



Via Electronic Mail to Jerry.Pell@hq.doe.gov

August 1, 2010

Dr. Jerry Pell
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Subject: Scoping Comments, Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement (DOE/EIS-0447)

Dear Dr. Pell:

Please see below comments on scoping for the above-referenced proposed environmental impact statement (EIS) for the Champlain Hudson Power Express (CHPE) transmission line project.

1. *Cooperating Agencies* – The National Oceanic and Atmospheric Association (NOAA) should be included as a cooperating agency because of the agency's expertise in evaluating impacts to fisheries and aquatic biota. In addition, the New York State Hudson Valley Greenway Council should also be included as a cooperating agency to evaluate potential project impacts and consistency with the criteria established by New York State during the creation of this organization. See New York Environmental Conservation Law Article 44, Hudson River Valley Greenway.

2. *Visual Resources* – DOE's June 18, 2010 Notice of Intent (NOI) to prepare an EIS for the project includes visual impacts among the listed impacts identified for analysis. 75 Federal Register 117, at 34,723 (Fri., June 18, 2010). The analysis should also consider visual impacts during construction of the facilities as well as maintenance. This should apply to below-ground, submarine, and above-ground facilities. The proposed submarine cables will pass through several areas that have been specially designated as scenic districts by New York State under New York Environmental Conservation Law Article 49, Protection of Natural and Man-Made Beauty (e.g., the Tappan Zee East Scenic District, Olana Scenic District). Extended construction and/or maintenance of facilities, included below-ground facilities, can produce visual and aesthetic impacts. As such, these impacts should be identified and evaluated. Presently, the NOI only states that above-ground components will be evaluated. NOI at 34,723 (item #10).

3. *Environmental Impacts of Electric Reliability* – While the evaluation of the Presidential Permit will separately assess the impact on electric reliability for consistency with the public interest, it

is also necessary to consider the environmental impacts from any necessary facilities, maintenance, or other activities that are needed to ensure the CHPE project is compliant with North American Electric Reliability (NERC) standards. Compliance with NERC standards, such as vegetation management, can sometimes yield significant environmental impacts. It is not clear what NERC standards would be applicable to the proposed CHPE facilities; but such NERC standards should be identified and evaluated for potential environmental impacts in construction and operation of the CHPE facilities.

4. Potential Power Generation and Transmission Uses – The NOI indicates the proposed CHPE facilities will transmit electricity that is produced from renewable sources in Canada for delivery to New York recipients. NOI at 34,721. In the event that renewable resources are not utilized for power generation or are discontinued, then the environmental impact of the project would vary from the proposal. Therefore, the EIS should consider alternative power generation sources, for example fossil fuel sources, that may be used with the new CHPE facilities and evaluate environmental impacts. In addition, it is possible that the CHPE facilities would be used to transmit New York –generated electricity for export to Canada. Under this scenario fossil-fuel sources, rather than renewable sources, might be utilized. Alternative transmission and generation scenarios should thus be considered in the evaluation of environmental impacts.

5. Impacts Upon Existing Infrastructure – The construction and operation of the CHPE facilities could produce environmental impacts because of the existing infrastructure at or near the proposed facilities' location. For example, the HVDC and AC cables in Yonkers will pass near the Westchester County North Yonkers Pump Station, which pumps large volumes of sewage to the Yonkers Joint Wastewater Treatment Plant (a 120 MGD WWTP located south of the proposed converter station in Yonkers). There are several large diameter pipelines near the North Yonkers pump station that deliver sewage to the WWTP, and the proposed location of cables would likely cross over or under these pipelines. In the event that construction or operation of the CHPE facilities results in a release of sewage, such as through inadvertently fracturing a pipeline, this would produce substantial environmental impacts. As another example, the HVDC and AC cables will pass under the high-voltage electrified lines along the Metro-North Railroad (MNR). Potential electrical or magnetic interference with CHPE facilities because of the proximity of the MNR lines should be evaluated along with environmental impacts. Any other possible infrastructure impacts should be identified in the EIS.

6. Cumulative Impacts The impacts analysis should consider cumulative effects of other potential projects and uses in the vicinity of the project site. The downtown Yonkers area is undergoing substantial renovation, and there are believed to be several projects of significant size proposed in the vicinity of the proposed converter station location. As such, a cumulative impacts analysis is necessary to properly identify the scale of potential impacts that might occur should several projects and the CHPE project go forward.

7. Facility Decommissioning – The analysis should include the environmental impacts of decommissioning or abandoning the proposed CHPE facilities. For example, what types of decommissioning might occur and what are the accompanying environmental impacts?

8. Transparency of Mitigation and Monitoring – The environmental review and EIS development should proceed with a perspective of incorporating transparency during the review

process and post-approval (if approved). The alternatives that are evaluated should include a consideration of opportunity for public scrutiny of impacts, such as through review of monitoring data. Accordingly, the alternatives design should incorporate facilities or options that promote public assessment during the project lifetime. These might be metering abilities, equipment locations, or other facilities that aid in sampling and reviewing project impacts and success of mitigation measures.

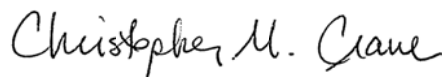
9. *Energy Conservation and Energy Efficiency Alternatives* – The NOI describes three proposed alternatives that only differ in location of the cables and alternative substations. NOI at 34,722-23. The EIS should also consider the potential for demand reduction, utility energy efficiency requirements, and initiatives of the New York Public Service Commission (NYSPSC) and New York State Energy Research and Development Authority (NYSERDA) to influence the scope of the project. By reducing customer electric demand, such measures could also reduce the size of new projects. In addition, the need for the CHPE project should be provided, with adequate quantitative support, to help evaluate the project environmental impacts against electric reliability needs.

10. *Open Access Requirements* – If the proposed CHPE facilities must provide non-discriminatory “open-access” to other electric providers, then the EIS should consider any accompanying environmental impacts to accommodate such open access.

11. *Relationship to New York ISO and Other Regional Entities* – The EIS should include an evaluation regarding operation of the proposed CHPE facilities in relationship to the New York Independent System Operator (NYISO) or regional entities (NEISO, PJM, NPCC). For example, would CHPE operation in relationship to other facilities and regions yield any environmental impacts? See, e.g., Presidential Permit No. PP-299, Sea Breeze Pacific Regional Transmission System, Inc., at 2 (June 11, 2008) [describing post-contingency conditions, relationship with Western Electricity Coordinating Council].

Thank you for this opportunity to provide comments on this important matter. If I can provide any further information, please do not hesitate to contact me at (914) 995-2104.

Very truly yours,



Christopher M. Crane, Esq.
Legislative Counsel