections 46-50
- f. Lacustrine and Aquatic Protected Species: Sections 51-58
- g. Freshwater and Tidal Wetlands and Water Resources: Sections 59 -62
- h. Terrestrial Wildlife and Plants and Protected Species: Section 63-68
- i. Land Use: Sections 69-74
- j. Agricultural: Sections 75-76
- k. Visibility from Areas of Public View: Sections 77-80
- l. Cultural and Historic Resources: Sections 81-82
- m. Transportation: Sections 83-88
- n. Noise: Section 89
- o. Communications: Sections 90-91
- p. Electric and Magnetic Fields: Sections 92-98

**Environmental Benefits: Section 141**

Studies in the Joint Proposal also indicated that the CHPE Project would result in environmental benefits by reducing the emissions of  $SO_2$ ,  $NO_x$ , and  $CO_2$  due to the displacement of electric power that would have otherwise been generated by burning fuel in power plants as outlined below in Table #1.

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**Table 1**

<b>Emissions Reductions</b>	<b>SO<sub>2</sub> (tons)</b>	<b>NO<sub>x</sub> (tons)</b>	<b>CO<sub>2</sub> (tons)</b>
PSC Staff estimate	499 - 828	748 - 1,432	1.5-2.2 million
LEI Updated emissions reduction benefit with CHPE @ 75%- 90%	454 - 571	952-1,114	2.5-2.9 million

The signatory parties have agreed upon the establishment a \$117 million Trust, as detailed at proposed Certificate Condition 165 in Appendix C of the Joint Proposal, to be used exclusively for in-water mitigation studies and projects that have a direct nexus to the construction and operation of the CHPE Project. The signatory parties have participated in extensive discussions to develop and implement a variety of studies and projects that will minimize, mitigate, study, and/or compensate for the short-term adverse aquatic impacts and potential long-term aquatic impacts and risks to these water bodies from construction and operation of the CHPE Project.

**Project Contract/Request for Proposal (“RFP”) Status**

The CHPE Project is a privately-financed merchant transmission project and has therefore not been submitted to a New York agency or authority in response to a Request for Proposals.

**Public Outreach and Stakeholder Engagement**

TDI has pursued an extensive public outreach program as documented below:

1. Public Announcement February 23, 2010
2. TDI Public Meetings:
  - a. Albany, New York: March 10, 2010
  - b. Plattsburgh, New York: April 13, 2010
  - c. Kingston, New York: April 20, 2010

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- d. Scotia, New York: May 4, 2010
- e. Yonkers, New York: May 12, 2010
- 3. DOE Public Scoping Meetings
  - a. New York City: July 9, 2010
  - b. Yonkers, New York: July 12, 2010
  - c. Kingston, New York: July 13, 2010
  - d. Albany, New York: July 14, 2010
  - e. Glens Falls, New York: July 15, 2010
  - f. Plattsburgh, New York: July 16, 2010
- 4. PSC Public Statement Hearings on Article VII Completed Application
  - a. Yonkers, New York: Oct 24, 2010
  - b. Kingston, New York: Oct 28, 2010
  - c. Schenectady, New York: November 4, 2010
  - d. Whitehall, New York: November 8, 2010
  - e. Plattsburg, New York: November 9, 2010
- 5. PSC Public Statement Hearings on Filed Joint Proposal
  - a. Whitehall, New York: April 3, 2012
  - b. Catskill, New York: April 4, 2012
  - c. Ravena, New York: April 5, 2012
  - d. Schenectady, New York: April 10, 2012
  - e. Haverstraw, New York: April 12, 2012
  - f. Astoria, Queens, New York: April 24, 2012

In addition to the public meeting, there have been two forty-five (45) day public comment periods noticed on the Federal Register by the DOE, the first on June 18, 2010 and the second on April 30, 2012. Members of the public can also express their opinion regarding the CHPE Project through the PSC Article VII process on an ongoing basis. Finally, to ensure that the public is well informed with respect to the CHPE Project, there are several websites that the public can access to obtain all public information available. The sites can be found at:

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TDI Website: [www.chpcexpress.com](http://www.chpcexpress.com)

DOE EIS Website: <http://chpexpresseis.org>

PSC Article VII Website:  
<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=10-T-0139>

It should be noted that the following additional parties have expressed support for the Joint Proposal and/or the CHPE Project generally:

- Twenty members of New York's Congressional Delegation<sup>13</sup>
- New York League of Conservation Voters
- New York City Councilman Peter Vallone, Jr.
- Hydro-Québec
- Long Island Association
- Plattsburgh-North Country Chamber of Commerce
- New York State Energy Consumers Council
- International Union of Operating Engineers
- Laborers' International Union of North America
- New York State Laborers' Union
- Empire State Development Corporation
- New York City Economic Development Corporation
- Coalition Helping Organize a Cleaner Environment ("CHOKE")
- Middletown Times Herald Record
- Watertown Daily Times

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<sup>13</sup> The Honorable Tom Reed, Paul Tonko, Tim Bishop, Peter King, Steve Israel, Carolyn McCarthy, Gary Ackerman, Gregory Meeks, Jerry Nadler, Ed Towns, Yvette Clarke, Mike Grimm, Carolyn Maloney, Charlie Rangel, Richard Hanna, Eliot Engel, Ann Marie Buerkle, Bill Owens, Nita Lowey and Louise Slaughter.

