

August 13, 2009

**VIA ELECTRONIC FILING**

Hon. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street N.E.  
Washington, DC 20426

Re: Project No. 13287-000 – City of New York West of Hudson Hydroelectric Project –  
Notification of Intent to File an Original License Application, Pre-Application  
Document, and Application to Use the Traditional Licensing Process

Dear Secretary Bose:

On September 15, 2008, the City of New York (“City”), acting through the New York City Department of Environmental Protection (“NYCDEP”), filed an application for a preliminary permit for its proposed West of Hudson Hydroelectric Project (“Project”). The Project involves the development of hydroelectric facilities on four of the dams and reservoirs that comprise a portion of its water supply system. By Order issued March 20, 2009, the Federal Energy Regulatory Commission (“Commission”) issued a Preliminary Permit to the City, thereby facilitating its ability to proceed with its data collection, studies, and evaluation of the Project.<sup>1</sup>

In accordance with that Order and the Commission’s regulations, the City hereby commences the pre-filing process by filing its Notification of Intent (“NOI”) and Pre-Application Document (“PAD”) for the Project. As directed by the Order,<sup>2</sup> and pursuant to Section 5.3 of the Commission’s regulations, 18 CFR § 5.3, the City is concurrently, but under separate cover, seeking approval to use the Traditional Licensing Process (“TLP”) for this Project.

In accordance with Section 5.5 of the Commission’s regulations, 18 CFR § 5.5, the NYCDEP is simultaneously distributing copies of the NOI, PAD, and request to use the TLP

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<sup>1</sup> *City of New York and Delaware County Electric Cooperative*, 126 FERC ¶ 62,215 (2009).

<sup>2</sup> *Id.* at P 16.

Hon. Kimberly D. Bose

August 13, 2009

Page 2

to relevant federal and state resource agencies, Indian tribes, non-governmental organizations, and other potentially interested parties. The NYCDEP has also published notice of these filings in the following newspapers that are in general circulation in the Project region:

- The Times-Herald Record, Middletown, NY
- Daily Freeman, Kingston, NY
- Press & Sun Bulletin, Binghamton, NY
- Oneonta Daily Star, Oneonta, NY
- Mountain Eagle, Stamford, NY

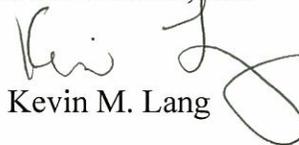
If there are any questions or comments regarding the NOI, PAD, or any information provided by the City, please contact either of the following:

Anthony J. Fiore  
Director of Planning & Sustainability  
59-17 Junction Boulevard, 19<sup>th</sup> Floor  
Flushing, NY 11373-5108  
Tel: 718-595-6576  
Email: [AFiore@dep.nyc.gov](mailto:AFiore@dep.nyc.gov)

Kevin M Lang, Esq.  
Couch White, LLP  
540 Broadway  
P.O. Box 22222  
Albany, NY 12201  
Tel: 518-320-3421  
Email: [klang@couchwhite.com](mailto:klang@couchwhite.com)

Respectfully submitted,

COUCH WHITE, LLP

  
Kevin M. Lang

KML/glm

Enclosures

cc: Distribution List  
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Anthony Fiore, P.E.  
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Linda Geary, Esq.  
Thomas Sullivan, P.E. (Gomez and Sullivan)  
Mark Wamser, P.E. (Gomez and Sullivan)

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

City of New York West of        )  
Hudson Hydroelectric Project    )

Project No. 13287-000

**NOTIFICATION OF INTENT  
TO FILE AN APPLICATION FOR ORIGINAL LICENSE  
FOR THE WEST OF HUDSON HYDROELECTRIC PROJECT**

The City of New York, a municipal corporation, hereby notifies the Federal Energy Regulatory Commission (“Commission”) of its intention to file an application for an original license for Project No. 13287-000 – West of Hudson Hydroelectric Project (“Project”). Pursuant to Section 5.5(b) of the Commission’s regulations, 18 CFR § 5.5(b), the City of New York provides the following information:

(1) Applicant’s Name and Address:

City of New York, acting through  
New York City Department of Environmental Protection  
59-17 Junction Blvd.  
Flushing, N.Y. 11373-5108  
Attn: Acting Commissioner Steve W. Lawitts

(2) Project Number:

Project No. 13287-000

(3) License Expiration Date:

Not Applicable

(4) Statement of Intent:

The City of New York states that it intends to file an Application for an Original License for the Project.

