

Comment 303

CHAIR
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 VETERAN AFFAIRS & HOMELAND SECURITY



THE SENATE
 STATE OF NEW YORK

DAVID CARLUCCI
 SENATOR, 38TH DISTRICT

US Department of Energy
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 ALBANY, NEW YORK 12247
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DEC 11 2013

Electricity Delivery and
 Energy Reliability

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December 3, 2013

Brian Mills
 Senior Planning Advisor
 Office of Electricity Delivery and Energy Reliability (OE-20)
 U.S. Department of Energy
 1000 Independence Avenue, SW.
 Washington, DC 20585

Dear Mr. Mills:

I am writing in reference to the public commenting period of the Presidential Permit Application Draft Environmental Impact Statement for the Champlain Hudson Power Express.

This project stands to have an enormous impact on the County of Rockland, and, in particular, the Town of Stony Point, NY, where the power line emerges from the Hudson River. Citizens have expressed concerns that they have not had enough time to thoroughly review the hundreds of pages of case documents to develop adequate responses. I believe the citizens of New York State would be well served by an extension to the public commenting period for the Draft Environmental Impact Statement, which is part of the Presidential Permit Application for the Champlain Hudson Power Express project.

Therefore, I respectfully request that the Department of Energy consider extending the public comment period by 180 days. This 180 day extension would guarantee that the public has adequate time to analyze and respond to thousands of pages of information that is contained in the Draft Environmental Impact Statement. Please contact my office if you have questions or are in need of further information. Thank you for your attention to this matter.

Sincerely,

Senator David Carlucci
 38th Senate District

} 303-01

303-01: DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

Comment 304

WILLIAM J. LARKIN, JR.
SENATOR, 39TH DISTRICT
MAJORITY WHIP
PLEASE RESPOND TO
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THE SENATE
STATE OF NEW YORK

US Department of Energy

DEC 14 2013

Electricity Delivery and
Energy Reliability

COMMITTEES
CORPORATIONS, AUTHORITIES
& COMMISSIONS
FINANCE
HEALTH
INSURANCE
RULES
TRANSPORTATION
VETERANS, HOMELAND SECURITY
& MILITARY AFFAIRS

December 9, 2013

Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW,
Washington, DC 20585

Dear Mr. Mills:

I am writing in reference to the public commenting period of the Presidential Permit Application Draft Environmental Impact Statement for the Champlain Hudson Power Express.

I respectfully request that the Department of Energy consider extending the public comment period by 180 days. This 180 day extension will ensure that the public has a fair amount of time to review and respond to the 5,000 pages of draft-DEIS documentation.

} 304-01 **304-01:** See response to Comment 303-01.

Please feel free to contact my office if you have any questions or need any other information pertaining to this project. Thank you for your careful attention and consideration to this matter.

Sincerely,

William J. Larkin, Jr.
Member of Senate

WJL:mf

Comment 305



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

COMMITTEES
Agriculture
Consumer Affairs and Protection
Insurance
Labor
Transportation

December 6, 2013

Mr. Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

Dear Mr. Mills:

One of the most important issues in my Assembly District is the proposed Champlain Hudson Power Express (CHPE) being developed by Transmission Developers Inc (TDI). My office staff and I have personally attended a number of public forums on the CHPE project to listen to TDI representatives as well as Stony Point residents. The message from Stony Point has been continuous and clear: CHPE has the potential to do serious harm to the community— residential, commercial, industrial, and municipal. 305-01

I share many of the concerns that residents and business owners have expressed regarding CHPE. First and foremost, the exact location and boundaries of the project are unclear at best: plans presented by TDI to the community differ from the ones on the company's website and, possibly, submitted to regulating agencies. Some versions of these plans include the transmission line running through the Waldron Revolutionary War Cemetery and Stony Point Battlefield, two historic sites that should never be touched by a project like this. Likewise, at a public forum that I attended and spoke at, TDI's representative refused to rule out the possibility of eminent domain being used in Stony Point, causing justified fear amongst residents and businesses alike. 305-02

Stony Point is one of a select few municipalities chosen as part of the NY Rising program, tasked with rebuilding after Superstorm Sandy. As someone who has worked with the NY Rising committee, it is possible that serious disruptions to Stony Point's efforts to rebuild will be caused by the CHPE project, adding further heartbreak and financial loss to those who have already lost so much. I respectfully ask that you ensure this not be allowed. 305-03

The argument for American jobs and American energy have likely been made by many other people which is why I am focusing on the direct, local impacts to my constituents in Stony Point. I understand a claim has been made suggesting that the transmission line is running through Stony Point because

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EMAIL: skoufaj@assembly.state.ny.us

305-01: See response to Comment 810-08 for discussion addressing potential impacts on Stony Point.

305-02: The proposed CHPE Project location and boundaries have changed numerous times since the Applicant first applied for the Presidential permit in 2010 as a result of negotiations through the NYSPSC Article VII process that culminated with the issuance of the NYSPSC Certificate issued in April 2013. The maps currently in the Draft EIS represent the most up-to-date project route for the CHPE project. See response to Comment 121-03 regarding the siting of the transmission line at Waldron Cemetery and the Stony Point Battlefield Historic Site.

305-03: The proposed CHPE Project would not be expected to preclude redevelopment of Stony Point as stated in Section 6.1.1.4 of the Final EIS. The transmission line for the proposed CHPE Project would be sited in or along the edge of an existing railroad ROW. Impacts as a result of this project would be negligible and temporary because they would be related to short-term trenching and construction of the transmission line. Impacts also would be site-specific and would not interfere with efforts to rebuild Stony Point.

of an adjoining, environmentally-sensitive area in the Hudson River. I urge you to re-explore all options to keep the transmission line in the Hudson River, thereby avoiding any and all local impact in the community I represent.

305-04

Last but not least, on behalf of my constituents, I would like to request a 180-day extension for public comment to allow as many residents and businesses to further study the proposal and voice their concerns to you. I know you are taking this application very seriously – you understand the magnitude of this project and its potential ramifications. Given the scope and interest demonstrated at the November public hearing you held, I believe an extension to be reasonable.

305-05

Thank you for your service to our state and country as well as your consideration to the points I have highlighted in this letter.

Sincerely,



James Skoufis
Member of Assembly

305-04: A variety of routing options have been explored as a result of planning associated with the proposed CHPE Project as discussed in Section 2.3.1 of the EIS. The proposed route is one that has been cooperatively worked and agreed on by more than 30 different stakeholder groups and government agencies. The current project location and route are the most practical for the proposed CHPE Project.

305-05: See response to Comment 303-01.

Comment 306



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Administrative Regulations
Review Commission

COMMITTEES
Codes
Environmental Conservation
Governmental Employees
Judiciary
Labor
Libraries & Education Technology

January 15, 2014

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

Dear Mr. Mills:

I am writing to express my concerns with the proposed EIS draft of the Champlain Hudson Power Express Project.

As a State Representative for Rockland County where the proposed project will travel underneath, I am concerned with the impact it will have on residents, businesses and two state parks, Rockland Lake State Park and Hook Mountain State Park. The proposed path of the transmission line travels throughout my district and could negatively impact the integrity of the land.

In addition to the environmental concerns, the proposed project will transport 1,000 megawatts of energy from Canada to New York City for consumption. Our regional energy plan would best be served by local energy production. The State should concentrate major energy infrastructure investments within New York State and the Hudson Valley region. There are several older power plants in the region, including Bowline in Haverstraw, which could benefit from investments that improve production efficiency. The proposed plan offers 300 temporary jobs over a 3 1/2 year period as where the re-tooling of the Bowline power plant could lead to more permanent jobs that will strengthen the Hudson Valley's economy and local tax base.

Thank you in advance for your consideration of my concerns over the Champlain Hudson Power Express project. If you have any questions, please feel free to contact my office.

Sincerely,

Kenneth P. Zebrowski
Member of Assembly

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zebr@assembly.state.ny.us

306-01
306-02

306-01: The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and revenue, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the project facilities that are taxable as real property. The Applicant would use HDD techniques to install the transmission line without disturbing the surface in Rockland Lake State Park and Hook Mountain State Park, thus maintaining the visual integrity of the land (see Section 5.3.11 of the EIS).

306-02: Local power generation is not within the scope of this EIS.

Comment 401



**New York State Office of Parks,
Recreation and Historic Preservation**

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

December 13, 2013

Andrew M. Cuomo
Governor
Rose Harvey
Commissioner

Mr. Brian Mills
Permitting, Siting, and Analysis, OE-20
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: CORPS PERMITS, DEC, OGS, PSC, OGS, PSC (*DOE/ EIS-0447*)
*Draft – Champlain Hudson Power Express Transmission Line Project Environmental Impact
Statement, Volume 1: Impact Analyses*
09PR03910

Dear Mr. Mills:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the submitted document *Draft – Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement, Volume 1: Impact Analyses* received by our office October 25, 2013 in accordance with Section 106 of the National Historic Preservation Act of 1966, *as amended*, and its implementing regulations 36 CFR Part 800 – Protection of Historic Properties.

It is the understanding of our office that ground-disturbing activities associated with the installation of the transmission cables could result in adverse effects on historic properties in the proposed CHPE Project area of potential effect (APE). Geographic Information System (GIS) analysis indicates that there are 51 terrestrial archaeological sites, 2 terrestrial sites that extend into Lake Champlain, 11 underwater sites, 36 National Register of Historic Places (NRHP)-listed or -eligible architectural properties, and 2 historic cemeteries in the APE.

Ground-disturbing activities associated with construction could damage archaeological features and would disturb the context of artifacts of terrestrial archaeological sites, underwater sites, and historic cemeteries. In the case of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP, this could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation of adverse effects. Because the transmission line would be underground or underwater and would avoid any standing structures, the adverse effects from construction on the NRHP-listed and -eligible architectural properties in the APE would be limited to exposure to temporary noise, dust, and vibrations and short-term visual effects from the proximity of construction activities and equipment. The effects would not be considered adverse and therefore not require mitigation. Horizontal Directional Drilling (HDD) would be used to install the transmission line under Stony Point Battlefield Historic Park.

- 401-01 401-01: Sections S.8.10 and 2.6.10 of the EIS identify this information.
- 401-02 401-02: Sections S.8.10 and 2.6.10 of the EIS identify this information.

Mr. Brian Mills
 December 13, 2013
 09PR03910
 Page 2

As specified in the conditions of the NYSPSC Certificate for the proposed CHPE Project ("Certificate Conditions"), Part Q, Conditions 107-112, the Applicant shall develop a Cultural Resources Management Plan (CRMP) that would include an outline of "the processes for resolving adverse effects on historic properties within the APE and determining the appropriate treatment, avoidance, or mitigation of any effects of the [CHPE Project] on these resources." Proposed and approved measures would be implemented to mitigate the CHPE Project's adverse effects on known terrestrial and underwater archaeological sites found to extend into the APE. Avoidance, minimization, and mitigation measures might include minor rerouting to avoid the sites, Phase III data recoveries of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP and cannot be avoided, and documentation following Section 106 of the NHPA for NRHP-listed or -eligible architectural properties that cannot be avoided by project activities.

Avoiding known underwater sites or anomalies would avoid potential damage to the integrity of the site. Development of a Programmatic Agreement (PA) pursuant to 36 CFR Part 800.14(b) is underway and additional formal surveys and evaluations must be conducted before it can be fully determined in detail what cultural resources require mitigation measures under Section 106 of the NHPA. Measures identified at this time, including development of a CRMP by the Applicant and addressing unanticipated cultural resources discoveries, are discussed in detail in Appendix G of the DEIS.

The operation of the proposed CHPE Project would have no effects on terrestrial and underwater archaeological sites in the APE. Because the proposed CHPE Project would involve an underground transmission line, operations would have no adverse effects on 33 of the 36 architectural properties in the APE. The operation of the proposed cooling station at MP 112 could have noise and visual impacts on the McMore Residence (National Register Eligible [NRE] 15) and the Main Street Historic Bridge (National Register Listed [NRL] 19).

Operation of the proposed cooling station at MP 296 could have noise and visual impacts on Stony Point Battlefield Historic Park. Depending on the exact location of the cooling station, these impacts could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation implemented by the Applicant to avoid or minimize effects, such as using architectural treatments and maintaining and planting vegetative buffers in and around the cooling stations as part of cooling station design. Consultation regarding measures to avoid or mitigate adverse effects is ongoing through the Section 106 process. Vegetation maintenance activities and emergency repairs, if necessary, would occur in areas previously disturbed by construction of the transmission line and, in some cases, in areas purposefully selected to avoid cultural resources sites; therefore, effects would not be expected from such activities.

401-03

401-03: Comment noted. The Applicant continues to coordinate with the New York SHPO regarding installation of the proposed cooling station at MP 296 to determine measures that would reduce or eliminate potential impacts.

Due to the scope of the proposed undertaking and potential effects to significant historic properties, our office looks forward to continued consultation with your agency on the proposed undertaking. Should you have any questions, please feel free to contact me directly at (518) 237-8643, Extension 3288 or via electronic mail at brian.yates@parks.ny.gov. If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number 09PR03910.

Sincerely,



Wm. Brian Yates
 Historic Preservation Specialist

cc: Mr. Rob Quiggle, HDR, Inc.

Comment 402

123 Main Street
White Plains, New York 10601
914 681.6200



December 13, 2013

Mr. Jun Yan , USACE Project Manager
Eastern Section, Regulatory Branch
New York District
U.S. Army Corps of Engineers
26 Federal Plaza, Room 1937
New York, NY 10278

Re: Public Notice Number- NAN-2009-01089-EYA – Application of Champlain Hudson Power Express, Inc. for a Department of Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344)

Dear Mr. Yan :

The New York Power Authority (“ NYPA”) is a corporate municipal instrumentality and political subdivision of the State of New York, created and operating pursuant to Public Authorities Law §§ 1000-1017, and has its principal office at 30 South Pearl Street, Albany, New York 12207. NYPA operates 17 generating facilities and more than 1,400 circuit- miles of transmission lines. The Champlain Hudson Power Express, Inc. ’s (“CHPE”) project proposes to cross existing NYPA infrastructure in Lake Champlain, the Hudson River and will ultimately connect to a substation owned by NYPA and located in Astoria, NY. NYPA neither supports nor opposes CHPE’s permit application to the U.S. Army Corps. of Engineers (“Corps.”) pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Based on the current proposed route of the line, NYPA believes that the Certificate Conditions set out in the Certificate of Environmental Compatibility and Public Need in Case No. 10 –T- 0139 issued by the New York Public Service Commission on April 18, 2013 (“PSC Certificate Conditions”) provide adequate protection, if followed, to affected NYPA property. NYPA also agrees with Paragraphs 3.3.4.1, 9.41 and 10.3 in CHPEI’s Corps. application, in which CHPE states, in pertinent part:

402-01 **402-01:** Comment noted.

3.3.4.1:

“When crossing utilities that are owned by a third party, the design of the protection at existing cables and pipelines will require formal consultations with the owners and/or operators of this collocated infrastructure. Detailed discussions on coordination, design and installation methodologies and safety issues will be conducted with the owners of these infrastructures, as specified in the recommended Article VII Certificate Conditions. The detailed designs for each crossing will be provided as part of the final design stage.”

9.41:

“For utility crossings, the owner of the utility will be contacted to coordinate the crossing and to identify owner requirements. The selection of a method of protection will include consideration of the utility owner’s requirements.”

10.3:

“Existing facility owners will be contacted prior to the beginning of any pre-construction activities and throughout the Facility design process, and protection measures and specifications for existing utility facilities will be negotiated with the facility owners and filed with the Commission for approval in EM&CP documents and plans. Additional measures for the protection of utility infrastructure are set out in Certificate Conditions 27 to 29 and must also be complied with.”

NYPA respectfully requests that the Corps incorporate PSC Certificate Conditions 27 through 29 in its permit. The PSC Certificate Conditions are as follows:

- 27. The Certificate Holders shall engineer, construct, and install the Facility so as to make it fully compatible with the continued operation and maintenance of Co-located Infrastructure (“CI”), as herein defined, and affected railroads, railways, highways, roads,

streets, or avenues. CI shall consist of electric, gas, telecommunication, water, wastewater, sewer, and steam infrastructure and appurtenant facilities and associated equipment, whether above ground, below ground, or submerged that:

- a. are located within the Construction Zone approved in the EM&CP for the Facility or a proposed Construction Zone as provided for in Certificate Condition 28(d); and
- b. are either owned by a State agency or municipality or a subdivision thereof or owned or operated for public utility purposes by a regulated electric, gas, telecommunication, water, wastewater, sewer, or steam service provider;
- c. but do not include railroads, railways, highways, roads, streets, or avenues.

28. In order to protect CI, Certificate Holders shall:

- a. within sixty (60) days of Commission issuance of a Certificate, consult with the owners and/or operators of all known electric, gas, telecommunication, water, wastewater, sewer, and steam infrastructure and appurtenant facilities and associated equipment, whether above ground, below ground or submerged, other than railroads, railways, highways, roads, streets and avenues, located either: (i) within the Allowed Deviation Zone, (ii) within three hundred (300) feet of any location outside the Allowed Deviation Zone where Certificate Holders intend to undertake any pre-construction activities; or (iii) sufficiently close to areas of anticipated pre-construction activities such that Good Utility Practice, as defined in Condition 20 of this Certificate, requires discussion of the impacts of such preconstruction activities between Certificate Holders and the owners and/or operators of such facilities ("Potential CI"). Such consultations shall include

discussion of the likely routing of the Facility and the measures that will be employed by Certificate Holders to protect CI, including the studies required by the exercise of Good Utility Practice regarding the manner in which the Facility will be designed and installed wherever they are expected to cross CI or are expected to come in such proximity to CI that Good Utility Practice would require a specific design to be developed. All agreements and requirements resulting from this consultation shall be reflected in the proposal prescribed in subsection (d) of this Condition and the notice prescribed in subsection (e) of this Condition; and

- b. within sixty days (60) of Commission issuance of a Certificate, begin the process of consulting with the owners and/or operators of Potential CI to develop a construction schedule for the Facility that, among other things, coordinates system outage requirements, if any, and avoids conflicts with the internal construction programs of each affected owner and/or operator. This consultation shall continue throughout each phase and portion of the construction of the Facility that affects any CI or Potential CI, as applicable. As a part of this consultation, the Certificate Holders will identify to a reasonable degree of certainty the appropriate representative of the party, whether owner or operator, having primary care, custody, and control of a particular segment of Potential CI or CI (each such representative being a "Designated Representative"). All agreements and requirements resulting from this consultation shall be reflected in the proposal prescribed in subsection (d) of this Condition and the notice prescribed in subsection (e) of this Condition and in the Certificate Holders' EM&CP; and

- c. comply with all procedures identified by the Designated Representative(s) of the owners and/or operators of such CI or Potential CI, including, without limitation, application procedures and compliance with requirements for obtaining relevant rights, permission, permits, or authorization, whenever the Certificate Holders seek to undertake any studies, surveys, testing, sampling, preliminary engineering, pre-construction, construction, operation, maintenance, or repair activities that involve CI or Potential CI, except in cases where such actions must be taken on an expedited basis to protect the public or to ensure reliable operation of the Facility, whereupon Certificate Holders shall provide such Designated Representatives with such notice and obtain such approvals as is reasonable under the circumstances, and except where such procedures are subject to the Commission's jurisdiction and the Commission or its designee finds such procedures to be unreasonable or unduly restrictive. Notwithstanding the foregoing, the Certificate Holders shall not be required to comply with the requirements of subsection (c) of this Condition for the transport or travel over or under CI or Potential CI by the Certificate Holders and their agents, employees, and contractors where such CI or Potential CI is located in, over, or under public waterways, roads, streets, highways, or railroad ROW, unless such transportation would be subject to special approval by state and/or local authorities due to the size or weight of load(s) transported; and
- d. provide to the owner(s) and operator(s) of Potential CI or CI, at least onehundred-and-eighty (180) days prior to the filing of the relevant Segment EM&CP, a proposal for the location and design of the Facility (including a

proposed Construction Zone) and the methods of construction to be employed with respect to all locations involving CI (“Proposal”). The Certificate Holders’ Proposal must include all studies, calculations, tests, results, explanations, protocols, drawings, proposed construction schedules, and documents developed through the consultations described in subsections (a) and (b) of this Condition, other documentation identified in Condition 162, and any other information that supports the proposal. To the extent that any such Proposal addresses CI that was not previously identified as Potential CI, the Certificate Holders shall conduct the consultations described in subsections (a) and (b) of this Condition 28 with the Designated Representative(s) of the owner(s) or operator(s) of such CI and shall perform all other activities required by such paragraphs with respect to such CI in as reasonably expeditious a manner as possible and shall provide any resulting studies, calculations, tests, results, explanations, protocols, drawings, proposed construction schedules, and documents to the appropriate Designated Representative in a timely fashion; and

- e. advise owner(s) and operator(s) of CI at least thirty (30) days prior to commencing any planned repair, construction, operation, or maintenance activity relating to the Facility affecting or occurring in the vicinity of such owner’s or operator’s CI, unless such actions must be taken in less than thirty (30) days to protect the public or to ensure reliable operation of the Facility, whereupon Certificate Holders shall provide such notice as is reasonable under the circumstances; provided that, in any event, “vicinity” with respect to CI used to transmit or distribute natural gas shall mean all areas within two hundred (200)

feet thereof and with respect to all other CI shall mean all areas within one hundred (100) feet thereof; and

- f. immediately upon knowledge or discovery of any damage to or adverse effect on any CI or Potential CI resulting from any studies, surveys, testing, sampling, preliminary engineering, pre-construction activities, construction, operation, maintenance, or repair of the Facility, report to the owners and operators of the affected CI or Potential CI the nature and existence of such damage or effect and other known facts relating to the cause thereof; and
- g. notify the owners or operators of CI or Potential CI as soon as possible in the event of any situation involving imminent risk to health, safety, property, or the environment requiring the Certificate Holders to cross such CI or Potential CI or to use any associated property to address the emergency. Such notice shall not be required for the transport or travel over or under CI or Potential CI by the Certificate Holders or their agents, employees, or contractors where such CI or Potential CI is located in, over, or under public waterways, roads, streets, highways, or railroad ROW unless such transportation would be subject to special approval by state and/or local authorities due to the size or weight of load(s) transported; and
- h. include within any Project Segment EM&CP filing relating to the Astoria-Rainey Cable a study demonstrating that the proposed installation of the Astoria-Rainey cable will not have a negative impact on the continued operation of any Parallel CI. A draft of that study will be included in the materials that Certificate Holders are required to provide to the owner or operator of such CI pursuant to

Certificate Condition 28(d) and will be subject to review and comment as provided therein. For purposes of this subsection, Parallel CI means electric transmission facilities that are located in the same public ROW and are generally parallel to the Astoria-Rainey Cable.

29. Reimbursement of Owners or Operators of CI and/or Potential CI for Certain Expenses:

a. Subject to the provisions of subsections (b) and (c) of this Condition, the

Certificate Holders shall reimburse owners and/or operators of Potential CI or CI for the reasonable costs they incur in the following activities:

1. consulting with Certificate Holders as described in Certificate Conditions 28 (a) and (b).
2. reviewing pre-construction activities, designs, construction methods, maintenance and repair protocols, and means of gaining access to Potential CI or CI proposed by Certificate Holders.
3. reviewing studies and design proposals described by Condition 28(d) and the EM&CP filings described in Certificate Condition 162.
4. conducting or preparing such additional studies and designs as may be agreed to by Certificate Holders or approved by the Commission pursuant to Condition 29(a)(3).
5. coordinating with, and monitoring the activities of, the Certificate Holders during pre-construction activities, construction, maintenance and repair of the Facility.

6. conducting maintenance and repair work on CI property or facilities, but only to the extent of increases in such costs that result from the presence of the Facility.
 7. repairing damage to Potential CI or CI or associated property caused by Certificate Holders or their representatives in connection with any studies, surveys, testing, sampling, preliminary engineering, pre-construction activities, construction, operation, maintenance or repair of the Facility.
 8. scheduling and implementing electric system outages required by any studies, surveys, testing, sampling, preliminary engineering, preconstruction activities, construction, operation, maintenance, or repair of the Facility.
- b. For the purposes of this Certificate Condition 29, cost shall be deemed to be reasonable if in the case of each separate review of a study or design proposal described in subsection (a)(3) of this Certificate Condition, the total cost to be borne by the Certificate Holders is five thousand dollars (\$5,000) or less.
- c. Certificate Holders' cost responsibility is limited as follows: a Potential CI or CI owner or operator who intends to incur costs as described in subsection (a) of this Certificate Condition 29 for which reimbursement will be sought for activities other than reviewing a study or design proposal described in subsection (a)(3) of this Certificate Condition 29, or for reviewing such a study or design proposal but in an amount greater than five thousand dollars (\$5,000), must provide Certificate Holders with a written description of the scope of the planned studies or activities and a good faith estimate of the expected costs, except where such studies or activities are undertaken in a situation involving unscheduled electric outages or

an imminent risk to health, safety, property, or the environment, in which case Certificate Holders' reimbursement obligations shall be limited to reasonably incurred costs. Within sixty (60) days of the expenditure by the owners and/or operators of affected Potential CI or CI of any funds which are eligible for reimbursement by the Certificate Holders under this Certificate, the Potential CI or CI owner or operator shall present Certificate Holders with a final invoice for the actual costs incurred, but not to exceed twenty-five percent (25%) over the good faith estimate unless approved by Certificate Holders in advance in writing or, in the case of a dispute between the Certificate Holders and the Potential CI or CI owners or operators, by the Commission. Certificate Holders shall pay the authorized invoice amount within thirty (30) days of receipt.

- d. Disputes concerning the Certificate Holders' cost reimbursement responsibility shall be brought to the Commission for resolution. The time required to resolve any dispute arising under this Certificate Condition 29 shall not be counted for the purpose of any limitation on the time available for commencement or completion of construction of the Facility.

Respectfully submitted,

THE NEW YORK POWER AUTHORITY

By: s/ Javier E. Bucobo
JAVIER E. BUCOBO
PRINCIPAL ATTORNEY

cc: Mr. Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

William Helmer
Executive Vice President, General Counsel, and Secretary
Transmission Developers, Inc.
600 Broadway
Albany, NY 12207

Comment 403

January 15, 2014

Mr. Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, DC 20585

RE: DOS/EIS-0447

Dear Mr. Mills:

The signatories to this letter are parties to the February 24, 2012 Joint Proposal of Settlement (the "JP") filed in Case 10-T-0139 before the New York Public Service Commission ("PSC"), and adopted without significant alteration by the PSC in its Order issuing a Certificate of Environmental Compatibility of and Public Need for the Champlain Hudson Power Express Project (the "Facility") on April 18, 2013 (the "Certificate Order"). We note that the above-referenced draft environmental impact statement for the Facility (the "DEIS") focuses on the analysis of two alternatives: a "no action" alternative and the Facility as understood, assumed, and recommended for approval by the JP.

We write to advise you that the JP parties concur with the decision to analyze these alternatives and that we consider the DEIS's analysis of environmental impacts attributable to the Facility to be fully consistent with and confirmatory of the conclusions set forth in both the JP and the Certificate Order. In particular, we believe that the DEIS fully supports the JP's statement that "the Facility, located and configured as provided in this Joint Proposal, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations." (JP ¶ 24).

In conclusion, we urge your agency, as well as all federal agencies involved in reviewing the Facility proceed to finalize the relevant approvals so that this important project can go forward.

403-01 **403-01: Comment noted.**

Very truly yours,

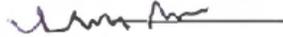
New York State Department of Public Service
New York State Adirondack Park Agency
City of New York

SIGNATURE PAGES TO FOLLOW

7766005.1

Re: DOS/EIS-0447

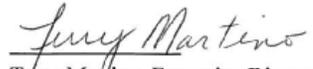
New York State Department of Public Service

A handwritten signature in black ink, appearing to be "L. M. ...", written over a horizontal line.

January 15, 2014

Re: DOS/EIS-0447

New York State Adirondack Park Agency



Terry Martino, Executive Director

January 15, 2014

Re: DOS/EIS-0447

City of New York



S. Jay Goodman, Esq.

Couch White, LLP

Counsel for the City of New York

January 15, 2014

Comment 501

1

REMARKS OF
THOMAS J. BASILE
COUNCILMAN-ELECT TOWN OF STONY POINT, NEW YORK
TO
DOE/ACE CHAMPLAIN HUDSON POWER EXPRESS HEARING
NOVEMBER 18, 2013

Good evening.

In my time at the EPA, the Defense Department and in private business I have had occasion to work with both the DOE and the Army Corps and I've always appreciated your professionalism – and I appreciate your presence here tonight.

The issue of increasing energy supply and providing for our state and nation's energy future has been long debated in government, among private sector interests and activists.

At a time when our nation is still struggling to create jobs and modernize its aging electrical infrastructure to meet higher demand, it is unfortunate that as a state and as a nation that we have taken the nonsensical position of attempting to accomplish both of those goals while throwing up roadblocks to generating additional domestic sources of energy.

The best way to create jobs in this town, in this state and in this country is to produce energy HERE – and in so doing NOT the undercut economic development potential of this region.

That being said, it is clear from cross border discussions that have been held over a number of years, that both the State of New York and the Obama Administration are in favor of increasing the flow of hydroelectric power from Canada into the United States and into New York state.

If the Federal Government is going to back this project – know that the Town of Stony Point will fight in the courts and in the court of public opinion to prevent this cable and the others that would likely follow it, from coming on shore here in our historic town.

} 501-01 **501-01:** Comment noted.

2

If CHPE is to proceed it should be routed through the Hudson River bed where it is currently slated to run for hundreds of miles bypassing every other town on its way to New York City.

There is no conclusive or convincing evidence that the cable will adversely impact the river's ecosystem adjacent to HERE in Stony Point as opposed to anywhere else.

And were there some evidence – Let me tell you - I've always been of the option that the needs of PEOPLE be considered a higher purpose and priority that those of FISH.

This is not about NIMBYism. This is not about opposing progress and this is not political in any way. It's about the lives of the people of this Town and the economic future.

The residents of historic Stony Point would be dealt a grave injustice should CHPE be allowed to come on land here.

The cable is slated to come on land just north of the Stony Point Battlefield State Historic Site and Revolutionary War Cemetery and redirect back out into the river further south in Rockland.