**Hearing Exhibit 213**



**APPENDIX A**

**Donald Jessome  
President and CEO**

Mr. Jessome is President and CEO of Transmission Developers Inc, and a co-founder of the Company. He earned his undergraduate degree in Electrical Engineering from the Technical University of Nova Scotia (currently referred to as Dalhousie University) in 1987 and his Masters of Business Administration, with Distinction, from Saint Mary's University in 1999.

Mr. Jessome spent his entire career in the energy field starting with 22 years at Emera Inc., a publicly traded company in Canada with \$5.3 Billion in energy infrastructure assets centered on power and natural gas. Mr. Jessome has worked in a broad range of areas while at Emera including Transmission & Distribution Operations and Construction, Integrated System Planning, System Operations, Generation Operations and Fuel Procurement, Marketing and Sales, and most recently Director of Asset Optimization and Power Trading for Emera Energy Inc. a wholly owned non-regulated trading and asset Optimization Company of Emera Inc. During this tenure, Mr. Jessome has sat on numerous advisory boards including his membership as one of the inaugural members of the NBSO Market Advisory Committee and a founding member of the CEA Power Marketing Committee. Mr. Jessome has extensive knowledge of the power markets in the North East including ISO-NE, NYISO, IESO, TransÉnergie, NBSO, and PJM through his extensive marketing and trading experience with both the regulated and non-regulated business at Emera.

Prior to co-founding Transmission Developers Inc, Mr. Jessome joined Riverbank Power in 2008 as the Vice-President of Marketing and Trading to assist Riverbank Power in developing its commercialization strategy for its 1,000 MW underground pump -storage technology referred to as Aquabank™. This commercialization strategy included the development of economic models and programs for the sale of energy, capacity and renewable attributes for both the regulated and market based energy markets that Aquabank™ is currently developing sites. In addition, Mr. Jessome was responsible, along with the CEO, in raising equity financing for Riverbank's development plans. Mr. Jessome is a board member to Riverbank Power.

Mr. Jessome serves as a Director for Transmission Developers.

**Hearing Exhibit 213**



**Tom O'Flynn**  
**Chief Operating and Finance Officer**

Mr. O'Flynn is a seasoned energy executive. From 2001 -2009, he served as the Chief Financial Officer of PSEG, a New Jersey based power and utility company with approximately 2.4 million utility customers, 16,000 megawatts of unregulated generation, and operator of a large transmission system in the PJM system. Mr. O'Flynn was responsible for all PSEG corporate and operating financial and strategic functions from 2007 – 2009.

Mr. O'Flynn also served as President of PSEG Energy Holdings, a subsidiary that owned major electric distribution businesses in Chile and Peru and has approximately 2,600 megawatts of generation, primarily in the United States.

From 1986 to 2001, Mr. O'Flynn was in the Global Power and Utility Group in the Investment Banking Division of Morgan Stanley, based in New York City. He served as a Managing Director for his last five years and as Head of the North American Power Group in 2000 – 2001. He was responsible for senior client relationships and led a number of large merger, financing, restructuring and advisory transactions.

Mr. O'Flynn graduated from Northwestern University in 1982 with a B.A., Economics and from the University of Chicago in 1986 with an MBA, Finance. Mr. O'Flynn served as a member of the Board of Directors of Nuclear Electric Insurance Limited from 2003 - 2009, serving as Chairman of the Finance Committee from 2007 - 2009. He is on the Boards of the New Jersey Performing Arts Center and the Newark Museum.

**Hearing Exhibit 213**



**Bill Helmer**

**Senior Vice President, General Counsel, and Secretary**

Bill Helmer has practiced energy, environmental, contract, and real estate law during a career spanning over a quarter century. He has occupied senior positions in New York State government, litigated groundbreaking cases before federal courts and the highest court in New York State, and handled the legal issues associated with the development and financing of many large and complicated power projects.

Bill is a graduate of Hamilton College, and he earned a Master of Arts degree at Columbia University in New York City. He graduated with honors from the Law School of the State University of New York at Buffalo in 1982. After a judicial clerkship, Bill practiced law privately in Albany, New York for a dozen years until he was placed in charge of the Environmental Protection Bureau in the State Attorney General's office.

The Bureau serves as the litigation counsel for all environmental cases involving state bodies such as the Departments of Environmental Conservation and State, the Adirondack Park Agency, and many others. During his tenure as Bureau Chief, Bill managed a staff that included over thirty attorneys, six scientists, and dozens of other employees in offices located in Buffalo, Albany, and New York City.

From 1999 until 2007, Bill served as Special Counsel in the New York Power Authority's Law Department. At the Authority, Bill oversaw all legal matters associated with the Authority's nuclear fleet until the plants were sold to Entergy Corporation late in 2000. Shortly before the sale, Bill also assumed responsibility for the Authority's hydroelectric relicensing portfolio. By early 2007, new 50-year federal licenses had been issued for the Authority's projects on the St. Lawrence and Niagara Rivers.

Bill is a sought-after writer and lecturer. He has served as an adjunct faculty member at Union College, where he designed and taught "The Land and the Law" Environmental Studies course, and he frequently appears in programs sponsored by the New York State Bar Association. At the Bar Association, Bill sits on the Executive Committees of the Environmental and General Practice Sections. He is also a past Chairman of the latter section and a past member of the Public Utility Law Committee.

