



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

SEP 12 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 Final Environmental Impact Statement dated August 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

Dear Mr. Mills:

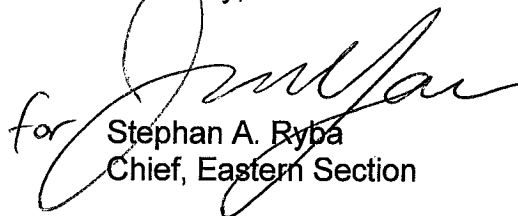
This is in response to the August 2014 Final Environmental Impact Statement (FEIS) for the proposed Champlain Hudson Power Express Transmission Line Project.

Specific Comments on the Text of the Document:

1. FEIS Page S-52&53: The applicant submitted a letter, dated February 25, 2014, Compensatory Mitigation for Permanent Wetland Impacts which demonstrated a change of the project's wetland impacts as follows:
 - a. The project's permanent impact to forested wetland was revised to be 0.6 acres
 - b. The project's permanent impact to emergent or scrub-shrub wetlands was revised to be 9.7 acres.

Thank you for the opportunity to comment on the FEIS 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,

for 
Stephan A. Ryba
Chief, Eastern Section

Permit Application No: NAN-2009-01089-EYA
Applicant: Transmission Developers Inc, Champlain Hudson Power Express
Transmission Line Project, OE Docket N.O. PP-362. USACE comments on the Final
Environmental Impact Statement dated August 2014.

- 2 -

Enclosures

Cc:

HDR – Patrick Solomon by email
USEPA - John Cantilli by email

Teepe, Adam

From: website@chpexpress.com
Sent: Monday, September 15, 2014 10:28 AM
To: Solomon, Patrick D
Subject: CHPEXpressEIS Comment

soygale@verizon.net has submitted a comment from the CHPEXpressEIS website.

First Name: Gale
Last Name: Pisha
Address1:
Address2:
City: Nanuet
State: NY
Zip: 10954
Email: soygale@verizon.net

Comments:

The Final EIS does not, in my opinion, adequately address some of the questions raised by the public during the various opportunities for public comment. Since these are important questions, I ask that a Presidential permit not be granted for this project.

Important questions designated "outside the scope of the EIS"

After reading many of the comments on the DEIS and the responses to these comments, I must confess that I am frustrated by this process of even having an environmental impact statement, when so many objections are simply answered by the response, "this is outside the scope of the EIS."

One example is Comment #133 by Tom Ellis, of the Citizen's Environmental Coalition and the Solidarity Committee of the Capital District, concerning the environmental effects of CHPE in Canada. The response is that consideration of such impacts are not required by NEPA (133-01). So any citizen opposition to a Presidential permit being granted for this proposed transmission line for these reasons is dismissed by simply refusing to consider the objections, since not being required by NEPA is not the same thing as not being permitted by NEPA.

Another example is Comment #139 by Jurgen Wekerle of Sierra Club's Atlantic Chapter, where he details the lack of need for CHPE electricity and criticizes the fact that a need analysis was not done in the EIS, as required by NEPA. The response is simply that "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." (139-07)

On the contrary, the issue of whether electricity is needed in NYS seems directly related to whether a Presidential permit should be granted to bring foreign energy into a region that has sufficient amounts already, considering all the environmental impacts of the project. Need would seem to be a basic question that should be answered before considering any specific details of a plan! Please consider this important point when making a decision on the permit.

In the same vein, response 139-16 says "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." This is similar to the consideration of need in that it is essential for conservation and other power generation sources such as renewable energy sources to be considered before any specific plan is approved.

Important questions not adequately addressed

The response to Wekerle's point regarding there being no reciprocity between NY and Canada for trading electricity back and forth, as required by FERC and NAFTA, is disappointing in not even directly addressing the question; the response simply quotes the PSC that CHPE will advance competition in the NYC market (139-03).

This de facto exclusion Wekerle is speaking about is not good for New York State as a whole, since, as he points out, this Canadian subsidized electricity will have an impact on the electricity produced in NY by other within-state generation

sources. I believe it is essential for the DOE to consider the economic effects of CHPE on the entire state of NY, as well as the region.

