



Department of Energy
Washington, DC 20585

May 14, 2013

TO: Consulting Parties

**SUBJECT: Champlain Hudson Power Express Transmission Line Project
Cultural Resources Study Reports and Area of Potential Effects**

Dear Consulting Parties:

Champlain Hudson Power Express, Inc. (CHPEI) has applied to the U.S. Department of Energy's (DOE) Office of Electricity Delivery and Energy Reliability for a Presidential Permit to construct, operate, maintain, and connect the proposed Champlain Hudson Power Express Transmission Line Project (Project) across the U.S. border. In considering a Presidential Permit for the Project, the DOE evaluates the proposed transmission line as a connected action under the National Environmental Policy Act (NEPA) and is currently preparing an environmental impact statement (EIS). The DOE has the responsibility for compliance with applicable federal laws, regulations, and policies pertaining to historic properties, including the National Historic Preservation Act of 1966, as amended (NHPA).¹

The DOE formally initiated the Section 106 consultation process with the Advisory Council on Historic Preservation (ACHP), the New York State Historic Preservation Officer (NYSHPO), the Delaware Nation, the St. Regis Mohawk Tribe, the Stockbridge-Munsee Community, the Shinnecock Indian Nation, and the U.S. Bureau of Indian Affairs (collectively the "Consulting Parties") regarding the Project. Specifically, the DOE invited the Consulting Parties to participate in the analysis of potential environmental impacts of this Project and to formally consult with the agency pursuant to Section 106 of the NHPA and its implementing regulations at 36 CFR Part 800. The DOE has designated Mr. Robert Quiggle, RPA, of HDR Engineering, Inc. (HDR) to coordinate consultation activities under Section 106. This letter represents consultation with the Consulting Parties identified in Attachment A to this letter regarding the proposed area of potential effects (APE) for this Project, the attached Cultural Resources Study Reports, and the proposed development of a Programmatic Agreement to address potential adverse effects of the Project.

I. BACKGROUND

CHPEI proposes to construct the Project to connect renewable sources of power generation in central and eastern Canada with the New York City load center. CHPEI's application for a Presidential Permit was submitted to the DOE on January 27, 2010. CHPEI subsequently modified its application on August 6, 2010; July 7, 2011; and February 28, 2012. Settlement discussions conducted under the New York State Public Service Commission's Article VII process from November 2010 through February 2012 resulted in development of a Joint Proposal that was signed by seven New York State agencies, three non-

¹ 16 USC 470 *et seq.*

governmental organizations (NGO), the City of New York, and the City of Yonkers. The Joint Proposal describes the route currently under evaluation by the DOE and other parties in the EIS.

The proposed Project under evaluation by the DOE would consist of a 1,000-megawatt (MW) underwater/underground high-voltage direct current (HVDC) controllable transmission system extending from the Canadian Province of Quebec to New York City. From the international border between the United States and Canada, two cables (consisting of a single bipole) would extend south to an HVDC converter station near Luyster Creek, north of 20th Avenue in Astoria, Queens. The converter station would be constructed on land that is currently owned by Consolidated Edison Company of New York, Inc. (ConEd).

From the Luyster Creek converter station, high-voltage alternating current (HVAC) cables would extend through Astoria, Queens, for a distance of approximately 3 miles to ConEd's Rainey Substation. In total, approximately 333 miles of proposed transmission cables would be located within the United States. CHPEI would not own or operate the Canadian portion of the transmission cables.

To the extent possible, CHPEI proposes to bury the transmission cable within existing waterways or transportation rights-of-way (ROW). CHPEI believes that this approach will minimize the visual and landscape impacts associated with traditional overhead transmission lines, while simultaneously providing the additional capacity required to meet the increasing clean energy demands of the greater New York City metropolitan area.

The ACHP's regulations at 36 CFR Part 800-Protection of Historic Properties define how federal agencies meet their statutory responsibilities pursuant to Section 106. The process described in 36 CFR Part 800 is intended to accommodate historic preservation concerns with the needs of federal undertakings through a process of consultation among agency officials, federally recognized Indian tribes, State Historic Preservation Officers, Tribal Historic Preservation Officers, and other parties, including the public, as appropriate. Pursuant to 36 CFR § 800.4, CHPEI has initiated cultural resource studies to assist the DOE and other federal agencies in identifying historic properties that may be affected by the Project.

II. AREA OF POTENTIAL EFFECTS (APE)

The DOE has initiated consultation with the NYSHPO, federally recognized Indian tribes, and other interested parties regarding the proposed APE for this Project. The DOE has defined an APE that includes the geographic area or areas within which the Project may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE includes all areas along the transmission cable corridor where ground-disturbing activities will be conducted. The APE will also include areas outside the transmission cable corridor, including the converter station site, the HVAC cable alignment, transmission interconnection sites, laydown areas, access roads, and other locations that may be affected by Project construction and operations. Additionally, the APE will take into account standing historic properties (i.e., buildings, structures, individual objects, and districts) that may be indirectly affected by the use of heavy equipment, particularly along the overland sections of the Project's proposed route.