Bill's published works include scores of articles and sixteen entries in the official Encyclopedia of New York State. He has served as a quarterfinals judge for the National Environmental Law Moot Court competition held annually at Pace Law School. He is also the co-host of the "Capital Green Scene" weekly radio program on WVCR-FM 88.3, which made its debut on Earth Day, 2008.

**Hearing Exhibit 213**



**Todd Singer**  
**Vice President of Finance and Treasurer**

Mr. Singer is the Vice President of Finance and Treasurer for Transmission Developers. He is a senior finance and business development executive with over 17 years of diverse corporate and investment banking experience. He has significant expertise in the alternative energy and power/utility industries. During his investment banking career, Mr. Singer was responsible for originating and executing over \$97 billion in capital markets transactions and \$3.6 billion in M&A transactions. He was formerly a Consultant and Head of Strategy and Corporate Development for Energy Storage and Power LLC, a wind energy storage company that is a portfolio company of PSEG. He was also a Consultant with the Natural Resources Defense Council in its Center for Market Innovation where he was focused on energy efficiency finance.

Mr. Singer worked for over eight years as an investment banker at Morgan Stanley where he was an Executive Director. Following business school, Todd was also a Consultant at Price Waterhouse Coopers and an investment banker at Bank of America. He also worked in advertising finance at Time Warner's Time Inc. subsidiary.

Mr. Singer received his MBA from Columbia Business School in 1996 and his BSBA in Management with a Minor in Art History from Bucknell University in 1991. Mr. Singer is currently the Co-Chair of the Bucknell Professional Networks, a 2,500-member network of alumni covering a broad range of industries and disciplines. He was also the founding Co-Chairman of the Bucknell Finance Network, a worldwide network of all Bucknell alumni working in Finance. He is also a former Chairman of the Reunion Gift Committee and has been a guest lecturer at Bucknell. Mr. Singer is also on the Board of Directors for Green Allowance, a non-profit focused on making homes more energy efficient.

**Hearing Exhibit 213**



**Anthony Turner**  
Vice-President of Engineering

As VP of Engineering, Mr. Turner has more than 40 years' experience in electrical engineering, including a variety of aspects relating to high voltage direct current and alternating transmission systems. This experience includes HVdc manufacturing, research, lecturing and consultancy, high voltage cable systems, power systems studies, energy management systems, renewable energy and railway electrification and restructuring of electrical utilities. This has included major projects in Canada, the Gulf States, the United States, China, Central America, Europe, Africa, India, Brazil and Panama.

The experience in HVdc Transmission systems has included Contractor's responsibility for the design and commissioning of the Master Controls and HVdc Line Protection systems of the Nelson River Bipole 1 HVdc Project, and as Owner's Engineer for the supervision of the factory testing and commissioning of the Leyte-Luzon and the Chandrapur Padghe HVdc transmission systems.

Mr. Turner's HV Cable system's experience includes responsibility, again as the Owner's Engineer, for supervision of all aspects of the installation of the cable systems for the Leyte-Luzon 350 kV HV dc project (Philippines), the designs and tender evaluation of the 345 kV AC cable crossing between Newark and New Jersey (USA) and the 400 kV land and cable system between Bahrain and Saudi Arabia. In the early 1980's, Mr. Turner was responsible for the HVdc Cable component for the detailed studies of the Strait of Belle Isle crossing, the HVdc cable crossing of the Cabot Strait and the HVdc crossing between Québec and Iles de la Madeleine.

Mr. Turner has carried out numerous power system studies for integrated generation/transmission/distribution systems and for production facilities such as smelter plants, and has been Project Manager for a number of HV ac and HVdc transmission projects in Canada, the Philippines, Panama and India.

He has authored papers on HVdc systems, submarine cable crossings, energy management, renewable energy resources and the electrification of railway systems, and has been a member of a number of CIGRE, CEA, IEEE and other committees and panels.

Mr. Turner holds a B.Tech. (Honours), Electrical Engineering, University of Technology, Loughborough, England 1967, Technical Teacher Certificate, England 1973 and a Masters in Engineering, Power Systems, McGill University, Montreal, Québec, Canada 1978.