(5) Principal Project Works to be Licensed:

The Project would consist of the following developments:

*(i) Schoharie Development*

(1) the existing 2,273-foot-long, 183-foot-high mixed earthen and Cyclopean masonry Gilboa Dam; (2) an existing reservoir having a surface area of 1,150 acres, a storage capacity of 58,800 acre-feet, and a normal water surface elevation of 1,130 feet above mean sea level (“msl”); (3) a 120-inch-diameter penstock trifurcating into three 72-inch penstocks feeding three turbines; (4) a powerhouse containing three new generating units having a total installed capacity of 12.9 megawatts (“MW”); (5) a tailrace; (6) a switchyard and electric interconnection facilities; and (7) appurtenant facilities. The Schoharie Development would have an estimated average annual generation of 23.5 gigawatt-hours (“GWh”).

*(ii) Cannonsville Development*

(1) the existing 2,800-foot-long, 175-foot-high earthen Cannonsville Dam; (2) an existing reservoir having a surface area of 4,800 acres, a storage capacity of 300,000 acre-feet, and a normal water surface elevation of 1,150 feet above msl; (3) a 78-inch-diameter penstock bifurcating to a 36-inch- pipe feeding one turbine, a 72-inch-diameter pipe feeding a second turbine and a proposed 102-inch-diameter penstock bifurcating to two 72-inch-diameter pipes serving two additional turbines (total of four turbines); (4) a powerhouse containing four new generating units having a total installed capacity of 12.1 MW; (5) a tailrace; (6) a switchyard and 750-foot long, 46 kV electric transmission line; and (7) appurtenant facilities. The Cannonsville Development would have an estimated average annual generation of 25.46 GWh.

*Pepacton Development*

(1) the existing 2,450-foot-long, 204-foot-high earthen Downsville Dam; (2) an existing reservoir having a surface area of 5,700 acres, a storage capacity of 441,000 acre-feet, and a normal water surface elevation of 1,280 feet above msl; (3) a 5.5-foot diameter, 90-foot long supply tunnel; (4) a powerhouse containing two new generating units having a total installed capacity of 3.1 MW; (5) a tailrace; (6) a switchyard and electric interconnection facilities; and (7) appurtenant facilities. The Pepacton Development would have an estimated average annual generation of 9.04 GWh.

*Neversink Development*

(1) the existing 2,830-foot-long, 195-foot-high earthen Neversink Dam; (2) an existing reservoir having a surface area of 1,477.8 acres, a storage capacity of 112,000 acre-feet, and a normal water surface elevation of 1,440 feet above msl; (3) a seven-foot diameter, 700-foot long penstock; (4) a powerhouse containing two new generating units having a total installed capacity of 1.65

MW; (5) a tailrace; (6) a switchyard and electric interconnection facilities; and (7) appurtenant facilities. The Neversink Development would have an estimated average annual generation of 7.79 GWh.

(6) Location of Project:

State: New York  
Counties: Schoharie, Delaware, Sullivan, and Greene  
Townships: Gilboa, Deposit, Colchester, and Neversink  
Streams: Schoharie Creek, West Branch Delaware River, East Branch Delaware River, and Neversink River

(7) Installed Plant Capacity (Subject to change pending further evaluation):

Schoharie:	12.9 MW
Cannonsville:	12.1 MW
Pepacton:	3.1 MW
Neversink:	1.65 MW

(8)(i) The names and mailing addresses of every county in which any part of the Project is located, and in which any Federal facility that is used by the Project is located are:

*Delaware County*  
Hon. James E. Eisel, Sr.  
Chairman, Board of Supervisors  
111 Main Street  
Delhi, NY 13753

*Schoharie County*  
Hon. Earl Van Wormer III  
Chairman, Board of Supervisors  
County Office Building  
284 Main Street  
Schoharie, NY 12157

*Sullivan County*  
Hon. David P. Fanslau  
County Manager  
100 North Street  
PO Box 5012  
Monticello, NY 12701

*Greene County*  
Hon. Daniel Frank  
Interim County Administrator  
411 Main Street, 4th Floor  
PO Box 467  
Catskill, NY 12414

- (8)(ii)(A) The names and mailing addresses of every city, town, or similar political subdivision in which any part of the Project is or to be located and any Federal facility that is or is to be used by the Project:

Schoharie Development:

*Town of Conesville*  
Hon. Donald Brandow  
Town Supervisor  
1306 State Route 990V  
Gilboa, NY 12076

*Town of Gilboa*  
Hon. Anthony Van Glad  
Town Supervisor  
373 State Route 990V  
Gilboa, NY 12076

*Town of Prattsville*  
Hon. Kory O'Hara  
Town Supervisor  
14517 Main Street  
Prattsville, NY 12468

*Town of Roxbury*  
Hon. Thomas S. Hynes  
Town Supervisor  
53690 State Hwy 30  
PO Box 189  
Roxbury, NY 12474

Cannonsville Development:

*Town of Deposit*  
Hon. Stanley E. Woodford  
Town Supervisor  
3 Elm Street  
Deposit, NY 13754

*Town of Walton*  
Hon. John W. Meredith  
Town Supervisor  
129 North Street  
Walton, NY 13856-1217

*Town of Tompkins*  
Hon. William Layton  
Town Supervisor  
148 Bridge Street  
PO Box 139  
Trout Creek, NY 13847

Pepacton Development:

*Town of Colchester*  
Hon. Robert A. Homovich  
Town Supervisor  
72 Tannery Road  
PO Box 321  
Downsville, NY 13755

*Town of Andes*  
Hon. Martin A. Donnelly  
Town Supervisor  
580 Main Street  
Andes, NY 13731

*Town of Middletown*  
Hon. Leonard Utter  
Town Supervisor  
42339 State Hwy 28  
PO Box 577  
Margaretville, NY 12455

Neversink Development:

*Town of Neversink*  
Hon. Greg J. Goldstein  
Town Supervisor  
273 Main Street  
PO Box 307  
Grahamsville, NY 12740

- (8)(ii)(B) The names and mailing addresses of every city, town, or similar local political subdivision that has a population of 5,000 (based on 2000 census data) or more people and is located within 15 miles of the Project dams are:

*Town of Fallsburg*  
Hon. Steven Levine  
Town Supervisor  
19 Railroad Plaza South  
Fallsburg, NY 12779

*Town of Walton*  
Hon. John W. Meredith  
Town Supervisor  
129 North Street  
Walton, NY 13856-1217

*Town of Liberty*  
Hon. John E. Schmidt  
Town Supervisor  
120 North Main Street  
Liberty, NY 12754

*Town of Wawarsing*  
Hon. Edward Jennings  
Town Supervisor  
108 Canal Street  
PO Box 671  
Ellenville, NY 12428

*Town of Rochester*  
Hon. Carl Chipman  
Town Supervisor  
50 Scenic Road  
PO Box 65  
Accord, NY 12404

*Town of Andes*  
Hon. Martin A. Donnelly  
Town Supervisor  
580 Main Street  
Andes, NY 13731

*Town of Thompson*  
Hon. Anthony P. Cellini  
Town Supervisor  
4052 Route 42  
Monticello, NY 12701

*Town of Deposit*  
Hon. Stanley E. Woodford  
Town Supervisor  
3 Elm Street  
Deposit, NY 13754

*Town of Conesville*  
Hon. Donald Brandow  
Town Supervisor  
1306 State Route 990V  
Gilboa, NY 12076

