

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

In the Matter of

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

June 7, 2012

Prepared Testimony of:

ANDREW C. DAVIS
UTILITY SUPERVISOR -
ENVIRONMENTAL
OFFICE OF ENERGY EFFICIENCY &
ENVIRONMENT
State of New York
Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

1 Q. Please state your name and business address.

2 A. My name is Andrew C. Davis. My address is:

3 Three Empire State Plaza

4 Albany, New York 12223.

5 Q. By whom and in what capacity are you employed?

6 A. I am employed by the New York State Department
7 of Public Service, Office of Electricity and the
8 Environment, as Environmental Utility

9 Supervisor. I also serve as the Agency

10 Preservation Officer-Designee (APO) for purposes

11 of coordinating Department consultations with

12 the Office of Parks, Recreation and Historic

13 Preservation (OPRHP) as required by Parks

14 Recreation and Historic Preservation Law §14.09.

15 My education and professional experience are

16 summarized in attached Exhibit___(ACD 1).

17 Q. Please describe your role in this case.

18 A. I reviewed the Champlain-Hudson Power Express

19 Inc. (CHPEI) transmission facility project

20 application and supplemental information,

21 regarding environmental impacts and issues of

22 natural resources, land use, visual and cultural

23 resources, conformance with New York State

1 Coastal Zone policies, and assisted in
2 development of mitigation measures to minimize
3 adverse environmental impacts on those
4 resources. I examined many sections of the
5 proposed facility location in the field. I
6 examined the proposed transmission facility's
7 potential impacts on cultural and heritage
8 resources and coordinated review of historic and
9 archeological resource impacts with the OPRHP.

10 During the period of time when parties were
11 working in settlement discussions I worked
12 extensively on identification and development of
13 facility alternative locations, including the
14 following alternative cable route segments:

- 15 o Lower Lake Champlain upland alternatives -
16 I provided analysis of alternative
17 landfalls to support the use of Route 22
18 highway corridor from Dresden Station To
19 Whitehall;
- 20 o Fort Edward Historic Train Station bypass;
- 21 o Hudson River estuary - Provided analysis
22 for alternative alignments and landfall
23 locations to avoid Significant Coastal

1 Habitats in the Hudson River; developed
2 final settlement routing from Coeymans to
3 Cementon - 30 miles upland vs. in-river
4 through several significant coastal habitat
5 areas - that avoids 3 major dredged
6 crossings of the federal navigation
7 channel; and avoided impacts at NYS and
8 municipal parks in Ulster Co.;

- 9 o Bypass at inactive industrial brownfield
10 site in Haverstraw, Rockland County;
- 11 o Use of NYS Route 9W to avoid siting
12 disturbances in Rockland County at hiking
13 trails at unstable Hudson River waterfront
14 locations at Hook Mountain State Park;
- 15 o Hell Gate bypass - identified significant
16 reduction of aquatic construction impacts
17 by reducing the length of in-river
18 location, and changing 15 miles of in-water
19 route from HVAC design (2 bundles of 3
20 cables each) to HVDC (1 bundle of two
21 cables) with associated change in converter
22 station location; avoided areas under
23 development for hydro-kinetic electric

1 generation in East River at Hell Gate
2 channel.

3 I also developed and provided analysis to
4 support consideration of alternative converter
5 station sites as proposed in the Joint Proposal
6 for Settlement, and discussed in Exhibit 108 -
7 the Comparative Analysis of Converter Station
8 Sites.

9 Further, I participated significantly in
10 the development of several proposed record
11 exhibits, including the following:

- 12 o Exhibit 108 - Comparative Analysis of
- 13 Converter Station Sites;
- 14 o Exhibit 110 - Amendment to Visual
- 15 Assessment Report;
- 16 o Exhibit 121 - Revised Environmental Impacts
- 17 Assessment;
- 18 o JP Appendix C: Proposed Certificate
- 19 Conditions;
- 20 o JP Appendix E: EM&CP Guidelines; and
- 21 o JP Appendix F: Best Management Practices.

