

# *Dutchess County Legislature*

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February 7, 2022

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

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

Re: Tier 4 Renewable Energy Credits for the Champlain Hudson Power Express

Dear Governor Hochul and Secretary Phillips,

We, the undersigned of the Dutchess County Legislature - who care deeply about the Hudson River, climate, and environmental justice - urge you to reject the awarding of Tier 4 renewable energy credits for the Champlain Hudson Power Express.

We support the goal of delivering clean energy to New York City. But we urge you to reserve these valuable credits for alternative transmission projects that avoid burying cable in the Hudson, support New York businesses, spare any harm to Indigenous or other populations, and rely on well-sited wind and solar power combined with appropriate storage - not Canadian hydropower.

Dams and reservoirs are a major source of greenhouse gas emissions driving climate change. With a 25-year contract, CHPE would undermine, rather than support, New York's Climate Leadership and Community Protection Act, requiring zero-emission electricity by 2040. And the river and communities would pay a heavy price. This is unacceptable to us.

As you know, the Champlain Hudson Power Express (CHPE) would bring power from massive hydroelectric dams in eastern Canada that have a long, devastating history of destroying rivers and damaging Indigenous communities, threatening their way of life. Other proposals submitted during the Tier 4 solicitation, by contrast, proposed transmitting wind or solar power from within New York State, generating jobs and revenue here rather than Canada. Some would use existing rights of way, such as rail or highway routes, instead of the river. Some would use the river, but for fewer miles than CHPE.

The Honorable Kathy Hochul, Governor  
The Honorable Michelle L. Phillips, Secretary  
Page 2  
February 7, 2022

We do not want New York's clean energy incentives to support the CHPE project.

Some of our key concerns are:

- CHPE would undermine, rather than support, New York's climate act requiring zero-emission electricity by 2040. Canadian hydropower is not emissions free; Hydro-Quebec's dammed reservoirs emit large amounts of carbon dioxide. Given that the contract term for the CHPE project is 25 years, the proposed CHPE project would operate beyond 2040. Approving a Tier 4 contract would therefore violate the zero-emission requirement of PSL § 66-p, which originated from the CLCPA. On these grounds alone, the Public Service Commission should reject this contract.

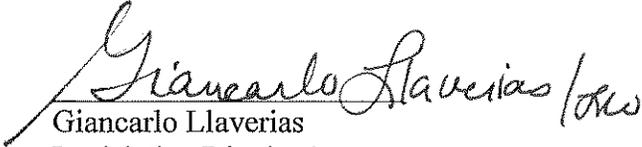
- Land in Eastern Canada was taken without consent for dam building. When land is flooded to create reservoirs, microbes convert naturally occurring mercury in soils into methylmercury, a toxin that bioaccumulates in fish. This poisons the food web. "Hydro-Quebec's claims to offer green energy to American consumers, while making billions of dollars in profits at the expense of the Indigenous peoples whose ancestral lands it exploits," the Grand Chief of Innu Nation and Chiefs of the Innu-Atikamekw-Anishinabek wrote in letters to the Canadian Prime Minister.

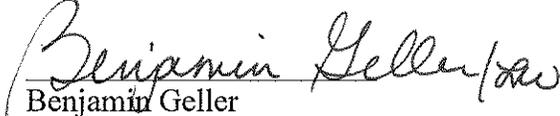
- "Jet plows" installing the CHPE cable in the Hudson would tear up habitat in a river trying to recover from centuries of damage. One potential danger, from CHPE or any other project routed through the riverbed of the Hudson, is the mobilization of legacy industrial contaminants like PCBs that remain in river sediment and contaminate fish. Churning up contaminants could pose additional risk of PCB exposure and not just through fish. The Hudson is used as a drinking water source for seven communities in the mid-Hudson region. These "Hudson 7" communities wrote to the state Public Service Commission about their concern that sediments contaminated by PCBs and other pollutants would be churned up near their drinking water intakes and urged that the cable be routed away from the area, on land instead of in the river.

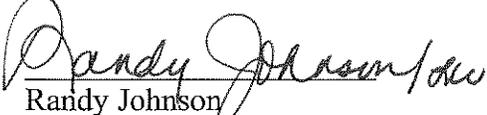
- The transmission cables, once installed, would generate magnetic fields that could interfere with fish behavior and their ability to navigate home to the Hudson to spawn. Many fish, especially migratory species, have evolved highly refined sensory abilities to detect EMFs essential to find prey, detect predators and find mates. Studies have shown that human-caused EMFs may interfere with the ability of fish to orient themselves and navigate, and that they interfere with the foraging behavior of sturgeon, the icon of the estuary and an endangered species. By supporting the CHPE project, New York State would be allowing an uncontrolled experiment on the Hudson River and its endangered species.

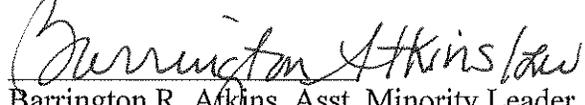
For all of these reasons, we urge you to reject the proposed Tier 4 contract award to the Champlain Hudson Power Express project.

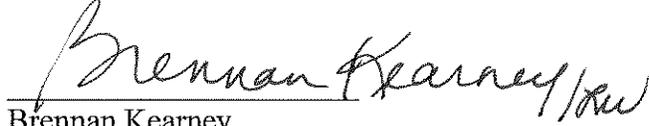
Sincerely,

  
Giancarlo Llaverias  
Legislative District 1

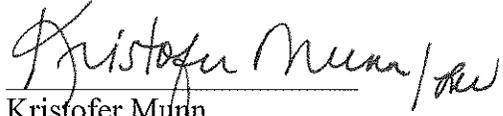
  
Benjamin Geller  
Legislative District 4

  
Randy Johnson  
Legislative District 9

  
Barrington R. Atkins, Asst. Minority Leader  
Legislative District 10

  
Brennan Kearney  
Legislative District 11

  
Yvette Valdés Smith, Minority Leader  
Legislative District 16

  
Kristofer Munn  
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