Two other objections to CHPE regarding health and safety risks to the public from cumulative impacts were also not adequately addressed by the Final EIS.

First, the overland route of CHPE will pass along the CSX railroad right of way through Rockland County. While possible effects of magnetic fields on the signals, especially through the Quiet Zone, are considered, there is no treatment of the fact that several trains per day involving hundreds of tank cars carrying highly explosive Bakken crude oil are passing along this route. An accident involving the tankers might well become geometrically worse if the CHPE cable is affected.

Second, the Final EIS mentions Spectra's Algonquin Incremental Market project as a possible source of cumulative impacts during construction. However, it does not mention the danger of the 42" diameter, high pressure natural gas pipeline crossing the CHPE power line underground within several feet of each other. On page 6-23, it says "electric fields would not be emitted at or above the ground surface," but does not mention what will happen below ground surface in proximity to this natural gas pipeline. Even if there is no arcing from the transmission line to the pipeline, if there is an accident with either, especially so close to Indian Point Nuclear Power Plant, the cumulative impacts could be deadly to the region.

The Final EIS does mention the environmental impacts of digging up parkland along its overland route, and I do understand that its scope is not to address the ethical aspects of doing so. I do ask the DOE, however, to consider objections to allowing our state's and nation's parkland to be used by private companies for their own profits. I object to our protected parkland being used for private purpose, especially when it will be damaged.

Conclusion

Because of the important issues still outstanding concerning CHPE which are not adequately addressed by the Final EIS, I respectfully recommend that no Presidential permit be granted to the project at this time.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



September 10, 2014

Mr. Brian Mills
National Electricity Delivery Division
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Mills:

The U.S. Fish and Wildlife Service (Service) has reviewed the Final Environmental Impact Statement and Biological Assessment (FEIS/BA) for the Champlain Hudson Power Express Transmission Line Project dated August 2014. This project is a buried 336-mile long, 1000-megawatt direct current transmission line to be located in 16 counties in New York State, from the Canadian Border at Lake Champlain and generally following the Hudson River south to New York City. As lead federal agency, the U.S. Department of Energy (DOE) produced the FEIS/BA and is considering the approval of a Presidential Permit to construct, operate, and maintain the project.

Pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the DOE has determined that the project will result in no effect to the federally-listed threatened bog turtle (*Clemmys [=Glyptemys] muhlenbergii*), northern wild monkshood (*Aconitum noveboracense*), small whorled pogonia (*Isotria medeoloides*), endangered piping plover (*Charadrius melodus*), roseate tern (*Sterna dougallii dougallii*), or proposed threatened red knot (*Calidris canutus rufa*) or the federal candidate for listing, the New England cottontail (*Sylvilagus transitionalis*), as no suitable habitat for these species occurs along the project site. We have no additional comments on these species.

In addition, the DOE has determined that the proposed project may affect, but is not likely to adversely affect, the endangered Indiana bat (*Myotis sodalis*), Karner blue butterfly (*Lycaeides melissa samuelis*), or the proposed endangered northern long-eared bat (*Myotis septentrionalis*).

As you are aware, the northern long-eared bat is currently proposed for listing as an endangered species under the ESA and a final listing decision is expected in April 2015. At this time, no critical habitat has been proposed for the species. Pursuant to Section 7(a)(4) of the ESA, federal action agencies are required to confer with the Service if their proposed action is likely to

jeopardize the continued existence of the northern long-eared bat. Action agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species. We appreciate DOE's efforts to consider the northern long-eared bat while it is proposed for listing.

A majority of the project will be sited within water. However, a portion does follow a land route between Lake Champlain and the Hudson River. The land route is collocated with road and railroad rights of way; however, some vegetation removal, including trees, will be required. These rights of way are currently managed for transportation purposes and subject to continual disturbance. Once installed, maintenance of the project right of way will be similar to what is currently being implemented for transportation purposes. Given the linear nature of tree removal, the fact that the upland portion of the project will follow many existing transportation rights of way, and the proposed conservation measure of conducting tree removal between October 31 and March 31, we do not anticipate any measurable impacts to the northern long-eared bat. Therefore, we concur with your determination. Given that no adverse impacts are anticipated, the project is unlikely to jeopardize the continued existence of the northern long-eared bat.