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**APPENDIX B**



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Hearing Exhibit 213



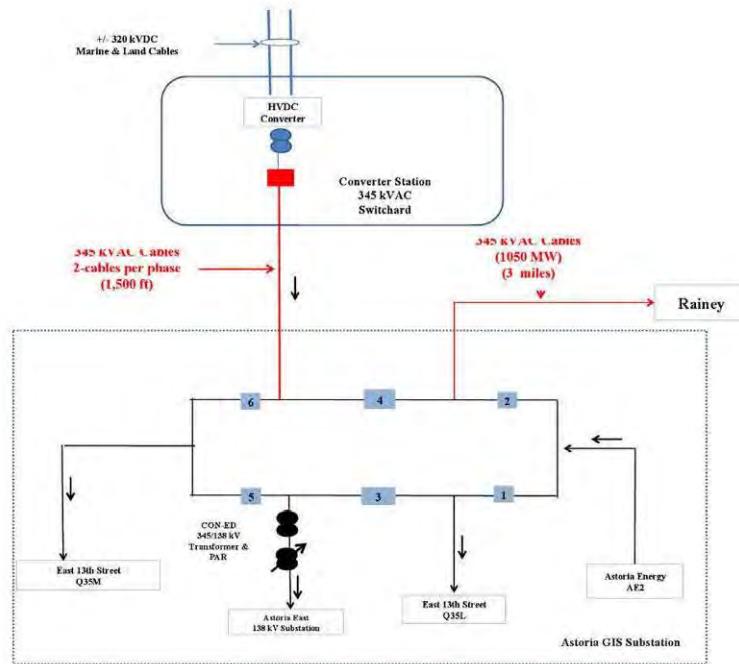
**APPENDIX C**

**PROJECT SCHEDULE**

## Hearing Exhibit 213



**APPENDIX D**  
**INTERCONNECTION DIAGRAM**



**Hearing Exhibit 213**



*Hydro-Québec  
Response to  
The New York Energy Highway  
Request for Information  
May 30, 2012*

**Hearing Exhibit 213**

**Respondent Information**

Respondent's Name: Hydro-Québec Production  
75 René Lévesque Blvd, 18<sup>th</sup> Floor  
Montreal, Québec H2Z 1A4

Primary Contact: Stephen Molodetz  
Vice President – Business Development  
H. Q. Energy Services Inc. ("HQUS")  
A wholly owned subsidiary of Hydro-Québec  
225 Asylum Street, 27<sup>th</sup> Floor  
Hartford, CT 06103  
(860) 241-4021  
Molodetz.Stephen@Hydro.Qc.Ca

**Respondent Background**

For over 50 years Hydro-Québec, a Crown corporation wholly owned by the province of Québec, has been successfully developing and operating Québec's vast hydropower resources. Hydro-Québec generates, transmits and distributes electricity and is made up of four divisions: Hydro-Québec Production, its power generation division; Hydro-Québec TransÉnergie, its transmission division; Hydro-Québec Distribution; and, Hydro-Québec Equipment and Services, its construction division. At the end of 2011, the company operated a fleet of nearly 37,000 Megawatts ("MW") of installed capacity with hydropower accounting for 98% of its output. Since 2005, approximately 2,500 MW of new hydropower capacity has been commissioned. An additional 1,550 MW is currently under construction, and will be put in service progressively starting in 2015<sup>1</sup>.

In developing these resources, Hydro-Québec applies the principles of sustainable development from the planning phase all the way through to construction and operation. Hydro-Québec does not undertake a project unless it is profitable under market conditions, environmentally acceptable and favorably received by local communities. As a result, Hydro-Québec is able to provide a renewable, low-carbon, reliable and affordable supply of electricity for both its domestic and export markets.

As Canada's environmental regulations are among the most stringent in the world, all of Hydro-Québec's hydropower projects undergo rigorous and extensive environmental and ecological impact assessment<sup>2</sup>. For example, the environmental impact assessment for the Romaine hydropower project evaluated all the potential environmental and social effects of the project. Based on the results, mitigation and compensation measures have been designed to reduce the environmental impacts and enable land users to continue their traditional activities. The extent of the studies, mitigation measures and environmental monitoring is estimated at nearly \$320 million for this project alone.

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<sup>1</sup> This represents new capacity from the Romaine project.

<sup>2</sup> <http://www.hydroforthefuture.com/approche/6/the-hydropower-development-process>

**Hearing Exhibit 213**

In addition to our environmental stewardship, Hydro-Québec works in close concert with all of the host communities for its projects, Aboriginal and non-Aboriginal. Québec recognizes 11 Aboriginal nations in 55 communities throughout the province and endeavors to develop mutually beneficial partnerships with all of these communities. Host communities are consulted at the very start of a project, and when possible, participate in all phases of a project – from conducting environmental impact studies, through construction, to the on-going environmental monitoring that follows every project. Since 1975, Hydro-Québec has signed more than 30 agreements with Aboriginal communities to promote their long-term development well after its hydropower projects are completed. Furthermore, every effort is undertaken to ensure that the host communities benefit from the economic spin-offs of a project, usually through comprehensive agreements in the case of Aboriginal communities.

H. Q. Energy Services Inc. ("HQUS") is the U.S. energy marketing and business development subsidiary of Hydro-Québec and has been an active participant in the New York electricity market since the inception of the New York Independent System Operator ("NYISO") in 1999. Prior to establishing HQUS, Hydro-Québec and its predecessor companies sold power to New York State for decades following the construction of the Cedars-Dennison intertie in the late 1910s, and more recently following the construction of the Chateauguay-Massena intertie in the early 1980's. Since this time, Hydro-Québec has provided New York with large quantities of energy and displaced a considerable quantity of greenhouse gas ("GHG") emissions<sup>3</sup>. Today, Hydro-Québec is committed to annually providing 900 MW of capacity into New York State through 2030.

**Submission Description**

Hydro-Québec is pleased to make this submittal to the Request for Information for the New York Energy Highway Initiative. This submission is comprised of two distinct projects that offer the potential for significant improvements to the reliability, efficiency and environmental performance of the New York State power system.

