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August 02, 2010

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

Re: S-2010-0025
DOE Docket #: PP-362
NYS PSC Case: 10-T-0139
Champlain Hudson Power Express
**Environmental Impact Statement Scoping
Comments**

Dear Dr. Pell:

The New York State Department of State (DOS) is the New York State agency responsible for the administration of New York State's federally approved Coastal Management Program (CMP) prepared pursuant to the Coastal Zone Management Act (CZMA). Pursuant to 15 CFR part 930, DOS, reviews most federal permitting or other authorization actions within or affecting New York's federally approved coastal area. An applicant seeking authorization for an activity within or affecting New York's Coastal Area must certify that the activity would be conducted in a manner consistent with the CMP and applicable Local Waterfront Revitalization Plans (LWRP). Prior to federal authorization of an activity within or affecting the NY's Coastal Area, DOS must concur with the applicant's certification or DOS concurrence must be conclusively presumed. If DOS objects to an applicant's consistency certification, the applicable federal agency may not authorize the proposed action.

DOS does not seek Cooperating Agency status pursuant to NEPA, as the provisions of the CZMA provide DOS with comparable authority. The federal consistency provisions of the CZMA are separate and distinct from NEPA. However NEPA documents may be used as a vehicle for necessary and additional data required by 15 CFR part 930 and as such, DOS provides the following comments.

A comprehensive analysis of alternatives should be provided that examines all feasible alternatives to the project as currently proposed.

Currently the project proposes to influence a significant length of the Hudson River via the installation, operation and maintenance of a High Voltage Direct Current (HVDC) transmission line and as such, comparable routes should be examined and dismissed prior to the selection of the proposed route. It would be desirable for the current analysis (available under the NYS Public Service Commission Case 10-T-0139) to be expanded to consider: an HVDC line buried within existing utility corridors, and an HVDC line utilizing the currently proposed route from the United States border to the vicinity of

Albany, NY and then transitioning to a buried configuration within existing upland utility corridors for the remainder of the route.

In addition to alternative siting options, comparable investment in alternative and distributed generation sources, upgrades to existing transmission infrastructure and demand side management alternatives should likewise be considered.

Should a complete alternative analysis demonstrate that the currently proposed route remains the preferred alternative or if an alternative route that would still have coastal effects is selected, the Environmental Impact Statement (EIS) should include an analysis of all applicable CMP and LWRP policies.

DOS requires all applicants seeking concurrence with a consistency certification to provide an analysis of all applicable CMP or applicable LWRP policies. If the applicant proposes to utilize the NEPA documentation as a vehicle for necessary and additional information, all applicable CMP and LWRP policies should be evaluated within the EIS.

The proposed action would traverse multiple communities with federally approved LWRPs and as such where the proposed action would have an effect on such a community, an analysis of applicable LWRP policies for each LWRP community should be provided.

The applicant should provide a full characterization of the entire corridor in which the transmission line is proposed to be constructed and characterize potential effects relating to the installation, operation and maintenance of said line.

The applicant should provide a characterization of sediment size and soil type along the entire route and characterize the suitability of each area to utilize the proposed installation methodology. For the in water portions this analysis should characterize proposed and maximum achievable burial depths and susceptibility to sediment re-suspension. In underwater areas where burial is not possible, the potential effects of the proposed concrete mats should be discussed.

The applicant should identify and characterize all pollutants along the route and analyze the likelihood of re-suspension or release. Where specific pollutants are identified, adequate preventative measures, including applicable alternatives, should be analyzed and their anticipated coastal effects included in the scope of the EIS.

The applicant should analyze all Significant Coastal Fish and Wildlife Habitats (SCFWHs) that would be affected by the installation, operation or maintenance of the proposed transmission line and determine if those effects would affect the viability of the SCFWHs. Any difference in effects between installations in disturbed versus undisturbed areas of applicable SCFWHs should be discussed. All data necessary to support this evaluation should be included.

The applicant should characterize all public access opportunities and recreation activities that would be affected by the proposed transmission line. This should include effects anticipated during installation operation and maintenance activities.

The applicant should characterize all visual resources that may be affected by the installation, operation or maintenance of the proposed transmission line and other

proposed infrastructure. DOS has designated certain areas along the proposed route as Scenic Areas of Statewide Significance (SASS) that may assist the applicant in characterizing potential visual effects in these areas.

The applicant should characterize all historic resources to the satisfaction of the New York State Office of Parks Recreation and Historic Preservation (OPRHP).

The applicant should identify and characterize all agricultural land that may be affected by the proposed transmission line.

The applicant should identify and characterize all freshwater and tidal wetlands along the proposed route.

The applicant should discuss potential coastal effects of stormwater discharges along above ground portions of the proposed transmission line during installation, operation and maintenance.

The applicant should characterize the potential effects of the installation, operation and maintenance of the proposed transmission line on the ground and surface water regime along all buried portions of the route including freshwater and tidal wetlands.

The applicant should characterize the potential coastal effects of the electric generation source that will supply the proposed transmission line including the potential for said generation to affect air quality.

The applicant should determine the Hudson River navigation channel's maximum depth practicable to support existing and future commercial navigation given existing, authorized depths, topography, necessary channel side slopes, port infrastructure and aerial clearances.

These comments are provided as guidance and are based solely on cursory review of materials provided to DOS and do not necessarily represent the balance of materials necessary for DOS to begin or complete a review of the applicant's anticipated consistency certification.

Thank you for the opportunity to provide scoping comments on the above referenced project. DOS looks forward to reviewing and commenting on interim documents during the NEPA process and completing its federal consistency responsibilities pursuant to 15 CFR Part 930.

If further information or clarification is required please contact Matthew Maraglio at 518-474-5290 (email: matthew.maraglio@dos.state.ny.us) and reference our file number S-2010-0025.

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Coastal, Local Government
and Community Sustainability