*Town of Middletown*  
Hon. Leonard Utter  
Town Supervisor  
42339 State Hwy 28  
PO Box 577  
Margaretville, NY 12455

*Town of Gilboa*  
Hon. Anthony Van Glad  
Town Supervisor  
373 State Route 990V  
Gilboa, NY 12076

*Town of Colchester*  
Hon. Robert A.  
Homovich  
Town Supervisor  
72 Tannery Road  
PO Box 321  
Downsville, NY 13755

*Town of Neversink*  
Hon. Greg J. Goldstein  
Town Supervisor  
273 Main Street  
PO Box 307  
Grahamsville, NY 12740

*Town of Prattsville*  
Hon. Kory O'Hara  
Town Supervisor  
14517 Main Street  
Prattsville, NY 12468

*Town of Roxbury*  
Hon. Thomas S. Hynes  
Town Supervisor  
53690 State Hwy 30  
PO Box 189  
Roxbury, NY 12474

*Town of Tompkins*  
Hon. William Layton  
Town Supervisor  
148 Bridge Street  
PO Box 139  
Trout Creek, NY 13847

*Town of Ashland*  
Hon. Richard E. Tompkins  
Town Supervisor  
Route 23  
PO Box 14  
Ashland, NY 12407

*Town of Bethel*  
Hon. Daniel Sturm  
Town Supervisor  
3454 Route 55  
PO Box 300  
White Lake, NY 12786

*Town of Blenheim*  
Hon. Robert H. Mann, Jr.  
Town Supervisor  
2123 State Route 30  
North Blenheim, NY 12131

*Town of Bovina*  
Hon. Tina B. Mole  
Town Supervisor  
Bovina Center, NY 13740

*Town of Broome*  
Hon. Marie Campbell  
Town Supervisor  
PO Box 969  
Middleburgh, NY 12122

*Town of Delhi*  
Hon. Peter J. Bracci  
Town Supervisor  
5 Elm Street  
Delhi, NY 13753

*Town of Masonville*  
Hon. Craig Dumond  
Town Supervisor  
Route 206  
Masonville, NY 13804

*Town of Denning*  
Hon. Bill Bruning  
Town Supervisor  
PO Box 277  
Claryville, NY 12725

*Town of Rensselaerville*  
Hon. Jost Nickelsburg  
Town Supervisor  
87 Barger Road  
Rensselaerville, NY 12120

*Town of Franklin*  
Hon. Donald M. Smith  
Town Supervisor  
12480 County Highway  
21  
Franklin, NY 13775

*Town of Rockland*  
Hon. Stanley J. Martin  
Town Supervisor  
95 Main Street  
PO Box 964  
Livingston Manor, NY 12758

*Town of Hamden*  
Hon. Wayne Marshfield  
Town Supervisor  
6754 Basin Clove Road  
Hamden, NY 13782

*Town of Shandaken*  
Hon. Peter DiSclafani  
Town Supervisor  
PO Box 134  
Allaben, NY 12480

*Town of Hardenburgh*  
Hon. Jerry Fairbairn  
Town Supervisor  
51 Rider Hollow Road  
Arkville, NY 12406

*Town of Sidney*  
Hon. Joseph A. Maddelone  
Town Supervisor  
Civic Center  
21 Liberty Street  
Sidney, NY 13838

*Town of Harpersfield*  
Hon. James E. Eisel  
Town Supervisor  
25399 State Highway 23  
Harpersfield, NY 13786

*Town of Stamford*  
Hon. Michael Triolo  
Town Supervisor  
188 Main Street  
PO Box M  
Hobart, NY 13788

*Town of Jefferson*  
Hon. Richard Kuhn  
Town Supervisor  
162 Allen Road  
Jefferson, NY 12093

*Town of Windham*  
Hon. Thomas P. Meehan, Jr.  
Town Supervisor  
PO Box 96  
Hensonville, NY 12439

- (8)(iii) The names and mailing addresses of every irrigation district, drainage district, or similar special purpose political subdivision (a) in which any part of the Project is located, and any Federal facility that is or is proposed to be used by the Project is located, or (b) that owns, operates, maintains, or uses any Project facility or any Federal facility that is or is proposed to be used by the Project:

There are no irrigation districts, drainage districts, or other similar special political subdivisions in the area where the Project would be located nor would any irrigation districts, drainage districts, or other similar special political subdivisions own, operate or maintain any proposed Project facilities. The proposed Project will not use any Federal facilities.

