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Brian Vahey  
Senior Manager – Atlantic Region

May 17, 2016

RADM Linda Fagan  
Commander, First Coast Guard District  
408 Atlantic Avenue  
Boston, MA 02110

RE: Proposal to Construct the Champlain  
Hudson Power Express Transmission  
System

Dear RADM Fagan:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry's 4,000 tugboats and towboats and more than 27,000 barges safely and efficiently move more than 800 million tons of cargo each year, including more than 80 percent of New England's home heating oil, 60 percent of U.S. export grain, and significant bulk commodities on the Hudson River. AWO members also include harbor service providers, who literally guide America's critical commerce into and out of port.

AWO appreciates the opportunities it has had over the last three years to listen to and comment on the proposal to construct the Champlain Hudson Power Express (CHPE) cable route transmission system. We have approached this construction proposal from the perspective of an organization that is committed to being a leader in marine safety, security, and environmental stewardship. We are committed to working with government partners to advance these shared objectives. AWO's Responsible Carrier Program, the safety management system with which all AWO members must comply as a condition of association membership, highlights AWO member commitment to continuous safety and environmental protection. AWO is committed to the goal of zero harm from our industry's operations – to human life, to the environment, and to property.

It is from the perspective of an organization that cares deeply about safety that we must once again express our concern over the risks associated with the proposed CHPE project. Last year, the U.S. Army Corps of Engineers granted CHPE a permit allowing the power cable to be buried at a minimum of 7 feet within the Hudson River's federal navigation channel. AWO's concerns with this project have been two-fold: first, that the Corps has permitted

CHPE to site a cable in or near the middle of a deepwater channel (as opposed to running the cable perpendicularly across the channel, as is customary); and second, that the permit authorizes CHPE to bury the cable at less than the minimum of 15 feet that AWO and navigation stakeholders have requested.

AWO's position has been and continues to be that if the cable is going to be placed within the navigable channel, then it must be buried at a minimum of 15 feet. As we have stated in our letters to the Corps in 2013, 2014, and 2015, the nature of this project poses a meaningful risk to safe and efficient navigation because it complicates the deployment of anchors. Anchors have long been a principal tool of safe maritime operations and perform many functions for vessels, including anchoring, docking, and assisting in emergency maneuvers. Commercial vessels using the river often have to anchor unexpectedly due to diminishing visibility, the onset of inclement weather, or to avoid a collision, allision, or grounding. These incidents can occur anywhere on the river at any time. The presence of a cable running down the middle or very close to the middle of the channel will greatly complicate these maneuvers.

The importance of establishing the cable burial depth at 15 feet in the navigable channel has been repeatedly stressed by pilots, masters, and vessel owners. The depth was supported by Dr. Malcolm Sharples in 2011, based in part on surveys he conducted with the above-noted waterways users, and was an important data point that the Corps considered when it granted its Initial Proffered Permit requiring a 15-foot burial depth in January 2015. While Dr. Sharples later amended his remarks, he clarified that 15 feet of burial depth was still appropriate "in areas where large ocean-going vessels are regularly dropping anchor..." or "harbour[s] where a high density of traffic might require a vessel to turn quickly." As AWO stated in comments to the Corps last year, we believe both of those conditions apply to the Hudson River. Oceangoing vessels, including oceangoing tugboats and barges, navigate frequently on the Hudson. Similar to large ships, these oceangoing tugboats and barges carry large anchors capable of penetrating many feet into the riverbed. A cable buried less than 15 feet deep could become snagged and compromise the effectiveness of an oceangoing tugboat and barge anchor, threatening the safety of the vessel.

In recent years, the size and number of commercial ships and large oceangoing tugboats and barges on the Hudson River has greatly increased as the Port of Albany has become a hub for refined and crude petroleum products. The waterway is only 400 feet wide at certain points and must accommodate a wide and growing range of commercial and recreational vessels. In addition, the river experiences quickly setting fog and other inclement weather that can require vessels to anchor at any point along the river. Many vessels transiting the Hudson River during winter conditions navigate only during daylight hours and will deploy an anchor at sunset. The high traffic volume, frequent inclement weather, and daylight hour restrictions mean that much of the Hudson River has historically operated as an anchorage. Indeed, Coast Guard District 1 is currently in the process of developing a proposed rulemaking to establish additional anchorages on the Hudson River, recognizing the safety value they provide. In short, we believe that Dr. Sharples' recommendations – when read with a full understanding of traffic and operating conditions on the Hudson – *support* the industry's arguments for a minimum 15 feet burial depth.

RADM Linda Fagan

May 17, 2016

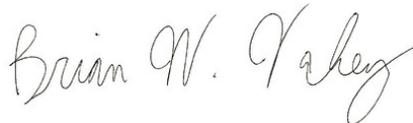
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The Navigation Risk Assessment (NRA) that CHPE submitted to the Corps and the Coast Guard in March claims that the probability of anchor strikes along most of the proposed cable route is miniscule at its proposed depth of 7 feet. Yet anchor strikes are not unprecedented on the Hudson. The research supporting the NRA has numerous gaps. Intertek, CHPE's international consulting firm, failed to collect potentially important evidence to supplement their findings. For example, the probability of anchor strikes was calculated in part using AIS traffic information, but AIS data for tugboats does not account for the size of barges in tow. Accounting for both the size of the tugboat and the barge could greatly increase the size of the vessel's AIS footprint and change the probability of an anchor strike. Additionally, Intertek has made no effort to review Coast Guard casualty reports, which could include additional anecdotal information on anchor strikes, nor have they spoken with entities that own cables *currently* placed perpendicularly to the navigation channel. Intertek's probability calculations are also informed in large part on anchoring practices in waterways in Europe and on the North American west coast, which are not indicative of the unique operating conditions on the Hudson.

Given the concerns of the navigation industry and the gaps in the NRA, AWO urges the Coast Guard to support safety by requiring a minimum of 15 feet of burial depth.

Thank you again for the opportunity to comment. We stand by to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Brian W. Vahey". The signature is written in dark ink and is positioned above the typed name and title.

Brian W. Vahey  
Senior Manager – Atlantic Region