



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186
March 9, 2016

Operations Division
Regulatory Branch
2013-1434

Brian Mills,
NECPL EIS NEPA Document Manager,
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
1000 Independence Avenue, SW,
Washington, DC 20585

Dear Mr. Mills:

I refer to your correspondence on March 1, 2016 requesting the U.S. Army Corps of Engineers (Corps) participate as a cooperating agency in the development of the ITC Lake Erie Connector Transmission Line Environmental Assessment (DOE/EA-2019), pursuant to the National Environmental Policy Act (NEPA). The project proposes to construct, operate, maintain, and connect a high-voltage direct current (HVDC) transmission line across the U.S.-Canada border. The HVDC line would extend south from the U.S.-Canada international border buried under the bottom of Lake Erie for approximately 35.4 miles, a 7 mile terrestrial portion, and a proposed 6 acre Erie Converter Station where an approximately 0.6 mile HVAC line would connect to the existing Penelec Erie West Substation in Erie County Pennsylvania.

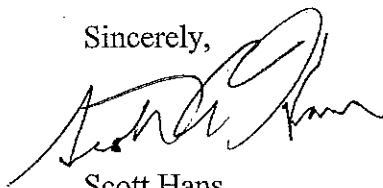
As you know, the Corps' authority to regulate waters of the United States is based, in part, on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (CWA) requires that a Department of the Army permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act (RHA) of 1899 requires that a Department of the Army permit be obtained for any work in, on, over or under a navigable water.

Based on the project description, the Corps anticipates the proposed project will require authorization under our Section 404 CWA and Section 10 RHA authorities. Given we will likely have regulatory authority over a portion of the proposed work, pursuant to Council on Environmental Quality (CEQ) guidance, we would like to participate as a cooperating agency for the preparation of this EA.

The Corps may need additional information in order to determine the scope of our review for this project. To date, we have participated in pre-application meetings and received a permit application for the proposed project on February 22, 2016.

I would like to designate Mr. Michael Fodse as the Corps point-of-contact for this project. You can reach Mr. Michael Fodse at (412)395-7575 or email Michael.M.Fodse@usace.army.mil. We look forward to working with the U.S. Department of Energy as a cooperating agency for the EA.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hans", written in a cursive style.

Scott Hans
Regulatory Branch Chief