



An Inter-municipal Watershed Protection Committee of the County of Nassau, the Towns of North Hempstead and Oyster Bay, the City of Glen Cove, and the Villages of Sea Cliff, Roslyn Harbor, Roslyn, Flower Hill and Sands Point
"Alone we can do so little; together we can do so much." - Helen Keller

July 3, 2026

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

*Re: Case 24-T-0446 — Petition of New York Transco LLC and New York Power Authority for a Certificate of Environmental Compatibility and Public Need
Hempstead Harbor Protection Committee Statement of Non-Support for the Joint Proposal in its Current Form as it Relates to Hempstead Harbor*

Dear Secretary Phillips:

On behalf of the nine municipal members of the Hempstead Harbor Protection Committee ("HHPC"), I submit this public comment regarding the Joint Proposal filed in the above-referenced proceeding for the Propel NY Energy Project. For the reasons set forth below, HHPC cannot support approval of the Joint Proposal in its current form as it relates to the proposed cable crossings of Hempstead Harbor because the Joint Proposal does not appear to adequately address and incorporate the harbor-specific protections previously requested by HHPC to mitigate the Project's potential impacts on Hempstead Harbor.

HHPC is an intermunicipal organization whose members include Nassau County, the Town of North Hempstead, the Town of Oyster Bay, the City of Glen Cove, the Village of Sea Cliff, the Village of Roslyn Harbor, the Village of Roslyn, the Village of Flower Hill, and the Village of Sands Point. Over the past 31 years, our member municipalities have worked together with community partners, academia, scientists, and others to restore, protect, and improve Hempstead Harbor. Through those efforts, Hempstead Harbor has experienced significant environmental restoration, including improved water quality, shellfish restoration, habitat protection, and renewed public use of the Harbor including a beach re-opened last month after 17 years of closure.

HHPC does not take a position on energy policy generally or on aspects of the Project outside the scope of HHPC's mission. As Long Island's first intermunicipal watershed organization, HHPC was created specifically to protect and improve the water quality of Hempstead Harbor. HHPC carries out that mission through planning studies, capital improvement projects, educational outreach, reviewing water quality data, information and technology sharing, development of model ordinances, coordination of enforcement, and collaboration with governmental agencies as well as environmental, educational, community, and business groups. Consistent with that mission, these comments are focused on the proposed harbor crossing and whether the Joint Proposal, as currently drafted, provides clear, enforceable, harbor-specific protections sufficient to ensure that decades of restoration progress are not placed at risk.

HHPC previously submitted written comments and testified in public in this proceeding identifying specific concerns and requested protections relating to the proposed submarine cable installation through Hempstead Harbor. Those requests included, among other things, protections relating to sediment disturbance, turbidity controls, construction methods, jet-plow speed and pressure, protection of shellfish resources, real-time turbidity

monitoring, use of turbidity curtains where appropriate, timing restrictions, post-construction surveys, restoration obligations, and coordination regarding municipal interests in lands under water.

These concerns are not new. HHPC raised them early in the review process so that they could be addressed before any final approval, yet the Joint Proposal still leaves some of these matters unresolved or deferred to later phases.

After reviewing the Joint Proposal and proposed Certificate Conditions, HHPC remains concerned that the harbor-specific issues previously raised have not been fully or meaningfully resolved. Although the Joint Proposal addresses some of our concerns, others fell short of what is needed or were deferred to later permitting, the Environmental Management and Construction Plan (EM&CP), or construction-planning phases rather than incorporated now as clear, enforceable Harbor-specific conditions of approval.

Hempstead Harbor is not merely a construction corridor. It is a restored and actively used public waterbody that supports shellfish resources, recreational boating and fishing, commercial and municipal activity, waterfront access, ecological habitat, and decades of public investment. By the end of July 2026, HHPC and the Coalition to Save Hempstead Harbor (CSHH) will have planted over 2 million oysters in the Harbor as part of a major restoration effort. Many of these restoration areas are located close enough to the proposed construction corridor that sediment disturbance, turbidity, and post-construction bottom conditions must be treated as direct Certificate-level concerns. We strongly feel that any project involving trenching, jet plowing, seabed disturbance, sediment suspension, and submarine cable installation in the Harbor must be subject to meaningful, enforceable protections before construction proceeds; that any necessary restoration activities be conducted as soon as possible following construction; and that these should be included as conditions of the proposed Certificate.

