

NEW YORK STATE PUBLIC SERVICE COMMISSION

**Application of Champlain Hudson Power Express, Inc.
for a Certificate of Environmental Compatibility and
Public Need Pursuant to Article VII of the PSL for the
Construction, Operation and Maintenance of a High Voltage
Direct Current Circuit from the Canadian Border to New York City.**

CASE 10-T-0139

**JOINT REPLY BRIEF of
RIVERKEEPER, INC. and SCENIC HUDSON, INC.**

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Dated: Ossining, New York
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September 7, 2012

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A. Introduction and General Considerations

In accordance with the Ruling on Schedule issued in this proceeding on May 8, 2012, this Joint Reply Brief is submitted by Riverkeeper, Inc. (Riverkeeper) and Scenic Hudson, Inc. (Scenic Hudson).

Riverkeeper is a not-for-profit organization whose mission is to protect the ecological integrity of the Hudson River and its tributaries, and to safeguard the drinking water supply of New York City and the lower Hudson Valley. Scenic Hudson is a not-for-profit organization dedicated to preserving the scenic, ecological, recreational, historical, and agricultural treasures of the Hudson River and its valley.

On August 23, 2012 Riverkeeper and Scenic Hudson filed the Joint Initial Brief of Riverkeeper, Inc. and Scenic Hudson, Inc. We take the opportunity with this reply brief to reiterate our support of the Joint Proposal (JP) and belief that the environmental impacts of this project as set forth in the JP represent the minimum adverse environmental impact and have been avoided, minimized, and mitigated to the greatest practicable extent. Specifically, as set forth below, we reiterate our belief that impacts from magnetic fields (EMF) and impacts to aquatic species, including the federally listed endangered Atlantic and shortnose sturgeon, will be minimal and any impacts that may occur will be mitigated through the JP's Environmental Trust.

B. Environmental Impacts

Impact on endangered species

Numerous changes to the project route in the Hudson River including the establishment of "exclusion zones", the construction work windows, and compliance monitoring studies

(including an Atlantic sturgeon Pre-Installation and Post-Energizing Hydrophone study) have all been included in the JP to minimize impacts (if any) to endangered sturgeon species. In addition, future research and habitat enhancement projects pre-approved for funding by the Environmental Trust will lead to a net benefit to the Hudson River environment.

Magnetic Fields

The proposed Certificate Conditions require that the cables be buried in a single trench, with the cables installed vertically on top of one another, which will result in the magnetic field from each pole essentially cancelling the other out, minimizing any magnetic field to the greatest possible extent. The cables will also be buried to a target depth of six feet below the riverbed, further decreasing any potential impact of the magnetic field.

Given the minimal magnetic field generated by the cable aquatic species will not be affected by the cable's operation. Further, species utilize multiple stimuli for migration, not magnetic detection alone, and species are also exposed to other natural alterations in the earth's geomagnetic field such as magnetic anomalies in sediments. As mentioned previously, Pre-Installation and Post-Energizing Atlantic sturgeon hydrophone studies will also be conducted to study and address site specific effects of EMF exposure (if any) to aquatic species (including sturgeon).

C. Conclusion

Riverkeeper and Scenic Hudson reiterate our support of the JP. The administrative record in this proceeding demonstrate that the project represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations including but not limited to, the effect on agricultural lands, wetlands, parklands and river corridors traversed as required by Section

126(1)(c) of the Public Service Law. The project avoids and mitigates environmental impacts to the greatest possible extent and, with the inclusion of the Environmental Trust Fund, the project will result in a net benefit to the Hudson River.

Based on the foregoing, Scenic Hudson and Riverkeeper believe the proposed project should be granted a Certificate of Environmental Compatibility and Public Need.

Respectfully submitted,

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