Details about the route have been sketchy and according to documents provided no environmental impact testing has been done in the town.

I understand that the Administration purports to have a desire to increase the supply of clean energy to our state, particularly to New York City. However, the proposed project would clearly provide no public benefit to the people of Stony Point, while causing enormous, irreparable economic harm to our community.

Stony Point residents will be particularly hit hard due to what appears to be an arbitrary and fundamentally unfair route for the cable through our community.

According to the most recent route maps, the land-based route through Stony Point will require CHPE to pursue eminent domain or condemnation

501-02

501-02: The Haverstraw Bay alignment, under which the transmission line would have continued in the Hudson River through Haverstraw Bay rather than transition to land at Stony Point and continue to Clarkstown, was initially proposed by the Applicant in its 2010 amended Presidential permit application, but was not included in the Joint Proposal or in the NYSPSC Certificate issued for the proposed CHPE Project (see response to Comment 105-02). Therefore, this previously proposed component is not part of the proposed CHPE Project route as approved in the NYSPSC Certificate, and was not analyzed in the EIS. There could be impacts resulting from installation of the proposed CHPE Project outside of Haverstraw Bay, which the transmission line would bypass on land. Some of these non-significant impacts would include localized disruptions to river traffic, short-term decreased water quality, and sediment disturbance. There is also potential for non-significant effects on individual aquatic species, including federally listed and state-listed species, which could result from habitat degradation/loss and exposure to noise/vibration and hazardous materials.

501-03

501-03: According to the NYSPSC Certificate, the Applicant would develop more detailed route plans that take into account site-specific factors such as utility locations. DOE has relied on route mapping prepared in support of the NYSPSC Article VII process to prepare this EIS (see Section 2.3.1 of the EIS). DOE believes the maps and plans provided during the project development stage provide a suitable level of information to allow appropriate evaluation of the potential environmental impacts associated with the proposed CHPE Project.

501-04

501-04: The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings (see response to Comment 133-09), and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and retail revenues, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities for the project facilities that are taxable as real property.

501-05

501-05: See response to Comment 105-04.

3

proceedings against homeowners and other private and commercial entities in the town to accommodate a 50 foot Deviation Zone for the cable.

501-05

Further, the State's own Public Service Commission's findings of April, 2013 confirm that this project will not generate savings to New York's electricity consumers. They have concluded any savings from the project and its current routing plan would be realized by corporate interests, not ratepayers.

501-06

The number of jobs that would be created by this project has been hotly debated, continues to be questioned and is by no means settled considering CHPE's own reports that indicate any jobs would be highly specialized and therefore may be imported.

501-07

What is clear, is that the number of jobs created by this project IF ANY, would have the effect of killing, by my calculations, nearly 1000 local jobs particularly in the construction trades but also in engineering, retail and facility management.

The Town of Stony Point is currently advancing an economic development program and Sandy Recovery strategy that will revitalize our community, drive hundreds of millions of dollars in capital investment, and generate millions in tax revenue to help make this town sustainable and affordable for the future.

The program as- I view it -has its foundations in the creation of a thriving waterfront district on previously underutilized prime Hudson River waterfront property and the redevelopment of a major industrial site on the southern end of the town.

Let me be very clear – should CHPE be allowed to come on land, not only will dozens of residential properties be adversely impacted, and the property value of hundreds of homes decrease costing residents millions in personal wealth - both the aforementioned commercial projects and ancillary economic development derived from them may not be possible.

501-08

501-06: The goal of the proposed CHPE Project is to provide 1,000 megawatts (MW) of electricity to the New York City markets and to improve the stability of the electrical grid serving New York City. According to modeling conducted by the NYSDPS, ratepayer benefits would average approximately \$405 million to \$720 million per year.

501-07: As identified in Section 5.1.18 of the EIS, the proposed CHPE Project would call on specialized workers for direct and indirect jobs; however, most jobs would be direct, non-specialized, temporary jobs during the construction phase of the project, which is estimated to take approximately 4 years. The number of jobs needed for construction would vary based on the part of the transmission line being constructed, with the average number of direct jobs being 300 at a time. Direct construction jobs could peak at as much as 420 during some portions of construction. There would also be indirect jobs generated throughout New York as a result of the proposed CHPE project. The indirect jobs associated with this project would include persons providing vegetation maintenance services and utility contractors for potential emergency repairs. As many as five permanent jobs per segment (as many as 21 in the New York City Metropolitan Area Segment) would be created as a result of this project as well. These jobs would be primarily administrative in nature and would be required for the commercial operation of the transmission line. Because the total number of jobs that would be generated from this project is not expected to be significant, the existing workforces within the Lake Champlain, Hudson River, Overland and New York City Metropolitan Area Segments would be adequate to meet the demands.

501-08: The terrestrial portion of the transmission line would be underground and not visible along the perimeter of properties; therefore, its presence would not generally result in a negative impact on private property values. Easement payments to landowners would compensate landowners for any access or use restrictions placed on private properties and would offset any potential impacts on property values. The Applicant would also pay for any land restoration costs associated with construction and any emergency repairs that might be required. See Section 5.3.18 of the EIS for the discussion of property values within the terrestrial portion of the Hudson River Segment.

4

The route and deviation zone will scar the landscape of this town through its most vital areas leaving a trail of human and economic wreckage in its wake.

} 501-09

In short, the economic impact on businesses, residents and the municipality will be enormous and clearly does not out way any public benefit from the cable coming on land in our historic town.

} 501-10

Significant State and Federal legal questions also remain, for instance, whether CSX Railroad can offer CHPE a facility right of way even though the land-based installation will require the use of eminent domain and whether condemnation is in this case is in keeping with state and federal case law on the subject.

} 501-11

Take this message back to General Bostick and Secretary Moniz – Do not underestimate the amount of opposition to this cable being brought on land in Stony Point and Rockland County.

You want your cross-border hydro power – put the cable in the river where it belongs. Do not underestimate our willingness or ability to fight this proposed route in the courts and in the court of public opinion.

It will not be difficult both here in New York and in Canada for this issue to become the poster child – and we have a lot of them lately – of the heavy hand of government advancing its goals at all costs without regard to the economic and personal damage done to its people.

Jobs will be lost. Personal wealth will be lost. Economic development will be stifled here and the damage will be irreparable. We will not permit this discrimination. We will not permit this injustice to be perpetrated on the people of this historic town.

} 501-12

Thank you.

501-09: Construction of the proposed CHPE Project within the Hudson River Segment would result in short-term impacts on visual and aesthetic resources from the presence of construction equipment and activities along the project route. As described in Section 2.4.3 of the EIS, the Applicant would use HDD techniques to avoid disrupting the surface features of the landscape, where necessary. For more information on the visual impacts of the proposed CHPE Project, see EIS Section 5.3.11.

501-10: See response to Comment 501-04.

501-11: Agreements between CSX and the Applicant are subject to any applicable Federal and state regulations. As discussed in EIS Section 5.2.1, the siting of the transmission line in the State of New York, including the possible use of eminent domain, is within the purview of the NYSPSC under Article VII of the New York State Public Service Law. The NYSPSC has authorized the Applicant the right to use eminent domain for this project, if required.

501-12: The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers’ wages, and purchases of goods and services) would temporarily increase tax receipts and revenue, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the transmission system facilities that are taxable as real property. See response to Comment 501-07 for jobs created as a result of this project.

Comment 502

From: Legislator Ed Day [mailto:legislatorday@yahoo.com]
Sent: Saturday, December 14, 2013 12:16 PM
To: Mills, Brian; jun.yan@usace.army.mil
Subject: CHAMPLAIN POWER EXPRESS PROPOSED PROJECT - DEIS COMMENT PERIOD

Dear Mr. Mills:

With respect to the above subject, you are no doubt understanding of the enormous impact that this project will have on the North Rockland community and beyond. As witness to that are the volume of comments and information you have received to date, all of which offer genuine concern to this observation.

Key to ensuring a comprehensive and proper DEIS is that these concerns are heard and heeded. Many in the community have only recently learned of many of the details and it is imperative that they are part of the process.

To that end, I respectfully request you consider extending the public comment period by 180 days. I believe that is a reasonable request that maximizes that key issue I mention - that all the people and businesses affected by this project are a complete part of this process. It also will allow for the community to fully assess, analyze, and respond to the thousands of pages of documents that are submitted as part of the DEIS process.

} 502-01 **502-01:** See response to Comment 303-01.

Thank you for your consideration

Sincerely,

Ed

Edwin J. Day
Rockland County Legislature
Rockland County Executive-Elect
www.edday.us

Follow the latest happenings in Rockland County on Facebook:
www.facebook.com/edwin.j.day1 - **And ... make sure you "Like" us!**

Comment 503



TOWN OF HAVERSTRAW
HOWARD T. PHILLIPS, JR.
Supervisor

ISIDRO CANCEL
JOHN J. GOULD
Councilmen

MICHAEL J. GAMBOLI
Director of Finance

VINCENT J. GAMBOLI
HECTOR L. SOTO
Councilmen

WILLIAM M. STEIN
Town Attorney

January 13, 2014

Via Facsimile: (202) 586-8008
Email: Brian.Mills@hq.doe.gov & First Class Mail

Mr. Brian Mills, NEPA Document Manager
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: CHPE EIS

Dear Mr. Mills:

On behalf of the Town of Haverstraw and its residents, I would like to express our deep concern for the proposed application of the Champlain Hudson Power Express Project (CHPE). I am sending this letter to reiterate our great displeasure and opposition to this proposal. We cannot understand the logic of going outside of the United States for power and believe that this proposal, if implemented, will set a terrible precedent.

503-01 **503-01:** Comment noted.

The CHPE Project suggests that the United States cannot produce its own energy. Should we rely on a foreign country for our energy needs and also how reliable is this source? The potential detrimental consequences to the residents and land owners of the Town of Haverstraw and neighboring Town of Stony Point, including the application of eminent domain, are cause for great concern.

503-02 **503-02:** Production of energy within the United States is not within the scope of this EIS. The purpose of this EIS is to analyze impacts on New York State, and local municipalities, including the Towns of Haverstraw and Stony Point, as a result of the proposed CHPE Project.

The North Rockland community has their own power capabilities at Bowline in Haverstraw as well as the site at Lovett in Stony Point. Why not upgrade Bowline and rebuild Lovett? This would keep power production local as well as putting many people back to work. It is greatly disappointing that our power sources might not be in our own county.

503-03 **503-03:** The upgrading of existing utility lines and production of locally generated power for Rockland County is not within the scope of this EIS.

Sincerely,

HOWARD T. PHILLIPS, JR.
Supervisor

Cc: Senator William Larkin
Assemblyman Kenneth Zebrowski

ONE ROSMAN ROAD | GARNERVILLE, NEW YORK 10923 | (845) 429-2200 | (845) 429-4701 FAX | www.townofhaverstraw.org

Comment 504

-----Original Message-----

From: Douglas Jobson [mailto:JobsonD@co.rockland.ny.us]

Sent: Wednesday, January 22, 2014 4:58 PM

To: Mills, Brian

Subject: CHPE Draft EIS" Comments/Public Notice NAN-2009-01089-EYA

CHPE Draft EIS" Comments / Public Notice NAN-2009-01089-EYA

To: Brian Mills, Senior Planning Advisor
Department of Energy
Office of Electricity Deliverability and Energy Reliability

E-mail: Brian.Mills@hq.doe.gov

As the Rockland County Legislator representing District 1, which includes Stony Point, N.Y., I co-sponsored the attached Rockland County Resolution, dated June 19, 2012, opposing the Champlain Hudson Power Express, which soundly states Rockland County's opposition to this project. The resolution enumerates the numerous reasons why this proposed project is of particular concern to my constituents. The communities affected in North Rockland seek to have the opportunity to address their concerns at further public hearings and to obtain more information.

504-01 **504-01:** Comment noted.

I thank you in advance for giving this your most careful consideration.

Very truly yours,

DOUGLAS J. JOBSON
Rockland County Legislator, District 1

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10 C 1

Introduced by:
 Hon. Jay Hood, Jr., Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Edwin J. Day, Sponsor
 Hon. Iian S. Schoenberger, Co-Sponsor
 Hon. Aney Paul, Co-Sponsor
 Hon. Frank Sparaco, Co-Sponsor
 Hon. Philip Soskin, Co-Sponsor

Referral No. 1021
 June 19, 2012

**RESOLUTION NO. 314 OF 2012
 OPPOSING THE PROPOSED CHAMPLAIN HUDSON POWER EXPRESS INC.,
 TRANSMISSION LINE IN ROCKLAND COUNTY**

**HOOD, JR./CAREY, DAY, EARL, JOBSON, PAUL, SOSKIN, SPARACO, WIEDER:
 M.V.**

WHEREAS, New York Public Service Commission recently held a hearing on the request to build a 1,000 megawatt Champlain Hudson Power Express transmission line, which line would come from upstate New York come out of the Hudson River in Stony Point, run underground along CSX rail right-of-way to West Haverstraw and then through Rockland Lake State Park before heading back to the Hudson, and

WHEREAS, the residents of Rockland county believe that the Public Hearing held to date on the proposal was not timely noticed to the people, nor was a complete study done of the potential impact of this line in the Hudson River and routed through Rockland County, as to the environment, and

WHEREAS, additionally this project would produce an extreme ecological impact on the unique environment of the Hudson River and will negatively affect the current flora and fauna that are dependent on the Hudson River; and

WHEREAS, the laying of submarine cables presents a number of environmental problems, including stirring up industrial chemicals resting on the bottom of the River and cause disturbance to the fish habitats and endangered species in the Hudson River; and

WHEREAS, the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and

WHEREAS, additional hearings with Rockland County should be conducted with more information on the project, and

504-02

504-03

504-04

504-05

504-02: DOE followed accepted practices in notifying the public about the planned public hearings (see response to Comment 109-02). See response to Comment 703-07 for more information regarding notifications of public hearings.

Section 5.3 of the EIS provides a full analysis of the potential environmental impacts associated with installing and operating the proposed buried transmission line in the Hudson River and Rockland County.

504-03: Potential environmental impacts on aquatic and terrestrial habitats and species, including threatened and endangered species, are discussed in Sections 5.3.4, 5.3.5, 5.3.6, and 5.3.7 of the EIS.

504-04: Sections 5.3.3 and 5.3.15 of the EIS provide analyses of the potential impacts of disturbing contaminated sediments during installation activities, and Sections 5.3.4 and 5.3.5 of the EIS discusses the potential impacts of sediment disturbance on aquatic habitats and species, including threatened and endangered species.

504-05: DOE provided a 45-day public review period for the Draft EIS starting November 1, 2013, which was extended for an additional 30 days and ended on January 15, 2014. Verbal comments could be provided at any of four public hearings for the Draft EIS. Written comments could be submitted through the CHPE EIS Web site or via mail, email, or fax. DOE conducted four public hearings for the Draft EIS, including one in Stony Point, New York on November 18, 2013. Other public hearing locations were Queens, Albany, and Plattsburgh in New York.

WHEREAS, from an economic perspective, purchasing energy from outside New York State does not make sense for the state's as well as the national balance of payments; and

WHEREAS, allowing this power line to adversely affect the North Rockland Community and beyond is an insult to that community when there are presently two properties which are options to generate more electricity. The former Lovett and Bowline properties are available for developing new and more efficient plants which will create jobs and stabilize the local tax base which has been destroyed by the aging plants, and

WHEREAS, it is incumbent upon the Public Service Commission to encourage local generation of electricity on available properties instead for allowing a disruptive and damaging power line to import Canadian electricity; and

WHEREAS, it is likewise incumbent upon the Public Service Commission to conduct another hearing so that sufficient notice to the public can be given and Rockland residents have an opportunity to voice their many concerns and absent more information from the Public Service Commission and further comment period, the County opposes this project; and

WHEREAS, the Planning and Public Works Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby opposes the proposed Champlain Hudson Power Express Inc., transmission line in Rockland County and be it further

RESOLVED, that the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, Member of the New York State Senate; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbit, Members of the New York State Assembly, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

VOTE:

Ayes: 16
Abstain: 01 (Legislator Grant)

LG3131
RM/cs
JH 6/12/12cs; 6/20/12

504-06

504-07

504-06: Comment noted. The use of local electric power generating stations and development of in-state electric power generation is outside the scope of the EIS.

504-07: See first paragraph of the response to Comment 504-02 and response to Comment 504-05.

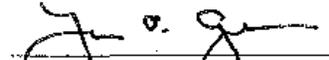
STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original resolution of such Legislature, duly adopted on the 19th day of June 2012 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 20th day of June 2012.

Date sent to the County Executive:
June 20, 2012



Laurence O. Toole, Clerk
Rockland County Legislature

Certified or Approved
C. Scott Vanderhoef, County Executive
County of Rockland

(Date)

RESOLUTION NO. 314 OF 2012

Comment 601

From: O'Brien, Wesley [<mailto:WOBrien@cityhall.nyc.gov>]
Sent: Wednesday, December 18, 2013 1:40 PM
To: Mills, Brian
Subject: Champlain Hudson Power Express - DEIS Comments

Mr. Mills,
Please see the attached comment letter, which I am submitting on behalf of the City of New York.

Thank you,
WESLEY O'BRIEN | General Counsel / Interim Director

 Mayor's Office of
Environmental Coordination
100 Gold Street – 2nd Floor, New York, NY 10038
Main: 212.788.9956 | Direct: 212.788.2932
Email: wobrien@cityhall.nyc.gov
Web: www.nyc.gov/oec



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

MAYOR'S OFFICE OF OPERATIONS
OFFICE OF ENVIRONMENTAL COORDINATION
WESLEY O'BRIEN, GENERAL COUNSEL & INTERIM DIRECTOR

December 18, 2013

Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: Comments on Champlain Hudson Power Express DEIS

Dear Mr. Mills:

The City of New York has reviewed the DEIS for the Champlain Hudson Power Express ("CHPE") and would like to thank you for this opportunity to provide comments.

The CHPE transmission project is a development project that as proposed would bring 1,000 megawatts of renewable wind and hydropower from the Canadian Province of Quebec directly into New York City using submarine and subterranean high-voltage direct current lines.

Following a comprehensive review, the New York State Public Service Commission ("PSC") on April 18, 2013 issued a Certificate of Environmental Compatibility and Public Need for CHPE pursuant to Public Service Law Article VII, thereby authorizing construction and operation of the CHPE line in New York State. The City of New York was a party to the Article VII proceeding, and fully supported the action of the Commission.

CHPE advances a number of City and State energy policy goals

The operation of the proposed CHPE would advance major energy and environmental policies of the City of New York. The City policies and objectives advanced by the Facility also are consistent with major State policies and objectives.

} 601-01 **601-01:** Comment noted.

The City has developed an ambitious slate of energy policies that is set forth in its PlaNYC 2030: A Greener, Greater New York ("PlaNYC"). PlaNYC is a policy blueprint intended to synthesize the economic and population growth in the City with broad, multi-faceted efforts to protect and enhance the City's environment. Programs implemented under PlaNYC are intended to reduce

energy consumption throughout the City, achieve the cleanest air quality of any major city in the United States, and reduce municipal greenhouse gas emissions by 30% by 2017 (i.e., “30 by 17”) and Citywide greenhouse gas emissions by 30% by 2030.

With respect to renewable energy, PlaNYC set forth a plan based, in part, on “making our energy supply cleaner, more affordable, and more reliable.” PlaNYC also recognizes the value and importance of public health benefits associated with reduced emissions. The City has a compelling interest in implementing PlaNYC in order to ensure that its residents and businesses realize the economic, environmental and health benefits associated with an increased reliance on renewable energy.

To that end, PlaNYC includes a goal of increasing the City’s clean energy supply by 2,000 MW by 2015. Currently, the amount of electricity that may be imported to the City is limited by congested north-south transmission lines in New York State. One strategy adopted to achieve the clean energy goal is to increase the amount of renewable energy that can be imported into the City.

The City’s general support for CHPE is consistent with this strategy, and with the overarching City policy goals the strategy intends to promote. As noted, it is anticipated that the proposed transmission line would deliver up to 1,000 MW of renewable energy, thereby representing a unique opportunity to increase dramatically the amount of clean energy available in-City via a project that will be developed on a merchant basis and will not burden electric delivery ratepayers.

601-02 **601-02:** Comment noted.

The City is not aware of any other large-scale renewable energy project that may be constructed and operated in the near term to benefit an area of the State that has been historically underserved by renewable power projects. Currently, only a handful of small-scale solar photovoltaic projects are located downstate. CHPE would thus support important City and State policies through a greatly increased reliance on electricity generated by large-scale renewable resources.

601-03 **601-03:** Comment noted.

New York State energy policy also promotes increased reliance on renewable energy as one means of mitigating the public health and environmental impacts associated with electricity generated from the combustion of fossil fuels. One of the five policy objectives set forth in the most recent State Energy Plan is to “[r]educe health and environmental risks associated with the production and use of energy across all sectors” based, in part, on a recognition that fossil fuel combustion emits chemicals that are associated with a range of adverse health effects and that also contribute to acid rain and climate change. The 2009 State Energy Plan noted that increasing the amount of renewable energy sold at retail in New York State to 30% by 2015 was a primary component of the “45 x 15” goal established by former Governor David Paterson.

601-04: Comment noted. Appendix F.1 of the Draft EIS (i.e., the Applicant’s New York City Waterfront Revitalization Program Consistency Assessment Form and Coastal Zone Consistency Assessment Supplemental Information submitted as part of the CWA Section 404 Permit Application) incorrectly stated that the portion of the transmission line that travels along the Bronx Kill/New York State Department of Transportation (NYSDOT) rail yards is not a Significant Maritime and Industrial Area (SMIA). However, this area is correctly identified as an SMIA in Section 3.4.1 of the Draft EIS. The proposed CHPE Project would be consistent with the New York City Waterfront Revitalization Program (WRP).

Waterfront Revitalization Program

The Department of State concluded the Waterfront Revitalization Program (WRP) consistency review in 2011, which included consistency with the New York City WRP. Therefore, no additional WRP review is required at this time. However, the New York City Department of City Planning (DCP) requests that your consideration of the following with respect to the FEIS:

601-04

- 1) The response to the WRP Policy 2.1 incorrectly states that the project is not located in a Significant Maritime and Industrial Area. In fact, the portion of the transmission cable

that travels along the Bronx Kill/NYS DOT rail yards is an SMIA. As the design details are developed for this segment of the transmission cable, particular sensitivity should be given to ensure that the actions do not inhibit the efficient operation of the SMIA as an industrial/maritime area.

- 2) The response to WRP Policy 8 states that there will be no effect on public access to or along the city's coastal waters. It should also be noted that the City is actively involved in creating a new pedestrian and bike connection between the South Bronx and Randall's Island across the Bronx Kill, which will provide a critical link in the South Bronx Greenway and allow South Bronx residents to easily access Randall's Island's parks. For more information about the project, please see [NYCEDC's website](#). As design details are developed for this terrestrial segment of the transmission cable, particular attention should be paid to maintaining public access along this portion of the waterfront, including efforts to ensure kayak and canoe navigability along the Bronx Kill and beneath the Hells Gate Bridge. The applicant should coordinate with the NYCEDC. Likewise, the portion in North Queens around the Poletti Power Plant, the Luyster Creek Converter Station, and the Rainey Interconnection should consider the planning efforts underway for the [Queens East River and North Shore Greenway](#) and street end public access to Luyster Creek at 19th Ave (see [Vision 2020: NYC Comprehensive Waterfront Plan](#), Reach 7 and 11).
- 3) In areas where the transmission cable transitions from water to land or vice versa, designs should be carefully developed to protect and restore wetlands and ecological communities, which may be impacted by Horizontal Directional Drilling. Particular attention should be paid to the design of shorelines that may need to be reconstructed as a result of this work and the ecological enhancement opportunities at those locations. Based on the materials provided, this will occur at MP 330, just north of the Willis Avenue Bridge, at MP 331 along the Bronx Kill, and at MP332 at the Poletti Power Plant facility in Astoria, Queens.
- 4) It is not clear whether an analysis been conducted to determine the likely effect of sea level rise and associated coastal flood risk on the proposed project. All facilities should be designed using the latest FEMA flood hazard data and should consider the impacts of climate change, using the projections from the New York City Panel on Climate Change.
- 5) Section 6.1.1.5 (page 6-6) of the FEIS refers to the Astoria Rezoning Plan. This plan was approved in May 2010. See [DCP's website](#).

Again, thank you for the opportunity to comment on the DEIS. If you require any additional information, please do not hesitate to contact me.

Sincerely,



Wesley O'Brien
General Counsel & Interim Director

601-04
601-05
601-06
601-07
601-08
601-09

601-05: During underwater cable installation, there would be associated increased vessel activity within the Harlem and East rivers. The immediate area around active construction would be temporarily unavailable for recreational uses. However, access to some recreational resources would be maintained during the days that construction activities would be in the vicinity, such as the boathouse at Sherman Creek Park. For the terrestrial portion of the transmission line, it would be buried underground and within city streets between the Astoria and Rainey substations. During terrestrial installation, equipment used for removal of pavements, trench excavation, and cable installation could result in a temporary reduction in the number of traffic lanes available along local roadways accessing recreational facilities along the transmission line route. Terrestrial construction activities could be carried out in the tourism and recreation off-season winter months, which would avoid or minimize potential impacts. See Section 5.4.13 of the EIS for more information.

601-06: The EIS discusses potential impacts on the Queens East River & North Shore Greenway Master Plan in Section 6.1.2.1 and reports that the proposed CHPE Project is consistent with the plan. The CHPE transmission line would be located on ConEd property or buried under city streets in Queens, and, therefore, would not be anticipated to have an impact on the Queens East River & North Shore Greenway Master Plan.

601-07: As routed, the CHPE transmission line would not cross any wetlands in the New York City Metropolitan Area Segment. There are NYSDEC tidal wetlands and adjacent areas associated with the Harlem and East rivers that are present within the ROI; however, no impacts on NYSDEC tidal wetlands would be anticipated to occur because the transmission line would be installed within the riverbeds or on land where it would not cross wetlands (see Section 5.4.8 of the EIS). In areas where the transmission line transitions from water to land or vice versa, restoration of the area would be completed after backfilling for the cable has been completed. Appropriate BMPs would also be

implemented, where necessary (see Section 5.4.3 of the EIS).

601-08: As discussed in Sections 5.3.3 and 5.5.3 of the EIS and similar sections, the proposed CHPE Project transmission line and cooling stations would all be designed to withstand any flooding events that occur within a Federal Emergency Management Agency (FEMA) 100-year floodplain. The New York City Metropolitan Area Segment would include the cables being buried underground (including in the Harlem and East rivers). The cooling station located at MP 331 in the Bronx would be constructed within a 100-year floodplain. This cooling station and the HVDC Converter Station and associated facilities would be designed to avoid flood damage by raising the first floor above the base flood elevation. The Final EIS includes a Floodplain Statement of Findings as an appendix (Appendix S) that reflects this analysis. Data from the Intergovernmental Panel on Climate Change (IPCC) and New York State are used to analyze the impacts of this project on climate change.

601-09: Comment noted.

Comment 602

From: kevinmaher@verizon.net [mailto:kevinmaher@verizon.net]
Sent: Tuesday, January 14, 2014 3:37 PM
To: Mills, Brian
Cc: sfilgueras@optonline.net
Subject: Champlain Hudson Power Express
Importance: High
Dear Mr. Mills:

As both the Town Engineer and resident of the Town of Stony Point, I must strenuously object to the issuance of any permits for this project as it is currently configured by Transmission Developers Inc..

602-01

602-01: Comment noted.

Their "Project" is a callous invasion of the Town of Stony Point and shows no respect for the history of the area and the significance that it played during the Revolutionary War.

I know that it had originally been backed by Governor Cuomo as a step in replacing Indian Point as a power source for New York City, but I believe that the hue and cry over the closed door deals arranged in Albany (including the deal made with the environmental groups) have angered many in Rockland County. For Don Jessome to state that they would just "shoot a bullet" under the Waldron Cemetery (many Revolutionary and War of 1812 heroes are buried there) to install the power cables as a part of the HDD method is an affront to everything that this country stands for.

602-02

602-02: See response to Comment 121-03. Also see Section 5.3.10 of the EIS for analysis of potential impacts on historic resources.

And why should we be promoting energy from Canada? What's wrong with putting our own people to work building better and more efficient power plants? Isn't that what Governor Cuomo keeps talking about (building back better and stronger)? There is also a growing doubt that the Canadian Power company will not be able to supply "Green Energy" (wind, hydroelectric, solar, etc.) in a sufficient quantity (or at all) which would mean that power generated by coal and oil-fired plants in Canada will be flowing done the line. So much for lowering "Greenhouse Gases".

602-03

602-03: The primary goal of the proposed CHPE Project is to provide electrical energy to the New York City metropolitan area market. The proposed CHPE Project would result in lower wholesale electricity prices, reductions in emissions, greater energy supply diversity, and increased energy supply capability. Power generated in Canada would be primarily hydroelectric and wind power. The use of local electric power generating stations and development of in-state electric power generation is not within the scope of this EIS.

The attached copy of the resolution from the Rockland County Legislature should be a clear enough signal that we do not want this line anywhere in Rockland County.

Therefore, I request that this project be given the highest degree of scrutiny to be sure that it is both economically and environmentally feasible and that it will not have any adverse impacts to the area and the citizens of Rockland County.

Our National Energy Policy should be focused on energy independence first, then on "environmentally friendly" generation secondly.

