

HARBOR SAFETY, OPERATIONS AND NAVIGATION COMMITTEE of THE PORT OF NEW YORK and NEW JERSEY

December 13, 2013

U. S. Army Corps of Engineers
New York District
Jacob Javits Federal Building
New York, NY 10278-0090

ATTN: Regulatory Branch

Public Notice Number: NAN-2009-01089-EYA

Dear Sir or Madam,

The mission of The Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey (Harbor Ops) is to “*develop non-regulatory solutions to operational challenges in the Port...*” Its membership is comprised of representatives from throughout the marine community in both states including commercial maritime companies, associations and terminal operators of all types, recreational boating interests, vessel captains and pilots and others interested in safe and efficient multiuse operations within the port.

The majority of the membership of the Harbor Safety, Operations and Navigation Committee of the Port of New York and New Jersey share deep concerns about the proposed in-water route of the high voltage electric transmission cable proposed in the above referenced permit application submitted by Champlain Hudson Power Express (CHPE). Our Energy Subcommittee has been working with CHPE for several years now and, although the membership certainly recognizes the economic need to bring power downstate they are very concerned that the economic value and importance of safe navigation on the Hudson River are being forgotten in the process. The Committee also feels that the currently proposed route leans strongly toward addressing environmental concerns while virtually ignoring navigational concerns. Protecting marine habitat during a relatively short duration construction project seems shortsighted if one considers the potential environmental disaster that could occur should a vessel’s ability to anchor in an emergency be compromised by this cable. One must remember that a majority of cargo being moved by ship and barge on the Hudson River is petroleum. The Hudson is a major artery for the supply of petroleum to upstate New York and New England. The importance of this lifeline seems to have been forgotten by the New York Dept. of Environment Conservation and the planners of this project. We agree, both environmental and navigational constraints need to be addressed, but, compromises must be made.

A great majority of the in-water route of the cable as submitted in the application runs within the deep water portions of the Hudson River that are regularly navigated by a wide range of commercial traffic including ships and tugs and barges, again, most carrying petroleum in some form. The cable doesn’t occasionally cross these navigable areas at right angles but rather parallels the navigable areas over very long stretches of the waterway. Our Energy Subcommittee and a majority of our full membership have great concerns:

- Commercial vessels using the river often times have to anchor unexpectedly due to diminishing weather and visibility, to avoid collision or to avoid running aground in an emergency situation. A cable buried to only six feet below the river bottom in or near the deep water channel of the river is very likely to complicate anchoring. An effort to avoid snagging the cable could potentially result in a serious marine incident.
- We have doubts that the burial and protection strategies being proposed will protect the cable from anchor strikes. The burial depth of six feet (where possible) and plans to simply lay the cable over rock areas of the river bottom are troublesome. We question if articulated mattresses, which are to be used to cover the cable in rock areas, will withstand and protect the cable from an anchor strike and we fear if a vessel does snag the cable there would be likely damage to the cable followed by a major disruption in not only the cable's transmission capabilities but, most importantly, marine traffic.

Members of our Committee, representing marine interests of both the Port of New York and New Jersey and the Hudson River, expended significant time working in good faith on the route with CHPE. They proposed what they believed was an extremely workable cable route that represented a compromise between safe navigation and the supposed environmental impacts of placing the cable in non-navigable portions of the river. Virtually all of their input was ignored. As such, if this route moves forward as designed the Committee must insist that the marine community be held harmless for any disruption of electrical transmission, delay or disruption of commerce or damages to the cable.

The route of this cable must address BOTH environmental and navigational concerns. The Hudson River between New York and Albany has served as a vital transportation system for hundreds of years and is indispensable to the region's economy. Our Committee is confident a route can be found which does not introduce unacceptable levels of risk to maritime navigation while also not doing long-term damage to the environment of the Hudson. The Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey urge the Army Corp to address these navigational concerns before allowing this project to continue.

Very truly yours,

Captain A. W. McGovern
Chairman