The width of the construction corridor varies based on installation techniques and environment. The excavation of the cable trench, installation of erosion and sediment control measures, installation of the cables, and stockpiling of excavated materials are expected to occur within a 25-foot-wide corridor, or 12.5 feet on either side of the Project's centerline. To accommodate additional areas beyond the footprint of the trench that may be necessary for laydown/staging areas, and to accommodate indirect effects of Project construction activities, the APE for this undertaking has been defined to include an area encompassing 25 feet on either side of the Project's centerline. The APE may be further refined through

additional engineering analyses. Table 1 describes the location, distance, and installation methods for each section of the Project.

**TABLE 1.
LOCATION, DISTANCE, AND INSTALLATION METHODS FOR SECTIONS OF THE
PROJECT**

Section	Distance	Description
US/Canadian border to Town of Dresden	101 miles	Marine installation within Lake Champlain
Town of Dresden to Village of Whitehall	11 miles	Upland installation within the ROW of NYS Route 22
Village of Whitehall to the City of Schenectady	65 miles	Upland installation primarily along CP ROW
City of Schenectady to the Town of Rotterdam	1.3 miles	Upland installation along surface streets and within CP ROW
Town of Rotterdam to the Town of Selkirk	24 miles	Upland installation primarily along CSX ROW
Town of Selkirk to Hamlet of Cementon	29 miles	Upland installation primarily along CSX ROW
Hamlet of Cementon to Town of Stony Point	67.05 miles	Marine installation within Hudson River
Stony Point to point south of Rockland Lake State Park	7.66 miles	Upland installation including CSX ROW, NYS Route 9 and HDD beneath parkland
south of Rockland Lake State Park to Spuyten Duyvil	20.07 miles	Marine installation within Hudson River
Spuyten Duyvil to the Bronx	6.58 miles	Marine installation within Harlem River
Bronx to East River	1.1 miles	Upland installation primarily along railroad ROW
East River to Converter Station in Astoria, Queens	River crossing	Marine installation in East River
Converter Station to Rainey Substation	3 miles	HVAC installation along surface streets

In total, the Project's APE includes a 50-foot-wide corridor extending along the Project's 333-mile-long alignment from the U.S./Canadian border to ConEd's Rainey Substation. The approximate area of the APE is 20,200 acres.

On November 20, 2012, the DOE invited the Consulting Parties to participate in a consultation meeting to discuss the APE for the Project. The meeting was held on November 28, 2012 in Albany, New York, and

a teleconference line was made available to those Consulting Parties unable to attend in person. The ACHP, NYSHPO, and DOE participated in the consultation meeting.

III. CULTURAL RESOURCES STUDIES

At this time, the DOE is distributing the following reports to the Consulting Parties:

- *Phase IA Literature Review and Archaeological Sensitivity Assessment, Champlain Hudson Power Express;*
- *Phase IB Archaeological Field Reconnaissance and Phase II Archaeological Site Evaluation, Champlain Hudson Power Express, Canadian Pacific Railway Segment; and*
- *Phase IA Literature Review and Archaeological Sensitivity Assessment Addendum, Champlain Hudson Power Express Terrestrial Route Modifications.*

Each of these studies is described below.

Early in the permitting process CHPEI initiated cultural resources studies and informal consultation to identify historic properties within the Project's prospective area of potential APE that may be affected by this undertaking. On February 22, 2010, HDR, on behalf of CHPEI, distributed a letter to state and federal agencies, NGOs, Indian tribes, and other potential stakeholders with a prospective interest in the Project's potential effects on cultural and historic resources. The letter provided an overview of the proposed Project and included a request for additional information. The letter also described the need for additional studies to identify historic properties within the Project's vicinity and to determine the Project's potential effects on these resources.

CHPEI subsequently completed a cultural resources screening report that was distributed to resource agencies, Indian tribes, and other stakeholders on April 9, 2010. The report, entitled: *Pre-Phase IA Cultural Resources Screening Report, Champlain Hudson Power Express, Lake Champlain to Long Island*, was prepared by Hartgen Archeological Associates, Inc. (HAA, Inc.) of Albany, New York, under the direction of HDR. The screening report was developed through documentary research, including a review of information collected from the NYSHPO, the New York State Department of Environmental Conservation, the Lake Champlain Maritime Museum, and the New York State Museum. The pre-fieldwork report provided details concerning previously reported archaeological and historic resources within the Project's vicinity, as well as information regarding those resources that are potentially located within or immediately adjacent to the transmission cable corridor proposed at that time.

