



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

December 15, 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 (DOS) has previously reviewed the above-indicated activity and conditionally concurred with the consistency certification on June 08, 2011. Subsequent modifications of the project were submitted to DOS on October 2, 2013. DOS approved of these modifications to the project by a general concurrence letter dated March 3, 2014. The Army Corps of Engineers (USACE), in further discussions with the applicant, revised the transmission line burial depths required for adequate protection of navigational interests in the Hudson River. On December 3, 2014, DOS was notified that further changes had been made to the project following the applicant's discussion with the USACE. On December 9, 2014, DOS received the proposed project modification that incorporated these new requirements.

The currently proposed modifications are as follows:

- Minimum burial depth of 15 feet below the navigation channel's Federal authorized depth within the normally maintenance-dredged reaches of the Hudson River Federal Navigation Channel (FNC) (i.e., those sections of the FNC delineated on current and future NOAA navigation charts);
- Within the reaches of the Hudson River Federal navigation channel which are not normally maintenance-dredged, the required minimum burial depth is 6 feet below the

channel's Federal authorized depth in rock and 11 feet below the channel's Federal authorized channel depth otherwise (Our June 8, 2011 letter requiring 15 feet minimum burial did not address undredged reaches of the channel); and,

- In other waters of the Hudson River, the required minimum burial depth is 7 feet below the existing mud line (Our June 8, 2011 letter stipulated 6 feet).

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

You also indicated in your December 9, 2014 correspondence that the applicant will be preparing a Navigation Risk Assessment to be submitted to the USACE, U.S. Coast Guard, and New York State Public Service Commission. If the preparation of this document results in further modifications to the project, additional federal consistency review of the changes by this Department would be 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.

When communicating with us regarding this matter, please contact Jeff Zappieri at (518) 473-2476 and refer to our file #F-2010-1162.

Sincerely,



Jeffrey Zappieri  
Supervisor, Consistency Review Unit  
Office of Planning and Development

JZ/dc

cc: U.S. DOE – Brian Mills, Senior Planning Advisor  
U.S. Army Corps/ NY District – Jodi M. McDonald, Chief, Regulatory Branch  
OCRM – David Kaiser, Senior Policy Analyst  
TRC – Dr. Sean Murphy, P.E., TRC  
CHPE Inc. – William Helmer Esq. General Counsel  
Hiscock & Barclay, LLP – George Pond, Esq.  
NYS DPS – Steve Blow Esq.  
– Jeffrey Cohen, Deputy for Policy and Legal Affairs  
NYS DEC – William Little Esq.  
– Patricia Desnoyers, Esq.