

# **SCOPING SUMMARY REPORT ADDENDUM**

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



**U.S. Department of Energy  
Office of Electricity Delivery and Energy Reliability  
Washington, DC 20585**

**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**

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## ACRONYMS AND ABBREVIATIONS

BMP	best management practice
CHPE	Champlain Hudson Power Express
CHPEI	Champlain Hudson Power Express, Incorporated
CSX	CSX Transportation
DOE	U.S. Department of Energy
EIS	Environmental Impact Statement
EMF	electromagnetic field
HDD	horizontal directional drilling
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NYSPSC	New York State Public Service Commission
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
RCRA	Resource Conservation and Recovery Act
ROW	right-of-way
TDI	Transmission Developers, Inc.

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CHAMPLAIN HUDSON POWER EXPRESS TRANSMISSION LINE PROJECT EIS**

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# 1. Introduction

## 1.1 Overview

On January 25, 2010, Transmission Developers Inc. (TDI) submitted an application to the U.S. Department of Energy (DOE) for a Presidential permit for the Champlain Hudson Power Express (CHPE) project (proposed project).<sup>1</sup> 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 FR 34720), and conducted public scoping from June 18, 2010 to August 2, 2010. The Champlain Hudson Power Express Scoping Report (December 2010) (2010 Scoping Report) summarizes comments received during that DOE public scoping period.

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 are the result of settlement negotiations among New York State agencies, Champlain Hudson Power Express, Inc. (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 NOI) on April 30, 2012, and accepted public comments from April 30, 2012 to June 14, 2012. DOE also stated that it will consider comments submitted after June 14<sup>th</sup> to the extent practicable. In the Amended NOI, 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's) April 2012 public statement hearings might be relevant to the National Environmental Policy Act (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." This 2012 Scoping Summary Report Addendum summarizes scoping comments related to the Joint Proposal.

The 2010 Scoping Report, this 2012 Scoping Summary Report Addendum, comments submitted directly to DOE, and copies of the April 2012 NYSPSC public statement hearings are available on the Champlain Hudson Power Express Project Environmental Impact Statement (EIS) Website at <http://chpexpresseis.org>. Comments submitted to the Commission are available at <http://documents.dps.ny.gov>.

## 1.2 Summary of Project Changes

The Joint Proposal Route (see **Figure 1**) is essentially the same as the original proposed route, as amended in August 2010, for major portions of the transmission line route, except for adjustments in the route alignment at five primary locations and minor route adjustments in other areas along the route. The proposed primary route adjustments are as follows:

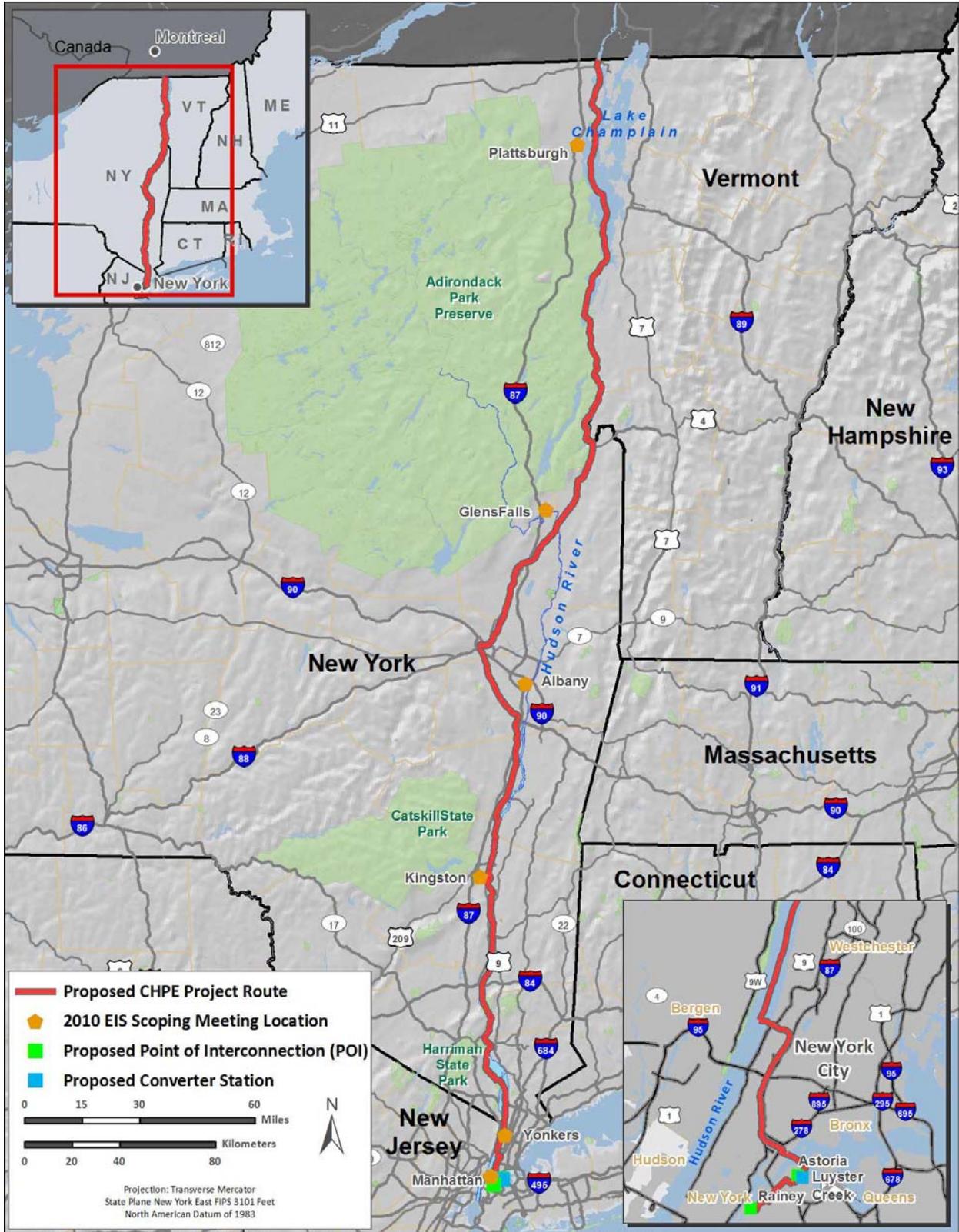
- A relocated 10-mile stretch of route between Dresden, New York, and Whitehall, New York, underground along New York State Route 22 to avoid installing the cables in the southern end of Lake Champlain. This change is being proposed to remove the transmission line from the environmentally sensitive southern portion of Lake Champlain.

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<sup>1</sup> TDI submitted amendments to the proposed route in its original application on August 5, 2010 and July 7, 2011.

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- The routing of the transmission line underground off the railroad right-of-way (ROW) for more than 1 mile through city streets in the City of Schenectady to avoid engineering constraints.
  - Relocation of a portion of the transmission line into the Hudson River. As originally proposed the transmission line would have entered the Hudson River at the Town of Coeymans, New York. Under the Joint Proposal, the line would enter the Hudson River at the Town of Catskill via horizontal directional drilling (HDD). From Selkirk to Catskill, the transmission line would primarily be in the CSX Transportation (CSX) railroad ROW for approximately 30 miles instead of in the Hudson River.
  - Removal of the transmission line from the Hudson River at Haverstraw Bay where the segment would instead run along the railroad ROW through the community of Stony Point for approximately 7 miles. The transmission line would be installed underground here to avoid impacts on aquatic resources in Haverstraw Bay.
  - Relocation of the transmission line from a portion of the Harlem and East rivers to the Hell Gate Bypass Route, north of the Willis Avenue Bridge, and proceeding east approximately 1 mile through the New York State Department of Transportation (NYSDOT) railroad corridor and rail yards. From there, the transmission line would follow the rail corridor along the northern side of the Bronx Kill and then enter the East River.

Additionally, the proposed location of the converter station would be constructed in Astoria, Queens County, New York (Luyster Creek Converter Station) under the Joint Proposal, rather than as previously proposed in Yonkers, New York. Additional details about the Joint Proposal can be found on the DOE Champlain Hudson Power Express Project EIS Website at <http://chpexpressEIS.org>.



