

Green Education and Legal Fund

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February 7, 2022

VIA ELECTRONIC MAIL

Honorable Michelle Phillips, Secretary
State of New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

secretary@dps.ny.gov

RE: Case 15-E-0302: Comments of the Green Education and Legal Fund Regarding Proposed Tier 4 Contract Award to the Champlain Hudson Power Express Project

Dear Secretary Phillips:

The Green Education and Legal Fund (GELF) is a 501(c)(3) non-profit membership organization that promotes the key values of ecology, nonviolence, grassroots democracy and social and economic justice. A prime goal is to assist New York State in moving to 100% clean renewable energy and zero emissions as soon as possible, say by 2030. We are active in assisting the state in achieving at least the goals laid out in the new climate law (CLCPA).

I was active as a member of the Capital District Greens in opposing the James Bay Hydro Quebec Project during the administration of Governor Mario Cuomo due to its negative impact upon the ecology and indigenous communities. Many of those same reasons have led us to oppose the Champlain Hudson Power Express (CHPE) project as well.

CHPE project would bring Canadian Hydropower to New York City using a DC cable routed along the Hudson River. While it is essential to build more transmission from upstate New York into New York City, we support a public entity such as NYPA owning the transmission lines in NYS to lower costs for consumers and speed up the development of local renewable energy. We have long supported a major development of Offshore Wind in New York and are relieved that the state has finally if slowly begun to move in that direction. We believe that Off Shore Wind should account for at least 40% of the state's electricity by 2030.

The CHPE project is concerning from an indigenous rights perspective, as several First Nations have requested that US states not contract with Hydro Quebec until it compensates them for harm to their traditional territories and lifeways. It also represents a major ecological disruption to the Hudson River, an important estuarine waterway that seven towns rely on for clean drinking water.

We support the comments provided by Riverkeeper in the proceeding

Riverkeeper's comments detail several fatal flaws with the proposed CHPE project. First and most glaringly, Canadian hydropower is not a low carbon source of energy (due to increased methane emissions) and the project will not directly reduce greenhouse gas emissions. Canadian hydropower also has many other unacceptable consequences that Riverkeeper had detailed. Second, the Hudson should not be used as a conduit for power cables when there are viable land routes that would have less environmental impact.

Hydroelectric facilities created by damming up huge tracts of land and forming reservoirs are a major source of greenhouse gas emissions. Seventy-nine percent of the hydropower reservoir greenhouse gas emissions are methane, a greenhouse gas 86 times more potent than carbon dioxide in accelerating climate change over a decade or two. Methane from hydropower reservoirs accounts for more than 4% of all human-caused climate change. In the first decade after a new hydropower generating facility is built, it can contribute to more greenhouse gas emissions than coal burning through on-going methane releases fueled by microbes feeding on flooded vegetation. This means new hydropower projects will cause a sharp increase in greenhouse gas emissions today as we seek to slow the climate crisis. It would be a tragedy and travesty if New York taxpayers contributed to more greenhouse gas emissions by funding what is supposed to be a clean energy project to reduce climate risks.

Hydropower dams also increase the production of the toxin methylmercury by releasing mercury from vegetation and soils into the water where it enters the food chain. People who consume foods from these river systems are exposed to methyl-mercury. Ninety percent of new and proposed Canadian hydroelectric projects will expose Indigenous communities to methylmercury in their food supply.

Finally, CHPE will prove dangerous to our beloved Hudson River ecosystem which, despite being a Superfund site and being contaminated with PCBs, has been making a comeback these last few decades. As the second largest spawning ground and fish nursery on the East Coast of the United States, the Hudson River Estuary is considered a critically important habitat for a wide variety of species for all or part of their lifecycle. That's why the Hudson River should not be used as a conduit for power cables. Burying the cables 8 feet under the river's surface would stir up PCBs impacting the safety of species who depend on the river as well as New Yorkers who live, wade, picnic, boat and fish along the river, and the 7 communities who get their drinking water from the Hudson River. In addition, magnetic fields caused by buried cables are proven to cause disruption to fish populations. Anchors dropped in an emergency can snag the cable and constantly shifting tides plus increased precipitation events and hurricanes can disrupt or even dislodge the cable causing dangerous situations.

But beyond concerns about the broader project, the contract itself is weak, difficult to enforce, and threatens to undermine the purpose of Tier 4.

- The CHPE contract can't enforce clean energy promises. It both eliminates the Supplier Energy Baseline and is overly flexible about the amount and timing of delivery, which together risk forcing New Yorkers to pay extra for power that would be in our state anyways.
- Under the proposed contract, CHPE/HQUS may not deliver on greenhouse gas emissions reductions. The contract lacks the guardrails needed to ensure region-wide greenhouse gas reductions, by counting energy savings in Quebec and allowing up to eight years' worth of

dirty energy than promised. Without strong standards for these reductions, we cannot be assured that we would meet our targets and avert the worst of climate change.

- The CHPE/HQUS contract ignores the program standards that NYSERDA itself recognized would provide the best benefits to New Yorkers. With no explanation, NYSERDA identified but then declined to consider policy factors - like support of in-state renewables and facilitating shutting down of dirty energy - that would support other in-state transmission projects over the CHPE.

GELF urges you to reject the CHPE proposal as a false solution to the renewable energy goals of NY State and to our goal of reducing NY State's contribution of greenhouse gases to the global climate.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Dunlea". The signature is written in a cursive, flowing style.

Mark A. Dunlea, Esq.
Chairperson
Green Education and Legal Fund