Project 1 consists of Hydro-Québec's participation in the proposed new Champlain Hudson Power Express ("CHPE") HVDC transmission line<sup>4</sup>, combined with a renewable, low-carbon supply of electricity into the downstate area.

Project 2 outlines Hydro-Québec's commitment to work closely with the state to evaluate opportunities that enable increased power flows from Québec into and throughout the State of New York.

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<sup>3</sup> Hydro-Québec estimates that in 2011 alone, up to 12 million tonnes of CO<sub>2</sub> emissions were avoided as a result of the export of energy from the Hydro-Québec system into neighboring systems.

<sup>4</sup> Project 1 should be considered in combination with the submission from TDI-USA Holdings, which is developing the transmission infrastructure for the US portion of the CHPE project.

**Hearing Exhibit 213**

Hydro-Québec requests that the two projects be evaluated individually since they are not mutually exclusive and could therefore both be pursued, although they would likely advance and be implemented on significantly different time horizons.

**Project 1: Hydro-Québec participation in the Champlain Hudson Power Express**

**Project Description**

The CHPE is a 1,000 MW high-voltage merchant transmission line being proposed to interconnect the province of Québec with the State of New York in the New York City area. The CHPE project would provide a wide range of benefits to the state because it consists of both an HVDC transmission line, and a renewable, low-carbon supply of electricity. Hydro-Québec proposes to become the “anchor tenant” for the project by committing to up to a 40-year purchase of 75% of the transmission rights, effectively paying for the construction of the line<sup>5</sup>.

**Project Justification**

The CHPE project would simultaneously address several of the primary objectives of the New York Energy Highway Initiative including to promote long-term power system reliability, environmental sustainability, power supply diversity in the downstate area and ratepayer value in the operation of the grid. Additional information about how the project meets each of the objectives contained in the Request for Information is provided below.

**1. Reduce constraints on the flow of electricity to, and within, the downstate area; and expand the diversity of power generation sources supplying downstate.**

CHPE would provide the State of New York with access to another fuel and delivery source for electricity. In particular its potential to deliver significant quantities of hydropower and alter the resource mix in the downstate area is unique for a single project. Today the downstate area relies primarily on natural gas generation, with a limited ability to switch to oil under certain conditions. The recent New York State Transmission Assessment and Reliability Study (“STARS”) report indicates the expectation that the downstate area will continue to rely heavily on natural gas for power generation through 2030. In addition, the City of New York is promoting the replacement of its inefficient oil generators. Inevitably, the addition of new gas capacity to meet growing demand, or replace retiring capacity, will advance the need for additional investment in upgrades to the natural gas transmission system and could create electric system reliability issues during peak periods. The addition of a significant energy and capacity source that is independent from natural gas supply needs and pipeline delivery systems to the area will significantly improve fuel diversity and reliability and mitigate the need for new gas system infrastructure. Additionally, the CHPE

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<sup>5</sup> Hydro-Québec will also invest in new transmission necessary in Québec to support the full 1,000 MW capacity of the new interconnection.

**Hearing Exhibit 213**

provides significant quantities of renewable electricity to the state without exacerbating the constraints that currently exist for the delivery of upstate resources.

**2. Assure the long-term reliability of the electric system is maintained in the face of major system uncertainties.**

While capacity levels in New York are reported by the NYISO and others to be adequate today, the state's traditional capacity resources face an uncertain future in the coming years due to the combination of pending federal environmental regulations, market conditions and public concern for continued operation of certain facilities. The CHPE would provide a highly reliable source of capacity to make up for a loss of capacity that could result from these uncertainties. To the extent that capacity losses occur in supply constrained areas, the CHPE would be particularly valuable since the area is limited in its ability to transfer power from other areas of the state, and generally, to develop large infrastructure projects.

Over the long-term, CHPE would provide the New York power system with an additional interconnection to Hydro-Québec's vast resource base of close to 37,000 MW that could be accessed under a variety of system operating conditions. All interties between Québec and New York are fully controllable, either with HVDC technology or with generation radially connected to the New York system. As a result, the Hydro-Québec system operates independent of system operating conditions in New York. In turn, disturbances in either area do not affect one another and system reliability is enhanced in both. For example, Hydro-Québec assisted New York during the 2003 blackout and continues to be available to provide support during abnormal and emergency power system events. CHPE would enhance Hydro-Québec's ability to provide this type of support into the future.

**3. Encourage development of utility-scale renewable generation resources throughout the State.**

Hydro-Québec's hydropower facilities are extremely valuable as dispatchable sources of energy. In other words, Hydro-Québec's hydropower resources can be ramped up or down to balance the output of intermittent resources such as wind and solar facilities. The CHPE project would support the integration of greater quantities of utility-scale renewable generation in New York because of the dispatchability and size of the resource base in Québec. Hydro-Québec's ability to provide this type of balancing service for intermittent renewable resources would be further enhanced by adding the CHPE project as an additional interconnection point into the New York control area. In addition, the HVDC transmission technology being used to construct CHPE is highly controllable, further enhancing its ability to provide balancing support for intermittent resources. Although it has been employed between Québec and its neighboring markets for decades, HVDC transmission technology has become increasingly

**Hearing Exhibit 213**

attractive to deregulated energy markets in recent years due to its operating characteristics in comparison with AC transmission. In contrast to AC transmission lines where the power flows freely, an HVDC line's flow is completely controllable allowing the system operator to precisely adjust the flow at the delivery point to the amount needed. An approach that combines utility-scale renewables balanced with Québec hydropower presents a unique opportunity for the state to contribute to its renewable and carbon reduction goals.