- (8)(iv) The names and mailing addresses of any other political subdivision in the general area of the Project for which there is reason to believe it would be likely interested in or affected by the notification:

There are no such other political subdivisions in the general area of the Project, but a portion of it will be located within the Catskill State Park, which is administered by the New York State Department of Environmental Conservation.

New York State Department of Environmental Conservation  
Forest Preserve Management  
625 Broadway, 5th Floor  
Albany, NY 12233

- (8)(v) The names and mailing addresses of potentially affected Indian tribes:

*Cayuga Indian Nation*  
Vernon Isaac, Chief  
P.O. Box 11  
Versailles, NY 14168-0011

*Oneida Indian Nation*  
Mr. Raymond Halbritter  
5218 Patrick Road  
Verona, NY 13478

Mr. Brian Patterson  
P.O. Box 1  
Route 5  
Vernon, NY 13476

Mr. Jesse Bergevin  
Historic Resources  
Specialist  
1256 Union Street  
P.O. Box 662  
Oneida, NY 13421-0662

*Onondaga Nation*  
Leon Shenandoah, Sr., Head  
Chief  
RR 1, Box 270A  
Nedrow, NY 13120

Mr. Anthony Gonyea  
Onondaga Nation Historic  
Preservation Office  
716 East Washington Street  
Suite 104  
Syracuse, NY 13210-1502

*St. Regis Band of Mohawk  
Indians*

Norman Tarbell, Chief  
Akwasasne Community  
Building  
Route 37  
Hogansburg, NY 13655

Mr. Arnold L. Printup  
Tribal Historic Preservation  
Officer  
412 State Route 37  
Akwasasne, NY 13655

*Seneca Nation of Indians*

Dennis Bowen, Sr.,  
President  
P.O. Box 231  
Salamanca, NY 14779

Ms. Kathleen Mitchell  
Tribal Historic Preservation  
Officer  
467 Center Street  
Salamanca, NY 14779

*Stockbridge-Munsee  
Band of Mohican Indians*  
Robert Chicks, President  
Stockbridge-Munsee  
Community  
N8476 Moh-He-Con-Nuck  
Road  
PO Box 70  
Bowler, WI 54416

Ms. Sherry White  
Tribal Historic Preservation  
Officer  
W13447 Camp 14 Road  
P.O. Box 70  
Bowler, WI 54416

*Tonawanda Band of  
Senecas*

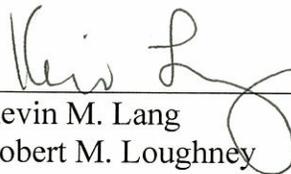
Bernie Parker, Chief  
7027 Meadville Road  
Basom, NY 14013

*Tuscarora Nation*

Arnold Hewitt, Chief  
5616 Walmore Road  
Lewiston, NY 14092

In the event there are any questions regarding this notification, or if the Commission requires any additional information, please contact the undersigned.

Respectfully submitted,



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Counsel to the City of New York and New  
York City Department of Environmental  
Protection

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served, via first-class mail, the foregoing Notification of Intent to File an Application for Original License for the West of Hudson Hydroelectric Project upon each person designated for service on the distribution list set forth in Appendix E of the Pre-Application Document for the City of New York West of Hudson Hydroelectric Project compiled in accordance with the requirements of 18 C.F.R §§ 5.5(c) and 5.6(a).

Dated at Albany, New York, this 13<sup>th</sup> day of August, 2009.



Gloria L. Mack