**Figure 1. Joint Proposal Route**

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## 2. Scoping Comments

An overview of comments received during the 2012 public scoping period, catalogued by general topic, is provided in **Table 2-1** below. Issues potentially relevant to the scope of the EIS will be considered by DOE during development of the Draft EIS.

**Table 2-1. Summary of 2012 Public Scoping Comments**

Subject Area	Comment Summary
NEPA Process	<p><b>Public Involvement.</b> Comments requested an extension of the public comment period.</p>
Proposed Project	<p><b>Project Life Cycle.</b> Comments stated that they EIS should examine the lifespan of the proposed project, potential failure scenarios, how well the proposed project would withstand being under water for many years, and eventual removal of the cable following decommissioning.</p> <p><b>Project Description.</b> Comments stated that the analysis should include potential operational issues that could arise for other power entities operating in New York, including the New York Independent Systems Operator, Central Hudson Gas and Electric, Consolidated Edison, Entergy Nuclear Power, and the New York Power Authority. Comments also requested further explanation of the purpose and need from CHPE for the proposed project.</p> <p><b>Alternatives.</b> Comments stated that the purpose of and need for the proposed project would be met by constructing renewable energy sources, building new power generation sources in the United States, or refurbishing existing power plants, rather than importing power from Canada. Comments sought evaluation of an overland transmission route using highway corridors; a railroad ROW underground route; any New York State Department of Public Service proposed alternative; any combination of route alternatives that would have less impact to the aquatic environment. Comments stated that it would be preferable to invest in weatherization and conservation projects.</p> <p><b>Alternative Transmission Line Locations.</b> Comments stated that constructing the proposed project along the Old Champlain Canal should be evaluated as an alternative in the EIS. Other comments stated that the transmission line from the Astoria substation to the Consolidated Edison Rainey Substation should be placed in the East River rather than through neighborhoods in Queens.</p> <p><b>Luyster Creek Converter Station Location.</b> Comments stated that the environmental impacts from the Luyster Creek Converter Station location should be addressed in the review of the proposed transmission line project.</p> <p><b>Alternative Converter Station Locations.</b> Comments stated that additional locations for the converter station should be evaluated, including a site in Brooklyn near the Gowanus Substation, the Harlem River Rail Yards, and an area near the Consolidated Edison Rainey Substation.</p> <p><b>System Reliability.</b> Comments stated that the potential impacts of the proposed transmission line project on electric reliability, system redundancy, and bulk power systems, both within and adjacent to New York, should be considered.</p> <p><b>Permitting Requirements.</b> Comments stated that the Joint Proposal would be in conflict with the parameters established by the U.S. Army Corps of Engineers for the Clean Water Act Section 404 permitting process for this project.</p>