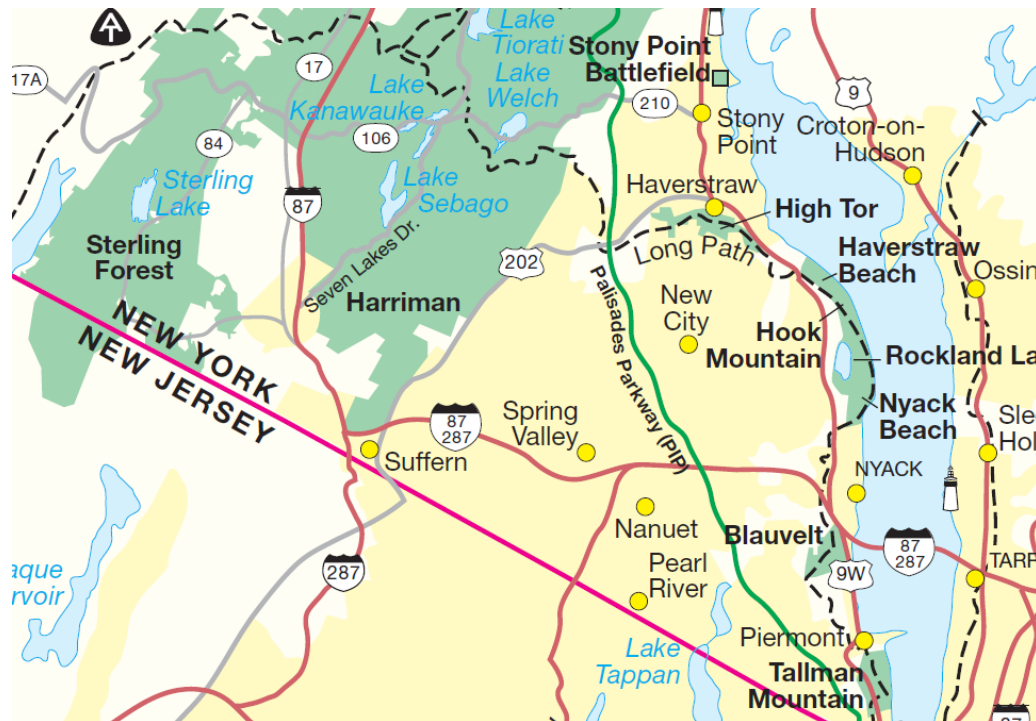
22 Q. Did you attend the Site Inspection held by the

1 Administrative Law Judges on May 1, 2012?

2 A. Yes. During the Site Visit conducted for the
3 Administrative Law Judges on May 1, 2012, in the
4 Rockland County area, the ALJs asked DPS staff
5 about potential for impacts of the facility
6 location on the Long Path (a long-distance
7 hiking trail traversing portions of Rockland
8 County in the general project area). In
9 response, I explained to the judges that the
10 location of the Long Path had been considered in
11 earlier development of the West Hudson Railroad
12 alternative, but that the Long Path, like other
13 long-distance hiking trails, was historically
14 subject to ongoing location adjustments as
15 easements were finalized or as temporary
16 arrangements expired. I offered to provide a
17 factual report in testimony supporting the
18 proposed settlement agreement, and the ALJs
19 indicated that this was appropriate.

20 An earlier published location of the Long
21 Path showed the Long Path as aligned along NYS
22 Route 9W through parts of Nyack, and continuing
23 north to a point south of Rockland Lake; from

1 there, the Long Path entered the Rockland Lake
2 State Park and proceeded with an ascent of Hook
3 Mountain and then proceeded north along the
4 ridge of the Palisades formation; and then
5 descending to NYS Route 9W (The Long Path Guide,
6 Fifth Edition, 2002, New York-New Jersey Trail
7 Conference, editor Herb Chong). More recent
8 mapping at the Palisades Parks Conservancy
9 website confirms that this alignment has been
10 maintained to present as shown below:



11
12 (Long Path and State Parks location mapping source:

1 Palisades Parks Conservancy website (May 23, 2012)
2 [http://a1.exhibit-](http://a1.exhibit-e.com/sites/palisades/img/palisades_parkland.pdf)
3 [e.com/sites/palisades/img/palisades_parkland.pdf](http://a1.exhibit-e.com/sites/palisades/img/palisades_parkland.pdf))