**4. Increase efficiency of power generation, particularly in densely populated urban areas.**

CHPE has the potential to improve the efficiency of existing power generators serving the New York City area indirectly. Because New York relies on competition among suppliers to serve the electric needs of consumers and CHPE would be an additional supplier, existing power generators will be motivated to improve the efficiency and performance of their resources to continue to compete in the market. In fact, it is these market dynamics that have made New York's wholesale electric markets successful and beneficial for consumers by promoting investment in existing and new resources.

**5. Create jobs and opportunities for New Yorkers.**

Large incremental supplies of competitively priced energy and capacity will result in significant downward pressure on wholesale market prices in congested areas, enabling access to reliable and affordable energy; a critical driver for economic development. While the construction and operation of the CHPE project will create direct jobs and opportunities for New Yorkers, equally important are the indirect jobs that will be created through the access to competitively priced, renewable and low-carbon energy that the project will bring to New York State and the downstate region.

**6. Contribute to an environmentally sustainable future for New York State.**

CHPE would have the capability to deliver up to 1,000 MW of additional renewable, low-carbon power into New York. Using a life-cycle analysis approach, Québec hydropower emissions are similar to those from wind power, a quarter of those from photovoltaic solar facilities, and 40 times less than those from a natural gas plant. Therefore, when coupled with supply from Hydro-Québec, CHPE would assist the state in making significant progress towards reducing carbon emissions as well as reduce other effluents such as SO<sub>2</sub>, NO<sub>x</sub>, heavy metals, and particulate matter. This will be particularly beneficial for air quality in New York City during peak summer and winter periods when the existence of the project could displace the use of higher-emitting resources on the power system. Additionally, as state and federal energy policies evolve and policymakers and stakeholders consider broader approaches to the use of

**Hearing Exhibit 213**

renewable technologies, CHPE would assist New York in meeting, and potentially increasing, its commitments to renewable energy supplies.

**7. Apply advanced technologies that benefit system performance and operations.**

Please see the submission from TDI-USA Holdings.

**8. Maximize New York State electric ratepayer value in the operation of the electric grid.**

CHPE would enhance value to New York ratepayers in several ways. First, significant new quantities of competitively priced energy and capacity will be delivered directly to the higher-priced areas of the state. This will lower wholesale prices and save money for New York consumers<sup>6</sup>. Moreover, the project allows wholesale prices to remain low in the upstate region because it will not cause prices throughout the state to converge<sup>7</sup>. In fact, a recent analysis conducted by the staff of the New York Public Service Commission estimates hundreds of millions of dollars in wholesale market savings that will flow to ratepayers<sup>8</sup>.

Secondly, the addition of the CHPE line will increase competition in the downstate area by increasing the number of suppliers able to serve New York City electric demand. This is important since the downstate area currently relies on a limited number of suppliers. As a result these suppliers will be motivated to enhance the efficiency and performance of existing facilities that operate in the area. Additionally, competition from a lower-cost, highly available resource such as hydropower will minimize price spikes that add to the cost of electricity.

Finally, the project requires significant transmission infrastructure investment in New York, and to a lesser extent Québec, that would be funded by Hydro-Québec's long-term transmission reservation on the line and therefore would not affect transmission rates in New York. Current investment projections estimate that the U.S. portion of the project will cost approximately \$2.2 billion. With this project, New York ratepayers stand to benefit from a significant energy infrastructure addition at no cost.

**9. Adhere to market rules and procedures and make recommendations for improvements as appropriate.**

<sup>6</sup> Lower wholesale prices will result in lower retail rates based on the retail ratemaking structure in the state.

<sup>7</sup> Price convergence is common in wholesale markets as a result of transmission investment that increases the deliverability of low priced resources to higher priced areas.

<sup>8</sup> NY PSC comments in support of TDI-USA Holding's CHPE project filed in article VII Case 10-T-0139 on March 16 and March 30, 2012. In the March 16, 2012 filing, page 25: "Staff estimated the long-term production cost savings of the Facility as the cost of the Facility plus the cost of the hydropower (dams), less the cost of the combined cycle plant and the present value of the plant's fuel and other operating and maintenance costs. Over a 35-year period, the savings (net present value) ranged from approximately \$1.2 billion to \$3.2 billion in 2015".

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Hydro-Québec has a long history of involvement in New York's wholesale electricity markets as a committed participant in the stakeholder process for market design and long-term power system planning. In this regard, Hydro-Québec experts actively engage in the various process steps with the staff of the NYISO, representatives of the various state agencies and stakeholders to appropriately design transmission facilities as well as market rules and transact in the market for the delivery of energy and capacity. Hydro-Québec suggests that clarity of the capacity market mitigation rules for merchant entry in the New York City area is very important for projects such as CHPE to be successful and to maximize the value of the facility for New York. This includes how the state may value the entry of supply that will contribute to New York State's public policy objectives.