Subject Area	Comment Summary
<b>Land Use</b>	<p><b>Potential Use of Forest Preserves.</b> Comments stated that the proposed project could be a violation of Article 14 of the state constitution, which states that lands constituting a forest preserve cannot be sold to a private entity. Comments stated that the Attorney General of New York has stated that underwater lands adjacent to Adirondack Park were considered forest preserve lands.</p> <p><b>Impacts on Residential Areas.</b> Comments stated that the EIS needs to address potential impacts on future land use in residential areas.</p> <p><b>Luyster Creek Converter Station Land Use Consistency.</b> Comments stated that the Luyster Creek Converter Station would be consistent with the existing land use at the site and would be appropriate for construction of a converter station. Other comments stated that the construction of the Luyster Creek Converter Station would not be consistent with Consolidated Edison’s proposed use of the site for utility purposes.</p> <p><b>Encroachment Outside of Right-of-Way.</b> Comments stated that the proposed project would encroach on additional lands outside of the existing right-of-way and that these impacts should be considered.</p> <p><b>ROWs.</b> Comments expressed concern that the use of ROWs and approval of the proposed project could create a competitive monopoly for CHPE and lead to lawsuits related to access to land.</p>
<b>Infrastructure</b>	<p><b>Water Utilities.</b> Comments stated that the proposed project needs to address potential impacts on workers and a new main water line that is being repaired in the Town of Whitehall.</p>
<b>Water Resources</b>	<p><b>Lovett Plant.</b> Comments stated that the closure of the Lovett Plant left a coal ash plume in the groundwater table and requested that the impacts of the proposed transmission line on that plume be evaluated.</p> <p><b>Sludge Bed.</b> Comments stated concern about the potential for the proposed project to resuspend pollutants found in the sludge bed at the mouth of the LaChute River, noting that when the paper mill on site was closed in the 1960s, approximately 945,000 cubic meters of waste were left behind covering approximately 98 hectares.</p> <p><b>Resuspension of Phosphorus.</b> Comments stated that the proposed project would disturb sediments and increase the concentration of phosphorus in the water column within Lake Champlain, and the EIS should address any potential impacts and prescribe mitigation measures, as appropriate.</p>
<b>Cultural Resources</b>	<p><b>Luyster Creek Converter Station Cultural Resources.</b> Comments stated that the Luyster Creek Converter Station site in Astoria has been identified by the State Historic Preservation Office as an archaeologically sensitive area.</p>
<b>Geology and Soils</b>	<p><b>Impacts on Agricultural Lands.</b> Comments expressed concern that the proposed project would result in potential impacts on agricultural lands through the construction of temporary access roads and work areas, and from any deviations from the centerline.</p>
<b>Wildlife and Fish</b>	<p><b>Electromagnetic Fields (EMF).</b> Comments stated concerns about EMF on fish and birds.</p>

Subject Area	Comment Summary
<b>Visual Resources</b>	<p><b>Visual Impacts on Lake Champlain.</b> Comments stated that construction on Lake Champlain would lead to potential visual impacts from the visibility of the construction equipment at the surface of the lake.</p> <p><b>Visual Impacts along Route 9W.</b> Comments requested evaluation of the removal of trees on the eastern side of Route 9W in Rockland County, which currently provides screening from the roadway and existing residential areas.</p>
<b>Transportation and Traffic</b>	<p><b>Local Traffic.</b> Comments asked how the proposed project would impact local traffic during construction.</p>
<b>Recreation</b>	<p><b>Recreation Areas.</b> Comments stated that the proposed project would disturb park lands including the Tompkins Cove and Waldron Revolutionary War Cemetery historic areas, Rockland Lake State Park, Stony Point Park, and the Haverstraw Little League Fields.</p>
<b>Public Health and Safety</b>	<p><b>Public Safety.</b> Comments stated that the proposed transmission line would pose a public health threat by being located too close to residential areas. Comments requested analysis of the effects of EMF in proximity to residential areas and public spaces.</p> <p><b>Navigation Safety.</b> Comments stated that the placement of the transmission line 6 feet below the river bottom and plan to lay the cable over rock areas could result in a potential safety hazard for ships attempting to anchor in the Hudson River and could disrupt marine traffic and use of the cables. Comments stated that if the cables occupy any federally maintained navigation channels, they should be buried at least 15 feet below the authorized depth within those channels. Comments also expressed concern about impacts the proposed project could have on future navigational improvements (e.g. dredging) in the Hudson River.</p>
<b>Hazardous Materials and Wastes</b>	<p><b>Contamination of Luyster Creek Site.</b> Comments stated that the Luyster Creek Converter Station site in Astoria is the site of a former manufactured gas plant, has ongoing contamination issues, and is included in the New York State Department of Environmental Conservation's (NYSDEC's) Resource Conservation and Recovery Act (RCRA) Corrective Action program.</p>
<b>Air Quality</b>	<p><b>Reduction in Air Pollution.</b> Comments stated that the proposed project would result in a reduction of air pollution. Other comments stated that constructing the proposed transmission line would mean fewer power plants in New York City, which would reduce air quality issues in the city.</p>
<b>Socioeconomics</b>	<p><b>Socioeconomic Impacts.</b> Comments stated that the EIS should evaluate the potential for real estate values to drop in areas where the proposed transmission line is constructed.</p>
<b>Environmental Justice</b>	<p><b>Environmental Justice.</b> Comments stated that the proposed project would increase the cost of electricity, which would place an unfair burden on the low-income residents of New York.</p>

