

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

**FINAL APPLICATION FOR NEW LICENSE FOR MAJOR PROJECT –
EXISTING DAM**

INITIAL STATEMENT

Prepared by:  **GOMEZ AND SULLIVAN**
ENGINEERS

July 2020

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**GREGORY B. JARVIS PROJECT
RELICENSING**

FERC NO. 3211



**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

GREGORY B. JARVIS POWER PROJECT

FERC Project No. 3211

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 Gregory B. Jarvis Power Project¹ (Project), an existing licensed major project as described in the attached exhibits. The Project is licensed as Project No. 3211. The current license for the Project was issued on August 12, 1982. The license was effective August 1, 1982 and has an expiration date of July 31, 2022.

2. The Location of the Project is:

State	New York
County	Oneida, Herkimer
Township or Nearby Town	Remsen, Russia, Ohio, and Trenton
Stream or Other Body of Water	West Canada Creek

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:

Cindy Brady
New York Power Authority
123 Main Street

¹ As detailed in the cover letter accompanying the Final License Application, the Power Authority has officially requested the Project name be changed from the Hinckley Hydroelectric Project to the Gregory B. Jarvis Power Project.

White Plains, NY 10601
Telephone: (914) 287-3153
Email: Cynthia.Brady@nypa.gov

Justin E. Driscoll, Executive Vice President & General Counsel
New York Power Authority
123 Main Street
White Plains, NY 10601
Telephone: (914) 390-8070
Email: Justin.Driscoll@nypa.gov

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

Julia Wood
Van Ness Feldman, LLP
1050 Thomas Jefferson Street NW
Washington, D.C. 20007
Telephone: (202) 298-1938
Email: jsw@vnf.com

4. The applicant is:

The Applicant is a corporate municipal instrumentality of the State of New York, a body corporate and politic, and a political subdivision of the state, 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, which would, assuming jurisdiction and applicability, 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.
- (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 Codes, 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 accordance 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 NYSDOC 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 discussed the CZMA consistency requirements with NYSDOS on June 25, 2020. The Applicant received an e-mail from the NYSDOS on June 25, 2020 concurring that the Project is not within the designated coastal zone of the State of New York, and affirming that it does not anticipate that relicensing the Project will have any effects on coastal uses or resources within the designated coastal zone of the State of New York. As such, the Power Authority is not required to submit a federal consistency certification to NYSDOS for the Project relicensing. Please see [Appendix A](#) for a copy of the June 25, 2020 e-mail.

6. Name and address of the owner:

The Power Authority owns and operates the generating station and ancillary Project facilities. Hinckley Dam, reservoir, 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)

Before the Federal Energy Regulatory Commission

Application for New License Major Water Power Project – Existing Dam

GREGORY B. JARVIS POWER PROJECT

FERC Project No. 3211

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:**

Oneida County Clerk
Oneida County Office Building
800 Park Avenue
Utica, New York 13501

Herkimer County Clerk
109 Mary Street
Suite 111
Herkimer, New York 13350

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 Remsen, Russia, Ohio, and Trenton, New York.

Town of Remsen, Oneida County
P.O. Box 308
10540 Academy Lane
Remsen, New York 13438

Town of Russia, Herkimer County
P.O. Box 126
8916 N. Main Street
Poland, New York 13431

Town of Ohio, Herkimer County
234 Nellis Road
Ohio, New York 13324

Town of Trenton, Oneida County
P.O. Box 206
8520 Old Poland Road
Barneveld, New York 13304

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:

City of Utica
Mayor's Office
1 Kennedy Plaza
Utica, New York 13502
(Population 62,235 reported 2010 Census)

City of Rome
Mayor's Office
198 North Washington Street
Rome, New York 13440
(Population 33,725 reported 2010 Census)

Town of Whitestown
Town Clerk
8539 Clark Mills Road
Whitesboro, New York 13492
(Population 18,667 reported 2010 Census)

City of Herkimer
Herkimer Town Offices
114 North Prospect Street
Herkimer, New York 13350
(Population 10,175 reported 2010 Census)

Town of Marcy
Town Clerk
8801 Paul Becker Road
Marcy, New York 13403
(Population 8,982 reported 2010 Census)

Town of Frankfort
Town Clerk
201 Third Avenue
Frankfort, New York 13340
(Population 7,636 reported 2010 Census)

(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:

Mohawk Valley Water Authority
1 Kennedy Plaza
Utica, New York 13502

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

There are 2 known federally recognized Native American nations who may have been present in the area near the Project.