If the northern long-eared bat is listed, and if project activities are expected to continue after this listing, this concurrence will serve to satisfy consultation requirements pursuant to section 7 of the ESA, provided that: (1) the project scope and activities remain unchanged; (2) any applicable or any proposed conservation measures are implemented; and (3) there are no other changes (e.g., to the landscape, habitat, etc.) that may affect the newly-listed species and that have not already been analyzed in this consultation.

The DOE has indicated that the construction and operation of the project will not adversely affect the Indiana bat as well. Because the conservation measure of removing trees when the bats are not present (October 31 to March 31) will be used for this project and the existing disturbed nature of the transportation rights of way where the project will be sited on land, we concur with the determination.

The Karner blue butterfly occurs in the project area at two known general locations. Several sites within these locations contain patches of wild blue lupine (*Lupinus perennis*), an important food source for the larval stage of Karner blue butterfly. The project sponsor has agreed to drill and install the transmission cable 10 feet below these areas. Areas of lupine would be fenced to prevent intrusion of construction activity and no impact is expected to these areas. An environmental monitor will ensure the protection of these areas as well. No pesticides or herbicides would be used in lupine areas and coordination with the Service would be initiated if work near lupine habitat is expected. Given that there will be no direct impact to lupine habitat and conservation measures such as fencing and monitoring and no herbicides or pesticides will be used, we concur with the DOE's determination that the project may affect but will not likely adversely affect the Karner blue butterfly.

The project sponsor, Transmission Developers, Inc. (TDI), has agreed to implement additional conservation measures to benefit the Karner blue butterfly. In a letter dated June 12, 2014, TDI has committed to developing a plan in consultation with the Service that will promote the growth of lupine within their right of way. Specifically, TDI has indicated that they will periodically

mow and/or hand cut lupine patches during periods when they are not occupied by butterflies, to promote and expand lupine growth. Although this will ultimately be a beneficial action for the species, short-term adverse impacts are likely to occur. Consequently, TDI has agreed to apply for a section 10(a)(1)(A) permit pursuant to the ESA prior to project construction. We look forward to partnering with them in furthering Karner blue butterfly conservation.

No further coordination or consultation under the ESA is required with the Service at this time. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed projects are complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed projects is current.*

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. This response does not preclude additional Service comments under other legislation.

Any additional information regarding the proposed projects and their potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

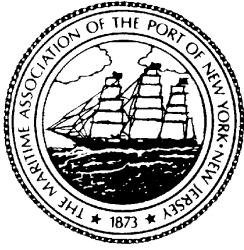
Thank you for your time. If you require additional information or assistance please contact Tim Sullivan at (607) 753-9334.

Sincerely,

for *Patricia Cole*
David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, New Paltz, Ray Brook, and Schenectady, NY (Env. Permits)
NYSDEC, Albany, NY (Wildlife Diversity)



**THE MARITIME ASSOCIATION
OF THE
PORT OF NEW YORK/NEW JERSEY
Tug & Barge Committee**



NAN-2009-01089-EYA

September 8, 2014

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.”¹

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.”²

¹ HDR Letter October 18, 2010, Sean Murphy

² 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”

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.”³

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.

³ 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”

“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.”⁴

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. The anchor is an important ship-handling tool and often the only tool available. Commercial vessels often times have to anchor unexpectedly due to diminishing weather and visibility, to avoid collision or to avoid running aground in an emergency situation. Mariners also rely on the anchor for ship-handling maneuvers such as turning a vessel with the following tide or to keep the vessel under control when approaching a berth or anchorage. The anchor is very effective but not a precision instrument. A cable in or near and running parallel to the navigable channel is very likely to complicate anchoring and to restrict the areas available to do so. An effort to avoid the cable or the anchor snagging the cable could result in a serious marine incident at a significant environmental and economic cost.

