



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

March 03, 2014

Mr. William Helmer
Champlain Hudson
Power Express Inc. and
CHPE Properties, Inc.
Pieter Schuyler Building
600 Broadway
Albany, NY 12207-2283

Re: F-2010-1162
U.S. Dept. of Energy #: PP-362
U.S. Army Corps of Engineers Application #: 2009-01089-EHA
NYS Public Service Commission Application #: 10-T-0139
Champlain-Hudson Power Express
1,000 megawatt HVDC electric transmission system
from Canada to New York City
**General Concurrence - Modification To
Previously Reviewed Activity**

Dear Mr. Helmer:

The Department of State received your proposed modification of the above-referenced activity by copy of a US Army Corps of Engineer NY District Public Notice dated October 02, 2013. You have stated in correspondence to us dated February 24, 2014 that this modification was due to consultations with the Army Corps of Engineers. The Department previously reviewed the original proposal and conditionally concurred with a consistency certification for it by letter dated June 08, 2011.

The proposed modification involves modifying burial depths of the proposed cable within federal navigation channels from 15 feet below authorized depth to: 8 feet in soft sediments and 6 feet in rock below authorized depth in the Harlem River and 11 feet in soft sediments and 6 feet in rock below authorized depth in the East River.

The Department of State has determined that this modification of the activity previously reviewed by this Department would not result in coastal zone effects that would be substantially different than those originally reviewed by the Department, and that the modified proposal meets the Department's general consistency concurrence criteria. Therefore, further Department of State review of this modification to the previously reviewed activity, and the Department's concurrence with an individual consistency certification for the proposed activity, are not required.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, or other forms of authorization or approval that may be required pursuant to existing State statutes.

Additionally, in your February 24, 2014 correspondence, you have requested an interpretation of our conditional concurrence broadly regarding burial depths and concrete mattress coverings within federally maintained navigation channels to address bedrock or utility crossings.

The Department's conditional concurrence does not provide for burial depth less than 15 feet below authorized depth within federally maintained navigation channels except for those circumstances where you have requested a modification and the Department has determined that it would not result in substantially different coastal effects than those originally reviewed, such as the Department has done above regarding the Harlem and East Rivers. The Department anticipates that these types of modifications may be necessary following site survey and preparation activities and will make itself available to quickly review such modification requests. Regarding concrete mattress coverings, the Department's conditional concurrence recognizes that they may be necessary for utility crossings and bedrock installation but makes no mention of their use in navigation channels. Consequently, in navigation channels, so long as burial depth requirements are otherwise met and the concrete mattresses are used only for utility crossings or bedrock installations, no modification to the project would be necessary, however, if burial depth requirements would not be met, a modification would be required. Again, the Department anticipates that these may be necessary and will make itself available to quickly review these modifications.

When communicating with us regarding this matter, please contact Matthew Maraglio at (518) 474-5290 (e-mail: matthew.maraglio@dos.ny.gov) and refer to our file #F-2010-1162.

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Coastal Management Program

JZ/mm

c: COE/New York District – Jun Yang
DEC/Region 2 – John Cryan
NYS DPS – Steve Blow