**Financial**

**Prospects for an Energy Partnership**

CHPE will assist New York in resolving traditional power system challenges such as maintaining reliability, security and adequacy, as well as address many of the newer challenges in the marketplace such as the need to increase the use of renewable power sources, lower carbon emissions and ensure appropriate levels of fuel diversity to achieve balanced market outcomes for New York consumers.

Hydro-Québec expects the CHPE project to be economic despite significant market uncertainties that currently exist. However, Hydro-Québec also recognizes that the characteristics of the energy to be delivered have significant value for New York and are likely to have increasing value into the future.

Hydro-Québec proposes to work creatively with New York State to explore options for ensuring that as the value of the energy becomes increasingly important to New York in meeting its evolving policy goals for clean, affordable and renewable energy that there will be opportunities to consider how the various energy benefits enabled by CHPE may be utilized by the state. In addition, to the extent that the state desires to take a continued leadership role in the development of renewables and reduction of carbon emissions, CHPE offers such an opportunity. In this regard, Hydro-Québec proposes that the state of New York consider a stakeholder process that would consider innovative ways in which policy and regulation might prioritize and promote incremental hydropower deliveries.

**General Financial Structure**

The CHPE project uses a Federal Energy Regulatory Commission ("FERC") approved<sup>9</sup> merchant transmission funding structure, which allows the developer to subscribe up to 75% of the transmission rights to an anchor tenant, and subscribe the remaining transmission rights through an open season solicitation. Transmission development costs

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<sup>9</sup> 132 FERC ¶ 61,006 (2010)

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in New York will be funded by Hydro-Québec's long-term transmission reservation on the line and therefore would not affect transmission rates in New York.

**Permit/Approval Process**

Please see the submission from TDI-USA Holdings.

**Other Considerations**

CHPE is consistent with Governor Cuomo's vision that New York's power system be comprised of a broad range of projects because it uses technology that can operate efficiently and reliably within an integrated system of diverse supply and demand resources. Commercialization of CHPE is also consistent with the state's goal of maintaining the benefits of wholesale markets that are open to all resources and provide incentives for performance and new investment.

CHPE would provide significant quantities of renewable electricity to New York without exacerbating the constraints that currently exist for the delivery of upstate renewable resources. Similarly, CHPE will add a new source of energy and capacity to the downstate area without adding to the infrastructure needs of the gas transmission system that may increase overtime with continued reliance on natural gas for reliable system operations.

**Additional Information**

For all additional information related to the development of the CHPE please see the submission from TDI-USA Holdings. For any other information, please contact Hydro-Québec.

**Project 2: Increasing Hydro-Québec Power Flows into New York**

**Project Description**

In addition to Hydro-Québec's proposed participation as the anchor tenant for the CHPE project, Hydro-Québec proposes to work in conjunction with the New York State transmission owners to optimize and expand the existing upstate New York – Québec transmission interconnections and relieve key New York congestion points.

In addition to transmission upgrades in Québec, substantially increasing power flows from Hydro-Québec would likely also require transmission upgrades in New York to remove existing deliverability constraints. Increasing the transfer capability over existing interfaces would increase deliverability of upstate generation into downstate areas, including new in-state renewable generation. As identified in the STARS report, the benefits from this type of new transmission investment can be maximized with increased imports from Hydro-Québec<sup>10</sup>.

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<sup>10</sup> [http://www.nyiso.com/public/webdocs/services/planning/stars/Phase\\_2\\_Final\\_Report\\_4\\_30\\_2012.pdf](http://www.nyiso.com/public/webdocs/services/planning/stars/Phase_2_Final_Report_4_30_2012.pdf)

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Hydro-Québec proposes a coordinated transmission development approach to increase transfer capability between Québec and New York, while resolving internal constraints within the New York control area. We envision Project 2 encompassing a joint study to first identify the most economic and beneficial upgrades, changes to operating practices, etc; followed by a joint development agreement to ensure optimal coordination and implementation of the resulting recommendations.

As with Hydro-Québec's participation in the CHPE project (Project 1), this project would increase New York State's interconnection capability with the Québec control area and Hydro-Québec's vast portfolio of hydro resources, providing the state with increased access to competitively priced, renewable and low-carbon energy.

**Project Justification**

- 1. Reduce constraints on the flow of electricity to, and within, the downstate area; and expand the diversity of power generation sources supplying downstate.**

A coordinated initiative to increase imports to New York and relieve constraints within the New York system would directly address both congestion and fuel diversity concerns in the downstate area. Enabling power flows across the New York grid will allow diverse resources such as in-state wind and hydro to access natural gas reliant regions in constrained areas, increasing reliability and reducing wholesale energy costs throughout New York.

- 2. Assure the long-term reliability of the electric system is maintained in the face of major system uncertainties.**

Accessing incremental energy and capacity sources is critical in assuring the future reliability and efficiency of the grid. In addition, reducing constraints throughout the system will increase reliability by enabling power to flow freely and efficiently from generators to consumers. Constrained interfaces impede these flows, requiring the dispatch of less economic resources in order to maintain reliability requirements. Power supplies from Hydro-Québec can be available very quickly in the event of an emergency or contingency that may occur, helping further bolster reliability on the New York energy system. All interties between Québec and New York are fully controllable, either with HVDC technology or with generation radially connected to the New York system. As a result, the Hydro-Québec system operates independent of system operating conditions in New York. In turn, disturbances in either area do not affect one another and system reliability is enhanced in both. For example, Hydro-Québec assisted New York during the 2003 blackout and continues to be available to provide support during abnormal and emergency power system events. An increased ability to flow energy into New York would enhance Hydro-Québec's ability to provide this type of support into the future.