4 This alignment of the Long Path hiking
5 trail crosses over the proposed CHPEI facility
6 alignment at two locations where the CHPEI
7 cables will be installed via trenchless
8 technology method known as Horizontal
9 Directional Drilling (HDD) at crossings of the
10 Rockland Lake State Park, at Mileposts 301.5 (DZ
11 Sheet 536 of 568) and MP 302.6 (Sheet 541 of
12 568). The proposed facility location will thus
13 have no direct impact on the use or enjoyment of
14 the Long Path hiking trail, since the use of HDD
15 installation will result in no surface
16 disturbance within the State Parks as the cable
17 path will be drilled beneath the land surface
18 from outside the Parks. I note that Exhibit
19 121, the Environmental Impacts Report dated
20 February 7, 2012, mistakenly refers to this
21 trail as the Long Trail. The Long Trail is
22 actually another long distance overland hiking
23 trail that is located in the Green Mountains in

1 the State of Vermont and is not located near the
2 proposed CHPEI facility route.

3 This trenchless cable installation method
4 will also be used at many locations along the
5 length of the upland portions of the facility
6 route to avoid disturbance of identified surface
7 locations, including the State Parks and the
8 Stony Point State Historic Site, also in
9 Rockland County.

10 Q. Are there other locations where recreational
11 resource concerns affected facility location or
12 design considerations?

13 A. Yes. In general, the facility will avoid direct
14 impacts on recreational resources including
15 parks, trails and bikeways. There may be
16 temporary impacts on designated bicycle routes
17 located on roadway locations during facility
18 construction, including designated NYS Bicycle
19 Route 9 where that long-distance touring route
20 is located along NYS Route 22 in Washington
21 County from Dresden Station south to Whitehall
22 Village (NYS DOT, *New York State Bicycle Route*
23 *9*, undated map by Applied Geographics, Inc., for

1 NYS DOT). Detailed facility location mapping of
2 this area is at Appendix B Deviation Zone Maps,
3 sheets 1 through 44); and for approximately 2400
4 feet at NYS Route 9W in Clarkstown, Rockland
5 County (See Appendix B Deviation Zone maps,
6 sheets 537 through 541). At these locations,
7 the facility will be located at roadside
8 alignments where facility construction activity
9 may temporarily affect traffic flow. Use of
10 traffic control mitigation measures and other
11 controls including measures identified in the
12 Best Management Practices document (Joint
13 Proposal Appendix F) will minimize impacts on
14 these roadways including their recreational use
15 as bicycle routes.

16 At one area in Washington County, there is
17 potential to enhance a recreational use by
18 development of the facility ROW as a multi-use
19 recreation way - the Champlain Canalway Trail.
20 In analyzing the proposed facility location in
21 the Washington County Towns of Whitehall and
22 Fort Ann, I recognized an opportunity for
23 potential co-location and trail creation by

1 shifting alignment of the transmission cable ROW
2 away from track-side location within property of
3 D&H Railroad - CP Rail. This area is depicted
4 on the facility location alignment sheets and
5 within the allowable Deviation Zone as defined
6 in the Joint Proposal (JP). The figures
7 indicating this area -- approximate project
8 Milepost 112.5 to 116.8 - are at Appendix B,
9 Facility Location, Deviation Zone Maps, Sheets
10 46 through 73. The old Champlain Canal crosses
11 CP Rail at MP 116.8 (Sheets 64 and 71 of 568).
12 South of this intersection, an existing
13 snowmobile trail runs parallel to the CP Rail
14 tracks for approximately 2000 feet to Ryder Road
15 near Milepost 117.2 (see Deviation Zone mapping
16 at Sheets 71-73 of 568).

17 As discussed in the Revised Environmental
18 Impacts Assessment (Exhibit 121), at pages 73-74,
19 the expanded Deviation Zone for the CHPEI
20 facility in this area provides an opportunity for
21 co-location of the underground HVDC cables with
22 the proposed Champlain Canalway Trail as a shared
23 use path along the old Champlain Canal towpath.