Subject Area	Comment Summary
<p><b>Mitigation/Best Management Practices</b></p>	<p><b>Champlain Canal.</b> Comments stated that, as part of mitigation, the project proponent should invest in the construction of a portion of the proposed Champlain Canalway Trail. The trail could be used by the contractors as a means of accessing the project site during construction. Following construction, the trail would become a long-term tourist attraction.</p> <p><b>Mitigation Fund.</b> Comments stated that the mitigation fund created to account for unanticipated effects of the proposed project would be insufficient and fail to address the unanticipated impacts on water quality and other resources along the proposed transmission line route. Comments also stated that the Commission needs to evaluate the fairness of the process for determining which projects receive funding from the mitigation fund, including ensuring that there is an appropriate balance of projects along upland areas, Lake Champlain, and the Hudson River. Other comments praised the creation of the mitigation fund, noting that the creation of the fund would result in a net benefit to the Hudson River and Lake Champlain.</p> <p><b>Best Management Practices.</b> Comments stated that the EIS needs to disclose best management practices (BMPs) for erosion and sediment control, vegetation clearing and disposal, activities in streams and wetlands, access road construction, invasive species control, protection of threatened and endangered species, and inspection and monitoring.</p>
<p><b>Cumulative Impacts</b></p>	<p><b>Cumulative Impacts.</b> Comments requested that the cumulative impacts analysis for the proposed project consider the construction of the United Waters Desalination Plant and potential closure of the Indian Point nuclear facility. Comments stated that other entities have proposed similar projects within portions of the Hudson River and asked how many other lines could be located along the same route. Other comments expressed concern that approval of the proposed project could lead to construction of additional transmission lines from Canada.</p>

Subject Area	Comment Summary
Other Issues	<p><b>Economic Opposition.</b> Comments stated that the proposed project would not lower electricity rates, improve the electricity grid, alleviate congestion, grow or improve New York State’s electricity infrastructure, or provide local or long-term jobs to the communities along the proposed transmission line. Comments also stated the proposed project would mean higher energy bills and create more reliability problems. Comments also stated that the project would send jobs and economic development to Canada rather than generating new jobs in New York.</p> <p><b>Economic Support.</b> Comments expressed support for more electricity and lower costs.</p> <p><b>Energy Highway.</b> Comments expressed concern that development of the proposed project was inconsistent with and/or would undercut Governor Cuomo’s “energy highway” initiative that seeks to invest in New York State resources to upgrade the State’s energy infrastructure. Comments stated that the proposed project will bypass the existing grid and existing New York generators who will not be able to access the line and could lead to the shuttering of upstate power generators.</p> <p><b>Article X.</b> Comments stated that the proposed project is inconsistent with Article X legislation designed to expedite construction of new power generation in New York State.</p> <p><b>Local Government Authority.</b> Comments stated that Public Service Law Section 126 (1)(f) allows local government to enact substantive requirements on transmission facilities that are not unreasonably restrictive. Comments note that these guidelines should be clarified to identify the scope of the authority that local governments have to enact these requirements.</p> <p><b>Renewable Energy.</b> Comments raised questions about how the use of “green power” would be guaranteed. Other comments stated support for the use of “clean energy.” Other comments stated that the proposed project would impede the development of renewable energy as well as New York’s ability to meet the Renewable Portfolio Standard goal of 30 percent renewable resources by 2015 and shut out New York State’s growing renewable energy market.</p> <p><b>Eminent Domain.</b> Comments raised questions about the potential use of eminent domain.</p> <p><b>Hydroelectricity.</b> Comments stated that hydroelectricity generation in Canada would have impacts in Canada, including: damming miles of dikes, impounding large amounts of water, flooding river valleys, increasing levels of methylmercury in water, fish, birds and humans, destroying wildlife habitat, nesting and spawning grounds, social and dietary impacts to Native people, and increasing methane gas release from decaying vegetation.</p>

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