Based on discussions with the NYSHPO, CHPEI subsequently prepared a Phase IA literature review and archaeological sensitivity assessment of the Project's prospective APE. The Phase IA literature review and archaeological sensitivity assessment included nearly 400 linear miles of diverse environments in New York State and a proposed terminus in Connecticut. The resulting report, entitled *Phase IA Literature Review and Archaeological Sensitivity Assessment, Champlain Hudson Power Express*, was distributed to the NYSHPO, Indian tribes, and other stakeholders on September 3, 2010. The Phase IA report presented an assessment of the archaeological sensitivity and potential of the Project's prospective APE. The report also included detailed recommendations regarding additional Phase IB testing along the proposed transmission cable alignment. The Study Plan included as Appendix 1 of the Phase IA report described the recommended testing strategy for each section of the Project's proposed alignment. The testing strategy proposed in the Study Plan was developed through initial, informal consultation and discussions with the NYSHPO. The NYSHPO reviewed the Phase IA report and concurred with the methodologies proposed for the Phase IB studies (with minor modifications) in a letter dated March 14, 2010. CHPEI subsequently modified the Project's proposed alignment to avoid environmentally sensitive

areas and other resources and to remove the sections of the Project's alignment extending into Connecticut from further consideration.

At the request of CHPEI, HAA, Inc. completed Phase IB archaeological field investigations in 2010 that included subsurface testing along approximately 66 miles of the Project's proposed alignment (as proposed in August 2010) following the Canadian Pacific (CP) Railway right-of-way (ROW). The CP ROW segment of the Project investigated during 2010 segment begins at a point in Whitehall, New York, 1,850 feet north of the Poultney Street overpass, and ends at a point 197 feet southwest of the Princetown Road overpass in Rotterdam, New York. Testing indicated significant prior disturbance associated with construction of the railroad. A total of 11 archaeological sites were identified within the prospective APE. At CHPEI's request, HAA conducted Phase II archaeological site evaluations of these 11 sites to provide additional information suitable for the NYSHPO to make a determination of NRHP eligibility. Of the 11 sites, one was recommended as eligible for the NRHP, and three were recommended for avoidance or additional archaeological investigations. The results of the Phase IB and Phase II investigations were presented in HAA, Inc.'s June 2012 report, entitled *Phase IB Archaeological Field Reconnaissance and Phase II Archaeological Site Evaluation, Champlain Hudson Power Express, Canadian Pacific Railway Segment*. The Phase IB report was submitted in draft form to the NYSHPO for review in July 2012. The NYSHPO provided comments concurring with the recommendations and findings of the draft report.

In 2012, HAA, Inc. conducted an addendum Phase IA literature review and archaeological sensitivity assessment to provide supplemental information to assist the DOE in identifying reported archeological sites, historic properties, and previously completed archeological investigations along new sections of the Project's alignment that were not considered in the 2010 Phase IA report. As presented in the Joint Proposal, modifications were made to the original terrestrial portion of the Project's route along approximately 71.2 linear miles. These modifications include slight offsets from the original alignments (Rotterdam-Selkirk and Hell Gate Bypass) and three new sections (NY Route 22 from Dresden to Whitehall, Selkirk-Cementon, and Haverstraw Bay). The results of the addendum Phase IA study are presented in HAA, Inc.'s December 2012 report, entitled *Phase IA Literature Review and Archaeological Sensitivity Assessment Addendum, Champlain Hudson Power Express Terrestrial Route Modifications*.

IV. REVIEW AND CONSULTATION

As discussed above, the DOE is distributing the following reports to the Consulting Parties for consideration:

- *Phase IA Literature Review and Archaeological Sensitivity Assessment, Champlain Hudson Power Express;*
- *Phase IB Archaeological Field Reconnaissance and Phase II Archaeological Site Evaluation, Champlain Hudson Power Express, Canadian Pacific Railway Segment; and*
- *Phase IA Literature Review and Archaeological Sensitivity Assessment Addendum, Champlain Hudson Power Express Terrestrial Route Modifications.*

A Phase IA literature review and archaeological sensitivity assessment has been conducted for the terrestrial portions of the Project's APE. Phase IB and Phase II studies have been conducted along 66 miles of the 142-mile-long overland route. This represents approximately 46 percent of the terrestrial portion of the Project.

The DOE intends to develop a PA pursuant to 36 CFR § 800.14(b) to resolve the proposed Project's potential effects on historic properties. The PA will be developed in consultation with the Consulting Parties, the public, and other interested parties, as appropriate. The PA will require CHPEI to develop a

Cultural Resources Management Plan (CRMP) for this Project in consultation with the Consulting Parties prior to initiation of Project construction activities.

The DOE is seeking written comments from the Consulting Parties regarding the Project's APE and the enclosed reports. We are also seeking your views regarding the development of a PA for this Project that will resolve any adverse effects on historic properties. We respectfully request that the Consulting Parties provide written comments on the enclosed reports, the APE, and any views regarding the development of a PA for this Project within 30 days of this letter (June 13, 2013). The DOE intends to hold a meeting or conduct a conference call with the Consulting Parties to discuss the enclosed reports, the Project's APE, and the development of a PA during the 30-day review period. Additional information regarding this proposed meeting will be distributed to the Consulting Parties within the next few weeks. Should you have any additional questions or comments regarding the Project, please feel free to contact me directly at any time at Brian.Mills@hq.DOE.gov, or by phone at (202) 586-8267.

Very truly yours,



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Cc: L. Jackson (DOE)
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