Saint Regis Mohawk Tribe
Chief Michael Conners, Jr.
71 Margaret Terrance Memorial Way
Akwesasne, New York 13655

Saint Regis Mohawk Tribe
Chief Eric Thompson
71 Margaret Terrance Memorial Way
Akwesasne, New York 13655

Saint Regis Mohawk Tribe
Chief Beverly Cook
71 Margaret Terrance Memorial Way
Akwesasne, New York 13655

Oneida Indian Nation
Oneida Nation Representative Ray Halbritter
2037 Dreamcatcher Plaza
Oneida, New York 13421

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

- (i) The Applicant has made, either at the time of or before filing the application, a good faith effort to give notification by certified mail of the filing of the application to: (A) Every property owner of record of any special interest in the property within the bounds of the project, or in the case of the project without a specific project boundary, each such owner of property which would underlie or be adjacent to any project works including any impoundments; (B) The entities identified in paragraph (a)(2) of this section, as well as any other Federal, state, municipal or other local government agencies that there is reason to believe would likely be interested in or affected by such application.**
- (ii) Such notification must contain the name, business address, and telephone number of the applicant and a copy of the Exhibit G contained in the application, and must state that a license application is being filed with the Commission.**

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.

VERIFICATION

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

Before the Federal Energy Regulatory Commission

Application for New License Major Water Power Project – Existing Dam

GREGORY B. JARVIS POWER PROJECT

FERC Project No. 3211

This Application for New License for the Gregory B. Jarvis Power Project, FERC Project No. 3211, is executed in the State of New York, County of Westchester, by the Power Authority of the State of New York, 30 South Pearl Street, Albany, New York 12207.

I, Cindy Brady, Manager, Licensing, of the Power Authority of the State of New York, state that I have read the contents of this Application, and that all statements contained therein are true and accurate to the best of my knowledge, information, and belief, and that I am authorized to execute this Application on behalf of the Power Authority of the State of New York.

POWER AUTHORITY OF THE STATE OF NEW YORK

By: 

Cindy Brady

Manager, Licensing

Executed on this 31st day of July, 2020.

Appendix A:
Coastal Zone Management Act - New York State Department of State
Concurrence

From: [Maraglio, Matthew \(DOS\)](#)
To: [Michele Stottler](#)
Cc: [Tim Sullivan](#); [Brady, Cindy](#); [Groom, Tara](#)
Subject: FW: Jarvis Hydroelectric Project - Coastal Consistency for FERC relicensing
Date: Thursday, June 25, 2020 1:22:55 PM
Attachments: [2020_0601_DLA_Comments_FERC.pdf](#)
[figure_4_2_4-1_key_features.pdf](#)

Michelle

Based on the information that you have provided, it appears that the project would be located outside of the New York State Coastal Area. Generally, for federal permitting actions involving actions outside of the coastal area, it is the applicant's responsibility to determine if there will be any effects on coastal uses or resources within the coastal area. Should you determine that there will be effects, please complete a Federal Consistency Assessment Form and submit it along with all necessary data and information to the Department of State concurrently with your submittal to the applicable federal agencies. If you determine that there will be no effects on uses or resources of the coastal area, then no submittal is required unless the Department of State advises you that coastal effects are likely and requests that you submit a certification. At this time, the Department of State does not anticipate that your proposed project will have any effects on coastal uses or resources within the NYS Coastal Area. Please continue to keep the Department of State copied on your submittals.

Matthew Maraglio

Coastal Resources Specialist

New York State Department of State Office of Planning, Development & Community Infrastructure

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www.dos.ny.gov

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From: Michele Stottler <mstottler@gomezandsullivan.com>
Sent: Thursday, June 25, 2020 12:48 PM
To: Maraglio, Matthew (DOS) <Matthew.Maraglio@dos.ny.gov>
Cc: Tim Sullivan <timsullivan@gomezandsullivan.com>; Brady, Cindy <Cindy.Brady@nypa.gov>; Groom, Tara <Tara.Groom@nypa.gov>
Subject: Jarvis Hydroelectric Project - Coastal Consistency for FERC relicensing

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Mr. Maraglio,

The New York Power Authority's Jarvis Hydroelectric Project is currently in the relicensing process with FERC (FERC No. 3211). The draft license application was efiled with FERC in March 2020. <https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=15475633> The final license application for the Project will be submitted to FERC in July 2020.

The 9 MW Project is located on West Canada Creek, a tributary of the Mohawk River, at the Hinckley Reservoir Dam. The Project is approximately 0.5 miles upstream of the Town of Hinckley in the counties of Oneida and Herkimer, NY. A map of West Canada Creek watershed with the various dams including Hinckley is attached.

We have consulted the coastal boundary map and have determined that the Project is not located within the coastal area of the state of New York but FERC has requested in their comment letter on the Draft License Application that we obtain concurrence with DOS (see item 2 in the attached letter). Please send us an email or letter that you concur with our assessment.

Thank you for your help.

Michele

Michele E. Stottler, P.E.

Senior Water Resources Engineer
Gomez and Sullivan Engineers, DPC
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It's past April 1st, but the Census count is still going on.
Please respond: online, by phone or by mail.
<https://2020census.gov/en/ways-to-respond.html>