Respectfully submitted,

Kevin P. Maher, P.E., M.ASCE
Town Engineer (and resident)
Town of Stony Point, Rockland County, NY

10 C 1

Introduced by:

- Hon. Jay Hood, Jr., Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Edwin J. Day, Sponsor
- Hon. Ilan S. Schoenberger, Co-Sponsor
- Hon. Aney Paul, Co-Sponsor
- Hon. Frank Sparaco, Co-Sponsor
- Hon. Philip Soskin, Co-Sponsor

Referral No. 1021
June 19, 2012

**RESOLUTION NO. 314 OF 2012
OPPOSING THE PROPOSED CHAMPLAIN HUDSON POWER EXPRESS INC.,
TRANSMISSION LINE IN ROCKLAND COUNTY**

**HOOD, JR./CAREY, DAY, EARL, JOBSON, PAUL, SOSKIN, SPARACO, WIEDER:
M.V.**

WHEREAS, New York Public Service Commission recently held a hearing on the request to build a 1,000 megawatt Champlain Hudson Power Express transmission line, which line would come from upstate New York come out of the Hudson River in Stony Point, run underground along CSX rail right-of-way to West Haverstraw and then through Rockland Lake State Park before heading back to the Hudson, and

WHEREAS, the residents of Rockland county believe that the Public Hearing held to date on the proposal was not timely noticed to the people, nor was a complete study done of the potential impact of this line in the Hudson River and routed through Rockland County, as to the environment, and

WHEREAS, additionally this project would produce an extreme ecological impact on the unique environment of the Hudson River and will negatively affect the current flora and fauna that are dependent on the Hudson River; and

WHEREAS, the laying of submarine cables presents a number of environmental problems, including stirring up industrial chemicals resting on the bottom of the River and cause disturbance to the fish habitats and endangered species in the Hudson River; and

WHEREAS, the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and

WHEREAS, additional hearings with Rockland County should be conducted with more information on the project, and

602-04

602-04: See response to 504-02.

602-05

602-05: See response to Comment 504-03.

602-06

602-06: See response to Comment 504-04.

602-07

602-07: See response to Comment 504-05.

WHEREAS, from an economic perspective, purchasing energy from outside New York State does not make sense for the state's as well as the national balance of payments; and

WHEREAS, allowing this power line to adversely affect the North Rockland Community and beyond is an insult to that community when there are presently two properties which are options to generate more electricity. The former Lovett and Bowline properties are available for developing new and more efficient plants which will create jobs and stabilize the local tax base which has been destroyed by the aging plants, and

602-08 **602-08:** See response to Comment 504-06.

WHEREAS, it is incumbent upon the Public Service Commission to encourage local generation of electricity on available properties instead for allowing a disruptive and damaging power line to import Canadian electricity; and

WHEREAS, it is likewise incumbent upon the Public Service Commission to conduct another hearing so that sufficient notice to the public can be given and Rockland residents have an opportunity to voice their many concerns and absent more information from the Public Service Commission and further comment period, the County opposes this project; and

602-09 **602-09:** See response to Comment 504-07.

WHEREAS, the Planning and Public Works Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby opposes the proposed Champlain Hudson Power Express Inc., transmission line in Rockland County and be it further

RESOLVED, that the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, Member of the New York State Senate; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

VOTE:

Ayes: 16
Abstain: 01 (Legislator Grant)

LG3131
RM/cs
JH 6/12/12cs; 6/20/12

STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original resolution of such Legislature, duly adopted on the 19th day of June 2012 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 20th day of June 2012.

Date sent to the County Executive:
June 20, 2012



Laurence O. Toole, Clerk
Rockland County Legislature

Certified or Approved
C. Scott Vanderhoef, County Executive
County of Rockland

(Date)

RESOLUTION NO. 314 OF 2012

Comment 701



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



NAN-2009-01089-EYA

October 23, 2013

Dear:

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.

} 701-01 **701-01:** Comment noted.

“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

} 701-02 **701-02:** Potential impacts of the proposed CHPE Project on navigation were addressed in the Draft EIS in the Chapter 5 subsection addressing Transportation and Traffic. Specifically, the analysis of vessel safety and navigation on the Hudson River is in Section 5.3.2 of the EIS. The USACE and USCG are cooperating agencies in the preparation of the EIS, and their contributions to the review of the proposed project help ensure vessel safety.

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.

} 701-03

701-03: The transmission line route alignment evaluated in the EIS has been developed by the Applicant in consultation with various stakeholders, including the USACE, NYSPSC, NYSDEC, and the New York State Coastal Zone Management Program. If specific issues with port facilities are subsequently identified, they would be addressed through the NYSPSC.

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.

} 701-04

701-04: Potential impacts from vessel-anchoring activities are presented in Section 5.3.2 of EIS and reflect those concerns raised in the comment.

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.

} 701-05

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.

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,



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

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”

701-05: In accordance with Condition 161 of the Certificate of Environmental Compatibility and Public Need issued by the NYSPSC, the Applicant would conduct an immediate post-installation survey of the submerged cables to determine its actual location and burial depth to confirm that the required burial depths have been met and conduct associated follow-on surveys every 5 years. If the required burial depths are not achieved, a remedial plan for achieving the required burial depths must be submitted.

Comment 702

sreich@local754.com has submitted a comment from the CHPEXpressEIS website.

First Name: Stephen
Last Name: Reich
Address1: 215 Old Nyack Turnpike
Address2:
City: Chestnut Ridge
State: NY
Zip: 13320
Email: sreich@local754.com

Comments:

I represent over 300 men and women from Laborers' Local 754 in Rockland County. We are in support of the project for the jobs it will create for our members and the tax revenue it will add to County coffers. We also understand the need for additional power sources in times of high usage.

702-01 **702-01:** Comment noted.

Comment 703

- Queens, NY -

International Brotherhood of
BOILERMAKERS • IRON SHIP BUILDERS



BLACKSMITHS • FORGERS & HELPERS

STEVEN LUDWIGSON
 Business Manager
 Secretary-Treasurer

TOM RYAN
 Assistant Business Manager
 President

BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON
 Assistant Business Manager
 Zone 175

KEVIN O'BRIEN
 Vice President

MATT LOPRESTI
 Assistant Business Manager
 Zone 197

November 18, 2013
 East Elmhurst, New York

Distinguished members from the United States Department of Energy, thank you for providing this opportunity to the people of New York to weigh in on some of their concerns with the Champlain Hudson Power Express. I am here today as the President of Boilermakers Local 5, representing over 500 members from Long Island and New York City, from the Southern Tier and throughout the North Country. But, I am also here as a proud New Yorker and father of four children with further reservations about this proposed project and the negative environmental impact it would have for the next generation.

703-01 **703-01:** Comment noted.

The developers of this line that would snake its way through New York and its great water ways have touted the signatures of some Representatives of the New York delegation in support of the line. Yet, when my colleagues and I personally met with the vast majority of those Congressmen and Congresswomen last Spring, we were met with blank stares and disbelieving shakes of their heads. Some had no recollection of signing; others seemed not overly committed to the project. But, all of them had second thoughts and promised to look into the matter further and revisit their commitment. For that we are grateful to them and their staffs.

ZONE 5 • 24 VAN SICLEN AVE., FLORAL PARK, NY 11001 • 516-326-2500 • FAX: 516-326-3435
 ZONE 175 • 28 WEST BRIDGE ST., OSWEGO, NY 13126 • 315-343-3821 • FAX: 315-343-3563
 ZONE 197 • 75 S. DOVE ST., ALBANY, NY 12202 • 518-438-0718 • FAX: 518-459-2728



BOILERMAKERS LOCAL LODGE No. 5

The CHPE will be a jobs killer for the greater NYC area, outsourcing skilled labor positions to a foreign country in exchange for a product we can and should be making right here in New York. Our economy, environment, and our quality of life now hang on a delicate thread. Do we as a nation, give our environment over into the hands of another country, albeit a friendly one? I, my family, and the tens of thousands of vital Building and Construction Trades members in this great metropolis, emphatically respond, NO!

703-02

703-02: See response to Comment 101-02.

Just in the last couple of years our great city and state has had a tragic loss to life, infrastructure, and the environment due to severe storms. As catastrophic a loss as they were, could we imagine if we were held hostage by power travelling hundreds of miles on towers over land and within our rivers and lakes. We need to rely on power generation produced in our backyards to survive whatever storms we must weather.

703-03

703-03: See response to Comment 101-03.

I have swam in the Hudson River, and lived to tell about. I wish my children and my children's' children the same. But, this Canadian power line is nothing more than a large extension cord, with a single customer, whose only vested interest in the delicate environment of the Great State of New York is one of commercialism and greed.

703-04

703-04: Comment noted.



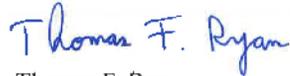
BOILERMAKERS LOCAL LODGE No. 5

Just in my short life span, I have seen where dependence on foreign energy and foreign natural resources has led this great nation of ours: embargo, rationing, and war. We should not depend on others for our vital needs, but ourselves and our fellow New Yorkers. Americans should not sacrifice their environment, their energy independence, or their children's future, for the promise of miniscule savings on an electrical bill.

↑
703-04

Thank you again for this opportunity and we trust the United States Department of Energy and ultimately the Office of the President of the United States hear the cry of its citizens, "SAY NO to the Champlain Hudson Power Express!"

Sincerely,



Thomas F. Ryan

President

Mr. Brian Mills
 Department of Energy
 Office of Electricity Delivery&Energy Reliability (OE20)
 U. S. Department of Energy
 1000 Independence Ave, SW
 Washington, DC 20585
 Phone: 202-586-8267
 Fax: 202-586-8008

Mr. Jun Yan,
 USACE Project Manager, Eastern Section
 Regulatory Branch New York District
 U.S. Army Corps of Engineers
 26 Federal Plaza, Room 1937
 New York, NY 10278
 212-000-0000
 212-264-4260

Comments can be submitted via email to: Brian.Mills@hq.doe.gov jun.yan@usace.army.mil

Deadline for Comments: **December 16, 2013**

Request to the DOE and USACE for extension of comment period, "Draft EIS Comments"

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervenor funds for the impacted communities. In this case there are no intervenor funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE.

703-05

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left.

703-06

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail.

703-07

There was no outreach and translated information for the Hispanic population.

703-08

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents?

703-09

703-10

I am respectfully requesting the extension based on the above reasons.

Resident: Thomas F. Ryan
 Address: 2827 Hedge St
Yorktown, NY 10598

Phone: 914-355-0274
 E-mail: tryanbm@aol.com

703-05: See response to Comment 303-01. The availability of intervenor funds from the developer is outside the scope of this EIS.

703-06: Locations selected for the public hearings were based on a number of criteria including proximity to the proposed project route, number of people able to be accommodated at each location, accessibility to the public, and coordination support available from the staff of the facility chosen. The hearing location in Queens, which was just over 1 mile away from the proposed transmission line corridor, was chosen because of its ability to accommodate greater than 100 people and its greater accessibility to public transportation than other possible hearing locations in New York City. Other potential locations directly in the impacted community could not accommodate this attendance level. The hearing at Stony Point Center was held there because of the Stony Point Center's location in the Town of Stony Point, available staff from the facility to guarantee access and support setup of the room, its proximity to the proposed transmission line corridor, and its ability to host up to 250 meeting attendees. To reduce clustering of attendees near the room entrance, all attendees were offered the opportunity to enter the room and occupy open seats. Approximately 215 people were present at the meeting. The Stony Point Center had adequate parking for hearing attendees and is a well-known location within the town.

703-07: Public notification of the public hearing at Stony Point Center was provided through various methods including notice on the CHPE EIS Web site; a *Federal Register* notice published on November 11, 2013; USACE public notices posted in October 2013; and notices printed in local Rockland County newspapers (*Rockland County Times* on November 7, 2013; the *Journal News* on November 4, 2013; and the *Times Record* on November 4, 2013). More than 400 printed copies of the Draft EIS, CD copies of the Draft EIS, or letters announcing the availability of the Draft EIS were mailed out to people who signed up during the EIS scoping period in 2010 or were added to the DOE coordination list through a variety of other avenues. Appendix P of the Final EIS identifies all the notifications associated with the public hearings for the Draft EIS that occurred.

703-08: See response to Comment 109-03.

703-09: Waldron Cemetery would be surveyed for cultural resources, during which the exact boundaries of the cemetery would be determined and any resources in the Area of Potential Effects would be evaluated for NRHP eligibility. Ground-disturbing activities would be avoided in the vicinity of the cemetery to the extent practicable. If these activities are unavoidable, appropriate mitigation would be implemented in accordance with the CRMP being developed for the CHPE Project in coordination with the New York SHPO. The CRMP would identify measures to address adverse effects on historic properties. HDD technology would be used, where appropriate, to drill under potential cultural resources so they would not be disturbed.

703-10: The CHPE EIS was developed cooperatively among multiple Federal and state agencies to address the potential impacts of issuing the Presidential permit for the proposed CHPE Project. Two of the Federal agencies involved in the preparation of the EIS are the DOE, the lead agency, and the USACE, a cooperating agency. The DOE is responsible for reviewing the Presidential permit application for the proposed CHPE Project and determining whether or not to grant the Presidential Permit. The USACE is responsible for maintaining and protecting waterways and wetlands of the United States, and, as such, reviewing the Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA permit applications submitted by the Applicant for the proposed CHPE Project. The USACE participated in hosting the public hearings for the Draft EIS to gather information and receive public comments to assist in their review of the Applicant's Section 10 and Section 404 permit applications. For comments relating to any waterway impacts or wetlands impacts, commenters have been and will continue to be encouraged to submit comments to the USACE while any comments on the EIS itself should be submitted to DOE. At the Draft EIS hearing in Stony Point, a posterboard was displayed that illustrated the route alignment in the vicinity of Stony Point. This posterboard illustrated the terrestrial portion of the route where it bypasses Haverstraw Bay. Other posterboards (divided into segments for ease of presentation) showed the entire proposed transmission line corridor through New York State.

- Queens, NY -



OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION
Protect New York Jobs, In-State Power Generation & Taxpayer Dollars:
Reject the Champlain Hudson Canadian Power Line

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off-limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one way "energy highway," mainly benefiting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interests of the great State of New York.

Sincerely,

Richard Roberts
 Business Agent at Large
 Enterprise Association of
 Steamfitters Local Union 638

Michael Cavanaugh
 Vice President
 New York City District Council
 of Carpenters

James Slevin
 Vice President
 Utility Workers Union of
 America Local 12

Steve Ludwigson
 Business Manager /
 Secretary-Treasurer
 Builders Local 5

Patricia Dolan, Jr.
 President
 Enterprise Association of
 Steamfitters Local Union 638

Anthony Sparto
 Executive Vice-President
 Mechanical Contractors Association

Don Daley
 Chairman
 International Brotherhood of Electrical Workers
 Utility Labor Council of State of New York

703-11

703-11: Comment noted. The source of the electric power to be transmitted through the proposed CHPE Project and the possible development of in-state power generation is outside the scope of the EIS. NYS PSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that “the Project would serve the public interest, convenience and necessity” and “increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices.” See response to Comment 501-07 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

STATE

www.dps.state.ny.us | MAY 23, 2013 7

Comment 704

International Brotherhood of



BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON
Assistant Business Manager
Zone 175

KEVIN O'BRIEN
Vice President

MATT LOFRETTI
Assistant Business Manager
Zone 197

Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5

November 18, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. – Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure – such as upstate New York plants that have an excess of available power – instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill.

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation.

New York needs to improve the transmission grid in the Upstate and Western regions so that in state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state.



704-01: See response to Comment 137-01.

704-02: Comment noted. See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

704-03: See response to Comment 137-03.

ZONE 5 • 24 VAN SICLEN AVE., FLORAL PARK, NY 11001 • 516-326-2500 • FAX: 516-326-3435
 ZONE 175 • 28 WEST BRIDGE ST., OSWEGO, NY 13126 • 315-343-3821 • FAX: 315-343-3563
 ZONE 197 • 75 S. DOVE ST., ALBANY, NY 12202 • 518-438-0718 • FAX: 518-459-2720



BOILERMAKERS LOCAL LODGE No. 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state.

704-03

In order to have a strong 21st century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure - rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York.

704-04

704-04: Comment noted.

Thank you.

Steven Ludwigson
Business Manager
Boilermakers Local 5



OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION
Protect New York Jobs, In-State Power Generation & Taxpayer Dollars:
Reject the Champlain Hudson Canadian Power Line

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one-way "energy highway," mainly benefiting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great state of New York.

Sincerely,

Richard Roberts
 Business Agent at Large
 Steamfitters Local Union 638

Michael Cavanaugh
 Vice President
 New York City District Council
 of Carpenters

James Slevin
 Vice President
 Utility Workers Union of
 America Local 1-2

Steve Ludwigson
 Business Manager
 Boilermakers Local 5

Patrick Dolan, Jr.
 President
 Enterprise Association of
 Steamfitters Local Union 638

Anthony Saporito
 Executive Vice-President
 Mechanical Contractors Association

Don Daley
 Chairman
 International Brotherhood of Electrical Workers
 Utility Labor Council State of New York

704-05

704-05: See responses to Comments 501-07 and 703-11, and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

Comment 705

Stony Point
11/18/13

Joe Mirabile
NYS Laborers
18 Corporate Woods
Albany, NY
12211



Champlain Hudson Power Express
New York State Laborers
DOE Hearings Talking Points

- Introduce yourself.
 - I represent the New York State Laborers' Union with 40,000 members employed in the construction industry and other fields throughout the state. Our members are organized into more than 35 local unions and 5 district councils. We are a proud affiliate of the Laborers' International Union of North America (LIUNA).
 - Specifically I represent Local XX, with over XX members that live and work in this community

Impact of the Champlain Hudson Power Express Transmission Project for Our Members

- The Champlain Hudson Power Express Transmission project would create more than 300 construction jobs for our members from Clinton County along the route to Queens County during the 3.5 year construction period. It is also estimated that during peak construction there will be up to 600 construction jobs.
- The construction jobs will be associated with the construction of a converter station and the installation of the transmission cable within the state. Our members would also be involved with the construction of temporary access roads, site excavation and site restoration.
- We have 8 local unions represented throughout the geographic region of this project. The Champlain Hudson Power Express project would provide work opportunity in the communities where they live which would benefit these communities.

Background on the Champlain Hudson Power Express Project (CHPE)

- The Champlain Hudson Power Express Project is a 333-mile, underground transmission line that will bring up to 1,000 megawatts of clean, renewable energy to the New York.
- Two six-inch wide cables will be buried under Lake Champlain, the Hudson, Harlem and East Rivers, along railroads and other public rights of way.

Environmental Impact of the CHPE Project

- By burying the line this project will have a minor impacts on communities and the environment.
- There will be temporary minimal impact during construction of the line, once installed, there will be no visual impacts and the project

]- 705-01 **705-01:** Comment noted.

]- 705-02 **705-02:** See response to Comment 102-02.

- Transmission Developers, Inc., or TDI, is committed to constructing the line using the highest environmental standards to protect New York State’s waters and communities’ natural beauty.
- The Champlain Hudson Power Express Project will provide clean hydropower to fuel economic growth with significant environmental and consumer benefits:
 - The project will reduce sulfur dioxide and greenhouse gas emissions
 - The project will add options the state’s energy selection and increase the electric grid’s safety and security
 - This new, tough infrastructure will be less susceptible to damage from natural disasters
- A \$117M Environmental Trust will be established to improve the aquatic environments in Lake Champlain, and the Hudson, Harlem and East Rivers, where the project is located.

705-03 **705-03:** Comment noted.

Economic Impact of the CHPE Project

- The construction jobs created by the Champlain Hudson Power Express project will result in an increase in demand of goods and services within the state.
- The project will also mean direct spending in New York, including non-labor installation costs, as well as fees and taxes paid to the local and state government.
- As there are more revenues/sales, businesses will have more profits and therefore be able to hire more people or make more investment in the community
- The \$2.2 billion project will be financed completely by the private sector - with no responsibility on the customer for the costs of the development, construction, or operation of the line.

705-04 **705-04:** Comment noted.

Jobs Impact of the CHPE Project

- 300 direct jobs will be created during the 3.5-year construction period -- peaking at 600 construction jobs
- During the construction phase of the Champlain Hudson Power Express project there will be more than 1,200 indirect jobs in New York State from suppliers and businesses in the local community along the route.

Final Push for CHPE Project

- The New York State Public Service Commission approved the Champlain Hudson Power Express project in April of this year. We are here to urge you to grant all federal permits to Transmission Developers, Inc. quickly so that this important transmission line project can move forward. This project means jobs for many of our local union members and opportunities for the State that would benefit our communities for years to come.

705-05 **705-05:** See response to Comment 102-05.

Comment 706

Vincent Albanese

-Strong Point -



Champlain Hudson Power Express
New York State Laborers
DOE Hearings Talking Points

- Introduce yourself.
 - I represent the New York State Laborers' Union with 40,000 members employed in the construction industry and other fields throughout the state. Our members are organized into more than 35 local unions and 5 district councils. We are a proud affiliate of the Laborers' International Union of North America (LIUNA).
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- There will be temporary minimal impact during construction of the line, once installed, there will be no visual impacts and the project
- Transmission Developers, Inc., or TDI, is committed to constructing the line using the highest environmental standards to protect New York State's waters and communities' natural beauty.

} 706-02 **706-02:** See response to Comment 102-02.

- The Champlain Hudson Power Express Project will provide clean hydropower to fuel economic growth with significant environmental and consumer benefits:
 - The project will reduce sulfur dioxide and greenhouse gas emissions
 - The project will add options the state's energy selection and increase the electric grid's safety and security
 - This new, tough infrastructure will be less susceptible to damage from natural disasters
- A \$117M Environmental Trust will be established to improve the aquatic environments in Lake Champlain, and the Hudson, Harlem and East Rivers, where the project is located.

706-03 **706-03:** Comment noted.

Economic Impact of the CHPE Project

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- The project will also mean direct spending in New York, including non-labor installation costs, as well as fees and taxes paid to the local and state government.
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- The \$2.2 billion project will be financed completely by the private sector - with no responsibility on the customer for the costs of the development, construction, or operation of the line.

706-04 **706-04:** Comment noted.

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Final Push for CHPE Project

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706-05 **706-05:** See response to Comment 102-05.

Comment 707

- Queens, NY -



FOR IMMEDIATE RELEASE

Contact: Paul Steidler
steidler@area-alliance.org
917-612-3594 or 212-683-1203

**New York AREA: Special Interest Canadian Project Harms New York
It Means Lost Jobs, Higher Bills, and Degraded Energy Infrastructure**

New York, NY/November 18 – in conjunction with today’s Army Corps of Engineers hearing on the draft environmental impact statement on the Champlain Hudson Power Express, a 330 plus mile high voltage transmission line running from Quebec to Queens, Jerry Kremer, chairman of the New York Affordable Reliable Electricity Alliance (New York AREA) issued the following statement.

“The Champlain Hudson Power Express project is unquestionably bad for New York. It means higher electricity prices for New Yorkers, lost jobs, and a less reliable electric grid. In fact, it is merely a special-interest project that will have no benefits for hard-working New Yorkers, including those in struggling upstate communities.

“Indeed, the Champlain Hudson Power Express project is nothing more than a high-voltage extension cord from Canada to New York City that will make a giant sucking sound as it takes billions of dollars annually out of New Yorkers pockets and across the border.

“There is no doubt that we can make electricity at lower cost and more reliably here in New York and that should be the focus of our energy policy. At a time when America is on the verge of becoming energy independent and indeed an energy exporter the Champlain Hudson project takes us backwards.

“Our energy infrastructure will also be degraded by this precedent-setting project. The greater the distance that electricity has to travel, the more expensive and less reliable it is.

“Due to these reasons, a broad coalition from the labor, business and environmental community oppose this project and will continue to do so through all available avenues.”

#

About New York AREA: Founded in November 2003, the New York Affordable Reliable Electricity Alliance (New York AREA) is a diverse group of more than 150 business, labor and community groups and individuals whose mission and purpose is to ensure that the New York metropolitan area has an ample and reliable electricity supply, and economic prosperity for years to come. New York AREA helps to educate policy makers, businesses, and the general public regarding the necessity and importance of safe, low-cost, reliable, clean electricity.

- 707-01 **707-01:** See response to Comment 103-01.
- 707-02 **707-02:** See response to Comment 103-02.
- 707-03 **707-03:** See response to Comment 103-03.

114 West 47th Street, Suite 19th Floor • New York, NY 10036 • 212-683-1203 • info@area-alliance.org • www.area-alliance.org

Comment 708

-STONY POINT-



New York Affordable Reliable Electricity Alliance Opposition to the Champlain Hudson Power Express Line project As submitted to the New York Public Service Commission April 27, 2012

Filed under Case No. 10-T-0139

The New York Affordable Reliable Electricity Alliance, or New York AREA, represents more than 150 business, labor, independent experts, and community groups whose mission and purpose is to ensure that New York has an ample and reliable electricity supply to facilitate economic prosperity for years to come. New York AREA educates policy makers, businesses, and the general public on the necessity and importance of safe, low-cost, and reliable electricity.

New York AREA and its members oppose the Champlain Hudson Power Express line and ask the New York Public Service Commission to decline approval for this project because of its potentially negative impact on costs, jobs, and electrical system reliability. Many of our members, including Consolidated Edison, the Independent Power Producers of New York, Entergy Corporation, Boilermakers Local 5, Insulators Local 12, the Rockland Business Association, the Bronx Chamber of Commerce, the Business Council of Westchester, the Westchester County Association, the Hudson Valley Gateway Chamber of Commerce, the African American Men of Westchester, and Dr. Matthew Cordaro, former CEO of the Midwest Independent System Operator, have either testified before your commission or submitted letters expressing their opposition to the CHPE project.

The Champlain Hudson Power Express transmission line is not in the best interest of New York. This project only stands to benefit its developers and the out-of-state power generators, who will be maintaining electricity directly into the downstate region. This non-competitive measure will shut out Upstate generators from potential downstate customers, while concurrently giving that direct access to Canadian generators. Allowing the CHPE line to be developed would be the final blow to these struggling Upstate generators, their many employees and surrounding communities, and to any possibility for an economic resurgence in that part of our state.

There are far greater priorities to be addressed in improving New York's generation and transmission system than this project. One such priority is to develop and deploy more in-state generation to both create jobs and be more economical for New York ratepayers. These measures would help prevent generators like NRG Energy's Dunkirk Units 1, 2, 3, and 4 from having to shut down because of a lack of demand for their power. Developing the transmission capacity to move the Dunkirk plant's excess generation capability downstate would protect the many jobs that stand to be lost as a result of its closure. Likewise, a plan to repower the Lovett and Bowline power plants and transmit their output downstate would greatly benefit the Town of Ilverstraw by replacing the jobs that were lost when those plants were retired, and would be far more economical than CHPE.

347 Fifth Avenue, Suite 508 • New York, NY 10016 • 212-683-1203 • info@area-alliance.org • www.area-alliance.org

708-01 708-01: Comment noted.

708-02 708-02: NYSpsc identified in their Certificate issued in April 2013 for the proposed CHPE Project that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." See response to Comment 101-02 and Sections S.8.18 and 5.1.18 of the EIS regarding jobs created by the proposed CHPE Project.

708-03 708-03: Comment noted. The proposed CHPE Project would not prevent development of other projects. However, as presented in Section 1.2 of the EIS, the purpose of and need for DOE's Proposed Action is to decide whether or not to issue a Presidential permit for the proposed transmission line crossing the U.S./Canada international border (i.e., proposed CHPE Project). Continued operation of, repowering of, or development of other in-state power sources, or development of new transmission capacity is not the subject of the application for a Presidential permit and, therefore, is outside the scope of the EIS.



We share the perspectives expressed by the New York Power Authority and Con Edison that the CHPE project's costs are significantly underestimated and its benefits are overinflated. Con Edison's cost-benefit analysis of the CHPE project found that the total project cost would be \$11 billion.¹ The breakdown is as follows:

- \$6.7 billion to build new power plants in Canada.
- \$2 billion in transmission lines from Canada to the US border.
- \$2 billion for CHPE's power line to run across the Hudson Valley and into Astoria, NY.²

Though these are conservative estimates of the immediate and known costs, the \$11 billion is a staggering number. According to Con Edison, "the breakeven point would be \$300/MWh."³ This is assuming that the CHPE does not experience any cost overruns or unforeseen costs, as is often the case with large-scale projects. What is perhaps most concerning is that the project's developer, Transmission Developers, Inc. (TDI) wants the authority to change the terms of its deal with the State of New York at any time and file a request with the Federal Energy Regulatory Commission (FERC) to pass its capital costs for the project's build-out to New York ratepayers. Con Edison, in its official statement of opposition to the CHPE joint proposal, points out that this proposed condition would allow the project's developers:

"To seek to shift, at a time of their own choosing, the risks and costs of the project from their investors to utility ratepayers ... [So that] merchants get to enjoy the profits of their investments in return for assuming the risk of losses that result from such factors as higher-cost financing, cost overruns or a lack of demand for their products or services."⁴

Additionally, CHPE is vigorously opposed to being evaluated under current state and federal rules, which means that New Yorkers will likely be kept in the dark about the project's costs until after it has been constructed.

New Yorkers already pay the third-highest energy rates in the nation⁵. Yet, the CHPE Project asks New York ratepayers to subsidize its capital costs without receiving any benefit to the existing transmission infrastructure that delivers the majority of their electric power, or the benefit of having Upstate generators compete for their business. The last thing we need is to increase that burden for the businesses, industries, and individuals struggling to recover from the economic recession.

Allowing CHPE to bypass the New York Independent System Operator's (NYISO) Reliability Needs Assessment (RNA) and ignore NYISO's Congestion Analysis and Resource Integration Study (CARIS) would effectively change the rules for energy regulation in New York to the benefit of out-of-state interests. This is a matter of consumer protection, not a thin cloak of competition as purported by TDI. The developers of this project must be held to the same

708-04

708-04: The cost of the proposed CHPE Project is outside the scope of the EIS.

708-05

708-05: As stated in Section 1.4 of the EIS, the economics of the proposed CHPE Project and potential impact on ratepayers were evaluated as part of the NYSPSC Article VII review process. Independent modeling conducted by the NYSDPS projected that ratepayer benefits in the New York Control Area would total approximately \$405 million to \$720 million per year.

¹ "Consolidated Edison Statement in Opposition to the Joint Proposal," March 16, 2012, p. 4.

² Ibid, p. 4-5.

³ Ibid, p. 4.

⁴ Ibid, p. 3-4.

⁵ "State Electricity Profiles" US Energy Information Administration, January 30, 2012.



financial duty and scrutiny as in-state power generators. Otherwise we risk allowing these developers to saddle New York ratepayers with uneconomic projects and higher electricity costs.

If this project provides the benefit that it claims, then TDI should not have a problem proving its financial viability as a merchant facility, or abandoning the stipulation that it be able to pass its costs to New York ratepayers. In addition, the company should have no problem waiving its right to establish cost-based rates for certain limited uses of the Astoria-Rainey Cable.

