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Brian W. Vahey
Vice President – Atlantic Region

March 4, 2024

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
3 Empire State Plaza, Albany, NY 12223

Re: Application for the Construction,
Operation, and Maintenance of the
Champlain Hudson Power Express
Inc. Cable

Dear Ms. Phillips,

The American Waterways Operators (AWO) is the tugboat, towboat and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry is the largest segment of the nation's 40,000-vessel domestic maritime fleet and moves 665 million tons of cargo each year safely and efficiently. On behalf of AWO's more than 300 member companies, we appreciate the opportunity to comment on the Champlain Hudson Power Express Inc. (CHPE) application for construction, operation, and maintenance of a high voltage cable along the Hudson River.

AWO has and continues to approach the CHPE project from the perspective of an organization that is committed to leadership in marine safety, security, and environmental stewardship. We are committed to working in partnership with government to advance the shared objective of zero harm from our industry's operations, to human life, to the environment, and to property.

Our concerns with the CHPE cable project have been twofold: 1) the U.S. Army Corps of Engineers (Corps) has permitted CHPE to site a cable in navigable waters parallel to the channel, as opposed to running the cable perpendicularly across the channel, as is customary and 2) the permit authorizes CHPE to bury the cable at less than the minimum of 15 feet that navigation stakeholders have requested numerous times. Without addressing both concerns, the possibility of an anchor strike that will create a safety issue is increased.

In 2011, Dr. Malcolm Sharples, an executive consultant on offshore projects with over 45 years of experience, recommended 15 feet as a minimum burial depth based in part on surveys he conducted with waterways users. His study was an important data point that the Corps

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considered when it granted its Initial Proffered Permit in 2015 requiring a 15-foot burial depth. While Dr. Sharples later amended his recommendations, 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 8 years ago, we believe both of those conditions apply to the CHPE cable project.

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. 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 and crew.

AWO will continue to stress the necessity of a 15-foot burial depth and horizontal crossing for submarine cables to prevent unnecessary, dangerous, and costly incidents. The safety of our mariners, vessels and their cargo is vital to the U.S. economy and supply chain and cannot be compromised. For these reasons AWO recommends the New York Public Service Commission deny CHPE’s petition for a certificate amendment to allow for the burial of cables at an unsafe 9 feet, below the federally designated depth.

Thank you 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 ink is dark and the signature is fluid and legible.

Brian Vahey

Vice President – Atlantic Region