

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

**DRAFT APPLICATION FOR NEW LICENSE FOR MAJOR PROJECT -
EXISTING DAM**

**DRAFT LICENSE APPLICATION –
INITIAL STATEMENT**

Prepared by: ***Kleinschmidt***

December 2021

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**VISCHER FERRY HYDROELECTRIC PROJECT
RELICENSING**

FERC NO. 4679



**NY Power
Authority**

INITIAL STATEMENT

Pursuant to 18 C.F.R. Section 4.51(a)

Before the Federal Energy Regulatory Commission

Application for New License Major Water Power Project – Existing Dam

VISCHER FERRY HYDROELECTRIC PROJECT

FERC Project No. 4679

1. Applicant Name

The Power Authority of the State of New York (Power Authority) applies to the Federal Energy Regulatory Commission (FERC or Commission) for a new license for the Vischer Ferry Hydroelectric Project (Project), an existing licensed major project as described in the attached exhibits. The Project is licensed as FERC Project No. 4679. The current license for the Project was issued on June 26, 1984 and this license expires on May 31, 2024.

2. The Location of the Project is:

State	New York
County	Saratoga, Schenectady
Township, City or Nearby Town	Clifton Park, Niskayuna, Schenectady
Stream or Other Body of Water	Mohawk River

3. The exact name and business address of the Applicant are:

Power Authority of the State of New York
30 South Pearl Street
Albany, NY 12207-3425

The exact name and business address of each person authorized to act as agent for the Applicant are:

Robert Daly
New York Power Authority
123 Main Street
White Plains, NY 10601
Telephone: (914) 681-6564
Email: Robert.Daly@nypa.gov

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New York Power Authority
123 Main Street
White Plains, NY 10601
Telephone: (914) 390-8070
Email: Susan.Watson@nypa.gov

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Troutman Pepper Hamilton Sanders, LLP
401 9th Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 274-2850
Email: Charles.Sensiba@troutman.com

4. The exact name and business address of the Applicant are:

The Applicant is a corporate municipal instrumentality, a body corporate and political subdivision of the State of New York, exercising governmental and public power. As such, the Applicant is a municipality within the meaning of Section 3(7) of the Federal Power Act (FPA) and is claiming the status of an existing licensee under Section 15 of the FPA.

5. (i) The statutory or regulatory requirements of the State of New York, in which the project is located that affect the project as proposed, with respect to bed and banks and the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, are:

- (1) Applicant is a corporate municipal instrumentality of the State of New York organized under Title I of Article 5 of the Public Authorities Law of the State of New York (Power Authority Act). It derives from that law the authority to engage in the development, transmission, and distribution of power, to use water for power purposes, and to conduct any other business necessary to accomplish the purposes of the license under the FPA.
- (2) Applicant is subject to a Water Quality Certification (WQC) from the New York State Department of Environmental Conservation (NYSDEC) under Title 6 of New York Codes, Rules and Regulations Section 608.9 and Section 401(a)(1) of the federal Clean Water Act of 1977, 33 U.S.C. § 1341(a)(1).
- (3) The Project is outside the State of New York's coastal zone, and the operation of the Project does not affect resources within the designated coastal zone of the State. The relicensing of the Project, therefore, is not subject to consistency certification by the New York State Department of State (NYSDOS) under Article 42 of the New York Executive Law, implemented by Part 600 of Title 19 of the New York Code of Rules and Regulations, in furtherance of the federal Coastal Zone Management Act of 1972 (CZMA).

(ii) The steps which the applicant has taken or plans to take, to comply with each of the laws cited above are:

- (1) With regard to the Power Authority Act, the Power Authority will continue to operate the Project in compliance with its governing laws.
- (2) With regard to WQC, the Applicant will file a date-stamped copy of its application for a Water Quality Certificate filed with NYSDEC no later than the deadline for such application established by the Commission's regulations. See 18 C.F.R § 5.23(b).