TDI is also requesting that New York, and more specifically Con Edison and Central Hudson Gas and Electric, change the reliability system solely for the project's benefit. This is one of the many reasons both utilities are vehemently opposed to the CHPE line. Not only is TDI looking to burden ratepayers with the costs for this project, should it prove financially non-viable, but it also wants to implement a Special Protection System (SPS) that would allow it to re-route power flows at will. The New York Power Authority and Con Edison both indicate in their comments to the PSC that the use of an SPS would have severe negative impact on the reliability of the New York State bulk power system. Con Edison additionally points out that TDI "failed to analyze the economic, environmental, reliability and other impacts of the lesser, most likely, energy deliverability scenario ... without an SPS."⁶

The CHPE line will serve the interests of TDI and out-of-state generators, without solving the demand issues of the downstate region, at the expense of generators in Upstate and Western New York. If developed, this transmission line, which is slated to run along the Vermont border and under the Hudson River, would completely bypass in-state generators, including upstate renewable energy. In doing so, the project would undermine one of the fundamental reasons for the transmission upgrades the Governor has outlined in his energy highway proposal – to transport excess power from upstate and western New York to the downstate region.

Even if the CHPE line is developed, we cannot be assured that Canadian hydro-electric generators (the assumed suppliers of power to New York via the CHPE line) will in fact continue to operate on a merchant basis. What happens if these out-of-state generators suddenly shift their priorities? The rolling blackouts and \$1,000/megawatt-hour costs experienced by California ratepayers in 2000 and 2001 illustrates the danger of being over-reliant on imported power.

The Champlain-Hudson Power Express line does not make sense from an economic, public policy, or energy perspective. Relying too heavily on out-of-state power instead of upgrading in-state energy infrastructure is backwards public policy that fails to put the priorities and interests of New Yorkers first. It should also be stated that, despite the pipe dreams of some, CHPE is not an alternative to Indian Point, as it will neither provide the megawatts nor voltage support that the system needs. What these self-interested parties fail to realize is that even with CHPE, there will still be a strong and compelling need for Indian Point. NYISO's Comprehensive Reliability Plan points out that the closure of Indian Point would "drastically" impact electrical reliability, "degrade" the bulk power system, and potentially even lead to "emergency" measures, which include "rolling blackouts."⁷

⁶ "Consolidated Edison Statement in Opposition to the Joint Proposal," March 16, 2012, p. 17.

⁷ "2010 Comprehensive Reliability Plan: Final Report," New York Independent System Operator, January 11, 2011.

708-05

708-06

708-06

708-07

708-06: See response to Comment 708-02. Additionally, to ensure adequate reliability, the proposed CHPE Project would comply with the applicable reliability criteria of NYSPSC, New York Power Authority (NYPA), NYISO, and the New York State Reliability Council (NYSRC).

708-07: Comment noted. See response to Comment 708-02.



The International Brotherhood of Electrical Workers (IBEW) Local 97, in its official statement of opposition to this project, astutely points out to this honorable body that, “upgrading New York State’s transmission system would require construction at both the *source* of generated power and the *load* powered by that generation.”⁴ The CHPE fails to fulfill those requirements. Approval of this project would kill any hope of seeing the Governor’s energy highway plan come to fruition. The two projects cannot co-exist, so we are left to choose between the energy highway and the CHPE line. In making that choice, this commission need only ask itself what is truly in the best interest for all New Yorkers. We can with certainty tell you that CHPE is not.

New York is finally at a point where it can truly take the right steps in preparing for its future energy needs. We are in the early stages of determining the scope of Governor Cuomo’s proposed energy highway, and looking for the most economical and compelling projects for ratepayers. The CHPE project would put a chill on any potential for future investment in our energy infrastructure by forcing us to import electricity we can more efficiently and affordably generate in-state.

A transmission project that provides its developer with direct access to downstate customers, while blocking Upstate competition for that market, and shifts the capital risks to ratepayers, is a great deal for TDI, but not for the State of New York. New York AREA urges this honorable body to consider the interests of New Yorkers and to support job creation and economic opportunity in our great state. New York must focus on supplying its own power through in-state generation and transmission upgrades that ratepayers can afford. This state cannot withstand being placed in a position of over-reliance on out-of-state power companies, or put its ratepayers and taxpayers at risk of being burdened by unnecessary price increases. New York’s priorities must focus on upgrading its own aging transmission and generation systems, so that we can proudly say the power we use is “New York-made.”

708-08

708-08: The proposed CHPE Project is consistent with the goals identified in the *New York Energy Highway Blueprint* because it was designed to increase electric power supply capacity and reliability, and decrease transmission congestion in the New York State Bulk Power System (NYSBPS).

708-09

708-09: Comment noted.

⁴ “Statement of International Brotherhood of Electrical Workers, Local 97 Opposing the Joint Proposal,” March 16, 2012, p. 6.



COMMENTS AND TESTIMONY IN OPPOSITION TO CHPE

Gavin J. Donohue, President and CEO of the Independent Power Producers of New York, Inc.:

"The Champlain-Hudson Power Express line makes little sense from an economic, public policy, or energy perspective. Relying on foreign-generated power instead of upgrading in-state energy infrastructure does not put the interests of New Yorkers first." (*Comments in opposition to the proposed Champlain-Hudson Power Express Transmission Line*, April 24, 2012)

Consolidated Edison Company of New York, Inc.:

"The only thing certain about this Project is its high cost." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

"What the Applicants are seeking is nothing less than a right to pursue a bailout of their investors by utility ratepayers." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

Phil Wilcox, Business Representative for IBEW Local 97:

"Thousands of existing New York state jobs will be lost and thousands of potential new ones as well." (*Albany Times-Union*, February 25, 2012)

International Brotherhood of Electrical Workers Local 97:

"The CHPE project's failure to provide access to New York's valuable generation resources is contrary to the policy laid out by Governor Cuomo in his State of the State address." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

"This project would put hundreds of well-paying and critically needed jobs at substantial risk. In addition, millions of dollars in property taxes and other payments made to municipalities by New York's generators would be eliminated." (*Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

The New York Power Authority:

"[NYPA] is also concerned about the accuracy of CHPE's current estimates of its projected construction costs and the results of its cost/benefit analysis. Based upon NYPA's experience, the construction costs are significantly underestimated and the cost benefits are significantly overestimated in light of current projections of load and electric prices." (*Statement Regarding the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc.*, March 16, 2012)

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July 24, 2012

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Association

Bob Steger
NY Bridges Local 740

Kathryn Dyke
Outsourcing for
New York City

The Honorable Nita Lowey
2365 Rayburn House Office Building
Washington, DC 20515

Dear Representative Lowey:

On behalf of the members of the New York Affordable Reliable Electricity Alliance (New York AREA), which represents the state's leading business and labor organizations, I am respectfully writing to express our opposition to the Champlain Hudson Power Express (CHPE) transmission line and to ask you to reconsider your position on the issue.

We have fundamental concerns about the project from cost, jobs, and electric reliability standpoints. New York AREA's mission is to advocate and encourage sound energy policy that promotes economic growth, opportunity, and jobs for New Yorkers. CHPE fails on all counts. If approved, CHPE would jeopardize the viability of numerous in-state power generators (particularly in upstate New York), lead to thousands of lost jobs, and send billions of New York dollars to Canada every year for a commodity that we can hear and more efficiently produce here.

CHPE is the wrong project at the wrong time. New York is finally taking real steps toward enhancing its energy infrastructures. This massive project to import Canadian power, which will ultimately be subsidized by New York ratepayers, is not only ill-timed, but also counterproductive to these efforts. CHPE will create an isolated, 330-mile, high-voltage extension cord from Canada that offers no opportunity for New York's power generators to connect. Further, it does nothing to relieve New York's considerable transmission congestion problems or enhance electric reliability.

CHPE makes little economic sense for New York. Any positive economic impacts from CHPE will be short-term. The jobs which will be created during the construction process will be temporary, as will the revenue generated from those positions. Further, despite the project developer's claims, CHPE will inhibit other developers from investing in much-needed improvements to New York's transmission and generation systems, at a time when such improvements are urgently needed. Jobs to build, enhance, and support New York's generation and transmission system will be shipped to Canada along with New Yorkers' hard-earned dollars.

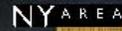
We commend New York Senator Mazarz for raising similar concerns about the project and for introducing legislation that would curtail it, which our organization has publicly endorsed. We agree with the senator that New York's focus should be on attracting billions of dollars for large, long-term capital investments.

New York must pursue and support projects that create jobs, opportunity, and infrastructure in order to ensure economic growth and establish a foundation for stable, continuous prosperity. We urge you to support New York's vital labor and business sectors by withdrawing your support for this project.

Thank you for your attention to this important matter. We welcome your response at your earliest convenience.

- 708-10 **708-10:** See responses to Comments 708-02, 708-03, and 708-05.
- 708-11 **708-11:** See response to Comment 101-02.
- 708-12 **708-12:** See response to Comment 708-03.

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Sincerely,

Arthur "Jerry" Kremer
Chairman
New York Affordable Reliable Electricity Alliance (New York AREA)

Deborah Milone
Executive Director
Hudson Valley Gateway Chamber of Commerce

William M. Mooney, Jr.
President
Westchester County Association

Dr. Marsha Gordon
President and CEO
The Business Council of Westchester

Thomas Klein
Business Manager
Boilermakers Local 5

Al Samuels
President and CEO
Rockland Business Association

Lenny Caro
President and CEO
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The Journal News

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Community View: PSC should reject Champlain Hudson power plan

By: Al Samuels

In order to have a strong, revived, consistently growing economy New York needs to bolster its economic infrastructure, particularly its aging electricity transmission grid.

Unfortunately a plan to bypass our electric grid and further isolate upstate New York power generators via a high-voltage transmission line that would run under the Hudson River, Rockland Lake State Park, and other areas in Rockland County will undermine these goals.

The project, known as Champlain Hudson Power Express, a direct current line between Hydro-Québec and Astoria Queens, will in all likelihood lead to higher electric bills, lost jobs and higher electricity reliability risks. It amounts to sending dollars to Canada for a product that can be more efficiently and reliably made here. Con Edison has noted, "The only thing certain about this Project is its high costs."

Seeking low-cost energy

America's economy already suffers greatly because we pay an enormous amount for imported energy in the form of imported oil. The huge cash outflow to other countries not only creates short-term pain for consumers and businesses, it curtails opportunities to invest in and build America.

By contrast, one of the success stories for the American economy has been the emergence of abundant, low-cost electricity, nearly all of which is produced domestically. For energy-intensive businesses such as manufacturers, dry cleaners, information technology, restaurants and the hospitality sector this has a stimulating and beneficial effect.

While prices are low, more needs to be done on the transmission front. To his credit, Gov. Andrew Cuomo has assembled a task force that is in the early stages of evaluating ideas and formulating plans for an "energy highway" to modernize New York's electrical grid. With 85 percent of the bulk transmission system having been built before 1980, the task force estimates that about 25 percent of the state's transmission system will have to be replaced within the next 10 years. In addition to ensuring reliability we must facilitate the ability to move lower cost power from upstate to downstate and reduce congestion costs to local electric consumers.



The CHPE, however, does nothing to promote these objectives — in fact it undercuts them. The CHPE is isolated from the rest of the grid. There are no interconnections for New York power generators.

In fact, the CHPE would bypass all in-state energy sources, many of which have excess power and excess capacity. Upstate generators and transmission facilities, which produce low-cost power, simply cannot connect to the project.

No gain for region

For Rockland County, this issue hits home and is particularly distressing. The Lovett and Bowline plants were once solid economic engines for our region, which helped ensure reliable and cost competitive power. Now Lovett is gone and Bowline operates at low capacity. Indeed, the effects of the lost jobs and lost tax payments at these and other plants are very significant for New York communities.

The region would benefit by having new, modernized plants at these facilities. And, just as new baseball stadiums for the Yankees and Mets were built adjacent to prior ones, existing and former power plant sites often attract new investors. However, the CHPE line completely undercuts this as it will run through Rockland County, but no Rockland County power generator will be allowed to connect to the line.

Infrastructure is expensive. As such, standalone projects are less desirable and bad public policy. Investment in projects that provide benefits across the board, and increase economic opportunity for the region provide the best return.

While on the surface CHPE may seem to provide a panacea of “clean power,” closer examination reveals that it is a project of short-term opportunity that fails to address the strategic infrastructure needs of the region, enhance electric system reliability or increase competition to the benefit of electric customers.

Let’s build a real energy superhighway, one that connects upstate power sources with downstate consumers to the benefit of all — that’s sound energy policy and even better economic news for Rockland and the entire region.

Hopefully, the New York Public Service Commission, which is reviewing the project on behalf of all New Yorkers, will uphold the standard that projects must provide public benefits, and reject this “special interest” proposal.

The writer is president/CEO of the Rockland Business Association.

Comment 709



International Brotherhood of
BOILERMAKERS • IRON SHIP BUILDERS

STEVEN LUDWIGSON
Business Manager
Secretary-Treasurer



BLACKSMITHS • FORGERS & HELPERS

TOM RYAN
Assistant Business Manager
President

BOILERMAKERS LOCAL LODGE No. 5

GREG PETERSON
Assistant Business Manager
Zone 175

KEVIN O'BRIEN
Vice President

MATT LOPRESTI
Assistant Business Manager
Zone 197

Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5
November 19, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. – Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure – such as upstate New York plants that have an excess of available power – instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill.

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation.

New York needs to improve the transmission grid in the Upstate and Western regions so that in state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state.

- } 709-01 **709-01:** See response to Comment 137-01.
- } 709-02 **709-02:** Comment noted. Also see response to Comment 101-02.
- } 709-03 **709-03:** See response to Comment 137-03.

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BOILERMAKERS LOCAL LODGE No. 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state.

709-03

In order to have a strong 21st century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure - rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York.

709-04

709-04: Comment noted.

Thank you.

Steven Ludwigson
Business Manager
Boilermakers Local 5

Mr. Brian Mills
 Department of Energy
 Office of Electricity Delivery & Energy Reliability (OE20)
 U. S. Department of Energy
 1000 Independence Ave, SW
 Washington, DC 20585
 Phone: 202-586-8267
 Fax: 202-586-8008

Mr. Jun Yan,
 USACE Project Manager, Eastern Section
 Regulatory Branch New York District
 U.S. Army Corps of Engineers
 26 Federal Plaza, Room 1937
 New York, NY 10278
 212-000-0000
 212-264-4260

Comments can be submitted via email to: Brian.Mills@hq.doe.gov jun.yan@usace.army.mil

Deadline for Comments: **December 16, 2013**

Request to the DOE and USACE for extension of comment period, "Draft EIS Comments"

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervenor funds for the impacted communities. In this case there are no intervenor funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE.

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left.

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail.

There was no outreach and translated information for the Hispanic population.

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents?

I am respectfully requesting the extension based on the above reasons.

- 709-05 **709-05:** See response to Comment 303-01. The availability of intervenor funds from the developer is outside the scope of this EIS.
- 709-06 **709-06:** See response to Comment 703-06.
- 709-07 **709-07:** See response to Comment 703-07.
- 709-08 **709-08:** See response to Comment 109-03.
- 709-09 **709-09:** See response to Comment 703-09.
- 709-10 **709-10:** See response to Comment 703-10.

Resident: STEVEN LUDWIGSON
 Address: 163 OLD INDIAN ROAD
MILTON, NY 12547

Phone: 845-633-4955
 E-mail: sludwigson@aol.com



OPEN LETTER TO THE NEW YORK CONGRESSIONAL DELEGATION
Protect New York Jobs, In-State Power Generation & Taxpayer Dollars:
Reject the Champlain Hudson Canadian Power Line

Dear Members of Congress:

On behalf of tens of thousands of hard-working, middle class union families across New York State, we urge our Members of Congress to stand up for New York jobs and oppose the Champlain Hudson Power Express (CHPE) project and any subsidies for this 330-mile transmission line from Quebec to Queens.

The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. As such, the project provides no economic opportunity for New York power generators, particularly those located in economically-distressed upstate communities, which would relish the chance to supply electricity to other parts of the state.

The Champlain Hudson transmission line also does nothing to relieve the existing electric transmission bottlenecks that imperil the economic future of many New York power plants. Instead, it bypasses the entire New York State transmission system with a one-way, one-customer power line that is off limits to New York generators and the tens of thousands of workers they employ.

Further, because the project is un-economic by design, it can only move forward with subsidized power purchase agreements that put New Yorkers on the short end of a one-way "energy highway," mainly benefitting its Canadian investors and Wall Street backers.

This Canadian power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity.

Let's say YES to New York jobs and economic development. New York must pursue energy projects that create jobs and improve the quality and reliability of our electric system to ensure economic growth and prosperity.

We oppose the Champlain Hudson Power Express project and we respectfully urge you to stand united with your fellow New Yorkers and contact the President to let him know this harmful project is not in the best interest of the great State of New York.

Sincerely,

Richard Roberts
 Chairman Agent at Large
 Enterprise Association of
 Steamfitters Local Union 638

Michael Cavataglioli
 Vice President
 New York City District Council
 of Carpenters

James Slevin
 Vice President
 Utility Workers Union of
 America Local 1-2

Steve Ludbrigson
 Business Manager /
 Secretary-Treasurer
 Boilermakers Local 5

Patrick Dolan, Jr.
 President
 Enterprise Association of
 Steamfitters Local Union 638

Anthony Saporito
 Executive Vice-President
 Mechanical Contractors Association

Don Daley
 Chairman
 International Brotherhood of Electrical Workers
 Utility Labor Council State of New York

709-11 709-11: See response to Comment 703-11.

Canada-owned company seeks U.S. dollars for electric line - Capital N... <http://www.capitalnewyork.com/article/albany/2013/11/8536130/cana...>

LOCAL REPORT



11/19/2013
 SUPPORTED BY AT&T

Canada-owned company seeks U.S. dollars for electric line

BY SCOTT WALDMAN
 3:30 pm Nov. 18, 2013

ALBANY—A hydropower utility company owned by the Canadian government is seeking state taxpayer money to run a transmission line down the Hudson River from Quebec to New York.



Lake Champlain. View from west.

Revised 1 Times 3 Embed

Hydro-Quebec is a Canadian state-owned utility that has received approval to sell power through the Champlain Hudson Power Express, a 130-mile long cable that will run through Lake Champlain, then follow railroad beds and down the Hudson. It recently requested access to state money to help fund the \$1 billion project. The state's pot of money to support renewable energy projects currently comes from a utility bill surcharge on New York residents and cannot be distributed to companies from out of state.

The company that would build the line, Transmission Developers Inc., is based in Albany. The project received state approval earlier this year, but still needs the go-ahead from federal regulators and the U.S. Army Corps of Engineers.

TDI has not sought any state funds, company president Donald Jessome said, but he understands why Hydro-Quebec has sought financial incentives for the project.

"They benefit the state by entering the market," he said. "Any good business man or woman will tell you they seek every piece of revenue."

Hydro-Quebec produces power from 60 hydroelectric, a nuclear and 27 thermal generating stations. New York uses the utility surcharge to support the development of alternative energy, but it is intended for projects by state companies.

Environmentalists and labor unions have halted the project because it will decrease reliance on fossil fuels while creating hundreds of construction jobs over the four years it will take to construct. It will bring 1,000 megawatts of cheap renewable-energy power to New York, enough to power a million homes.

But the prospect of using state money to finance a foreign company's work on the project has drawn opposition from a local industry group.

Gavin Donohue, president of the Independent Power Producers of New York, said, "It's increasingly hard and difficult to compete as it is and why should we compete with a foreign government. What a bad message this would send to business in New York that we're going to support a foreign government."

Hydro-Quebec, which declined comment, has a U.S. subsidiary that is a member of the I.P.P. The I.P.P. submitted comments to the Public Service Commission that oppose awarding it any funds.

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SCOTT WALDMAN



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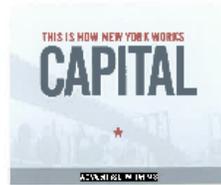
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Comment 710

Labor Union in Albany 11/19/13

SOLIDARITY NOTES

"I hope we shall crush... in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country."
—Thomas Jefferson in a letter to George Logan, 1816

OFFICIAL PUBLICATION OF THE SOLIDARITY COMMITTEE OF THE CAPITAL DISTRICT & NEW YORK SOLIDARITY
 Solidarity Committee of the Capital District & New York Soliarity ■ 33 Central Avenue ■ Albany, New York 12210 ■ (518) 673-2602

Solidarity Committee of the Capital District Meeting
 The meetings of the Solidarity Committee are held at 7:30 pm on the second Thursday of each month at the Social Justice Center, 33 Central Avenue, Albany, N.Y. 12210.

**DECEMBER
2013**

710-01

THANKS!

The Solidarity Committee thanks everyone who helped make the 30th anniversary dinner a success, namely Fred Pfeiffer, Doug Bullock, Susan DuBois, Tom Ellis, and all those friends and fellow workers, who attended, contributed, bought journal ads, brought a dish to the pot luck, or just honored us with their presence.

A special thanks to Chris Townsend, national political and legislative director for the United Electrical, Radio, and Machine Workers of America, who has spent the past two decades riding herd on the politicians and lobbyists who make up the supposed law-making body of the U.S. Congress.

He recalled the early years of the Solidarity Committee (of which he was a hard-working part), and gave his assessment of the state of the union movement at this time.

Off to a slightly late start, the program rolled along smoothly, with speeches and musical selections, right up until the 7 p.m. closing, with a rousing chorus of "Solidarity Forever," sung by—who else?—the Solidarity Singers, who closed out the program with a number of labor and other songs of the people. Earlier in the program, there were songs by Terri Robyn, a local folk singer.

Scheduled to speak was Assemblyman Phil Stock, but he was called to Washington for a meeting and sent his staffer, Thad Rutherford in his place. Also in attendance was State Senator Neil Breslin, without whose skill at the grill, no Solidarity Committee Labor Day Picnic and Celebration would be the same.

Rep. Paul Tonko was there, with many good words for the work of the Solidarity Committee and bearing a proclamation from the U.S. House of Representatives, noting the committee's 30 years of struggle and service.

See the next column for the text of the Proclamation.

The Proclamation

United States House of Representatives
 By Congressman Paul D. Tonko
 October 19, 2013

WHEREAS, the community recognizes organizations which are dedicated to the betterment of our society; and

WHEREAS, said organizations are assets beyond remuneration and cannot be sufficiently extolled, but whose services can be celebrated; and

WHEREAS, the Solidarity Committee began in November 1983, when, in the midst of a bitter strike by members of the Amalgamated Transit Union against the Greyhound Company, union members organized a Strikers Support Committee, and helped turn the tide in labor's favor; and

WHEREAS, after the settlement of the strike, Albany union activists, determined to continue this successful mobilizing effort, renamed the strike support committee the Solidarity Committee of the Capital District; and

WHEREAS, a volunteer organization, the Solidarity Committee works to ensure Labor Day, May Day, and the Martin Luther King Holiday are observed each year, and contributes regularly to calls of support for worker and human rights; and

WHEREAS, in 2013, the Solidarity Committee celebrates its 30th anniversary, a testament to the great need in the community that they so admirably fill; now, therefore, be it

RESOLVED, that, as a duly elected Member of the United States House of Representatives, I hereby do

commend the

SOLIDARITY COMMITTEE OF THE CAPITAL DISTRICT, on the occasion of its 30th Anniversary.

(Signed)
 Paul D. Tonko, Member of Congress

"Next American Revolution" To Be Screened In Albany Nov. 23

Although there has been no shortage of commentary about the structural crisis plaguing the American economic and political system, analyses that offer practical, politically viable solutions have been few and far between.

The film, "The Next American Revolution," (2013, 47 minutes) is such a film and it will be shown at 7:30 p.m. Saturday, Nov. 23, in Channing Hall of the First Unitarian Universalist Society of Albany, 405 Washington Ave., Albany.

This illustrated presentation from historian and political economist Gar Alperovitz is a rare and stunning exception. Pointing to efforts already underway in thousands of communities across the United States—from co-ops and community land trusts to government initiatives—Alperovitz shows how bottom-up strategies can work to check monopolistic corporate power, democratize wealth, and empower communities. Professor Noam Chomsky, praising this documentary, has declared: "What Gar is talking about is not reform—it's revolution."

The film showing is part of the Solidarity Committee's annual film series and is co-sponsored by Bethlehem Neighbors for Peace and Upper Hudson Peace Action. Admission is free and the Honest Weight Food Co-op will provide free refreshments. It is open to the public and everyone is invited to attend.

TIMES ENDORSES TPP

This, from the Electronic Frontier Foundation, Nov. 8, 2013: "How Can the New York Times Endorse an Agreement the Public Can't Read?"

"The New York Times' editorial board has written what amounts to an endorsement of the Trans-Pacific Partnership (TPP), even as the actual text of the agreement remains secret. That raises two distressing possibilities: either in an act of extraordinary subservience, the Times has endorsed an agreement that neither the public nor its editors have the ability to read. Or, in an act of extraordinary cowardice, it has obtained a copy of the secret text and hasn't yet fulfilled its duty to the public interest to publish it." ❖



*Wishing the
 Joys of the Season
 to all and Peace
 in the New Year.*

THANKS TO: Public Employees Federation for printing Solidarity Notes and to the Social Justice Center for our office and meeting room.

710-01: The December 2013 issue of *Solidarity Notes*, official publication of the Solidarity Committee of the Capital District and New York Soliarity, was received and entered into the project record.

Five Acquitted Of Charges After Blocking Drone Base Near Syracuse

Five Catholic Worker activists were acquitted in the early evening of Oct. 24, of disorderly conduct charges for blocking earlier this year the main entrance to Hancock Air Base, home of the 174th Attack Wing of the Air National Guard, Syracuse, New York.

Hancock is a Reaper drone hub whose technicians pilot weaponized drones over Afghanistan.

The five went "pro se," (defending themselves) in the De Wirt town court of Judge Robert Jokl.

In his closing statement Fr. Bill Picard said, "We pray for you, Judge Jokl, to have the courage to do the right and courageous thing."

After the verdict was announced, the district attorney objected, and the judge said to him that he hadn't found "facus rea," Latin for "guilty mind." The five defendants, with powerful eloquence, convinced the judge that their intent was to uphold, not break, the law. This acquittal marks a major breakthrough by those who have sought to strengthen international law, and stop U.S. war crimes, including extra-judicial murder by the illegal drones.

Defendant Carmen Trotta said, "We are happy to be part of a groundswell of opposition to the drones. What a joy to win such a verdict on what is officially United Nations day. We told the judge that we were not alienated citizens, but rather engaged citizens! Ultimately it seems he was moved by our consciences."

Carmen noted the recent groundswell included Human Rights Watch, Amnesty International, the Bureau of Investigative Journalism, and the head of the Jesuits Order, Alfonso Nicolas, UN Special Rapporteur Mr. Emmerson, and the Nobel Peace Nominee, the young Pakistani girl shot for promoting education for women and girls, in Pakistan, all of whom have condemned drone U.S. drone strikes.

Defendant Linda LeTendre stated, "My hope is that dissent is once again welcome in the US and we turn away from killing to caring as a country."

Ellen Grady stated, "We pray and will continue to act

that the children of Afghanistan, Pakistan, Somalia, Yemen, and all countries will some day soon be without the terror of drones or any wars!"

The five are: Fr. Bill Franke-Streit of Virginia; Linda LeTendre of Saratoga Springs; Ellen Grady of Ithaca; Carmen Trotta of New York City, and Fr. Bill Picard of Scranton, Pa.

Following is their statement at the time of the action at Hancock Air Base, the Ash Wednesday Statement, Feb. 13, 2013:

"We come to Hancock Airfield, home of the National Reaper Drone Maintenance and Training Center, this Ash Wednesday, to remember the victims of our drone strikes and to ask God's forgiveness for the killing of other human beings, most especially children.

"The killer drone strikes and the US's killer drone policies have taken the lives of thousands in a number of countries, such as Afghanistan, Pakistan, Yemen, Iraq and Somalia. These strikes are illegal and immoral. Under international agreements, which the U.S. has signed, the killing of civilians, extra-judicial murders, violations of national sovereignty, and violations of due process are all illegal acts.

"We come to Hancock Airfield this Ash Wednesday to repent for the actions of our government and to ask God's forgiveness and the forgiveness of the people we daily terrorize with these drones.

"We remind ourselves that our lives are brief and mysterious, and that from dust we were created and to dust we shall return! The significance of our brief animation is the degree to which we love one another.

"Lent is a time to repent—literally, to change our minds. It is a time to remind ourselves of Jesus' command to love our neighbors and our enemies. It is a time to remind ourselves of Jesus' radical, non-violent message of love.

"Stop the Killing. Ground the Drones. STOP the Wars." ❖

Firefox OS For Activists

—By ERIC LEE, LabourStart

Back in 1993 I was asked to look into how unions were using computer networks and email. The result was my 1996 book on the labour movement and the Internet—and after that, LabourStart.

Twenty years on and I've been looking into how we in the trade union movement use the new communications tools—smartphones and tablets—and the result is a new book I've just co-authored with Jeremy Green, "Firefox OS for Activists."

Firefox what?

Chances are you've heard of the iPhone and iPad, and probably Android phones and tablets too. Maybe you even own one of these devices.

You may even know about Blackberry and Microsoft phones and tablets though they haven't made much headway in the fight against the two giants, Apple and Google.

Firefox OS is part of a new breed of alternative, open source mobile operating systems that aim to take on the big corporations. It's been created by the non-profit Mozilla foundation and in our view, it's a very big deal.

Firefox OS phones are already available for sale in a number of countries (Spain, Germany, a few Latin American countries) and will soon be available where you live.

They're extremely cheap, and making apps that run on them is cheaper and easier than doing them for Apple and Android products.

Firefox OS is part of a broader open source revolution that includes such things as the Ubuntu Touch project, and even Fairphone, the first attempt to create an "ethical" mobile phone that, among other things, respects workers' rights.

You can read more about our book, see the full table of contents, and even read a sample chapter here: <http://www.labourstart.org/firefoxos>

I hope you'll find it of interest and will order copies for yourself and your union. Remember that every copy you purchase helps LabourStart's campaigning activities. ❖

(Editor's note: Eric Lee started www.labourstart.org in 1996, as a follow up to his book. It carries news of workers and unions around the world, every day.)