Compass deviation is another potential risk from subsurface infrastructure. The Magnetic Compass is the cornerstone of all Navigation and required by law to be carried aboard vessel. Unknown/sporadic deviation of the Magnetic Compass by magnetic fields emitted by cables would severely impact navigation safety in the event of Electronic Navigation Failure caused internally or externally (Lightning Strike, Cyber Attack). Erroneous deviation of the magnetic compass due to the impact of cabling lying parallel to the navigable channel may exacerbate the situation of trying to navigate in reduced visibility, thus adding an unnecessary level of additional risk to the mariner

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 to approach to cable routes. While these utility projects are important, the risks are too great to dedicate the bottoms of our navigable waterways to subsurface infrastructure. These projects should not be permitted in navigable waters unless they are perpendicular to the navigable channel and buried safely to avoid any chance of anchor strike or snag.

⁴ 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”

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

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Johansson". The signature is fluid and cursive, with a long horizontal line extending to the right.

CAPT Eric Johansson, Executive Director
Tug and Barge Committee Port of New York/New Jersey

"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"

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
www.dps.ny.gov

PUBLIC SERVICE COMMISSION

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Secretary

September 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

Re: Champlain Hudson Power Express Transmission Line Project - Final Environmental
Impact Statement

Dear Mr. Mills:

This letter constitutes the comments of the New York Public Service Commission (NYPSC) on the above-referenced Final Environmental Impact Statement (EIS). The NYPSC granted Champlain Hudson Power Express, Inc. (CHPEI) a Certificate of Environmental Compatibility and Public Need (Certificate) on April 18, 2013, pursuant to the Public Service Law of the State of New York. In doing so, the NYPSC carefully considered many factors, including the basis of the need for the proposed project, the identified potential environmental impacts of the project, how those impacts could be minimized, various alternatives to the project, how the project would fit with state policies, and whether, on balance, the project would serve the public interest.

The NYPSC concluded, in relevant part, the following:

This 1,000 MW Facility would allow imports of energy, nearly year round, into one of the most congested load pockets in the State. The energy imported could amount to over 10% of the energy consumption in New York City. This is a significant amount of additional capability that would enhance energy security to the City by providing another source of power into the City....

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
September 15, 2014

We are recognizing the price stability benefits that flow from using energy generated by hydro resources and according weight to such a benefit as additional support for finding economic need for this Project.

[T]he need for this Project has been demonstrated by the Project's ability to advance important public policies set forth in the State Energy Plan and *PlaNYC*, among other documents expressing State policy....

[T]he detailed provisions... protect the State's valuable natural resources by ensuring that Lake Champlain and riverine benthic habitat is not lost and that environmental impacts are minimized. The subaquatic Facility segments have been routed to avoid, to the maximum extent practicable, areas deemed environmentally sensitive... Where the Facility would be located within a significant habitat or exclusion area, construction will be restricted to avoid times when these areas are more likely to contain sensitive species, thereby avoiding impacts during important life cycle periods. We find that any magnetic field induced by the Facility will have de minimus impact, if any, on migratory species, in the Hudson River.

The upland Facility segments primarily are located in existing railroad or State highway rights-of-way. Selective use of horizontal directional drilling for upland segments and for land to water transitions, as proposed, will serve to avoid or minimize potential adverse environmental impacts....

The Champlain Hudson Power Express Facility can be constructed and operated consistent with the achievement of the State's long-range energy planning objectives....

That this Project will serve New York City load while displacing more-polluting generation sources, advance major energy and policy goals as set forth in ... Commission and State documents, and rely almost entirely on private investment are significant Project benefits, which can be realized without substantial negative environmental impacts.¹

The NYPSC also imposed numerous conditions in the Certificate to ensure that adverse environmental impacts will be minimized. Among the conditions was one establishing the Hudson River and Lake Champlain Habitat Enhancement, Restoration,

¹ Case 10-T-0139, Order Granting Certificate of Environmental Compatibility and Public Need, pp. 97-100 (April 18, 2013)

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
September 15, 2014

and Research/Habitat Improvement Project Trust (consisting of \$117.15 million in nominal terms) to be used to study and mitigate possible impacts of the underwater cables on water quality or aquatic habitat in the Hudson, Harlem and East Rivers, Lake Champlain, and their tributaries.²