- (3) With regard to the CZMA, the Applicant has sought and received concurrence from the New York State Department of State (NYS DOS) that the relicensing of the Project will not affect resources within the designated coastal zone of the State of New York, pursuant to 18 C.F.R. §5.18(b)(3)(iv).

6. Name and address of the owner:

The Power Authority of the State of New York owns and operates the generating station and ancillary Project facilities. Vischer Ferry Dam, impoundment, and associated lands are owned by the People of the State of New York.

Power Authority of the State of New York
30 South Pearl Street
Albany, NY 12207-3425

No Project components are owned or operated by federal entities.

REQUIRED INFORMATION

Pursuant to 18 C.F.R. Section 5.18(a)

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FERC Project No. 4679

1. Proprietary Right:

Person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project:

Power Authority of the State of New York
30 South Pearl Street
Albany, NY 12207-3425

2. The names and mailing addresses of:

(i) Every county in which any part of the project, and any Federal facilities that would be used by the project, would be located:

Saratoga County Clerk
40 McMaster Street,
Ballston Spa, NY 12020

Schenectady County Clerk
620 State Street,
Schenectady, NY 12305

There are no federal facilities used by the Project.

(ii) Every city, town, or similar local political subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located:

The Project is located in the towns of Clifton Park, Colonie, Halfmoon, Niskayuna, and Waterford, New York.

Town of Clifton Park
1 Town Hall Plaza
Clifton Park, NY 12065

Town of Niskayuna
One Niskayuna Circle
Niskayuna, NY 12309

City of Schenectady
620 State Street, 6th Floor
Schenectady, NY 12305

There or no federal facilities used by the Project.

(B) That has a population of 5,000 or more people and is located within 15 miles of the project dam:

The following cities and towns each have a population of 5,000 or more people (2020 census data), and are located within 15 miles of the project dam:

Town of Clifton Park
1 Town Hall Plaza
Clifton Park, NY 12065

Town of Colonie, NY
534 New Loudon Road
Colonie, NY 12110

Town of Halfmoon
12 Halfmoon Town Plaza
Halfmoon, NY 12065

Town of Niskayuna
One Niskayuna Circle
Niskayuna, NY 12309

Town of Waterford
65 Broad Street
Waterford, NY 12188

City of Cohoes
97 Mohawk Street
Cohoes, NY 12047

City of Schenectady
105 Jay Street
Schenectady, NY 12305

(iii) Every irrigation district, drainage district, or similar special purpose political subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located:

OR

(B) That owns, operates, maintains, or uses any project facilities that would be used by the project:

New York State Canal Corporation
Administrative Headquarters
30 South Pearl Street
Albany, New York 12207

(iv) Every other political subdivision in the general area of the project that there is reason to believe would likely be interested in, or affected by, the application:

There is no other political subdivision in the general area of the Project that there is reason to believe would be likely to be interested in, or affected by, this notification.

(v) All Indian tribes that may be affected by the project:

FERC has identified the following Native American Nations as being potentially affected:

St. Regis Mohawk Tribe
71 Margaret Terrance Memorial Way
Akwesasne, NY 13655

Stockbridge-Munsee Community
Shannon Holsey, President
N8476 MohHeConNuck
RoadBowler, WI 54416

Delaware Tribe of Indians
Delaware Tribe Historic Preservation Office
1200 Commercial Street
Emporia, KS 66801

Mohawk Nation Council of Chiefs
346 State Route 37
Akwesasne, NY 13655

3. Distribution of application for a license other than a license under Section 15 of the FPA:

To be provided with the Final License Application.

Because the Power Authority is applying for a new license for an existing project under Section 15 of the FPA, the requirement to provide notification by certified mail of the filing of the application does not apply.

SUBSCRIPTION AND VERIFICATION UNDER OATH

Pursuant to 18 C.F.R. Section 5.18(a)(4)

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[To be provided with the Final License Application]