Cuban Professor To Speak In Albany

Dr. Evarina Deulofeu, a University of Havana professor of epistemology and popular education, will speak in Albany at 7 p.m. Wednesday, Nov. 20, 2013, on "Progress Toward Equality: Lessons from Cuba's Struggle against Racism, Sexism and Homophobia."

She will discuss these struggles in today's Cuba, providing a historical context.

The program will be held at the Touhy Forum, Lally Building, College of St. Rose, 1009 Madison Avenue, Albany. ❖

The next Solidarity Committee meeting is Thursday, Dec. 12 at 7:30 PM Hope to see you!

SOLIDARITY NOTES	
John Funicello, Editor	
Susan Dubois, Treasurer	Diane Maguire, Layout
Thanks to the Mailing Committee For November 2013 Issue	
Larry Whitner	Peter Cookson
Tom Ellis	Dorothy Trisman
Gordon McClelland	Susan Dubois
John Funicello	Doug Bullock

GE Continues Tax Avoidance

--By FRED PFEIFFER

An article in the Oct. 23 Times-Union's business section was entitled: "GE Sues for PCB Facility Tax Cut," and reported that the General Electric Company is trying to reduce its property taxes on the Fort Edward plant from \$2.7 million to \$50,000 per year by reducing the assessed value of the 110 acre facility from \$73 million to \$1.1 million! Nothing like kicking the Fort Edward community when they are down.

In Schenectady in the 1990s we had the same continuing issue of GE suing to lower its assessments even by tearing down good manufacturing buildings to accomplish this. The tax law is flawed, as companies do not pay on equipment value, or replacement value, just building assessed value. We started a labor community group Schenectady County Citizens Fair Tax Committee of which Solidarity was a part, which opposed the reduction. Elected officials are usually pressured into settling accounts to avoid past tax claims and settle on the tax for their budget line. They eventually lose their tax base.

One of the things we suggested to the city was for Schenectady to buy the GE property at GE's assessed value and then lease it back to them as a revenue enhancer. We

took a 3-foot by 6-foot check made out to GE with the suggested assessed value and presented it to the City Council at their meeting to make our point! The reduction hurt the community and school district. Of course, GE would then donate a pittance to a school project to court favorable public opinion.

In Albany when they did this at the Twin Towers Building, where GE held the mortgage through its financial wing, we measured the square foot amount and then multiplied by the construction standard costs for a replacement building, which was way above the assessed value.

However the tax rules rely heavily on recent comparable sales (see above), which of course there are few to none in smaller cities and communities. At the time a story from the Jan. 3, 1995, Schenectady Gazette quoted John Funicello, Chairman of the Solidarity Committee as saying: "The city and the schools have to make up this loss someplace...they have to go after other taxpayers in the community. This certainly has to be the homeowners. We have to look at who pays for services. We hope UE #332 can use this additional threat to up the fight against GE closing of their plant." ♦

Co-Op Workers From Mexico Hosted By UE's Northeast Co-Ops

--By ROBIN ALEXANDER

From the 13th to the 22nd of October, cooperatives from the Northeast Region of the United Electrical, Radio and Machine Workers of America (UE) hosted representatives from co-ops from the Authentic Workers Front (AWF).

The group included Enrique Lazzano, the elected representative of the Social Economy Sector of the AWF and himself a member of both a beer and a construction co-op; Alma Contreras Torres, the secretary of the Housing Commission for the statewide union, SUTEM, that is developing a ecologically sustainable 200 unit housing cooperative for members in the state of Nayarit; Isafas Garcia Izquierdo, the general accountant of a 26 year-old credit union in Saltillo and also the elected representative of the group of young people within the AWF, and Gabriela Manjarez, a founding member of the bicycle messenger and repair co-op, Bicicoperativa Urbana, and also a silk screen artist in Mexico City.

They were accompanied throughout the trip by Elizabeth Jesdale, president of the union that represents workers at the Hunger Mountain Food Co-op in Montpelier,

Vermont (UE Local 255) and Robin Alexander, UE's Director of International Affairs.

In addition to exchanges with co-ops throughout Vermont and Massachusetts and presentations in Burlington and Boston in connection with New Economy Week, they participated in UE's Regional meeting in Cileus Falls where they participated in a workshop of co-ops. One of the highpoints of the trip was the demonstration in front of the General Electric plant in Fort Edwards, NY.

Alma Contreras Torres was moved by the solidarity shown by a wide range of different union and community supporters: "It is gratifying to know that we share the ability to be united with others in actions and mutual support, especially in difficult times.

"It is motivating and inspiring because it demonstrates that although we are of different nationalities and speak different languages we coincide in our belief in unity, cooperation, solidarity, honesty, and the commitment to struggle in defense of our labor rights and for a decent standard of living. And this, sisters and brothers, is a universal language." ♦

Fund-Raising 30th Anniversary Solidarity Dinner A Success

The numbers were not all in at press time, but it appears that the Solidarity Committee cleared more than \$4,000 from the Oct. 19 pot luck dinner and celebration of the committee's 30 years of struggle, fight, and service to all working women and men.

Our outstanding event, according to Susan DuBois, treasurer, the income was \$4,822.50, of which \$3,157.50 was journal ads and \$1,665 was from ticket sales. The expenses totaled \$873.97, with the biggest expenses being food and rental of the hall.

In addition to what we spent to put on the event, we had contributions in the form of PEF's printing of the event journal, a \$100 gift card from Honest Weight Food Coop, bread from Rock Hill Bakehouse, and the food that numerous people brought to the dinner.

According to Fred Pfeiffer, who was the driving force behind the 30th anniversary event, there is some additional money to come from ads, with a few other, small expenses.

Again, thanks to all who participated or contributed. ♦

- We all live under the same sky, but we don't see the same light.

Mystery Of Gompers' Labor Book In Solidarity Auction

--By FRED PFEIFFER and PAUL TICK

When I was going through my labor book collection, I decided it was time to share the 1920's two-volume autobiography of Samuel Gompers. I put it aside, not remembering how I came in possession of the first edition book.

Last weekend (just before Solidarity's 30th dinner), Solidarity supporter Paul Tick after reading the Notes sum-up of our silent auction reminded me. This is the story from Paul about how he received the books:

"In 1982, I lived in Israel for five months. I was creating a photographic essay on Palestinian and Israeli life. I lived in Israeli towns, on a Socialist-Zionist kibbutz and in a Palestinian village of 600 people, all of one extended family.

"To the village there was one dirt road and in the village there was one generator for electricity for a few hours each day. Bread was baked in a communal oven. I think there was one black and white TV.

There was a teacher in the village who was about my age and he spoke very broken English. I knew no Arabic but

--See *Gompers' Labor Book* on Page 5

Government Shutdown Brings Polling Changes

A Wall Street Journal-NBC poll that was released October 10, 2013, and distributed on the Internet by www.democraticunderground.com, shows some significant changes in the opinions of Americans, who placed increasing blame significantly on the GOP. Following are some of the numbers:

70 percent: The number of people who say the GOP is putting politics ahead of what's good for the country.

53 percent: The number of people who blame the GOP for the shutdown versus 31 percent who blame President Obama.

24 percent: The number of people who have a favorable opinion of the GOP, the lowest number in the history of this poll.

+2 percent: The amount that support for President Obama has gone up since the shutdown began.

+7 percent: The amount of support for Obamacare (the Affordable Care Act) since the shutdown began.

52 percent: The number of people who think government should do more, not less, to solve problems, up 4 percent since June 2013. ♣

New APWU President Calls For A "Grand Alliance"

NOV. 7, 2013—In an impassioned speech before more than 1,000 union members, the newly-elected president of the American Postal Workers Union, Mark Dimondstein, issued a call for a "grand alliance" to save the USPS as a public postal service and to protect postal jobs.

"Writing to Congress is important," he declared, "but it is not enough. Lobbying for legislation is important, but it is not enough." To succeed, postal workers must build a movement, he said.

"When the Flint sit-down strikers occupied a General Motors plant in the 1930s, labor law reform was won. When women took to the streets to demand the right to vote, they won. When courageous civil rights workers fought segregation with sit-ins and boycotts, the 1964 Civil Rights Act followed," Dimondstein said.

"History shows that movements move Congress. Movements create legislative victories, not the other way around," he said.

"We must build a grand alliance between the people of this country and postal workers," he proclaimed. "We must

mobilize our allies and their organizations, including seniors, retirees, civil rights organizations, veterans groups, the labor movement, community and faith-based organizations, the Occupy movement, and business groups in defense of America's right to vibrant public postal services," he said.

The labor movement is in dire straits, Dimondstein acknowledged. "Anything that stands for the public good—public libraries, public education, public utilities, public transportation and public postal services—is under severe attack, as are public workers and our unions."

But postal workers are not alone, he said. Public workers in Wisconsin stood up and fought back, he noted. "Wal-Mart workers are stirring. Fast food workers are demanding a living wage."

"A revitalized labor movement is indeed possible," he declared, as he urged union members to join together to defend a public Postal Service and good union jobs.

Eighty APWU national officers were sworn in on Nov. 7. Their three-year terms began Nov. 12. ♣

Petition To Prosecute Murder Of Rights Advocate In 1985

Jewish Voice for Peace (JVP) is demanding that U.S. Attorney General Eric Holder pursue the 1985 murder of Alex Odeh, as he opened the door of the Southern California Regional Office of the American-Arab Anti-Discrimination Committee (ADC), because, to date, no one has been charged, although three suspects were immediately identified.

On the morning of October 11, 1985, in the city of Santa Ana, California, a pipe bomb exploded as Alex opened the door to the Southern California Regional Office of the ADC. Shortly after, he was pronounced dead at the local hospital. The explosion injured seven other people and demolished the office.

According to JVP, the FBI identified the murderers almost immediately after the attack, and an FBI spokesman

also named the Jewish Defense League (JDL) as the organization behind Alex Odeh's murder. The JDL has been designated by the FBI as a right-wing terrorist group and by the Southern Poverty Law Center as a hate group.

Yet, 28 years have passed and there has been no further investigation or building of a case against those who were suspected of the murder. On the day of his murder, he had been scheduled to speak at Friday prayer services at a synagogue in Fountain Valley, California.

Born into a Palestinian-Christian (Latin rite Catholic) family in Jifna, the West Bank, Odeh immigrated to the U.S. in 1972. He was a lecturer and poet who had published a volume of his poetry, *Whispers in Exile*.

For more information or to sign the petition, contact info@jvp.org. ♣

FOUR DECADES IN THE BOX

The last of the "Angola 3," Albert Woodfox, remains in Angola Prison, the notorious Louisiana prison, and continues to be held in solitary confinement, where he has spent most of 41 years for the murder of a prison guard, a case in which there is no physical evidence that he and two others committed the crime.

The case has been taken up by Amnesty International, which noted that fellow prisoner Herman Wallace was released in October 2013, suffering from advanced liver cancer. He died three days after his release, but he died among family and friends, a free man. His release came about through Amnesty's efforts, along with thousands of members and supporters.

All three were in prison for conviction of armed robbery. The third was Robert King, who was released after 29 years in solitary confinement, when his conviction was overturned. Woodfox is seeking release from both his 6-1/2 foot by 9-foot box and Angola, after his conviction was overturned. Amnesty is calling on Louisiana's attorney general not to appeal the decision. Woodfox has had his conviction overturned three times.

In October, Amnesty delivered petitions to Louisiana authorities, demanding that Woodfox be released from solitary confinement, in preparation for his release from prison.

For more information and to become involved in the organization's attempt to eliminate the inhumane use of solitary confinement, contact Amnesty, at www.amnestyusa.org. ♣

29.8 Million In Slavery; India Is The Top Nation

Many people think slavery was abolished years ago, but there are more people living in slavery today than the total number of people taken from Africa to America in the vast trans-Atlantic slave trade between the 17th and 19th centuries, according to Walk Free. ♣

The non-governmental organization (NGO) is dedicated to ending slavery globally, but the group points out that there are 29.8 million slaves in the world and they are not all in the poorer countries. Slaves are found in most countries, and "even a single person is one person too many," the group said. There are children as young as five or six years of age who are enslaved.

According to an October 2013 CBS News report, "The Global Slavery Index 2013, the first major study of its kind," has found there are slaves in 162 countries, including the United States, Canada and Western European nations.

—See *Slavery* on Page 5

Starbucks Fights Union Organizing In Chile

The International Trade Union Confederation (ITUC) said in late October that it is "extremely concerned" about Starbucks refusal to consider its union workers' demands, saying it could not cover basic benefits to workers such as meals, commuting expenses, sick pay rights, and still remain "competitive."

The majority of workers are young people under 25, ironically referred to by its internal regulations as "partners."

The company was sentenced four times for violation of trade union rights in 2012, and the Chilean Supreme Court has recently upheld an appeal court ordering it to pay a \$50,000 fine and to negotiate a collective agreement with the union.

It is clear for the ITUC that Starbucks is using all its resources to derail the process of collective bargaining and, through intimidation and direct retaliation, discourages workers from joining the union.

"Workers' rights at Starbucks in Chile deserve to be respected as any other rights. Starbucks is claiming everywhere that it is a socially responsible company. It is now time to see it concretely," said Sharon Burrow, ITUC General Secretary.

To show your solidarity, you can take action on <http://act.equalitymatters.org/en/starbucks> and tell Starbucks to negotiate in good faith with workers in Chile.

The ITUC represents 175 million workers in 56 countries and territories and has 315 national affiliates. ♣

Letter to Editor

People And Workers, Unite!

American history has been taught incorrectly. We hold these ideals that all men and women are equal in America. People are not treated equally under the law.

We hear politicians and radio stations saying that America is a democracy. Why did Benjamin Franklin say to a woman that the people have formed a republic? I hope we can keep it.

There are two documents that share the creation of the United States. These documents are the Declaration of Independence and the Constitution.

How was America created in reality? It was based on bondage and slavery. These were indentured servants and slaves.

It is the people that have to heal America. Our government is broken. The government is of the people, by the people and for the people.

KENNETH B. WILLIAMS, JR.

Lecture On Peace In The Middle East By Khalidi

Rashid Khalidi, the Edward Said Professor of Modern Arab Studies at Columbia University, will speak about his new book, *Brokers of Deceit: How the U.S. Has Undermined Peace in the Middle East*, at 7 p.m. Thursday, Nov. 21, in Room 206, at Albany Law School, 80 New Scotland Ave., Albany.

The editor of the Journal of Palestine Studies, Khalidi will be welcomed by Albany Law School Dean Penny Andrews and introduced by Rabbi David Gordis, past president of Hebrew College.

Sponsors of the event include the Solidarity Committee of the Capital District, Women Against War, the Palestinian Rights Committee, the Albany Chapter of the National Lawyers Guild, and the Muslim Solidarity Committee. The event is free and open to the public.

For more information, contact Gene Damm, at gdamm@nycap.rr.com or 518-465-5425. ♣

All Is Not Well For European Youth

In the European Union (EU), the world's largest trade bloc, about 5.5 million persons under 25 are unemployed—that's 23.3 percent of that demographic.

If world economies go as they have been, the EU, the U.S., and other developed economies could be facing more than uncertainty. The effects of so many millions of young people could be, well, explosive.

At the end of October, the Associated Press reported, Aung San Suu Kyi, opposition leader to the dictatorship in Myanmar (Burma), said as much. "Youth unemployment is a time bomb," she said.

The Nobel Peace Prize winner was in Brussels to seek European help in leading her country out of high debt and decades-long dictatorship.

Corporate leaders in the EU want the nations to rise out of the doldrums by making labor laws "more flexible" and by making it easier to hire and fire workers, while unions have pointed out that such actions have resulted in lowered wages and contracts that do not offer the security needed for the working populace.

Even though politicians see information technology as the coming area of employment and note that there will be hundreds of thousands of such jobs in the near future, some EU nations are encouraging a return to farming, including Portugal and Greece, which provides subsidies and training for those who want to work the land. Many of those who are taking up the offers have varying degrees of higher education, according to AP. ♣

Gompers' Labor Book... (Cont'd. from Page 3)

close bonds developed between many of the villagers and myself. At one point, a teenage boy brought me two books as gifts. The books were a somewhat worn, two volume set first edition, of Samuel Gompers' autobiography.

"As there was no common language between us, I never could learn what prompted this gift. I could not learn what these English language books of labor history, published in the United States of America in the early 1900s were doing in a Palestinian village where no one spoke English, and visitors were extremely rare. I never found out.

"Some years later I moved to Albany. I decided that I had too many material things that I was holding on to but not really using. I met Fred Pfeiffer and, knowing of his involvement in the labor movement, I gave the books to him as a little gift.

"Over time, I had long since forgotten about them. A few weeks ago, I read in Solidarity Notes that Judge Duggan was at the Solidarity Labor Day picnic, and in the silent auction he bid on two books that reminded me of the ones I gave to Fred. I immediately knew where the books came from.

"When I ran into Fred at the wedding of a mutual friend, I told him that I knew where those books came from. Fred had himself forgotten how he had gotten the books. I jarr-

ed his memory a bit and we confirmed were the ones that did, in fact, travel from the tiny Palestinian village to my hands and to the U.S., to Fred's hands and his labor library and now into the hands of Judge Duggan.

"I like to imagine that my friends from the village would be pleased to know how this gift has since traveled. Congratulations to Judge Duggan on winning these little treasures. Congratulations to the Solidarity Committee for 30 years of outstanding and unselfish work. ♣

Slavery... (Cont'd. from Page 4)

The study, in enumerating the kinds of slavery, includes, debt bondage, human trafficking, forced labor, forced marriage, and child labor. It amounts to 2-4 percent of the labor market in some industries.

The top 10 slave countries and the number of slaves are: India, 13,956,010; China, 2, 949,243; Pakistan, 2,127,132; Nigeria, 701,032; Ethiopia, 651,110; Russia, 518,277; Thailand, 472,811; Congo, 462,327; Myanmar, 384,037; and Bangladesh, 343,192. These 10 countries account for 76 percent of the 29.8 million who are enslaved in the 162 countries where slavery was found.

For more information in the fight to end slavery, visit www.walkfree.org.

Source: International Labor Organization

Fracking Corporations Are Facing Global Opposition

Wherever they go, giant "energy" corporations—oil, gas, coal—that are facing growing opposition to their attempts to "frack" for oil and gas, because of the destructive power of the method of extraction.

Using the method, hydrofracturing or fracking, energy companies drill 5,000 to 10,000 feet into shale formations, then they drill horizontally to maximize their take of oil or gas. They then inject a mixture of water, sand, and chemicals under high pressure to open fissures in the shale formation to release the gas or oil from the rock.

The chemicals are toxic, although they make up a small percentage of the water (they use good, potable water and render it toxic in the process), radiation is released from the rock formations, and gas escapes into the environment. There also is a concern about such drilling causing earthquakes.

CorpWatch noted recently that Chevron is facing strong opposition to their fracking enterprise in Bulgaria and elsewhere in Eastern Europe, where petroleum companies apparently felt that economic stress there would make them embrace anything, however damaging or destructive to the environment, but the people are not buying it.

Opposition is building in South America and elsewhere.

The people in Argentina are organizing to oppose the agreement between YPF, the national oil company, and Chevron. France has banned fracking throughout the country and there is strong opposition building in England.

The lure of big money is hard to resist, especially in the Southern Tier of New York, where farming and small industry have all but disappeared. For the small farms, the idea that the money from fracking wells on the land will save the farm has caused many farmers to sign leases, just so they might not be the last generation on that land. Many farmers, when they see the probable destruction and damage of the whole process, want to get out, but it's a tough thing to do. The money is all on the other side.

The so-called energy companies have done this in other countries, as well. Wherever there is economic distress, they can be found, telling the people of all of the wealth that will be theirs, if they just allow fracking. Even the stressed economies of Eastern Europe are building strong opposition to fracking corporations, because they know that their farmland and water are more important than short-term payoffs. They can't eat the gas or oil, but they surely need the food that they grow on the land. ❖

Garson: No Worker Recovery; Unemployment Still High

—By TOM ELLIS

Barbara Garson spoke Oct. 25 at a James Connolly forum about "Down the Up Escalator: How Capitalism is Creating Bad Jobs After the Great Recession."

Barbara has written plays including the very successful, *Machind*, and four non-fiction books about workers, automation, and capitalism. The books are *All the Living Day: The Meaning and Demarcating of Routine Work*; *The Electronic Sweatshop: How Computers are Transforming the Office of the Future into the Factory of the Past*; *Money Makes the World Go Around: One Investor Tracks Her Cash Through the Global Economy*; and *Up the Down Escalator: How the 99 Percent Live in the Great Recession*.

She began saying from 1971-2007, labor productivity in the U.S. rose 99 percent while wages—I assume she meant wages adjusted for inflation—increased only 4 percent. Thus corporate profits were high. With long-term wage stagnation, business leaders figured the way to sustain consumer sales growth (70 percent of the economy) was to lend workers the money to buy what they could otherwise not afford, and eventually, to knowingly lend to people who could not possibly pay it back. The lenders did not care about the credit-worthiness of their customers because they quickly sliced, repackaged, and sold the loans they owned.

She spoke about one terrified woman she met who owned a fully-paid-for home but, who, after succumbing to a barrage of loan solicitations, mortgaged her home to help her two children purchase homes of their own. After her son died, she could not pay her own mortgage, and, on the day Barbara met her, was on the verge of being evicted.

Barbara said the recession that began in 2008 is different than earlier ones in that many workers have not recovered at all, unemployment rates remain high, and few workers have enjoyed real wage growth.

Several times she said capitalism is very resilient and may remain so. She is unsure if capitalism can survive and thrive in a future world where people scale back their use of resources—if total global resources use levels off and/or declines—which may eventually occur, and wonders if capitalists can earn the high profits they desire via re-mediating pollution.

During the question-and-answer period, Nancy Wallace said young people today need to be told it is not their fault they are not enjoying the successful careers and prosperity they thought "doing everything right" would lead to. "The system is rigged against them," she said.

Nancy also said she wonders if a friend got it right, when, instead of financing his children's college education, he bought each a home. ❖

Swiss Like The Idea Of A Basic Income For All Adults

As Americans stand around wondering what has happened to the large "middle class" that once existed, the Swiss are taking action that could further reduce their income inequality. The following comes from Reuters, the Britain-based news service, Oct. 4, 2013:

Switzerland will hold a vote on whether to introduce a basic income for all adults, in a further sign of growing public activism over pay inequality since the financial crisis.

A grassroots committee is calling for all adults in Switzerland to receive an unconditional income of 2,500 Swiss francs (\$2,800) per month from the state, with the aim of providing a financial safety net for the population.

Organizers submitted more than the 100,000 signatures needed to call a referendum on Friday and tipped a truckload of 8 million five-rappen* coins outside the parliament building in Bern, one for each person living in Switzerland.

Under Swiss law, citizens can organize popular initiatives that allow the channeling of public anger into direct political action. The country usually holds several referenda a year.

In March, Swiss voters backed some of the world's strictest controls on executive pay, forcing public companies to give shareholders a binding vote on compensation.

A separate proposal to limit monthly executive pay to no more than what the company's lowest-paid staff earn in a year, the so-called 1:12 initiative, faces a popular vote on November 24.

The initiative's organizing committee said the basic income could partly be financed through money from social insurance systems in Switzerland.

The timing of the vote has yet to be announced, pending official guidance from the government. (Reporting by Denis Balibouse, writing by Alice Baghdjian, editing by Gareth Jones. ❖

* A rappen is worth about 4.2 U.S. cents

Come early to the next Solidarity committee meeting to help with the mailing of the newsletter. It will be appreciated!

Acting with Impunity: The Case of General Electric

—By LARRY WITTNER

Can the world's biggest corporations act with impunity? When it comes to General Electric (GE)—the eighth largest U.S. corporation, with \$146.9 billion in sales and \$13.6 billion in profits in 2012—the answer appears to be “yes.”

Let us begin with a small-scale case in upstate New York, where in late September 2013 GE announced that it would close its electrical capacitor plant in the town of Fort Edward. Some 200 workers will lose their jobs and, thereafter, will have little opportunity to obtain comparable wages, pensions, or even employment in this economically distressed region. Ironically, the plant has been highly profitable. Earlier in the year, the local management threw a party to celebrate a record-breaking quarter. But the high-level financial dealings of a vast multinational operation like GE are mysterious, and the company merely announced that the Fort Edward plant was “non-competitive.” The United Electrical Workers (UE), the union that has represented the workers there for the past 70 years, has already begun a vigorous campaign of resistance to the plant closing, but it is sure to be an uphill battle.

If we dig deeper into the record, a broader pattern of corporate misbehavior emerges. Indeed, the Fort Edward factory is one of two GE plants that polluted the communities at Fort Edward and nearby Hudson Falls, as well as a 197-mile stretch of the Hudson River, with 1.3 million pounds of cancer-causing PCBs for several decades. When the extent of this environmental disaster began to be revealed in the 1970s, GE began a lengthy campaign to deny it and, later, a multimillion dollar public relations campaign to prevent remedial action by the Environmental Protection Administration. GE lost this battle, for the EPA insisted upon the dredging of the Hudson River and ordered GE to pay for it. Thus, the Hudson Valley became the largest Superfund cleanup site in the United States, with a project that will take decades to complete.

GE has produced other environmental disasters, as well. Three GE nuclear reactors at the Fukushima Daiichi nuclear power site in Japan melted down and exploded on March 11, 2011. This was the world's worst nuclear accident in three decades, and quickly spread radioactive contamination nearly 150 miles. Indeed, the stricken reactors are still sending 300 tons a day of radioactive water flooding into the Pacific Ocean. In the late 1960s and early 1970s, when these boiling water nuclear reactors were installed, GE's engineers and management knew that their design was flawed. But the company kept selling them to unsuspecting utilities around the world, including many in the United States. As a result, there are still 35 GE boiling water reactors operating in this country, most of them located near population centers east of the Mississippi River.

Another important product produced by GE is the export of jobs. According to an extensive *New York Times*

report on GE in March 2011, “Since 2002, the company has eliminated a fifth of its work force in the United States while increasing overseas employment.” By the end of 2010, another study found, 54 percent of GE's 287,000 employees worked abroad.

Responding to GE's claim that it had created thousands of new jobs in the United States during the Obama administration, Chris Townsend, the political action director of the UE, produced a list of 40 U.S. plants the company closed in the country during the same period.

Townsend also noted that, even when GE kept its operations going in the United States, it slashed wages, sometimes by as much as 45 percent at a time. For example, the work of the Fort Edward plant will be moved to Clearwater, Florida, a non-union site where GE pays many workers \$12 an hour and hires others through a temp agency at \$8 an hour—little more than the minimum wage.

Although technically a U.S. corporation, GE—with operations in 130 nations—apparently feels little loyalty to the United States. Jack Welch, a former GE CEO, once remarked, “Ideally, you'd have every plant you own on a barge to move with surpluses and changes in the economy.” According to a Bloomberg analysis, to avoid paying U.S. taxes, GE keeps more of its profits overseas than any other U.S. company—\$106 billion by the end of 2012. Thanks to this tax dodge and others, GE reportedly paid an average annual U.S. corporate income tax rate of only 1.8 percent between 2002 and 2011. In 2010, when GE reported worldwide profits of \$14.2 billion, it paid no U.S. corporate income tax at all. Instead, it claimed a tax benefit of \$3.2 billion.

Despite this appalling record, the U.S. government has been very generous to GE. During the financial crisis of 2008-2009, the federal government's Temporary Liquidity Guarantee Program loaned approximately \$85 billion to GE Capital, the company's huge finance arm. GE needed the bailout because, among other reasons, GE Capital was marketing subprime mortgages. The Federal Reserve also bought \$16.1 billion worth of short-term corporate IOUs from GE in late 2008, when the public market for this kind of debt had nearly frozen. In yet a further indication of GE's influence, President Obama appointed Jeffrey Immelt, GE's CFO, as chair of his Council on Jobs and Competitiveness, which strategizes about how to revive America's manufacturing base. One of Immelt's favorite panaceas is to end taxes on the overseas profits of corporations.

Thus, it might seem that those 200 embattled workers at Fort Edward have no possibility at all of effectively challenging a corporation this wealthy and influential. But stronger things have happened in the United States—especially when Americans have had their fill of corporate arrogance. ♦

ITUC Proposes New Structure For Union In The Arab Region

The International Trade Union Confederation (ITUC), meeting in Brussels in October, endorsed the process of creating a new structure for the Arab countries, with the founding instruments to be submitted to the Third ITUC World Congress in Berlin, for adoption in conformity with the global organization's constitution.

Seventeen national trade union centers from the region submitted the request. Included are Algeria, Bahrain, Egypt, Libya, Jordan, Mauritania, Morocco, Oman, Palestine, Tunisia, and Yemen.

Considering the grave challenges which face the democratic and independent trade union movement in the Arab world and the urgent need to respond to these, the General Council gave its support to this new ITUC structure, which will give immediate priority to tackling frequent and massive violations of fundamental liberties, including trade union rights, to defending workers in the context of growing poverty and unemployment and to fighting against social injustice, which particularly affects women, young people and the poorest, including migrant workers.

ITUC General Secretary Sharan Burrow welcomed the decision, saying “Trade unions are at the forefront of

the fierce and long struggle which is taking place across the Arab world, which sets democrats and progressives against authoritarian and retrograde forces. The trade unionists of the Arab World have expressed their urgent need for a specific space to better unify their forces and put in place a common strategy. The ITUC General Council has today expressed its full solidarity with their struggle in favor of democratic, progressive and independent trade unionism in this part of the world.”

“This new sub-regional structure will help us project a strong and unified voice in our ongoing struggle to defend and build democratic, progressive, and independent trade unions in the Arab countries,” said Housseine Abbassi, General Secretary of the LGIT Tunisia (Tunisian General Labour Union) and Acting President of the new Arab sub-regional structure of the ITUC during its transitional period up to the ITUC Congress. ♦

(Editor's note: Brothers and Sisters, American workers and their unions have found themselves up against their own version of “authoritarian and retrograde forces.” Just ask the members of UE Local 332 in Fort Edward, just for one example, not to mention Congress and most state legislatures.)