The Final EIS expresses similar conclusions. That document describes the Preferred Alternative as the granting of a Presidential Permit that would allow the project to cross the U.S./Canada border. It also explains how, through a collaborative process, the Certificate holders and joint parties extensively analyzed the natural resources, land uses, and water uses within the project corridor. Thereafter, the parties to the Joint Proposal agreed to measures that will avoid, minimize or mitigate the identified potential adverse environmental impacts of the project. The mitigation measures specified in the Joint Proposal and Certificate are virtually identical to those discussed in the National Environmental Policy Act documentation. Any differences among these measures can be dealt with appropriately if and when CHPEI files with the NYSPSC an application for an amendment of the Certificate.

The federal and state environmental review processes demonstrate that access to emission-free electric energy by means of this project is appropriate. Increasing access to such energy will also facilitate state and federal efforts to reduce greenhouse gas emissions.

Respectfully submitted,

Kimberly Harriman, General Counsel



By: Sean Mullany, Assistant Counsel
Public Service Commission
of the State of New York
Three Empire State Plaza
Albany, NY 12223-1350
(518) 474-7663

Dated: September 15, 2014
Albany, New York

² Case 10-T-0139, Order Granting Certificate of Environmental Compatibility and Public Need, Certificate pp. 3 & 10 (April 18, 2013) (citing JP ¶¶144-147).



The American Waterways Operators

www.americanwaterways.com

801 North Quincy Street
Suite 200
Arlington, VA 22203

John A. Harms
Manager - Atlantic Region

PHONE: (703) 841-9300, extension 292
CELL: (703) 615-1774
FAX: (703) 841-0389
EMAIL: jharms@vesselalliance.com

September 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: Champlain Hudson Power Express (CHPE)
Transmission Project Environmental Impact
Statement (EIS No. 20140227)

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 Champlain Hudson Power Express (CHPE) cable route transmission system Environmental Impact Statement (EIS).

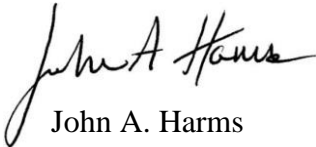
As proposed, the CHPE cable route presents a risk to the safe operations and economic vitality of the tugboat and barge industry. The Hudson River's congressionally-authorized navigation channel accommodates a wide range of vessels that must be able to engage in emergency maneuvers to avoid collisions, allisions, and groundings by quickly deploying an anchor or anchors. In addition, vessels must be able to anchor during the sudden onset of fog or other inclement weather. The presence of an underwater cable, even a cable buried seven feet deep as proposed for certain portions of the project, would prevent vessels from deploying an anchor due to the risk that the anchor could be damaged or become entangled in the cable. Sound and common sense public policy dictates that cables within a congressionally-authorized navigation channel should be placed perpendicular to the channel and buried to a sufficient depth to minimize the cable's impact on vessel traffic.

AWO is pleased that the CHPE EIS provides for the cable to be buried at least fifteen feet deep on certain portions of the river that are federally maintained by the Army Corps of Engineers. However, the EIS provides for the cable to be buried to a depth of only seven feet on certain portions of the river that are not federally maintained. A burial depth of seven feet is inadequate to prevent snags by anchors that can weigh twelve tons and that are designed to dig deep into the riverbed. In addition, the EIS provides that the cable shall not be buried at all on certain portions of the river where cable burial is impossible. In these instances, the EIS provides for the cable to

be covered by articulated mattresses, which are just as likely to cause anchor fouling as an inadequately buried cable. The articulated mattresses are also unlikely to adequately protect the cable from anchor strikes. ***AWO strongly recommends that the cable be buried at least fifteen feet deep. If the CHPE cable cannot be buried to a depth of fifteen feet throughout the entire congressionally-authorized channel, the CHPE cable route application must be denied due to the increased risk to commercial vessels operating on the Hudson River.***

Thank you for the opportunity to comment on the CHPE cable route transmission system EIS. 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,

A handwritten signature in black ink, appearing to read "John A. Harms". The signature is written in a cursive style with a large initial "J".