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**3. Encourage development of utility-scale renewable generation resources throughout the State.**

Hydro-Québec's hydropower facilities are extremely valuable as dispatchable sources of energy. Therefore, Hydro-Québec's hydropower resources can be ramped up or down to balance the output of intermittent resources such as wind and solar facilities. Increased power flows from Hydro-Québec would support the integration of greater quantities of utility-scale renewable generation in New York because of the dispatchability and size of the resource base in Québec. An approach that combines utility-scale renewables balanced with Québec hydropower presents a unique opportunity for the state to contribute to its renewable and carbon reduction goals.

In addition, optimizing the transmission system and eliminating bottlenecks will enable in-state utility-scale renewable generation projects in remote and oversupplied areas to access higher-priced load centers, which will both aid in the continued development of these projects, as well as increase reliability and lower costs and price volatility.

**4. Increase efficiency of power generation, particularly in densely populated urban areas.**

Reducing bottlenecks within the state will eliminate the need to dispatch less economic resources in order to meet reliability standards in constrained areas. This will result in a more efficient and economic energy grid, allowing companies to make more informed and predictable investment decisions, allowing newer and more efficient generation and generation technologies to be integrated into the grid.

**5. Create jobs and opportunities for New Yorkers.**

Large incremental supplies of competitively priced energy and capacity will result in significant downward pressure on wholesale market prices in congested areas, enabling access to predictable and affordable energy; a critical driver for economic development. Equally important are the indirect jobs that will be created through the increased access to competitively priced renewable, low-carbon energy that is made available to New York State.

**6. Contribute to an environmentally sustainable future for New York State.**

Increased import/export capacity with Québec will allow incremental renewable, low-carbon power to flow into New York, which can be dispatched to aid in the integration of new intermittent renewable resources.

Using a life-cycle analysis approach, Québec hydropower emissions are similar to those from wind power, a quarter of those from photovoltaic solar facilities, and

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40 times less than those from a natural gas plant. Therefore, increased deliveries would assist the state in making significant progress towards reducing carbon emissions as well as other effluents such as SO<sub>2</sub>, NO<sub>x</sub>, heavy metals, and particulate matter.

**7. Apply advanced technologies that benefit system performance and operations.**

If identified as a preferred opportunity, new transmission development will utilize the most up to date technology, which will increase efficiency and assure compatibility with the latest innovations in generation, transmission and smart grid technologies.

**8. Maximize New York State electric ratepayer value in the operation of the electric grid.**

Optimizing the power flow capability between Québec and New York will ensure the most effective and efficient use of the energy system, resulting in increased reliability and predictable and competitive wholesale energy costs for New York ratepayers. As recognized in the STARS report, increasing energy flows from Québec would increase the economic benefits of upgrades developed within New York.

**9. Adhere to market rules and procedures and make recommendations for improvements as appropriate.**

As outlined in the recent STARS <sup>11</sup> report, due to current NYISO operating practices regarding the treatment of a single external source, the import limit from Hydro-Québec's Chateauguay station into New York is nearly 1,000 MW below the facility's approved limit. A review of the relevant NYISO operating practices could lead to low-cost economic solutions for increasing power flows from Hydro-Québec.

**Financial**

**Prospects for an Energy Partnership**

Hydro-Québec proposes an iterative partnership with New York and applicable transmission owners, and in conjunction with NYISO's long-term planning process, to assess the various operating practices and transmission infrastructure options that would enhance deliverability into and throughout the state. This would include

<sup>11</sup> The export limit from Hydro-Québec's Chateauguay station to New York is approved at 2,370 MW with all equipment in service, which includes four 765/120 kV transformers. The New York Control Area ("NYCA") import limit from the Québec Chateauguay-Massena single 765 kV interconnection is, however, limited to 1,380 MW per current NYISO operating criteria, which prevents a single external NYCA source from exceeding the largest internal contingency, in this case Nine Mile Point Station #2 at a projected capacity of 1,380 MW. If there is a desire, from a public policy perspective, to increase the import capability of hydro generation from Québec, additional analysis would be needed to determine how to best address the loss of single source contingency.

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collaboration on the scope, design and assumptions for the necessary studies as well as transmission funding mechanisms and agreements for treatment of new capacity.

In order to facilitate increased power flow capabilities between New York and Québec, partnership opportunities would need to be evaluated to ensure equitable long-term value for both Hydro-Québec and New York. One way to achieve this is to build on the current partnership with the State of New York, which commits long-term capacity sales from Hydro-Québec into the state. However, Hydro-Québec is open to all ideas and concepts.

**General Financial Structure**

Hydro-Québec is open to traditional and innovative funding structures, including structures in which the cost of the initial study is shared equally between Hydro-Québec and the New York transmission owners. Actual upgrade costs could be borne by Hydro-Québec for the upgrades needed in Québec and the appropriate transmission owners for the upgrades required in New York.

**Permit/Approval Process**

N/A at this time

**Other Considerations**

N/A at this time

**Additional Information**

Please contact Hydro-Québec for questions regarding additional information.

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