CEO Pay Soaring, While Workers' Pay Contracts

It's generally known that working men and women's pay has been stagnant for a couple of decades, but corporate pay and, especially, CEO compensation has gone out of sight, with one being paid \$2.2 billion for one year.

The annual Global Market Institute's (GMI) annual survey recently listed the top 10 CEO packages and listed only those who made in the billions or at least \$100 million.

Leading the list is Facebook CEO Mark Zuckerberg, who was paid \$2,278,668,214, according to GMI, which went on to list the other nine:

Richard D. Kinder, *Kinder Morgan Inc.*, \$1,116,685,089; Mel Karmazin, *Sirius XM Radio Inc.*, \$225,355,676; Gregory B. Maffei, *Liberty Media Corp.*, \$234,890,638; Timothy D. Cook, *Apple Inc.*, \$143,828,867; Edward W. Stack, *Dick's Sporting Goods Inc.*, \$142,052,496; Gregory B. Maffei, *Liberty Interactive Group*, \$136,450,484; Howard Schultz, *Starbucks*, \$117,562,601; Marc Benioff, *salesforce.com*, \$109,544,875, and Frank J. Coyne, *Versak Analytics Inc.*, \$100,432,117.

Greg Ruel, senior research analyst and author of the GMI report, said recently that average CEO pay increased 8.47 percent over the two years, from 2011 to 2012. This year, however, he said, was the first time that two CEOs were paid

more than \$1 billion in a single year.

GMI has been reporting on CEO compensation for 10 years and, said Ruel, and, for the most part, their shareholders have made money, but, "it's the sheer size and volume of equity awards granted to these top executives that catapults their total compensation to astronomical levels."

Considering the worth of the minimum wage by comparison: According to the Economic Policy Institute (EPI), "When adjusted for inflation, the minimum wage was worth \$8.54 per hour in 1968, compared to the current minimum wage of \$7.25 per hour. Based on a typical 2,000-hour work year, the 1968 inflation-adjusted minimum wage would equate to an annual salary of \$17,080 per year, versus \$14,500 for today's minimum wage."

Such is the sorry state of wages in America, where workers are told, "Be happy you have a job, however low the wage." Fact is, all wageworkers are experiencing the same fate—their incomes are not even, as good, adjusted for inflation, as they were in 1968. Let those who believe the rich and corporations pay their fair share of taxes have a look at the numbers and wonder no longer why the U.S. economy is in free fall. ☐

SOLIDARITY COMMITTEE
OF THE CAPITAL DISTRICT
33 Central Avenue • Albany, New York 12210



RETURN SERVICE REQUESTED

Your "Solidarity Notes"



Shorts...

New Jersey votes minimum wage raise. Voters of New Jersey made the Garden State one of only 18 states with a minimum wage higher than the federal minimum. They set the minimum \$1 higher than the federal wage, to take effect Jan. 1, 2014, when it will be \$8.25. And, they voted to amend their state's constitution to tie future increases in the minimum wage to the rate of inflation. When the legislature in the past voted to raise the minimum, the legislation was vetoed by Governor Chris Christie, who was reelected by a wide margin in the November election. What the...?

Kellogg locks out workers. Kellogg, the famed cereal company, locked out 226 workers represented by the Bakery, Confectionery, Tobacco Workers and Grain Millers at the end of October, after the union refused to accept the company's last and best offer. What the corn flake company was offering was typical: a two-tier wage system and a cap on what new workers would be paid. It's a divide and conquer strategy by corporations across the country that creates second-class workers under the same contract, ensuring that there will be divisions within the union forever after. The Memphis, Tenn., plant where this happened had been idled for a few weeks and Kellogg had laid off 70 workers a few weeks before the

lockout. The BC.TGM believes that the company is taking the action against its workers, in a move toward a temporary workforce, one with lower wages, few if any benefits, and without a union.

Republicans don't deserve reelection. A post-government-shutdown CNN Poll determined that 75 percent of those polled say most Republicans in Congress don't deserve re-election. A CNN/Opinion Research Corporation poll, taken the weekend after the 16-day government shutdown ended, showed Democrats with an 8-point advantage over Republicans, but much can change between now and the 2014 midterm elections. A majority of those polled blamed the congressional GOP for the shutdown and said that the president was the bigger winner in resolution of the shutdown.

Sen. Cruz's father: Send Obama back to Kenya. Mother Jones magazine comes through again, with a video clip of Sen. Ted Cruz's father, Pastor Rafael Cruz, telling a Right Wing group that he would like to send the president "back to Kenya." He apparently went on with his fringe fantasy, saying that Obama wants to make the U.S. a "third world country," that "it's all about the global distribution of wealth," and that Obama is "pushing very hard for the United Nations to have taxing authority." The young senator's spokesman said that the pastor "does not speak for the senator." ☐

Comment 711



711-01: The Summer 2013 issue of *Citizens' Environmental Coalition Newsletter: Toxics in Your Community* was received and entered into the project record.

First Time in Human History:

EARTH'S ATMOSPHERE REACHES 400 PPM OF CARBON DIOXIDE



(AP Photo/Steve Wren)

Excess and largely uncontrolled emissions of Greenhouse Gases have led to a situation where dramatic global changes are inevitable, including worsening severe storms, hurricanes, tornadoes, hail, extraordinary heavy rainfall and devastating floods. At the same time, the Southwest U.S. has been suffering from severe droughts and wildfires.

Why is this happening? Carbon dioxide and other so-called greenhouse gases trap sunlight at the earth's surface, acting like a greenhouse would. The sunlight raises temperatures and provides more heat energy for storm systems.

Thousands of scientists worldwide told us that we needed to reduce our emissions of greenhouse gases to keep carbon dioxide below 350 ppm or parts per million. We have now exceeded that number. The anticipated impacts of global warming to people and communities are extraordinary and also very expensive, as Hurricane Sandy vividly illustrated (as seen in photo of Atlantic City, N.J.).

Why are world governments, especially the United States, not acting quickly and aggressively to rapidly reduce greenhouse gases?

Surely there should be urgency, given the fact that **Billions** of people could be impacted either directly by storms or indirectly as a result of declines in food production, decreased water availability, increased disease, or by the financial inability to recover after a storm event.

Why are we not acting now?

The single answer is **Corporations**. Powerful corporations, with Exxon Mobil being the leader, invested for years in a disinformation campaign to convince the public that global warming was not real. **Exxon Mobil is the original Climate Denier.**

At the same time, corporations in the Energy Sector redefined the real problem -- claiming that instead of excess greenhouse gas emissions, the problem was an insufficient amount of energy. This was an easy message for the public to accept -- after all, greenhouse gas emissions are invisible, but we use energy every day. We now fight wars related to energy, and our energy companies are engaged in a massive campaign to get us to be energy voters. Fossil fuel companies are behind this effort.

As a result, too many of our elected leaders have also become climate deniers. A few actually believe that we are seeing the effects of global warming, but are so locked into doing the bidding of large corporations that they vote against all efforts to actually reduce greenhouse emissions gas. *Continued on page 5.*

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Executive Corner

In the face of what is likely to be a completely inadequate health impact assessment of Fracking by the NYS Dept. of Health, we are working hard to develop sound public health recommendations to protect the public from the serious harm we have already seen in other states. Health professionals have been left out of critically important discussions. We will bring them into the conversation and hold government accountable for any failures in health protection. Until fracking is stopped, we desperately need your donations to ensure we can deliver these needed protections. We need your help to make this a reality. In this year of our 30th Anniversary, will you partner with us to protect public health. New York and all communities where fracking is occurring need to be protected.

Environmental Legislation is critically important this year. We urge all our members to read about the Environmental Super Bills (on p.4) and contact their representatives, particularly their State Senators. The New York Senate needs to stop stalling and blocking bills that relate to environmental protection and public health.

Our nation and our state are heading in the wrong direction on Climate and Energy, being led by greedy corporations in search of ever-increasing profits. Hurricane Sandy had enormous impacts on the state preceded by considerable impacts from Irene. We are still recovering from these events. The Governor is directing the state to deal with emergency preparedness and response, and this is important. However, our state had also done considerable work to address climate change and reduce greenhouse gases by 80% by 2050 before Gov. Cuomo. We believe the Climate Action Plan was the first victim of the plans for Hydrofracking. **The Governor simply could not simultaneously advance Fracking and action on the climate and he chose Fracking.** A state greenhouse gas inventory failed to identify any emissions from existing oil and gas development, putting a zero in the accounting sheet. **Oil and gas development contribute 73% of U.S. methane emissions.**

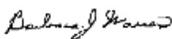
Yes, it is very tough to reduce GHG emissions by 80%, even tougher when the state's GHG inventory would need to be increased to account for hydrofracking. However, it is essential for New York to be a leader on Climate Change, as our state is particularly vulnerable. A good start would be to extend the moratorium on hydrofracking for another 2 years.

In previous newsletters we also told you that a new Energy Plan would be released in September of 2012. We are still awaiting the delivery of the Energy Plan, but, along with the Alliance for a Green Economy, we have been consistently advocating a Sustainable Energy Future with no new nuclear reactors, a plan to close existing nuclear reactors, no horizontal hydraulic fracturing and dramatic expansion of energy efficiency and renewable energy in the state to displace fossil fuels. Extreme Energy is a focus of this newsletter, as are the corporations that threaten our future and that of our grandchildren. Our future and that of the planet cannot be sustained via extreme energy and the corporations that are recklessly pursuing energy, no matter the human and social costs. Government support and collusion with the energy industries as well as taxpayer subsidies for fossil fuel and nuclear energy are putting us on a path to self-destruction.

We take a look at the myriad ills Pandora unleashed on the world and strongly suspect that many of these ills are directly associated with corporate behavior. We believe Pandora really unleashed corporations. Fortunately, we can see hope in the growing movements of ordinary people in NY, the nation and around the world fighting for justice, the environment and public health. Millions of people are engaged in New York alone. The anti-fracking movement is the largest environmental movement in NY's history.

There is always a need to share Good News and celebrate our victories, in light of our difficult struggles. New Yorkers have a long history of activism; we were leaders in abolishing slavery and in achieving the right to vote for women. We highlight several heroes and heroines in this issue and thank them sincerely for making the world a better place by their actions.

Sincerely,



Barbara J. Warren

2013 Board of Directors:

- Tom Ellis
- Jim Travers
- Lou Ismay
- Gary Michael
- Zac Moore
- Linda Ochs

Executive Director:
Barbara Warren

Administrative Assistant:
Jessica Rae Lewis

**2013 Volunteer/
Canvasser:**
Cameron Seigan
Ed Peters

Paul Hawken 2009, Commencement speech

"When asked if I am pessimistic or optimistic about the future, my answer is always the same: if you look at the science about what is happening on earth and aren't pessimistic, you don't understand the data. But if you meet the people who are working to restore this earth and the lives of the poor, and you aren't optimistic, you haven't got a pulse. What I see everywhere in the world are ordinary people willing to confront despair, power, and incalculable odds in order to restore some semblance of grace, justice, and beauty to this world."



Photred here of Jim Travers (CEC's Board Treasurer) and Mike Cooney (volunteer) at Albany's Lockhart 2012. Come out for this year's 2013 Lockhart, September 21st.

CEC Mission

Citizens' Environmental Coalition is New York's leading environmental health organization bringing the grassroots to the statehouse to advocate for safe and healthy communities.

We work with local citizens and groups to reduce toxic chemicals and environmental hazards. We oppose polluting projects and facilities. At the same time we work to advance a positive agenda for a clean and healthy future by supporting projects that advance sustainability in 3 spheres - environmental, social and economic. This includes green purchasing, clean energy, pollution prevention, green chemistry, zero waste and green jobs.

Earth Day in Albany

Earth Day saw hundreds of environmentalists treading the hallways of power urging legislators to support Campaign Finance Reform and Key Environmental Super Bills. (A super bill is one that environmental groups associated with Earth Day Lobby Day support wholeheartedly.)

Environmental Educator & Hero

On Earth Day, Lou Ismay was honored by the NYS Assembly with a Proclamation. He is one of the elder statesmen of the capital region's environmental community, a long-time member of Save the Pine Bush and currently serves on CEC's Board. As a SUNY Albany professor during the late 1960s and 1970s, Lou taught the Environmental Forum course which influenced many career environmental leaders. Lou required each student to come up with a project and carry it through. The course was interdisciplinary and open to other colleges, high schools and community members. Lou developed a list of 200 mentors whom students could work with. Many whistle-blowers from the public and private sector offered Lou tips on projects that needed research.



Senator Cecilia Tan (right), honoring Lou for his work in environmental education.

At the first class each semester, students were asked what they wished to learn and then speakers/teachers were sought who could teach it. Students from the prior semester were invited to attend the first class the following semester; they told the new students about their projects and sometimes new students picked up and continued a project, a few for several years as a series of students worked on it. Lou has said the Environmental Forum "was intended to empower people to perform high quality research, to do something useful for society." One project led to the first wetlands study of Albany County that became a template. Students researched the General Electric facility in Selkirk for several years, interviewing nearby farmers and tracking each ambulance that was called to the factory. Another student made the first bicycle path through Albany. One student created the first land-ownership map of the Pine Bush. Students went out on Lake Ontario and took air and water samples. Students organized recycling programs on the university campus and cleared trash from the Pine Bush.

TOP Legislative Priorities

Campaign Finance Reform is a Top Priority so we can have leaders who represent the public interest, and not just monied interests.

We really need to make Campaign Finance Reform a Priority!

Senate Republicans are leading the Fight Against Fair Elections in New York State. We really need Campaign Finance Reform. Instead they scheduled a meeting and CLOSED the Doors - violating Open Meetings Law in NY.



Once again, good environmental bills are being held up in the State Senate. The Assembly passes many environmental bills every year, only to have them defeated in the NYS Senate. Call Senator Mark Grisanti and urge him to support these bills, along with your own State Senator.

Call Sen. Grisanti @ (518) 455-3240

Three Super Bills need your help.

1) **Child Safe Products Act A.6328A Sweeney/ S.4614 Boyle** This bill would Protect NY's Children from Toxic Chemicals. Other states have already taken action to protect children from the most toxic chemicals. New York Kids need the same protection-- especially since kids are still growing and have less ability to eliminate toxic chemicals from their bodies. How does your Senator justify not supporting this bill? It was passed in the State Assembly and referred to the State Senate.



Call your own State Senator and Senator Grisanti and urge them to pass the Child Safe Products Act.



2) **Two-Year Fracking Moratorium and a Health Impact Assessment A.5424A Sweeney/ S.4236A Avella**

This bill is held up in the Senate Environmental Conservation Committee. Passed in the State Assembly. Referred to State Senate.

Tell New York Senate co-leaders Skelos and Klein: Bring the fracking moratorium bill to the Senate floor for a vote.

3) **Climate Protection Act: Would reduce greenhouse gases A.6327 Sweeney/ S.735 Avella.**

Passed in the State Assembly. The State Senate is considering a different version of bill.

Ask your Senator to support this bill.



4) **A Bill to Expand Solar Energy A.5060 Englebright/ S. 2522 Maziarz** was passed in both houses. The only Environmental Super Bill to be passed by the NY Senate.

Engage in your State Government!

Hold your elected leaders Accountable for Environmental and Health protection!

Continued from P.1 EARTH'S ATMOSPHERE REACHES 400 PPM OF CARBON DIOXIDE

The Real Problem is Corporate Power Obstructing Action on Climate Change

We are now facing a global catastrophe caused primarily by corporations that operate with no ethical or moral standards. Corporations exist solely to make a profit. Weak regulations, weak laws and weak oversight and enforcement all contribute to corporate abuse of the environment, public health, and even our democracy. People and governments need to establish the standards for corporations and enforce them. It should be noted that not all corporations are sociopaths. There is a growing organization of businesses who stand for business integrity -- the American Sustainable Business Council (ASBC). We urge folks to pay attention to what ASBC and its business partners are doing to contribute to a better world for all of us. By failing to have good regulations that are enforced for all businesses across the board, we create an unequal playing field for those businesses that commit themselves to higher ethical standards.

INCENTIVES SHOULD BE PROVIDED ONLY FOR THE BEHAVIOR WE WANT TO SEE.

EXTREME Energy

Corporations have now rushed to embrace Extreme Energy. We witnessed Extreme Energy with the BP Gulf disaster, where the technology for deepwater drilling had inadequate safeguards. The

early use of dispersants was really a public relations effort, since the first action should be to collect the oil using booms and skimmers. Dispersing it actually prevented the collection of the oil. We ultimately saw a reckless disregard for the environment of an entire region and the people who were exposed to toxins in the oil as well as millions of gallons of very toxic chemical dispersants.

Shell rushed to drill in the Arctic with an obviously, poorly considered plan for this harsh environment, that quickly failed with 2 serious accidents, grounding of ships, explosion & fire, environmental & safety violations, in addition to inadequate oil spill equipment. Shell is not planning to return to the Arctic in 2013.

<http://www.nytimes.com/2013/02/28/business/energy-environment/shell-suspends-arctic-drilling-for-2013.html>

After learning that horizontal hydraulic fracturing was possible, corporations rushed to drill and fracture in shale rock formations in many states in the US, without making an effort to ensure safety. Their plan to obtain enormous quantities of natural gas had numerous problems:

- Enormous quantities of water used.
- High failure rate for well casings and cement, resulting in contamination of drinking water aquifers that cannot be fixed. This means permanent destruction of a water supply.
- Large quantities of a variety of toxic chemical additives used in the drilling or fracturing process.
- Hazardous constituents of shale formations: heavy metals, salts, and radioactive elements.
- Drill cuttings, a hazardous waste needing disposal but loaded with toxic additives and shale constituents. (NY landfills received 100 million lbs. of drill cuttings in the last 6 months of 2012 from PA. Drill cuttings have triggered radiation alarms at PA landfills.)
- Thousands of gallons of flowback and produced water that cannot be treated and returned to the water cycle via sewage treatment plants because these plants do not treat toxic chemicals.
- Financial expense associated with the need to re-fracture wells and drill in new locations to keep production up.
- Air emissions of volatile organic compounds, hydrogen sulfide, and hazardous air pollutants.
- Natural gas (Methane) emissions due to leakage. Methane is an explosive and powerful greenhouse gas. According to NASA, it has 105 times the global warming potential of carbon dioxide over a 20 year period.

Continued on p. 7



"[We've created] an unequal playing field for those businesses that commit themselves to higher ethical standards"

Movie Review



Pandora's Box

This comes from Greek mythology. Pandora was given a box or a jar, with instructions not to open it under any circumstance. Pandora, unable to control her curiosity, opened it, and all the evils contained therein were released to spread over the world. Only one thing remained-- the Spirit of Hope.

Today, the phrase "to open Pandora's box" means to perform an action that may seem small or innocuous, but that turns out to have severe and far-reaching consequences. (Wikipedia)

Coming to a Movie Screen near you, will soon be "Pandora's Promise," a curious movie title given the story of Pandora.

Nuclear Power is NOT the Answer!

Pandora's Promise, billed as a documentary, omits key scientific facts in order to advance a pro-nuclear agenda. Robert Stone, the director, apparently selected his facts and scientists with care, to reflect his own pro nuclear point of view. If you plan to see this film, we recommend going prepared by reading the New Report by Beyond Nuclear, *Pandora's False Promises*. The press release, the report and a 2 page summary can be accessed here-- <http://www.beyonduclear.org/storage/documents/Pandora%20press%20release.pdf>

Not to be Missed Movies on Fracking

Gasland Part II by Josh Fox. Everyone will be anxious to see this new film by Fox, who has become a leader in the anti-fracking movement. Screenings in June in New York.

Bidder 70 is the story of Tim DeChristopher, a college student, environmental activist and another hero, who participated in a Federal auction of land parcels for mineral development in Utah and successfully bid on 14 parcels, hoping to block their development. He was arrested, tried, convicted, and sentenced to 2 years in



prison, even though it was eventually determined that the sale was not legal. His actions actually prevented an illegal act. In recent years, we have jailed too many whistleblowers who expose unwelcome truths, rather than the real criminals. This film testifies to that reality.

URGENT APPEAL! Public Health Summit to address Fracking FUNDS Needed!

CEC is sponsoring a **Working Summit of Health Experts** in the fall of 2013, along with Dr. David Carpenter, Director of the Institute for Health and the Environment, SUNY Albany.

In light of the totally inadequate environmental laws and regulations for this industry, the Goal is to Protect the Public and Prevent the Harm associated with Fracking.

Conclusions and Public Health recommendations will address vulnerable populations and will be embodied in a White Paper produced after the Summit.

This work is absolutely necessary to protect the public. Your support is urgently needed to make this a reality. Please consider a special Donation at this time?

To learn more visit our website: www.cectoxic.org

Continued from P.5 Extreme Energy



The oil and gas industry had lots of experience with drilling and well casings. They also knew that horizontal hydrofracking would be far more expensive (2-3 times) than accessing normal reservoirs with vertical wells. The solution for this long list of problems was to obtain multiple exemptions from environmental laws. After obtaining these exemptions, the industry descended on states with a public relations campaign to assure the public how safe this industry would be. It also aimed to bring energy independence and to help with climate change because natural gas produces less carbon dioxide than coal at power plants.



If Hydrofracking was really Safe, the industry wouldn't have needed these exemptions. If natural gas drilling and fracking were going to lessen climate change, it wouldn't result in emitting huge quantities of methane to the air. If it was about energy independence, we wouldn't be planning multiple liquefied natural gas (LNG) facilities to export to other countries. In 1973 one of the worst industrial disasters ever occurred in NY on Staten Island, at a LNG facility, killing 40 workers.



The SGEIS and the DEC regulations won't protect us – essentially, they were written by the gas industry and its consultants. The consequences of evading the fundamental protections contained in environmental laws will shift the impacts to public health. Rather than dealing with environmental violations, the public will bear the burden of frank health effects – poisonings, organ and neurological damage, cardiac and respiratory problems and even premature death. We are already seeing serious health effects in communities in other states here fracking has been permitted.

Fossil Fuels are also directly linked to the production of an enormous array of chemicals by the chemical industry. Chemical companies are building new plants to enable an enormous expansion of chemical production, as a direct result of the increased natural gas supply, providing us with more toxic chemicals that pervade our environment, exposing our children and future generations to unquantified hazards. Plastics are another unsustainable product created from natural gas, which end up in our landfills shifting the management burden onto the public.

Burdens & Benefits

Who bears the burden of health effects? We do!

Who receives the benefits? The industry does.

Join this effort by calling Governor Cuomo!

Tell Him: Say No to Fracking

(518) 474-8390

Nuclear Energy is another form of Extreme Energy

After producing energy for a few decades, U.S. nuclear reactors have left a mountain of extremely hazardous nuclear waste (currently 70,000 tons of fuel rods), that will be dangerous for millions of years. Nuclear energy is so expensive that, even if reactors did not take a decade to build, they cannot provide a solution for climate change. Fortunately, we have real alternatives available now -- energy efficiency and renewables. Numerous reports have documented the feasibility of rapid movement away from fossil fuels and nuclear simultaneously with the adoption of clean renewables and energy efficiency. To see the list of 120 organizations supporting a clean energy agenda go to <http://www.americandeanenergyagenda.org/committee-2/> CEC is a supporting organization.

Continued on next page.

Numerous reports have documented the feasibility of rapid movement away from fossil fuels and nuclear simultaneously with the adoption of clean renewables and energy efficiency.



Continued from P.7 Nuclear Energy



There are numerous advantages to adopting a Nuclear-Free, Carbon-Free Agenda—the public saves money, it creates far more jobs locally and there are numerous immediate health benefits, particularly related to lower emissions of air pollutants. In addition, it reduces the risk of catastrophic nuclear accidents. Although preventing harm is difficult to quantify, reducing the future impacts of climate change provides the most significant long term benefits and cost reductions.

The nuclear industry has adopted the playbook and the antics of the fossil fuel industry to advance its own future, even if that means extending the lives of aging reactors that are in need of a major overhaul, and cannot be made safe, no matter how much money is spent on them. Unfortunately, the Nuclear Regulatory Commission (NRC) has been given exclusive authority over safety, making it very difficult for states and the public to play any meaningful role.

Summary of New Nuclear Developments

- We have a petition along with many other groups to close all the Mark I & II reactors (31) in the US, because they cannot meet the requirement to contain radioactivity in the event of an accident. **The small containment is a flaw in these reactors, known since the 70s.**
- The NRC ruled to NOT require FILTERS on the vents of the Mark I & II Boiling Water Reactors. These are reactors like the ones at Fukushima. We have 3 of these reactors in Oswego, NY.
- Filters are necessary in a severe accident because the small containment building cannot withstand the high pressures generated. Filters would then prevent exposing the public to large amounts of radiation. Filters are required in the European Union and now also in Japan.
- Former Chairperson of the NRC, Gregory Jaczko, has called for the closure of all 104 nuclear reactors in the US because they have safety problems and the current band aid approaches will not be enough.
- **Both San Onofre nuclear reactors will permanently close according to Southern California Edison !!** Located on the California coast in a densely populated area just south of San Clemente, the plants faced both earthquake and tsunami risks.

This is a tremendous Victory for Safety! and for all the folks who worked so hard to achieve this.



NEW Plan for NUCLEAR Accidents -

Quick & Dirty Cleanup!

WHITE HOUSE & EPA dramatically weaken Radiation Cleanup standards. The federal government, rather than closing our aging and dangerous nuclear reactors is facilitating their continued operation at every turn, bowing to the nuclear industry's need for profits. The NRC regularly rules against safety! Now the government is clearly expecting one or more nuclear disasters to occur. We know the magnitude of harm that can occur following a nuclear reactor accident. The US has decided that it would be cheaper if they just don't clean up the radioactive contamination, and so they plan to allow much higher radiation exposures to the public, as high as 2,000 millirems. This would, in effect, increase a longstanding standard of 1 in 10,000 person cancer rate to a rate of 1 in 23 persons exposed over a 30-year period. This is a sharp reversal for EPA, which previously stood up for strongly health-protective radiation standards in contrast to other agencies. Public Employees for Environmental Responsibility calls this new policy, "a public health policy only Dr. Strangelove could embrace."

<http://www.pear.org/news/news-releases/2013/04/08/white-house-approves-radical-radiation-cleanup-rollback/>

While geared to radiological emergencies, we have major concerns about the weakening of EPA's standards, in light of transport accidents and the need to adequately clean-up many existing radiation contaminated sites in NY.

Nuclear Waste on the Move

- The US is planning storage for the highly radioactive nuclear fuel rods from nuclear reactors. Since there is no permanent repository, so-called "interim storage" is recommended. Recently, the Binghamton area has been identified by the federal government as a "suitable site", despite frequent floods in the region, which would make this area very ill-suited.
- Even if New York is not chosen as a site for "interim storage" of nuclear fuel rods, our roads and rails could be used for the transport of this radioactive material through our communities.
- There is currently a plan to ship High Level LIQUID radioactive waste from Canada to Savannah River on New York roads. The transport of liquid High Level waste in hundreds of shipments is unprecedented and invites disaster.



Nuclear Waste on our Roads and Rails-- referred to as "Mobile Chernobyl", because of the risks

Since "Atom for Peace" and "Nukes Too Cheap to Meter" became national policy, our nation has accepted a massive and growing inventory of high-level nuclear waste with nowhere for it to go. The President's Blue Ribbon Commission said we will have enough high-level waste by 2050, (from the 150,000 tons of used fuel from existing nuclear reactors) to fill two geologic repositories, like the cancelled Yucca Mountain repository. The Commission documented the years of effort to plan for a repository and the fact that building a repository is extraordinarily difficult.

As an alternative, the Commission proposed and is recommending "interim consolidated storage", temporary sites to store used nuclear fuel rods from nuclear reactors until permanent repositories are sited and constructed. A lot is riding on the ability to find temporary storage, since new reactors cannot be approved unless there is a solution for the high-level waste. Temporary storage means moving this waste multiple times with increases in accidents and contamination.

**A New York Heroine--
Joanne Hamelster**

In May, the Sierra Club Niagara Group awarded Joanne Hamelster the 2013 Blake Reeves Leadership Award for her decades of work on the West Valley Nuclear Waste Facility. Joanne is a steadfast and tireless leader, working on the complexities of a radioactively contaminated site, and fighting a federal agency that would like nothing more than to just walk away. Fortunately, Joanne says, "You simply do not give up... We will have to infuse our dedication into future generations to carry on. That persistent dedication might be our only legacy." CEC works closely with Joanne and the Coalition on West Valley Nuclear Wastes, and that persistence is key to getting West Valley cleaned up.



**Hundreds of Radioactive Waste Sites need cleanup across the County, but CLEANUP \$\$\$ are Limited.
CASE in Point: West Valley, NY**

While communities across the country fight for limited Clean-up dollars to address leaking, spreading radioactive contamination, the federal government believes it can attract new partners willing to sign up for Interim Consolidated Storage sites.

In West Valley, NY, (Cattaraugus County) the federal government promoted nuclear waste reprocessing. In just 6 years, this site was massively contaminated, and reprocessing was halted.

Today, funds for West Valley cleanup are at half the level recommended by the General Accounting Office, a Congressional research and watchdog agency.

Delays in clean up could release radioactive waste to the Great Lakes -- the source of drinking water for millions of people. A Strontium plume of contamination is currently moving off site.

**The Federal Government needs to fully fund the cleanup of existing contaminated waste Sites and halt all activities that produce more nuclear waste.
We cannot have a sustainable future with a growing pile of nuclear waste that is hazardous for millions of years.**

Good News on Fracking

Corporations are not People. Furthermore they have no right to privacy

In Pennsylvania, Judge O'Dell Seneca struck down secrecy provisions related to a court settlement between a gas company and an impacted family, ruling that companies have no privacy rights. This means that information in the settlement will be available to other members of the public, including environmental and public health groups. Even more significant, this Judge ruled that corporations are not people under the Pennsylvania constitution. This case has potentially far reaching implications. <http://truth-out.org/news/item/15721-pennsylvania-court-deals-blow-to-secrecy-obsessed-fracking-industry>

Local People & Home Rule Win in NY

In May, NYS's Appellate Court upheld the right of townships to use their zoning laws to ban gas drilling. This decision is a David vs. Goliath victory with local activists winning a decision against huge fossil fuel corporations seeking to defeat New York's home rule provisions of our constitution.