Based on those conditions, here is our analysis showing our prior recommendations, how they are addressed in the Joint Proposal, any deficiencies therein, and our recommendations on how to address them:

SAFEGUARDS DURING CONSTRUCTION:

Operation of Jet Plow / Cable Vessel Speed

Our Previous Requests – 1) conduct real-time monitoring of turbidity; 2) operate cable-laying vessel at the lowest possible speed to reduce turbidity; 3) operate jet plow at lowest possible pressure for the same reason; and 4) establish an immediate project shutdown trigger if turbidity thresholds are exceeded.

Joint Proposal provisions – Condition 176 requires real-time monitoring of turbidity but there are no requirements regarding cable-laying vessel speed or jet plow pressure. Condition 176 requires water quality monitoring and Condition 177 requires a Suspended Sediment and Water Quality Monitoring Plan. Condition 190 requires a Jet Trencher Trial Plan as part of that plan and that it be submitted as part of the EM&CP. Under the Condition, Total Suspended Solids (TSS) shall not cause visible contrast to natural conditions and that they do not exceed 100 mg/l over background levels at the edge of the 500' wide "mixing zone" (construction area) down current from the construction area through project mile point 6-4.3 (by Powerhouse Drain). Condition 189 states that if there are exceedances, they shall immediately notify the Aquatic Environmental Monitor, the New York State Public Service Commission (PSC), and New York State Department of Environmental Conservation (DEC) and immediately take practicable corrective actions (such as operational modifications) and if these don't work, develop a Corrective Action Plan and submit it to PSC and DEC within 24 hours and cease such activity unless approved otherwise by PSC in consultation with DEC. Condition 191 establishes a process that "reasonable operational controls" that "may be employed" if the jet plow operation results in excess total suspended solids "that would not materially delay the progress of work".

Deficiencies – there are no mandatory or specific requirements regarding cable-laying vessel speed or jet plow pressure to be at the lowest possible speeds to minimize turbidity.

Recommendations – a Condition should be added to require the cable-laying vessel and the jet plow pressure to be operated at the lowest practical speeds to minimize turbidity levels and require an immediate suspension of the activity causing a turbidity/TSS exceedance until compliance is restored.

Installing Turbidity Curtains and Protection of Shellfish

Our Previous Request – install turbidity curtains around oyster beds to prevent sedimentation.

Joint Proposal provisions – turbidity curtains are not addressed. Condition 74.d. addresses the protection of shellfish but only hard clams and only for commercial purposes.

Deficiencies – There is no discussion of protecting oysters or any shellfish for environmental restoration purposes. By the end of July, 2026 over 2 million oysters will have been planted since 2024 in Hempstead Harbor for environmental restoration purposes. These need to be protected.

Recommendations – Condition 74.d needs to be broadened to include all types of shellfish and to include protection of shellfish for environmental restoration purposes and should require the installation of turbidity curtains around shellfish beds within Hempstead Harbor.

Timing of Construction

Our Previous Request – that the construction periods be limited to Fall and Winter so as not to interfere with recreational boating, bathing at area beaches, and to protect shellfish beds.

Joint Proposal provisions – Construction periods are subject to the following time restrictions:

- Condition 74.c.i. - winter flounder – no construction between December 15 and May 31;
- Condition 74.d.i. - hard clams – no construction between June 1 and July 31;
- Condition 73.b - dredging and seabed disturbance between December 15 and September 15 unless authorized by PSC and state agencies.

Putting these together leaves a window between September 16 to December 15 for construction activity.

Deficiencies – while there is no discussion regarding time limits to protect boaters, bathers, or oysters, these times generally overlap with the referred restricted dates.

Recommendations – HHPC does not request additional seasonal restrictions at this time, provided that the existing construction windows are strictly enforced.

RESTORATION FOLLOWING INSTALLATION:

Replicating HHPC / Town of Oyster Bay Shellfish Density Survey / Benthic Analysis

Our Previous Request – the Certificate Holder should replicate the Hempstead Harbor Protection Committee's and Town of Oyster Bay's shellfish density and benthic surveys of the entire harbor immediately following construction

to provide the best “before and after” comparison to facilitate restoration plans if necessary. Note that the Town of Oyster Bay plans to repeat this survey just prior to construction.