John A. Harms

CC: Mr. Brian Mills, U.S. Department of Energy



16670
September 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) Final Environmental Impact Statement (FEIS).¹ The First Coast Guard District (CGDONE), with input from Sector Northern New England (SECNNE) and Sector New York (SECNY), evaluated the FEIS to determine if additional navigation safety comments are required beyond those submitted on the Preliminary Draft EIS on January 17, 2013 and the Draft EIS on January 15, 2014.

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 United States Coast Guard (USCG) may recommend minimum safety measures or take action to provide for navigational safety and manage risk on the nation's waterways, including the waterways identified in the CHPE project route. The navigation risk mitigation measures contained in this letter are considered to be reasonable and necessary should CHPE be permitted by the Department of Energy (DOE). For example, the USCG may propose measures for limited, controlled or conditional access around the project construction site; however this needs to be balanced with our ability to maintain an open marine transportation system. These proposed measures are intended to protect mariners and the environment from the risks associated with constructing and operating the project. They do not imply that the USCG approves or disapproves of the CHPE project. The key comments on the FEIS are:

1. Potential for anchor snags²:

Submarine cables installed, operated and abandoned upon decommissioning in all navigable waters along the project route are a hazard to waterway users, especially the maritime commerce community that is a vital component of the Maritime Transportation System. Mariners need the ability to anchor in emergencies without fear of snagging a buried transmission submarine cable. The FEIS does not quantify the potential for an anchor snag. Impacts from anchor snags may include but are not limited to damage to the vessel, operator, cargo, submarine cable and environment. It is important to highlight that the Hudson River has seen a significant rise in use

¹ OE Docket No.PP-362.

² Page 2-56 Table 2-3.

for import of refined petroleum and export of crude oil. Thus, to reduce risks of an anchor snag, the applicant should implement several industry standard strategies including³:

- Burying the cable sufficient for the largest vessel (and corresponding anchor types) transiting along the project route taking into account sediment type;
- Relocating the cable from areas of greatest threat to mariners, especially beneath the Hudson River where it is proposed in the center of the channel;
- Covering the cable with appropriate armament, where not buried to sufficient depth;
- Noting all hazards and obstructions on NOAA charts, including applicable burial depths and concrete mat locations, which are updated on a periodic basis as waterway conditions change; and
- Maintaining a public access website to display the installation vessel locations, projecting future positions at six-hour increments for 24 hours, at a minimum.

2. Adequate and appropriate Navigation Risk Assessment:⁴

The FEIS includes a Navigation Risk Assessment that the applicant developed prior to consulting with the USCG. Thus, we object to its inclusion in the FEIS as the public may have the impression this has been vetted by the USCG and adequately quantifies the navigation risk associated with the proposed project. The applicant has met with the USCG on several occasions since this document appeared in April 2014 and has agreed to conduct a thorough Navigation Risk Assessment, which the USCG must have an opportunity to review and comment, prior to construction start.

3. Construction impact mitigation:

The proposed project is expected to impact all of the waterways along the route during construction. Although the impacts are characterized as minor and short term⁵, the waterway conditions may require more control than provided for by the Navigation Rules⁶ to access or move within a project area to ensure safety for all waterway users. As outlined in 33 CFR Part 165, the District Commander and Captain of the Port each have several regulatory tools, such as issuing limited access areas and regulated navigation areas, to adequately address safety considerations related to the project. Additionally, the project may require lighting for cofferdam areas, thus requiring a Sector to issue a temporary Private Aid to Navigation as outlined in 33 CFR Part 66. Also, it was not clear in the FEIS if there is a process for the public to submit noise or property damage complaints.

As a reminder, the applicant must submit project construction details to the CGDONE for publication in the Local Notice to Mariners a minimum of fourteen days before starting operations, must not assume right of way over other pre-approved projects and must ensure all vessels associated with the project comply with the applicable Navigation Rules. The USCG needs ample and detailed notification of project construction, including a minimum of thirty days

³ Appendix G, Applicant Proposed Impact Avoidance and Minimization Measures

⁴ Appendix U.

⁵ Sections 5.1.2, 5.3.2, 5.4.2.