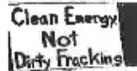
<http://truth-out.org/news/item/16252-new-yorks-zoning-ban-movement-focks-blg-gas>

Anti-Fracking Heroine

Sandra Steingraber, Heroine and Movement Leader

Ironically on Earth Day, Dr. Sandra Steingraber was sitting in Jail on charges of trespassing for non-violent civil disobedience. Sandra is a biologist and the author of several books highlighting the toxic chemical assault every person receives daily in our air, food and water from an inadequate system of regulation for toxic chemicals. Sandra is one of the foremost leaders in calling for Chemical Policy Reform and the use of the Precautionary Principle in order to protect public health. A nationwide network of activists is now trying to eliminate the use of the worst toxic chemicals and substitute safer alternatives. Ironically fracking relies on the use of a chemical cocktail of toxic chemicals

The real crime is that Sandra spent any time in Jail, while the corporation, energy, claimed the geology of the site for natural gas storage was proprietary or confidential business information and could not be shared with those concerned about the safety of its proposal to store natural gas in a salt cavern adjacent and beneath Seneca Lake, a source of drinking water.



Corporations are recklessly endangering Society

People can be criminals and can commit horrendous acts- like stealing, rape, murder. People can be tried and if found guilty can also be sentenced to serve time in jail. Despite increasingly serious violations of the law, corporations are escaping similar punishment. Corporations have no social attributes. They are established to make money for their shareholders. If they dump toxic waste, if they fail to provide a safe workplace and workers are injured or killed, if they cause catastrophic events or produce unsafe products, this is all part of doing business. Such behavior is characteristic of sociopaths, those who have no conscience or function without ethics or social norms. We seem more able to punish people for their behavior than to punish corporate misbehavior, even if it criminally impacts a far greater percent of the population.



Our rights have been a key focus of recent news, particularly as they relate to the 2nd Amendment. However, our rights are constantly being eroded by corporations.

Today, babies are born with over 200 toxic chemicals in their bodies, because our environment and our food are so contaminated that the legacy of contamination is passed onto babies even before they are born. The chemical industry fights any reasonable regulation of their most toxic chemicals or any action to prevent toxic chemical accidents.

While the average person pays taxes, many corporations hide money in off-shore accounts to avoid their tax obligations. These corporations don't pay for roads or schools to educate their employees or emergency responders to clean up a spill they caused. With a small tax bill, they can devote their dollars to buying public officials, who do their bidding or any rules to prevent toxic chemical accidents.

Exxon Mobil made extraordinary profits in recent years and has used them to ensure that the truth about global warming did not reach the public except as an issue clothed in controversy. *Continued on next page.*

Corporations control the media and the messages we receive daily!

While 97% of scientists support the strong evidence of climate change, the public thinks only 50% of scientists are concerned about climate

change. This shows the power of corporations to control the media and the messages we receive daily. Exxon Mobil even funded the Independent Oil and Gas industry's advertising campaign to promote fracking.

The decades of delay in actually refining global warming will ultimately cost trillions of dollars, even if we are able now to act quickly. Next up, the oil and gas industry manages to promote horizontal hydrofracking as the ideal solution for global warming and energy independence, while providing economic benefits. Left behind are people poisoned and sick, as well as homes and property that are worthless.

Corporations have moved jobs overseas for cheap labor. Over 1100 clothing workers were just killed in Bangladesh in a preventable accident. After inspecting the huge cracks in the building, many workers hesitated to go in, but company guards actually beat the workers, forcing them into the building where they later died. H & M and other European retailers have signed an agreement to improve working conditions, but US based Walmart and the Gap are still resisting.

The terrible explosion in West, Texas that killed 15 could have been much worse if schools had been in session with children in the playgrounds. See video of the destruction on by the Chemical Safety Board:

<http://www.csb.gov/csb-releases-video-documenting-the-blast-damage-in-west-texas/>



Protective health and safety regulations are in the regulatory chicken-aid at the Federal Office of Information and Regulatory Analysis (an anti-regulatory czar). Over 150 regulations prepared by agencies charged with environmental, food, occupational health and safety, and others are backlogged, some for several years, when they should be reviewed and move on their way in just 4 months. One EPA rule on toxic chemicals has been stuck for 3 years. This Office, populated primarily by non-scientists is overriding the years of careful work by Agency scientists. The 2008 financial crisis was caused by financial giants, all of whom are doing well. These financial giants are now much bigger -- far too big to be allowed to fail. Yet millions of real people are suffering. They have lost their jobs, their homes, their pensions. Families broke up. States had to balance budgets by cutting employees. Our public infrastructure -- roads, bridges, wastewater treatment plants -- now has a D+ rating by civil engineers. How many more bridges will collapse? As a result of this economic crisis, some in Congress want to reduce our Social Security earned benefits, a program that is well funded for many years to come -- thus pulling the train rods of the crisis on those who did not cause it.

Deregulation has had a lengthy and sordid history. It is impossible to call for voluntary codes of conduct or ethical standards of behavior in the face of powerful corporations with a long record of abusive practices. Laws, stringent enforceable regulations and serious penalties including jail time must be the norm. Punishment must be appropriate to the harm caused. Failure to enforce strict regulations on sociopathic corporate behavior will only provide a green light for increasing abuses.

BECOME A MEMBER OF CEC

Your support enables us to respond quickly to new developments, nimbly taking advantage of opportunities to protect New York's environment as they emerge. Our large and active membership gives us the strength in numbers we need to be effective advocates for strong environmental policy.

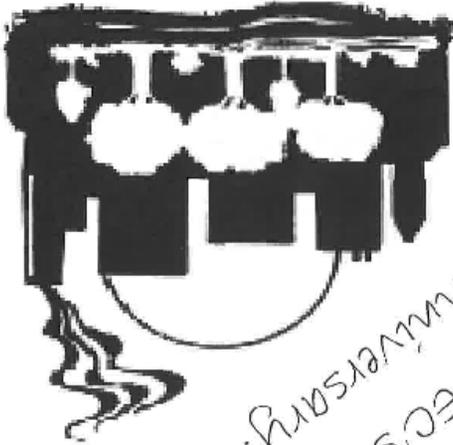
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IT'S CEC'S 30th
ANNIVERSARY!

Encourage your friends to join
CEC and like us on Facebook and
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Thank you!

Comment 712 Comment 712 was submitted by Jürgen Wekerle (Sierra Club) at the Public Hearing on the proposed CHPE Project Draft EIS in Albany, New York, on November 18, 2013. See Comment 139 for Jürgen Wekerle's (Sierra Club) comments from the Public Hearing.

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PUBLIC NOTICE

IN THE MATTER OF THE PUBLIC SERVICE COMMISSION PROCEEDING (CASE 12-T-0502) TO EXAMINE ALTERNATING CURRENT TRANSMISSION UPGRADES - FILING OF INITIAL SUBMISSION MATERIALS BY NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, NEW YORK STATE ELECTRIC & GAS CORPORATION, THE NEW YORK POWER AUTHORITY, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., ORANGE & ROCKLAND UTILITIES, INC., AND CENTRAL HUDSON GAS AND ELECTRIC CORPORATION FOR THE PROPOSED CONSTRUCTION AND RECONSTRUCTION OF TRANSMISSION FACILITIES

TO WHOM IT MAY CONCERN: PLEASE TAKE NOTICE THAT Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid"), New York State Electric & Gas Corporation ("NYSEG"), the New York Power Authority ("NYPA"), Consolidated Edison Company of New York, Inc. ("Con Edison"), Orange & Rockland Utilities, Inc. ("O&R"), and Central Hudson Gas and Electric Corporation ("Central Hudson") (collectively, the "New York Transmission Owners" or "NYTOS"), will file initial submission materials ("Initial Submission Materials") in the above entitled matter with the New York State Public Service Commission ("Commission") pursuant to Article VII of the Public Service Law of the State of New York and the Commission's April 22, 2013 order issued in Case 12-T-0502, *Proceeding on Motion to Examine Alternating Current Transmission Upgrades, Order Establishing Procedures for Joint Review under Article VII of the Public Service Law and Approving Rule Changes and the proposed rules issued by the Commission on May 29, 2013.*

A copy of the Initial Submission Materials filed with the Commission will be served upon the chief executive officers of Broome, Chenango, Delaware, Oneida, Herkimer, Montgomery, Schenectady, Albany, Rensselaer, Columbia, Sullivan, Ulster, Dutchess, Orange, and Rockland Counties the Towns of Afton, Bainbridge, Barker, Chenango, Coventry, Delhi, Franklin, Greene, Hamden, Maine, Masonville, Sidney, Union, Walton, Marcy, Deerfield, Schuyler, Frankfort, German Flatts, Stark, Danube, Minden, Colchester, Rockland, Canajoharie, Root, Glen, Charleston, Florida, Duaneburg, Princetown, Guilfordland, New Scotland, Bethlehem, Coeymans, Schodack, Stuyvesant, Stockport, Genes, Claverack, Livingston, Gallatin, Clermont, Milan, Clinton, Pleasant Valley, Ramapo, Chester, Blooming Grove, New Windsor, and Hamptonburgh; the City of Little Falls; and the Village of Voorheesville (the municipalities traversed by the proposed route).

GENERAL INFORMATION

The project that is being proposed by the NYTOS (the "Project") will address persistent congestion on portions of the New York State electric transmission system. Two components of the Project have either already received Article VII siting approval or do not need Article VII siting approval. The Project is comprised of the following components: (i) construct an approximately 156-mile 345kV overhead electric transmission line from Edie Substation to Pleasant Valley Substation ("Proposed Edie-Pleasant Valley Line"); (ii) construct an approximately 57-mile 345kV overhead electric transmission line from Oakdale Substation to Fraser Substation ("Proposed Oakdale-Fraser Line"); (iii) add two new switchable series capacitor banks, one adjacent to the Marcy Substation and one adjacent to the Fraser Substation (NYPA's portion of the "Marcy South Series Compensation" or "MSSC"), which does not need an Article VII certificate; (iv) add another new switchable series capacitor bank adjacent to the Fraser Substation and reconductor 21.8 miles of an existing overhead electric transmission line NYSEG's 345 kV Line #13 (ECC-33) running from Fraser Substation to Coopers Corners Substation (NYSEG's portion of the "MSSC"); and (v) construct an 11.8 mile segment of the approximately 27.4-mile 345kV overhead electric transmission line between the Ramapo Substation and the Rock Tavern Substation ("Proposed Second Ramapo-Rock Tavern Line"), which has already received its Article VII siting certificate.

DESCRIPTION OF THE PROJECT

Proposed Edie-Pleasant Valley Line. The Proposed Edie-Pleasant Valley Line will run from National Grid's Edie Substation in Oneida County, New York to Con Edison's Pleasant Valley Substation in Dutchess County, New York, a total distance of approximately 156 miles. This new transmission line will be designed to operate at a nominal system voltage of 345 kV alternating current ("AC"), and the voltage at initial operation will also be 345 kV. Preliminarily, the proposed conductor type for the line is twin bundled 1590 MCM 54/19 ACSR "Falcon."

The Proposed Edie-Pleasant Valley Line will share existing electric transmission corridors that are occupied by other National Grid lines and in some locations lines owned and operated by NYPA; however, some new right-of-way ("ROW") acquisition will be required. The existing transmission rights-of-way range from approximately 100 feet to 600 feet wide. The existing National Grid electric transmission corridors that comprise the primary route for the Proposed Edie-Pleasant Valley Line traverse (from west to east) the counties of Oneida, Herkimer, Montgomery, Schenectady, Albany, Rensselaer, Columbia and Dutchess.

The Proposed Edie-Pleasant Valley Line component of the Project also includes construction of three new substations: (i) Princetown Substation in the Town of Princetown; (ii) Knickerbocker Substation in the Town of Schodack; and (iii) Churchtown Substation in the Town of Claverack.

As part of the Project, approximately 5 miles of the existing #30 Porter-Rotterdam 230kV line and 5 miles of the #31 Porter-Rotterdam 230 kV line will be rebuilt between the proposed Princetown Substation and the Rotterdam Substation within existing ROW. These lines will be designed to operate at a nominal system voltage of 230 kV AC, and their voltage of initial operation will also be 230 kV. Preliminarily, the proposed conductor type for the rebuilt portions of the #30 line and #31 line will be single 1590 MCM 54/19 ACSR "Falcon." The remaining portions of the #30 line and #31 line not rebuilt from Porter Substation to proposed Princetown Substation, will be retired.

Proposed Oakdale-Fraser Line. The Proposed Oakdale-Fraser Line is a second 345kV electric line that would run parallel to NYSEG's existing Line 32. The Proposed Oakdale-Fraser Line runs between the Oakdale Substation in the Town of Union, Broome County, and the Fraser Substation in the Town of Delhi, Delaware County, a distance of approximately 57 miles.

The Proposed Oakdale-Fraser Line will be constructed along the existing NYSEG Line 32 ROW; however, additional rights may be acquired for construction, vegetation clearing, and/or danger tree removal as necessary for the line.

Proposed Marcy South Series Compensation. The MSSC would increase the transfer limit across the Total-East interface by 444 MW. NYPA's portion of MSSC consists of constructing one series capacitor bank adjacent to the Marcy Substation and another adjacent to the Fraser Substation, and connecting those series capacitor banks to the two Marcy South transmission lines owned by NYPA known as Marcy to Coopers Corner (UCC2-41) and Edie to Fraser (EF24-40). NYSEG's portion of MSSC, consists of constructing a series capacitor bank adjacent to the Fraser Substation and connecting it to the Fraser to Coopers Corners (FCC-33) line owned by NYSEG. A series capacitor bank is a structure approximately 28 feet tall consisting of capacitors which, when connected to an AC transmission circuit, increases power flow. The switchable series capacitor banks will increase power transfer by reducing series impedance over the existing 345 kV Marcy South lines owned by NYSEG and NYPA. The MSSC will improve power flow over these existing assets by installing this technology with minimal construction and disruption. Controlled by the New York Independent System Operator ("NYISO"), the switchable series capacitors will allow the NYISO to vary the power flows across the bulk power transmission system to better respond to changing system conditions.

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NYSEG's portion of MSSC also consists of reconductoring 21.8 miles of NYSEG's FCC-33 line in the Towns of Delhi, Hamden, Colchester and Rockland, located in Delaware and Sullivan Counties. Some structures along the existing ROW will be replaced with substantially similar structures.

Proposed Second Ramapo-Rock Tavern Line

The Proposed Second Ramapo-Rock Tavern Line will extend from Con Edison's Ramapo 345kV Substation to Central Hudson's Rock Tavern 345kV Substation. The Line will be installed on the existing towers of the first 345 kV circuit extending from the Ramapo Substation to the Rock Tavern Substation that was completed in 1974.

The Commission has previously issued a certificate for construction and operation, pursuant to Article VII of the Public Service Law, of two 345 kV circuits from the Ramapo Substation to the Rock Tavern Substation. The Commission has also previously approved Environmental Management & Construction Plans ("EM&CP") for the first circuit from Ramapo to Rock Tavern and for a portion of the second circuit extending from the Ramapo Substation to the Sugarloaf Substation (a distance of 15.6 miles). Construction has begun on that segment. Con Edison now intends to seek Commission approval of its EM&CP for the balance of the second circuit from Sugarloaf to the Rock Tavern Substation (a distance of 11.3 miles).

The Proposed Second Ramapo-Rock Tavern Line will contain the following three elements:

1. Installation of the balance of a previously approved second 345 kV circuit, i.e., approximately 11.3 miles extending from Sugarloaf to the Rock Tavern Substation on the existing structures that support the first 345 kV circuit;
2. Modification of the Ramapo and Rock Tavern Substations to connect the second 345 kV circuit to these substations; and
3. Installation of a new 345/138 kV step-down transformer and associated equipment in the vicinity of the existing 138 kV Sugarloaf Substation that will provide for connection of the O&R system to the Proposed Second Ramapo-Rock Tavern Line.

LOCATION OF THE PROJECT

Proposed Edic-Pleasant Valley Line. The Proposed Edic-Pleasant Valley Line will run from National Grid's Edic Substation in Oneida County to Con Edison's Pleasant Valley Substation in Dutchess County. The line will be built primarily along an existing ROW owned by the Co-Applicants.

The Proposed Edic-Pleasant Valley Line starts at the Edic Substation in the Town of Marcy, Oneida County. It would traverse the short distance (less than 2,000 feet) to the Porter Substation to join the Porter-Rotterdam #30 and #31 230 kV ROW, which also includes the NYPA Marcy-Coopers Corners and the Edic-Traser 345 kV lines. These facilities are located on adjacent double-circuit structures within this shared 200- to 350-foot-wide ROW for a total distance of approximately 12 miles. Heading southeast past Porter Substation, the line crosses State Route 8/12 into the Town of Deerfield and continues past and to the north of the Utica Reservoir. After crossing into Herkimer County, the line turns south and crosses the New York State Thruway (I-90), the Erie Canal and the Mohawk River within a distance of approximately 3,600 feet.

The Proposed Edic-Pleasant Valley Line continues in a south-southeasterly direction for approximately 8 miles in Herkimer County at which point the #31 230 kV line separates from the other three circuits and continues to the east along a separate ROW. The line follows the alignment of the #30 230 kV line which continues to share the ROW with the two NYPA 345 kV lines for approximately 1.7 miles. The two NYPA 345 kV lines diverge south from the #30 230 kV line and the #30 line continues within its own ROW in a southeasterly and then easterly direction for approximately 2.9 miles, at which point it rejoins the #31 230 kV line. The line

continues in a southeasterly-easterly direction along the 200-foot-wide ROW of the #30 and #31 lines through Herkimer County. The line travels through the Towns of Schuyler, Frankfort, German Flatts, Little Falls, Stark, and Danube in Herkimer County.

The Proposed Edic-Pleasant Valley Line continues to follow the alignment of the #30 and #31 230 kV lines in a southeasterly direction through Montgomery County, crossing Canajoharie Creek in the Town of Canajoharie. In the Town of Charleston, just west of State Route 30A, the #30 and #31 lines separate with the #31 line heading northeast before turning to the southeast and rejoining the #30 line just west of Schoharie Creek. The line continues to follow the alignment of the #30 line due east through this area, across Schoharie Creek, before continuing into Schenectady County. The line travels through the Towns of Minden, Canajoharie, Root, Glen, Charleston, and Florida in Montgomery County.

The Proposed Edic-Pleasant Valley Line continues due east along the ROW of the #30 and #31 lines in Schenectady County bypassing the proposed Princetown Substation, which will be located near the intersection of the ROW for the #30 and #31 lines and the ROW for the Marcy-New Scotland #18 345 kV line and the Edic-New Scotland #14 345 kV line.

The Proposed Edic-Pleasant Valley Line continues to the southeast along the 370-foot-wide ROW for the Marcy-New Scotland #18 345 kV line and the Edic-New Scotland #14 345 kV line. The line crosses Interstate 89 (I-88) about 5 miles south of the proposed Princetown Substation, just west of where I-88 ends at the New York State Thruway (I-90). About 1 mile south of the I-88 crossing, the #13 115 kV line joins the 390-foot-wide ROW and the line turns due south and continues into Albany County. The line travels through the Towns of Duaneburg and Princetown in Schenectady County.

In Albany County, the Proposed Edic-Pleasant Valley Line crosses U.S. Route 20 in the Town of Guilderland, continues due south just to the east of the Orchard Creek Golf Club, then turns southeast and continues along the existing 345 kV corridor, which is reduced to a 450-foot-wide ROW for a distance of approximately 2 miles in the Town of Guilderland. The line follows this corridor to the New Scotland Substation in the Town of New Scotland. The line bypasses the New Scotland Substation and heads east for a distance of approximately 3.4 miles along the corridor that includes several 115 kV lines and the New Scotland-Alps #2 345 kV line. This section of ROW ranges between 400 feet and 620 feet wide. The line turns south continuing along the existing 250-foot-wide 345 kV ROW, crosses a major railroad corridor and CSX siding complex, then crosses U.S. Route 9W and the New York State Thruway (I-87) just west of the Hudson River. The line travels through the Towns of Guilderland, New Scotland (which includes 4.9 miles in the Village of Voorheesville), Bethlehem, and Coeymans in Albany County.

The Proposed Edic-Pleasant Valley Line follows the New Scotland-Alps #2 345 kV alignment across the Hudson River into Rensselaer County, parallel and to the south of an existing CSX railroad bridge and the New York Thruway-Berkshire Connector bridge. At the crossing location the Hudson River is approximately 1,800 feet wide. On the east side of the Hudson River these three facilities continue an aerial crossing of the Schodack Island State Park for a distance of approximately 1,200 feet. From the Hudson River the line continues east for approximately 1.6 miles to the proposed Knickerbocker Substation, which will be located at the intersection of the New Scotland-Alps #2 345 kV line and the Schodack-Churchtown #14 and the Greenbush-Hudson #15 115 kV lines in the Town of Schodack.

The Proposed Edic-Pleasant Valley Line departs from the proposed Knickerbocker Substation and proceeds to the south along the 100-foot-wide ROW of the double-circuit Schodack-Churchtown #14 and Greenbush-Hudson #15 115 kV lines. Approximately 2.2 miles south of the proposed Knickerbocker Substation, the line passes into Columbia County and continues in a nearly straight line due south through the Town of Stuyvesant for a distance of

approximately 8 miles. After crossing into the Town of Stockport, the line turns to the southeast, crosses U.S. Route 9 and Kinderhook Creek, and again turns due south. The line continues in a southerly direction generally parallel to and approximately 1 mile to the east of U.S. Route 9. The line crosses a small portion of the Town of Ghent less than 1 mile west of the Columbia County Airport. The line continues to follow the 115 kV ROW through the Town of Claverack, passing about 2 miles to the east of the City of Hudson. After crossing Route 9H the double-circuit #8 and #17 115 kV lines join the ROW just north of the Churchtown Substation. The 150-foot-wide ROW the line is in remains with this configuration of parallel double-circuit 115 kV lines for the next 12 miles through the Towns of Livingston (8.3 miles), Gallatin (1.2 miles), and Clermont (0.7 mile). The total distance in Columbia County is approximately 30.8 miles.

The Proposed Edic-Pleasant Valley Line continues south into the Town of Milan in Dutchess County, and approximately 1 mile south of the county line the ROW is joined from the west by the Leeds-Pleasant Valley #91 and #92 345 kV lines in a parallel, single-circuit configuration. The line continues along this 400-foot-wide ROW for approximately 6 miles, at which point the two 345 kV lines leave this joint ROW to the west; the line continues due south along the 115 kV ROW, running east of Silver Lake in the Town of Clinton. The line continues south in the Town of Clinton and continues along this 150-foot-wide 115 kV ROW in the Town of Pleasant Valley to the Pleasant Valley Substation. The line travels through the Towns of Milan, Clinton, and Pleasant Valley in Dutchess County.

South of Churchtown Substation, the Proposed Edic-Pleasant Valley Line roughly parallels the Taconic State Parkway which is located approximately 2 to 3 miles to the east. A portion of this ROW in which the line is located in Columbia and Dutchess counties is also occupied by the frequency Pipeline.

Proposed Oakdale-Fraser Line. The Proposed Oakdale-Fraser Line begins at the Oakdale 345 kV substation in the Town of Union in Broome County. It leaves the substation, heading in a northern direction for approximately 1.6 miles. The line then crosses into the Town of Maine and continues in a northeast direction for approximately 3 miles. The line then crosses into the Town of Chenango, continuing for approximately 6 miles before crossing into the Town of Barker. Continuing northeast the line crosses State Highway 79, followed by Conklin Hill Road and enters into Chenango County, Town of Greene.

Within the Town of Greene, the Proposed Oakdale-Fraser Line continues in an easterly direction for approximately 7.5 miles and then crosses into the Town of Coventry. In the Town of Coventry, the line travels in a northeast direction for 7.5 miles after which it crosses into the Town of Afton. The line crosses State Highway 41 and State Highway 7 followed by the Delaware and Hudson Railroad. After crossing into the Town of Bainbridge, the line continues for approximately 3.4 miles before crossing into Delaware County, Town of Masonville.

The Proposed Oakdale-Fraser Line continues in an easterly direction through the Town of Masonville for approximately 9 miles before crossing into the Town of Sidney. Continuing in an easterly direction for 2.3 miles, the line crosses into the Town of Franklin and then continues for approximately 2 miles before crossing into the Town of Walton. After crossing into the Town of Walton, the line continues in an easterly direction for 2.8 miles before crossing into the Town of Hamden. The line continues through Hamden for approximately 1.8 miles and then crosses into the Town of Delhi, ending at the Fraser Substation.

Proposed Marcy South Series Compensation. Three parcels, approximately 2 acres each and adjacent to existing substations on land already owned by either NYPA or NYSEG, would be used as

sites for the proposed series capacitor banks. One series capacitor bank would be constructed adjacent to the Marcy Substation in the Town of Marcy on NYPA-owned property. The second and third series capacitor banks would be constructed adjacent to the Fraser Substation in the Town of Delhi on NYSEG-owned property.

The 21.8-mile reconductoring of NYSEG's FCC-33 line commences at a point along NYSEG's existing ROW in the south-central portion of the Town of Delhi, approximately 4.5 miles east-southeast of the Fraser Substation. The reconductoring route passes through the Town of Hamden in a southerly direction for approximately 5 miles and continues in a southerly direction through the Town of Colchester for approximately 12 miles. While in the Town of Colchester, the reconductoring route passes above approximately 0.64 miles of surface water comprising the Pepacton Reservoir and, immediately thereafter, passes into the Catskill Park. The reconductoring route passes through approximately 12 miles of Catskill Park and terminates at the Hazel Substation, located approximately 4 miles south of Colchester, in the Town of Rockland, Sullivan County.

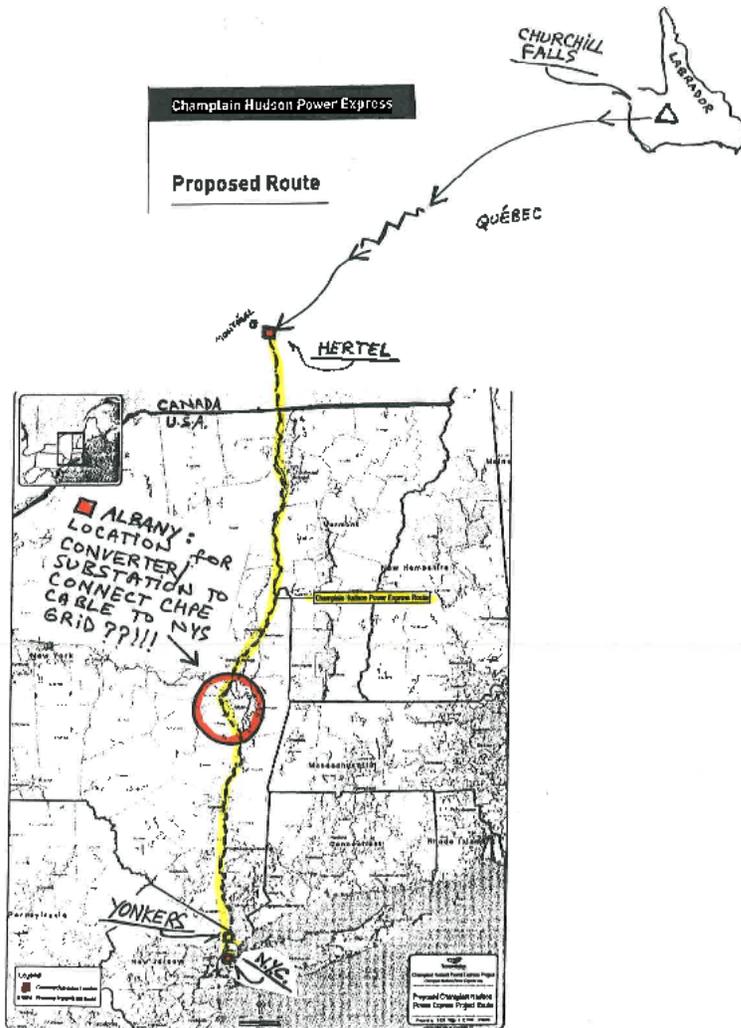
The existing ROW for the FCC-33 line is approximately 150 feet wide. Construction as well as access will occur exclusively in this existing ROW and along existing access roads; acquisition of additional ROW will not be required.

Proposed Second Ramapo-Rock Tavern Line.

The Proposed Second Ramapo-Rock Tavern Line will be constructed utilizing the existing transmission towers along the ROW between Sugarloaf and Rock Tavern. The proposed work will be done between Sugarloaf and the Rock Tavern Substation within the towns of New Windsor, Hamptonburg, Blooming Grove, and Chester, and at the three affected substations (Ramapo, Sugarloaf and Rock Tavern).

DATE OF FILING

The NYTOs expect to file the Initial Submission Materials with the Commission on or before October 1, 2013. Copies of the Initial Submission Materials will be available for public inspection on the Project website (www.nytransco.com). In addition, copies of the Initial Submission Materials will be available for public inspection at the Department of Public Service Offices in Albany (Office of Central Files, 14th Floor, Three Empire State Plaza, Albany, NY 12223).



712-01

712-01: The following Sierra Club, Atlantic Chapter letter, comments, and map are from the 2010 EIS scoping period and do not reflect the currently proposed CHPE Project as was analyzed in the Draft EIS. The proposed CHPE Project would be a merchant transmission facility that would provide electricity, generated in Canada primarily from hydroelectric and wind sources, to the New York City metropolitan area market. See response to Comment 139-06 regarding a potential converter station in Albany. The other components of this comment letter are noted. As stated in the response to Comment 139-18, these scoping comments were considered during development of the EIS. The comments raised have been either addressed in Section 2.5 of the EIS (Alternatives Analysis) or regard use of conservation, demand management, or other power generation sources; and development of other in-state electric power sources or other transmission lines, which are outside the scope of the EIS.



STERLING FOREST/HIGHLANDS COMMITTEE

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August 2, 2010

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

Attn: Dr. Jerry Pell

UNITED STATES DEPARTMENT OF ENERGY
OE DOCKET NO. PP-362
DOE/EIS - 0447

SCOPING COMMENTS FOR ENVIRONMENTAL IMPACT STATEMENT (EIS)
RE: CHAMPLAIN HUDSON POWER EXPRESS (TRANSMISSION
DEVELOPERS, INC.) APPLICATION FOR A PRESIDENTIAL PERMIT,
AND APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT
ACT FUNDING TO CONSTRUCT AND OPERATE A 1,000 MW
ELECTRIC TRANSMISSION CABLE FROM QUEBEC, CANADA, TO THE
NEW YORK METRO REGION.