Joint Proposal provisions – NY Transco had conducted a benthic survey in 2024 in the area of the proposed cable trenches. Conditions 133 and 134 require a Benthic Sampling Plan be conducted between August 1 and October 31 prior to construction. It would consist of samples every 1,000 feet. These 37 stations are the same locations sampled in 2024. The survey includes 3 samples of macrofauna at each location which would presumably include shellfish. Following construction, two benthic sampling surveys would also be performed within 24 months of the project’s full energization (also between August 1 and October 31) and reported to various agencies including DEC within 6 months of completion.

Deficiencies – The sampling program required under the Joint Proposal differs from the scope of the Hempstead Harbor Protection Committee’s and Town of Oyster Bay’s sampling in that it does not cover the entire harbor - only portions of the construction area. As a result, potentially impacted areas such as oyster reefs and potential future shellfish planting areas would not be assessed for impact by the project. Also, because of the timing of the post-construction sampling and reporting, we may need to wait until 2-1/2 years or more following construction before knowing the impact and then determining any necessary remediation. This is unacceptable and counter-productive to the goal of restoring the harbor to its prior conditions.

Recommendations - Because sensitive environmental areas may be outside of the sampling area described and yet still be adversely impacted, and to provide an accurate assessment, Conditions 133 and 134 should require that the entire harbor should be sampled using the methodology of the Hempstead Harbor Protection Committee’s and Town of Oyster Bay’s studies or provide the funding for these to be performed. In addition, the surveys required following construction should be conducted within 30 days of the energizing the cables.

Replacing Affected Shellfish

Our Previous Request – if oyster and/or clam populations are adversely impacted, these populations should be restored as soon as possible with the equivalent species, number, and size.

Joint Proposal provisions – none.

Deficiencies – there is no mention of restoring impacted shellfish.

Recommendations – a Condition should be added to require a plan to replace all adversely impacted shellfish as soon as possible with the equivalent species, number, and size.

Restoring Underwater Habitats

Our Previous Requests – 1) if bottom sediments are adversely impacted (such as a hard or sandy bottom conducive to oyster growth being covered with silt or sediment), these underwater lands should be restored to their former conditions; and 2) a restoration contingency plan be submitted and approved prior to construction.

Joint Proposal provisions – none.

Deficiencies – there is no mention of restoring bottom lands.

Recommendations – a Condition should be added to require a restoration contingency plan that would require restoration of underwater lands to their previous conditions as quickly as possible so that shellfish and other restoration efforts can be continued.

HHPC understands that additional details may be developed during the EM&CP process. However, we are concerned that waiting until the EM&CP stage to address core harbor protections leaves too much uncertainty after the principal approval decision has already been made. Consistent with our mission, we fully intend to participate and comment when the harbor-related EM&CP materials are made available, but the need for future EM&CP review does not eliminate the need for clear, enforceable, harbor-specific conditions now.

While our individual member municipalities may have additional concerns or objections regarding other impacts of the Project, this correspondence is limited to HHPC's shared concerns relating directly to Hempstead Harbor. Nothing in this letter should be construed as limiting, waiving, or superseding the right of any member municipality to separately raise additional concerns, objections, requests, or positions regarding the Project.

For these reasons, HHPC cannot support the Joint Proposal in its current form as it relates to Hempstead Harbor. The Commission should not approve the Joint Proposal for the Hempstead Harbor crossing unless the Certificate includes clear, enforceable, harbor-specific conditions addressing turbidity controls, jet-plow and vessel operation, shellfish protection, post-construction benthic and shellfish surveys, prompt restoration of impacted shellfish resources, and restoration of affected underwater lands.

HHPC understands that additional technical details may be developed during the EM&CP process. However, the EM&CP process should not be used as a substitute for certificate level protections on issues that are already known, already documented, and directly tied to the potential impacts that this project would have on Hempstead Harbor. Once the Certificate is granted, the principal approval decisions will have been made. The protections necessary to avoid, minimize, monitor, and mitigate impacts would have on Hempstead Harbor should therefore be established now as enforceable conditions of approval.

Hempstead Harbor's restoration has taken decades of municipal cooperation, public investment, scientific work, and community commitment. That progress should not be placed at risk by a Joint Proposal that leaves essential harbor protections uncertain, deferred, or incomplete.

Respectfully submitted,



Eric Swenson
Executive Director
Hempstead Harbor Protection Committee