⁶ Navigation Rules Online - <http://www.navcen.uscg.gov/?pageName=navRulesContent>

prior to expected start date. Upon commencing construction, the applicant shall provide a written report to affected Sector offices (SECNNE: 207-347-5015 or SECNY: 718-354-4195) which shall include the current construction status of the project, and changes to the construction. Also, the applicant must contact the Sectors to request the movement of any Federal Channel marker buoys a minimum of thirty days in advance, if necessary, for the completion of this project. These buoy moves and temporary relocation positions should be identified during the Environmental Management and Construction Plan process. Finally, the applicant will be responsible for coordinating construction activities with other waterway users, including active construction projects.

4. Summary:

To minimize impacts on navigation and reduce the risk to safety on the affected waterways, the USCG supports the following key impact avoidance and minimization activities:

- Finalize a cable route with burial depths and protection sufficient to prevent anchor fouling based on thorough hazard identification, data collection and consultation with the USCG (CGDONE, SECNNE and SECNY) and maritime industry representatives.
- Avoid installing the submarine cable in current anchorage areas and those anchorage areas currently proposed through the rulemaking process.
- Present a brief to the Port of NY/NJ Harbor Operations committee to review the submarine cable route and adjust the route as allowed by the New York State Public Service Commission, to reduce impacts to the areas of the Hudson River historically used by commercial vessels.
- Minimize impact to the Marine Transportation System, especially ferry operators on Lake Champlain and vessel operators transiting the Hudson River.
- Verify the published route post construction on NOAA charts, and after post-installation cable surveys.

If the CHPE project is approved by DOE and constructed, the USCG expects continued involvement, including, but not limited to:

- Coordination of cable laying within or across federal navigable waters⁷;
- Distribution of project updates via Local Notice to Mariners;
- Active participation in the review of several applicant written documents related to waterway usage (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). We expect the applicant to submit documents at least twelve months prior to construction start and allow the USCG a minimum of sixty days to review and comment; and
- Notification of all reportable marine incidents or casualties in accordance with 46 CFR Part 4.

⁷ Appendix G, page G-2, bullet 6.

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September 15, 2014

Finally, the USCG recommends frequent communication with the appropriate USCG Sector waterway managers and affected stakeholders.

Thank you for this opportunity to participate as a cooperating agency. Should you have additional questions in this matter, feel free to contact Mr. Dan L. Hubbard, Branch Chief for Maritime Energy and Marine Planning at Daniel.L.Hubbard@uscg.mil or 617-223-8372.

Sincerely,



B. F. BLACK
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction of the District Commander

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)



JAMES SKOUFIS
Member of Assembly
99th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

COMMITTEES
Agriculture
Consumer Affairs and Protection
Insurance
Labor
Transportation

September 15, 2014

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Mr. Mills:

I am writing for a second time to express continued concern regarding the Champlain Hudson Power Express (CHPE) transmission line. With a project of this scale, we must make certain that New York's energy needs are not only met but are done so in a responsible manner.

One serious concern is the inconsistency in which CHPE plans have been submitted to the various agencies and stakeholders involved. I trust you have taken note that the maps submitted to the Town of Stony Point for presentation are different from the maps submitted to New York's Public Service Commission which are different from the maps submitted to the U.S. Department of Energy. Which are the real set of plans?

Another concern is the potential for eminent domain, particularly in the Town of Stony Point. What will be the maximum allowable deviation allowed for the transmission line? Will that deviation permit Transmission Developers Inc (TDI) to encroach on private property or even the Waldron Revolutionary War Cemetery where some of Stony Point's oldest families are buried? How will massive construction equipment fit alongside extremely narrow corridors located between natural ridges and structures, as is presented in some versions of the maps? The environmental impact statement for CHPE clearly does not address many of the overland issues that can be reasonably anticipated.

I believe there continues to be far too many unanswered questions to proceed with the CHPE project at this time. I also do not believe every effort has been made by the developer to not only be transparent in their handling of the project but to also find a more suitable route for the transmission line, particularly in the Stony Point area.

I urge you to disallow the project in its current form and I thank you for your serious consideration of my concerns and the many concerns of my constituents.

Sincerely,

James Skoufis
Member of Assembly