Dear Dr. Pell:

The following written comments are to supplement the Sierra Club comments made at the July 13, 2010, Scoping Meeting held in Kingston, NY. This also supplements testimony provided by other Atlantic Chapter representatives of the Sierra Club, a national, state, and local grassroots membership organization committed to protecting the natural and human environment which we share.

OVERVIEW

To be funded with American Recovery and Reinvestment Act subsidies, the Champlain Hudson Power Express transmission project (the Project), was proposed to the US Department of Energy (DOE) on January 27, 2010, as a 420 mile-long submarine power cable from the Hertel Substation in Quebec, Canada, running under Lake Champlain and the Hudson River to the NY Metro region. The cable

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system was to have had the capacity to deliver 2,000 megawatts (MGW) of power to be generated from new, companion wind and hydro sources in Canada which were to be constructed at some future date. At a stated cost of \$3.8 billion, the Project would have been able to transport 1,000 MGW to the NY Metro region, and 1,000 MGW to New England. During July, 2010, the Project surprisingly eliminated the New England component. The Project, thus has been reduced in half.

Two primary reasons are noted in the June 16, 2010, Federal Register for conducting this EIS: 1) the necessity of the Project to obtain a "Presidential Permit" since both the cable and electric power are to cross the international US-Canada border; and, 2) the EIS will also be used to satisfy NEPA requirements regarding the Project's application to obtain American Recovery and Reinvestment Act funding. Eligibility for that subsidy require development of renewable energy sources, and a construction start date commencing by September 30, 2011.

Remarkably, the Project seeks to enter an energy market that already has an oversupply of electricity at a time of contracting economic activity and in a business climate fostering energy efficiency and conservation initiatives that collectively are reducing the demand for existing supply.

The Project development appears to be dependent not on current or projected market conditions, but rather on federal loan guarantees of at least \$1.52 billion pursuant to provisions of the Energy Policy Act of 2005 (EPAct), and pursuant to the American Recovery and Reinvestment Act of 2009 (the Recovery Act, better known as the Federal Economic Stimulus Package...). Those federal subsidies would underwrite at least 80 percent of the Project's cost. Additionally, the Project would be eligible for a plethora of other federal-state-local subsidies and business incentives such as state and county Industrial Development Agency sales tax exemption, property tax abatement, IRS accelerated and bonus depreciation allowances, job creation credits, brown field redevelopment grants, etc... It is possible that the collective public subsidy may equal or even exceed the total cost of the Project, all of which must be detailed in the EIS.

DETERMINATION OF NEED

Before the specifics of the Project are even considered, the EIS must establish the need for such a new source of long-distance power supply to the NY Metro region. NEPA requires a declaration of public need and the taking of a "HARD LOOK" at new proposals as well as at a full range of alternatives and strategies that could also satisfy the Project's stated purpose.

And, New York State regulations require an evaluation of impacts on the use and conservation of energy including a demonstration that the Project will satisfy generating capacity and other electric system needs in a manner consistent with the state energy plan. It does not matter if the proposal is for "green and clean" power, or for "dirty" fossil fuel power. It does not matter if the proposal

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is funded by private investors or if the federal subsidies will fund a proposal with "free money." If there is no need, the "no action" option prevails.

Further, any proposal should serve the transmission/distribution requirements of the power grid which serves the entire state. The Project as proposed, however, will for the most part bypass existing power lines and interconnection possibilities, and will not integrate itself into the existing state-wide grid. New York power producers will effectively be excluded from use of the cable which will not modernize the existing state transmission infrastructure.

New York and New Jersey officials, regulatory agencies, distribution merchants and industry oversight entities like the New York Independent Systems Operator (NYISO), all clearly state that a lack of additional long-distance transmission is not an issue. The critical Metro NY-NJ concern is maintaining and upgrading local and neighborhood transformers and substations and power lines that interconnect with all generation sources.

There are always new demands for more or different sources of supply, especially for retiring and replacing existing power plants. But, there are always solutions anticipating those needs that are being prepared in an ongoing planning cycle of ten or more years out into the future. The state and NY Metro problems involve aging distribution infrastructure which caused the Queens, NYCity power outage crisis during the summer of 2006. No amount of extra, outside supply could have changed those events.

Currently, the Hudson Valley has six major power plants in addition to those in New York City and in North Jersey. They use a mix of gas, oil, coal, hydro and nuclear fuel. Two north-to-south long-distance transmission systems also serve the region. The NYS Power Authority Marcy-South power line from the EDIC/Utica substation to the Rock Tavern substation in Orange County is located west of the Hudson River. The Central Hudson to Con Ed complex from the Albany area to the Bronx is located east of the Hudson. All systems interface with the Metro NY load zone which is also supplied by transmission cables from Connecticut and New Jersey.

Most of the above plants are operating below capacity and have reserves immediately to ramp up production to meet seasonal peak demand. Further, seven proposals in recent years for new generating facilities in Rockland and Orange Counties alone never materialized due to unfavorable market conditions that did not justify the return on investment because of competition from existing sources including Demand Side Management achievements, and because additional supply could not be absorbed by the market.

As late as April, 2010, the NYISO, which manages the supply/reliability of electricity produced and traded among NYS merchants, has stated that there is no existing or anticipated need for additional power in NYS during the next 10-year planning cycle. In fact, the use of electricity in NYS starting in 2008 has dropped significantly. The NYISO has reaffirmed that the top priority in NYS is to modernize

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the local utility distribution systems and the regional grid.

The EIS must evaluate the total consumption patterns within the state and the capacity of all supply sources, especially those that are within the NY Metro region including the following:

- the installation of the Cross Sound cable from New Haven, Ct., to Shoreham, Long Island;

- the installation of the Neptune cable from Sayreville, N.J., to Levittown, Long Island; and,

- the implementation of the State energy plan which promotes efficiency, conservation, improved building codes and decentralized solar and wind net-metering applications.

The EIS must evaluate the supply projects that are nearing approval and construction such as:

- the Cross-Hudson cable from Ridgefield, N.J., to the 49th Street substation in Manhattan which will link Con Ed with the existing NJ PSE&G/PJM power systems in place west of the Hudson River;

- the Transco Gas pipeline extension through North Jersey to lower Manhattan;

- the 1,000 MGW Cricket Valley Power Plant in the Town of Dover, Dutchess County, that will connect directly to the Con Ed transmission line to the Bronx;

- the 630 MGW Competitive Power Ventures Power Plant in the Town of Wawayanda, Orange County, that will connect directly to the Marcy-South power line; and,

- the 63 MGW hydro projects to be generated from existing New York City reservoir spillways in the Catskill Mountains that will connect directly to the Marcy-South power line.

The above generating facilities will use existing transmission infrastructure that will avoid costs for any new transmission line construction.

If there is increased demand and a need for additional supply, many alternatives exist beyond the reflexive response to increase generating capacity. The EIS must evaluate the impacts of the full range of alternatives that would obviate the stated purpose and need for the Project. The EIS must evaluate competing proposals/ technologies; efficiency and conservation initiatives; changing development/construction trends; and, changing economic/consumption conditions.

- The EIS must consider the example of efficiency represented by the Lovett power plant that demonstrates the importance of the NYS priority to modernize the local grid/distribution system.

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During 2007, the Mirant-owned Lovett coal-fired power plant, located on the Hudson River in Rockland County, was under a consent decree to upgrade its emission system. Instead, Lovett petitioned the PSC to be decommissioned. Due to O&R Utility reconstruction of a major substation and local power lines, efficiencies were created which made up for the loss of the Lovett power production. The request was granted by the PSC, the plant has since been demolished, and no new power generation was needed as a replacement for Lovett.

- The EIS must evaluate the full range of Demand-Side-Management (DSM) strategies and technologies ranging from dynamic time-of-day pricing to various digital metering systems within a home that regulate appliance on and off cycles and sequential use, to grid-based, system-wide controls. The radio-controlled thermostats for cooling systems in large buildings that were activated by Con Ed to reduce NYC peak load during the July, 2010 heat wave is a good example of a relatively low-tech, low cost solution.

- The EIS must include the findings of the January 9, 2008, DOE report which shows that implementing the system-wide technology of digital time-of-day temperature and price metering could reduce peak electric loads by up to 15 percent a year and thus save over \$70 billion no longer needed to build new power facilities such as the proposed Champlain Hudson Power Express Project. Such a strategy would simultaneously remedy pollution, climate change emissions, supply concerns, and reduce consumer expenses.

- The EIS must evaluate the unused, available reserve capacity of all power plants supplying the NY Metro region. For example, the Bow Line power plant on the Hudson River is producing minimum power due to low demand and high costs. However, Bow Line can quickly generate its maximum capacity if needed at peak load times.

- The EIS must evaluate the New York City regulations that require the ability to produce 80 percent of peak load from generating facilities located within the City.

- The EIS must evaluate all of the alternate supply, efficiency, and conservation programs conducted by the NYS Energy Research and Development Authority (NYSERDA) which make the Project unnecessary.

- The EIS must examine the impact on reduced power consumption due to state and local improved building construction codes and code enforcement. A recent example was O & R Utilities contracting with Bechtel Corp. to construct three power plants in anticipation of population growth in Orange County, the fastest growing county in the State. The population estimates were correct but the expected energy consumption per household plummeted due to improved building insulation practices. Those power plants, as a consequence, were never built. O & R, however, had to sue in State Supreme Court to have the contracts with Bechtel rescinded.

- The EIS must examine the impact of the Recovery Act's funding weatherization and other energy efficient programs designed to reduce

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and conserve energy which conflict with the Project's application for funding from the same federal economic stimulus source to increase energy consumption.

- The EIS must evaluate the impact of all the solar energy products which are replacing traditional electric generation use and which also reduces the need for new transmission facilities. The Solar Energy Consortium in Kingston, NY, has created over 400 production jobs during 2010 alone. Commercial and residential net-metering programs, solar-thermal hot water systems, solar powered LED street and building lighting have not only produced renewable, "clean" power, but also have removed those sources from the power line, thus making more grid capacity available to other merchants.

- The EIS must evaluate the impact of decentralized, land-based and off-shore wind power which is close to points of consumption, and which uses existing transmission/distribution infrastructure.

- The greatest gain in energy supply in recent years has been through the development of "negawatts," the freeing up of existing power through reduced consumption supported by the State energy plan. The EIS must consider those cost effective outcomes in its full range of alternatives which support the "no action" or "no build" option, and which may demonstrate the Project to be unnecessary.

- One half of the original Project proposal, the 1,000 MGW cable to Bridgeport, CT, intended to supply the New England ISO, was aborted at the last moment due to the lack of need for that power. The EIS must examine the circumstances that caused the Project reduction and determine if those circumstances and lack of need also apply to the New York State portion of the Project.

UNIQUE TRANSMISSION-ONLY FUNCTION

The Project stands apart from traditional power merchants since it provides a specialized long-distance transmission-only function which is separate from but totally dependent on bulk power producers at the cable entry point, and on wholesale utility consumers at the cable exit point. The transmission cable is just like a giant household extension cord with plugs at each end.

The Project does not generate electricity nor does it serve as a utility which distributes electricity to retail customers. It has no control over the sources or the price or the end use of the power to be transported. The Project can take no responsibility for the fuel or methods needed to generate the electricity; for the conduct of the suppliers or of the consumers; for the reliability or need for the electricity; or, for the price of the electricity and tax costs which are passed on to the retail consumer.

The Project function is identical to that of the failed New York Regional Interconnect (NYRI) transmission proposal which was dismissed with prejudice on April 21, 2009, (Case No. 06-T-0650), by the New York State Public Service Commission (PSC). NYRI is the model for this Project with three differences: NYRI was an above-ground power line,

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was located wholly within New York State, and wanted construction costs assessed to ratepayers; while this Project is a submarine/underground cable, is located in both Canada and New York State, and wants construction costs supported by US taxpayers through government subsidies and American Recovery Act guaranteed loans.

Both NYRI and this Project pose classic cases of segmentation within a deregulated energy market for the EIS process. Although treated as a separate entity, the transmission Project is totally dependent upon and cannot exist without production/supply and distribution components. The EIS, therefore, must consider in an equally thorough manner, all components as a single conjoined enterprise.

Further, the EIS must examine how the Project will interface with the regional transmission grid serving the entire state.

PROJECT SEGMENTATION AND RECOVERY ACT FUNDING

Neither the Project's transmission cable nor the Canadian hydro power facilities currently exist. Both are to be constructed when funding is secured. Although legally compartmentalized into transmission and hydro generation components, the Project's transmission function is inseparable from the Lower Churchill Falls dam/artificial impoundment construction and supply function. The financing considerations are equally conjoined. Further, the generation component in Canada may not be finalized without the transmission Project first being approved for American Recovery Act funding.

Since the funding streams for each component may be segregated for accounting purposes, and since each component supports the total funding required to develop the enterprise in common, the EIS should evaluate the cumulative impacts of both transmission and generating components as two steps of the same action, not as disconnected, unrelated actions.

Further, the EIS should evaluate the fungibility of all funding from all public and private sources, and detail how American Recovery Act subsidies will support construction of the underlying generation facilities in Canada, and how those facilities will compete with generating facilities in New York State.

PROJECT HAS NO ABILITY TO PRODUCE "RENEWABLE" ENERGY

The Project has applied for \$1.52 billion in Recovery Act loan guarantees, and states that it will transport the prerequisite renewable wind and/or hydro power into New York from facilities at Lower Churchill Falls, Canada. Those facilities are still to be constructed.

If and when new renewable energy becomes available, that electricity could enter the NYISO market via the existing transmission grid without this Project.

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The proposed "renewable" supply will be transported from Lower Churchill Falls over the existing grid to the Hertel substation for conversion to the DC cable. That same electricity could connect with the New York and New England grids right now without any need for the cable at all.

The construction of the cable, however, would provide an exclusive route for any and all electricity that reached Hertel to be leap-frogged to the NY Metro region which would give that supply a special advantage over renewable and other power produced within NYS.

If the intent really is to promote renewable energy throughout the US and Canadian service areas, then future Canadian renewable energy should enter the US market via the conventional grid shared by all suppliers, and should compete on equal footing with NYS renewable energy producers.

Central to the promotion of the Project is the promise to import "green" renewable energy into the NYISO service area. But as a transmission-only facility, the Project has no ability to create/produce renewable or non-renewable energy, and has no control over the source or quality of the commodity it transports.

Further, the Project has never asserted that it will only transport renewable wind and hydro power over the useable life of the cable. It has not said that it would not transport non-renewable power from coal, nuclear or tar/oil sand sources, or that it may transport from all sources in some combination. It is unlikely that the Project can legally refuse to deliver energy from any source, a circumstance germane to its subsidy application.

The EIS must evaluate the delivery potential of all power from all sources and from all locations for cumulative environmental impact reasons, and for Recovery Act subsidy eligibility reasons.

IS CHURCHILL FALLS HYDRO POWER "RENEWABLE" AND REALLY ELIGIBLE FOR AMERICAN RECOVERY ACT SUBSIDIES?

All hydro power is not the same. "Renewable" hydro power is generally defined as power from free-running rivers such as that from Niagara Falls and the St. Lawrence River.

The Project has stated that the anticipated Hydro power would be from the Lower Churchill Falls project which may not be developed should the Champlain Hudson Power Express cable not first be approved.

Dams at Churchill Falls are yet to be built, and forests are yet to be cut down and flooded. What effect will the loss of forests and habitat have on the wildlife to be displaced, and on a net increase of greenhouse gases? What is the chance that methane and other climate changing chemicals will be introduced into the atmosphere as a result of the proposed flooding?

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The hydro power is to be generated from artificially created impoundments, not from free-running streams. What effect on energy reliability would impoundment-generated power have during high heat, summer drought conditions causing high rates of evaporation and low water flow at the same time New York consumer demand for electricity is the highest?

The EIS must detail the sources and quality of the hydro power that is promised by the Project and evaluate whether or not those Canadian sources are really renewable and eco-friendly, both from an environmental perspective and as a precondition for Federal Recovery Act funding.

EXCLUSIONARY DESIGN AND ANTI-COMPETITIVE NATURE OF THE PROJECT

The Project is a 355 mile-long Direct Current (DC) transmission cable starting at the Hertel substation in Canada, 35 miles north of the Quebec-New York State (NYS) border. The cable runs the entire north-south length of NYS, terminating at a specialized converter station in Yonkers. At that point, the power is transformed from DC back to Alternating Current (AC), and enters the conventional distribution grid.

Transmission-only facilities like that of the Project are to transport power from all suppliers over the same shared line or cable. AC power allows entry/exit hookups throughout the grid. However, this DC cable has no access connections along the 355 mile intervening length, and essentially is a separate DC system from the existing AC grid. Further, the entry point at Hertel appears to be reserved to transport supply only from Lower Churchill Falls if and when that Canadian generation ever comes on line.

Most troubling is the Project design that blocks cable access to competing US/NYS power merchants who are prevented from using the cable to transport electricity generated and distributed within the state. Likewise, state producers are denied the ability to transport and sell NYS generated power via the cable into the Canadian market. The Project effectively is a one-way monopoly that channels trade-protected Canadian power into the high-use but already well-supplied NY Metro market at a disadvantage to NYS merchants.

It appears that the exclusionary design of the Project violates both the purpose of the Recovery Act to support US/NYS enterprise, and the priorities of the NYS energy plan, especially the task to upgrade the existing transmission/distribution grid within the NYISO service area.

The unfair trade advantage given to Canadian power producers by the Project design also is in conflict with DOE policy that requires cross border trade in electric energy between Canada and the USA to follow the same comparable open access and non-discrimination principles that apply to interstate electric transmission within the USA.

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The EIS must evaluate the anti-competitive, monopoly aspects of the Project as they relate to DOE open access and non-discrimination trade policies, and to the related funding requirements of the Recovery Act. Further, the EIS must reconcile the policy contradictions and financial absurdity of Recovery Act funding that will promote competition with the existing grid rather than assist to upgrade that grid; that will give an advantage to imported "renewable" energy at the expense of domestically produced renewables; and, that will underwrite a very expensive transmission cable that NYS energy producers cannot use.

UNREALISTIC MARKET AND PROJECT EXPECTATIONS

The Project's claims defy market realities which demonstrate on a daily basis that a plentiful supply of power exists within the NY Metro region and throughout NYS. It takes no account of the collective actions by power merchants which continue to diminish a need for long-distance and local supplies. It ignores the grid modernization and efficiency priorities of NYISO and the State energy plan. It remains oblivious to a contracting economy and declining trends in overall energy use in NYS. The Project is cost prohibitive and cannot compete with existing merchants who can provide the same or more net electric power through a much lower cost structure. It cannot be constructed and import Canadian electricity without massive US and Canadian public subsidies. It would gain an incredibly unfair business advantage over its US market competitors who do not receive the same government subsidies.

The greatest business threat to new and existing energy merchants, however, is not the result of competition or favoritism among power merchants, or from revolutionary technologies, but from an economy in recession and the related steady reduction in energy consumption across all commercial sectors. Annual statewide use of electricity has declined during the past three years. Even then, seasonal spikes in usage will continue such as that currently being experienced throughout NYS due to the unusually high summer temperatures. NYS has set an all-time monthly record for electric consumption during July, 2010. No adverse delivery or supply problems have been noted, reaffirming the existence of sufficient supply and system capacity.

Not only are jobs and whole industries vanishing from the region, replacement jobs and replacement buildings are anticipated to use far less power than their predecessors. And, the new jobs that are being developed are in the decentralized solar and wind power fields which will further drive down the need for traditional electricity sources and transmission lines.

The lack of need for long distance power surely influenced the Applicant to reduce the Project in half by cancelling the New England segment during July, 2010.

The current economic and financial conditions are just like those faced by the NYRI transmission-only power line project during 2007, 2008, and 2009. NYRI banked on government stimulus subsidies and

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special consideration that totally would have misapplied federal programs for funding. The plan was to protect investors by artfully shifting construction costs from investors to ratepayers via a special surcharge/fee rather than to pay from customary but doubtful revenue. The resulting delivery and total costs to customers would have sky-rocketed. When denied, NYRI's lack of a credible business plan no longer could be masked. Investors refused to risk their own money, and the NYRI transmission project folded.

VIABILITY OF PROJECT AND ABSENCE OF REALISTIC BUSINESS PLAN

The Project states that at a cost of \$1.9 billion, it would be one of the largest energy "investments" in NYS. It would cost twice as much to construct than that of a local power plant that could add the same amount of electricity into the NYISO service area. For instance, the Cricket Valley Power Plant will cost half as much to construct, is located 300 miles closer to the NY Metro region, will produce the same 1,000 MW, and can connect to the existing Con Ed transmission lines at no extra construction cost. Added to the cost of the Project is the uncertain cost and uncertain completion date of the proposed Canadian power supply, as well as the uncertain eligibility of that power as a "renewable" source. The total costs very soon escalate ever upward.

The chicken-and-egg relationship between the transmission Project and the Lower Churchill Falls generating project must be evaluated in the EIS since the cable would not connect to an existing supply source. Is the construction of the cable really a device to justify construction of Canadian dams and artificial impoundments with US subsidies?

The lack of an available, legitimate renewable supply, and a lack of a demand for a new supply from any source at a reasonable price raises doubts about the viability of the Project with or without public subsidies.

It appears that market forces cannot justify this transmission-only Project. Just as with NYRI, private investors are unwilling to risk their own money on this power cable venture. The Project can go forward only with uncritical public incentives and funding. To that end, the Project is seeking fast-track approval for a Presidential Permit and related construction permits. Such authorization, in turn, underlies a second, more significant application for immense loan guarantees by the American Recovery and Reinvestment Act which requires both renewable energy production, and a construction start date by September 30, 2011. The loan guarantees by themselves would cover 80 percent of the Project cost and would expose the US taxpayer to at least \$1.52 billion in Project obligations.

The EIS must evaluate the risk of financial default requiring a US Government financial rescue. Is the Project cost-effective and viable at all in today's market? Will revenue be sufficient and sustainable to cover debt service and operating expenses without additional public

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subsidies? If the Project is sound and such a smart plan, why do the investors need government guaranteed funds at all? What risk and exposure would the investors have in the event of default and bankruptcy?

The EIS must evaluate the total cost of the Project, the total cost of the tandem generating project upon which it depends, and the total public subsidies for which both projects are eligible. The EIS should consider the impact that the failure of either project would have on the other.

Further, the EIS must detail how subsidies awarded to this Project will absorb available finite public resources that will displace and/or delay renewable energy priorities of NYISO and job creation in solar/wind/smart grid programs promoted by the State energy plan.

NEGATIVE GROWTH ACTION ALTERNATIVE

The EIS must evaluate the effect of the economic recession on energy trends and on the transformation of industry and lifestyles that need less, rather than more, energy. With a protracted economic downturn in place, the EIS should add a "negative growth action alternative" as a companion scenario to that of the standard "no action" alternative. Such a scenario would address practical responses requiring system-wide adjustments to an economy having excess capacity and under-utilization of power in general. In fact, on May 14, 2010, the NYS PSC directed all utility companies to prepare austerity plans should the recession linger or even worsen.

An honest public policy reality check must take place throughout the electric power industry and must consider which facilities to close or to consolidate much like the review of unused military bases or of the elimination of excess hospital beds. In the case of this Project, if the required "hard look" is not taken, Recovery Act subsidies may be misallocated and lost while forfeiting the opportunity to fund more worthwhile energy initiatives that are in the public interest.

Respectfully submitted,



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Greenwashed power line on fast track to grab billions in subsidies

by Jürgen Weherle and Caitlin Piskey

A controversial electric power transmission proposal, the Champlain Hudson Power Express (CHPE), is racing toward regulatory approval even though it is unneeded, will undermine genuine renewable energy, and wreak environmental havoc on the Hudson River and virgin Canadian forests.

CHPE is pressing for fast-track approval from the U.S. Department of Energy (DOE) and the NYS Public Service Commission (PSC). If successful, the boondoggle will qualify for \$1.52 billion in U.S. Recovery and Reinvestment Act loan guarantees which require both the transmission of renewable electricity and a construction start date by September.

The project is a 355-mile, 1,000-megawatt, direct current (DC) submarine power cable to begin at the Hertel Substation in Quebec, Canada. The cable is to cross the international border into NYS and will be buried under Lake Champlain and the Hudson River, causing dredging, PCB and other toxic disturbance and environmental damage in its wake.

It would surface in Yonkers at a substation next to a new civic center and the MTA Hudson Line railroad station. That prized location is incompatible with the best use of the critical riverfront redevelopment district, and conflicts with existing efforts that are key to the revitalization of downtown Yonkers.

To be able to receive federal subsidies, the CHPE proposal is being

falsely advertised as a clean, renewable energy source that will transport surplus Quebec wind and hydro power to meet NYS demand and renewable energy targets. Quebec, however, has no surplus green energy to export, and the touted hydro sources do not yet exist. They are to be built in the same environmentally destructive manner as previous James Bay proposals by Hydro Quebec.

Virgin Canadian forest lands must

The project would divert New York wind power to Canada, then import it as 'new' renewable electricity.

first be clear-cut and flooded, and a complex of dams and impoundments is to be constructed at Lower Churchill Falls on the Quebec/Labrador border 1,000 miles away.

Churchill Falls generation and CHPE cable transmission are separate but companion projects mutually dependent on each other and on U.S. subsidies without which neither will be built. If those loan guarantees are approved, U.S. taxpayers will be paying for the devastation of habitat and wildlife in Canada, and for the collateral release of methane and mercury emissions which pollute air, land and water resources on both sides of the border.

Moreover, the proposed hydro-power would be generated from low-

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Greenwashed power line on fast track to grab billions in subsidies

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flow, artificial impoundments, not from high-volume, free-running rivers, and thus does not even qualify as renewable energy pursuant to NYS renewable energy policies.

The CHPE promise to import Canadian wind power into NYS is just as contrived as the James Bay-type hydro boondoggle. The proposal would actually divert Great Lakes and Tug Hill wind power generated in western NYS from the existing state-wide market. It would re-route that power via the existing grid north across the border and east into the Hertel Substation in Quebec, would re-brand that same NYS-originated power as a new source of renewable Canadian electricity, and then would re-import that power south into the NY metro market.

Currently, all wind power produced in NYS is already available to the NY metro region (and to all customers throughout NYS and surrounding states) via a more direct and much shorter route provided by the open access network of the existing grid. What CHPE is proposing is a bait-and-switch scheme to create the illusion of renewability in order to claim eligibility for the coveted federal loan guarantees and other subsidies, such as the Westchester County Industrial Development Agency (IDA) tax exemptions.

Nor only is the CHPE project a glaring example of greenwashing at its best, it satisfies no public need or benefit, defies market conditions, constrains other power merchants, undermines the genuine renewable solar and wind industry which is creating real, permanent jobs in NYS, and conflicts with the state energy plan.

There just is no market demand for additional long-distance power, but should such demand occur, existing plans and the conventional grid can respond and transmit power from Canada or elsewhere without the construction of the CHPE cable.

Paradoxically, a wave of new generation and supply sources is just coming on line at the same time that

overall consumption of power in NYS is declining. In April, 2010, the New York Independent System Operator (NYISO), which manages the supply reliability of electricity produced and traded among NYS merchants, stated that there is no existing or anticipated need for additional power in NYS during the next 10-year planning cycle. In fact, the use of electricity in the state has dropped significantly each year since 2008. As a consequence, the Public Service Commission (PSC) has directed utilities to prepare austerity plans to adjust generating capacity/production accordingly.

While power supply is not an issue, upgrading the delivery system is. The NYISO, PSC and the state energy plan all reaffirm that the top energy priorities are to modernize the local utility infrastructure and the regional grid, to maximize efficiency and to supply genuine renewable sources throughout the distribution system.

The CHPE cable would accomplish none of those objectives. Instead of contributing new interconnections along its 355-mile route and integrating itself with the existing grid as required by industry standards, the cable would bypass and be independent of the grid.

The cable's closed DC design prevents its use by NYS merchants to transport and distribute electricity within NYS, and also from selling into the Canadian market. It is an anti-competitive, one-way monopoly that would channel trade-protected Quebec power into the high-use but already well-supplied NY metro market at a disadvantage to NYS merchants, customers and the environment.

Further, the CHPE cable stands apart from traditional power merchants, since it provides a specialized, long-distance, transmission-only function, just like the failed New York Regional Interconnect (NYRI) power line proposal. It neither generates electricity nor does it serve as a utility which distributes electricity to retail customers. It has no control over the source, the price, or the end-use of the power it would transmit. It

cannot promise or guarantee renewable sources just as it cannot deny dirty fossil fuel or nuclear sources. It is just like a giant household extension cord with plugs only at each end; an entry plug in Quebec and an exit plug in Yonkers, with no access points in between.

Unfortunately, the permit reviews by the Dept. of Energy and PSC are being limited only to the portion of the cable on the NYS side of the border. Inexplicably, studies of the construction and generation contingencies on the Canadian side and their cumulative impacts, which give birth to CHPE, are being omitted.

With no market need and no public economic benefit, the project has little hope of making a profit through actual old-fashioned earnings. CHPE, however, is a high-finance venture—the object is more to capture the subsidies than to provide renewable energy. The hedge funds will not be placing their own money at risk since the billions of dollars in public subsidies provide for an overly generous, government-guaranteed profit—even if CHPE goes bankrupt and even if no electricity is ever transported.

Ultimately, the nation must focus on ways to reduce energy consumption rather than continue to foster exponential consumption to stimulate the economy at a price that cannot be repaid. The best and fastest way to provide clean, renewable, cost-effective energy is to promote on-site solar and wind generation, coupled with assertive demand-side reduction, conservation and energy efficiency measures—not the perverse transmission-only shell game being perpetrated on unwitting U.S. taxpayers by CHPE.

For more information, visit www.AskPSC.com, with links to DOE for details, current status, Atlantic Chapter testimony, and scoping comments (re: Champlain Hudson Power Express - PSC case #10-T0139).

Jürgen Weberte sits on the Chapter's Clean Water and Energy committees. Staffer Caitlin Pichey is the Atlantic Chapter's Conservation Associate.