1 The Facility design could readily accommodate
2 installing the cables along the proposed route of
3 the Champlain Canalway Trail within the Town of
4 Whitehall so that post-construction restoration
5 activities accommodate off-road bicycle,
6 pedestrian and snowmobile uses, although the
7 decision to pursue this option would need to
8 occur later during detailed facility design and
9 right-of-way easement negotiations. There have
10 been public expressions of support for this
11 concept and this routing variation in particular,
12 as evidenced by letters submitted to the Public
13 Service Commission by the New York State
14 Snowmobile Association (September 20, 2010, DMM
15 Item Number 91 {4B5094E5-11FB-47DC-87A6-
16 E12CED01719E}); the Washington County Association
17 of Snowmobile Clubs (October 12, 2011, DMM Item
18 Number 269 {412FB87A-8B82-4D64-8E74-
19 8F14884D0C69}); and the Washington County Board
20 of Supervisors (October 26, 2011, PSC DMM
21 document Item Number 270 {AF32C401-6A41-4F0C-
22 BBE8-77D6C24E4982}).

1 Q. On the May 1, 2012 site visit, did you also
2 inspect the proposed Astoria Converter Station
3 Site?

4 A. Yes. The Astoria Converter Station Site on
5 property owned by Consolidated Edison
6 (ConEdison) northe of 20th Avenue in Astoria,
7 Queens was the first official stop on the ALJ's
8 May 1, 2012 site tour. The tour bus entered the
9 ConEdison property via the main entrance
10 opposite 31st Street, followed secondary access
11 roads and stopped at the northeasterly portion
12 of the proposed Converter Station Site. From
13 there, the tour group disembarked from the bus
14 and observed the site from the paved area
15 adjoining the Converter Station Site. I was
16 interested in walking over the southerly portion
17 of the site to review the conditions of the
18 forested area there and further assess site
19 suitability. Despite warnings from the site
20 manager about reports of feral cats and dogs in
21 the area, I proceeded.

22 My observations of the site and the
23 immediately adjoining area are as follows. Site

1 vegetation is predominantly species associated
2 with urban areas and areas of prior site
3 disturbance and includes many common species
4 including poplar, willow, red pine, red cedar,
5 black cherry and poison ivy; non-native or
6 invasive species, such as Norway maple, honey-
7 locust, tree-of-heaven (*Ailanthus*), white
8 mulberry, multi-flora rose, common reed
9 (*Phragmites*), *Artemisia*, garlic mustard and
10 orchard-grass. The only wildlife species I
11 observed was one Canada goose flying over
12 Luyster Creek.

13 The site is fairly level, with a small rise
14 at the southern end of the site where an area of
15 debris dumping appears to have occurred
16 historically in the past, and more recently
17 small amounts of wood chips have been dumped in
18 the forest. The shoreline area along Luyster
19 Creek easterly of the site is partly bulk-headed
20 with sheet piling. The site affords good
21 accessibility with wide, level access roads and
22 nearby waterfront. There are overhead electric
23 transmission lines along the northerly edge of

1 the site that connect to the Astoria Energy
2 generating facility located on the opposite side
3 of Luyster Creek.

4 Q. Was this the first time you had visited this
5 area?

6 A. It was the first time I walked over the Astoria
7 Converter Station Site, but I have been to the
8 proposed Champlain-Hudson Power Express
9 interconnection point at the Astoria Annex
10 substation on a prior site inspection for this
11 project. Previously, I have been on the
12 ConEdison property and adjoining NYPA, NRG,
13 Astoria Energy Associates and Astoria Generating
14 properties on several occasions in the past as
15 part of review of proposed generating facilities
16 and associated transmission facility siting
17 reviews as well as construction inspections at
18 NYPA Poletti Repowering project.

19 Q. Have you ever been to other High Voltage DC-AC
20 converter station sites?

21 A. Yes, I have been to the Neptune Regional
22 Transmission System HV DC-AC converter station
23 located in North Hempstead, Long Island on

1 several occasions prior to and during
2 construction, as well as during operation of
3 that facility. I also reviewed the TransEnergie
4 DC-AC converter station located in Brookhaven,
5 Long Island as part of siting review prior to
6 its construction.

7 Q. Based on current site conditions, what is your
8 conclusion regarding suitability of the Astoria
9 Converter Station Site?

10 A. I have not observed anything that suggests the
11 site is not suitable for the proposed Astoria
12 Converter Station.

13 Q. In conclusion, do you recommend adoption of the
14 Joint Proposal and supporting documents?

15 A. Yes, I do.

16 Q. Does this conclude your pre-filed direct
17 testimony?

18 A. Yes, it does.