NEW YORK STATE OF OPPORTUNITY. | NY Power Authority

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Interim President and Chief Executive Officer

October 28, 2022

VIA ELECTRONIC FILING

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

Re: Crescent Hydroelectric Project, FERC Project No. 4678
Vischer Ferry Hydroelectric Project, FERC Project No. 4679
Response to Request for Additional Information dated August 1, 2022

Dear Secretary Bose:

On May 25, 2022, the Power Authority of the State of New York (d/b/a "New York Power Authority" and referred to as "the Power Authority") submitted to the Federal Energy Regulatory Commission (FERC or the Commission) the Final License Applications (FLAs) for the Crescent Hydroelectric Project (FERC Project No. 4678) and the Vischer Ferry Hydroelectric Project (FERC Project No. 4679) (collectively, "Projects"). On August 1, 2022, FERC issued a Request for Additional Information (AIR) for the Projects. The Power Authority hereby files its response to the AIR (Attachment 1). Information regarding Exhibit F is being filed separately as Critical Energy Infrastructure Information (CEII) per the Commission's regulations.

If you have any questions regarding this filing, please contact me at (914) 681-6564 or Rob.Daly@nypa.gov.

Sincerely,

Robert Daly
Director, Licensing

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Attachment 1: Response to FERC's August 1, 2022 Request for Additional Information
Attachment 2: Revised Exhibit G Maps (electronic shape files provided separately)

cc: Distribution List

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Attachment 1:

Crescent Hydroelectric Project, FERC Project No. 4678
Vischer Ferry Hydroelectric Project, FERC Project No. 4679

Response to FERC's August 1, 2022 Request for Additional Information

Crescent Hydroelectric Project, FERC Project No. 4678
Vischer Ferry Hydroelectric Project, FERC Project No. 4679

Response to FERC's August 1, 2022 Request for Additional Information

Exhibit A

1. The final license applications (FLAs) do not specify the continuous-load capacity rating, in kilovolt-amperes (kVA), of any of the projects' generators. This information is necessary to determine the authorized installed capacity of the projects as defined in section 11.1(i) of the Commission's regulations. Therefore, please provide the continuous-load capacity rating (in kVA) for each of the eight generators currently installed at the projects.

The continuous load capacity ratings for each of the Projects' units is provided in the following table.

Crescent	Vischer Ferry
Unit 1: 3,500 kVA Unit 2: 3,500 kVA Unit 3: 3,875 kVA Unit 4: 3,875 kVA	Unit 1: 3,500 kVA Unit 2: 3,500 kVA Unit 3: 3,875 kVA Unit 4: 3,875 kVA

2. Page 6 of each Exhibit A states that the navigation season on the Erie Canal in the vicinity of the projects starts in April and extends through November. Yet, all references to the navigation season elsewhere in the FLAs indicate the navigation season is shorter and typically occurs from mid-May through mid-October. Therefore, please clarify this discrepancy and indicate the expected start and end dates of the navigation season for the portion of the Erie Canal in the vicinity of the projects. Also, please report, for the last three years (2019 through 2021), the start and end dates of the navigation season as well as the dates the flashboards were installed and removed at each project during these years. This information will aid Commission staff's analysis of the fish passage routes (navigation locks, notches in the flashboards, etc.) that are available to diadromous fish, namely blueback herring, during their upstream and downstream seasonal migrations in the Mohawk River.

The navigation season is mid-May to mid-October and is determined by the New York State Canal Corporation (NYSCC). The flashboards at both the Crescent and Vischer Ferry projects are generally installed prior to the start of the navigation season in mid-May; weather and flow conditions allowing. The boards are generally removed after the end date for the navigation season, weather and flow conditions allowing. Flashboard installation and removal dates, as well as canal opening and closing dates, for the past three years, are provided below.

2019
Flashboards Installed: April 30 - May 5, 2019
Canals Opening Day: May 17, 2019
Flashboards Removed: Nov 24 - 27, 2019 [1]
Canals Closed: October 16, 2019

2020
Flashboards Installed: June 23 - July 1, 2020
Canals Opening Day: June 26; Lock E-7 opening was delayed until July 17, 2020 [2]
Flashboard Removed: November 3 - 13, 2020
Canals Closed: October 14, 2020

[1] Flashboard removal was rescheduled multiple times due to river conditions.
[2] Opening of canals was delayed due to the Covid-19 pandemic.

2021
Flashboard Installed: May 16 - 19, 2021
Canals Opening Day: May 21, 2021
Flashboard Removed: October 26 - November 4, 2021
Canals Closed: October 13, 2021

Exhibit B

3. Each Exhibit B states that, during the navigation season, the currently required minimum flows at each project are provided through notches in the flashboards. However, neither Exhibit B specifies the current release location(s) for the minimum flows that are required during the non-navigation season—100 cubic feet per second (cfs) at the Crescent Project and 200 cfs at the Vischer Ferry Project. Therefore, please describe how and where the minimum flows are provided at each project during the non-navigation season, as this information will allow Commission staff to more fully understand how the projects operate and assess potential project effects on environmental resources.

During the non-navigation season, minimum flows are provided at each of the Projects in one of three ways: through the generating units, through the trash sluice gates, or spilled over the dam.

Exhibit E

4. Tables 4-10 and 4-11 of Exhibit E report the monthly number of lockages at each project over the last six years (2016 through 2021). Some lockages appear to occur well outside the typical navigation season (e.g., in December). It is staff's understanding that the navigation locks associated with each project only operate (i.e., are only opened and closed) during the designated navigation season each year. Therefore, please explain the purpose(s) of these lockages that occur outside the typical navigation season and describe the expected frequency of occurrence of such lockages in the foreseeable future. This information will aid staff's analysis of project effects on the upstream and downstream migration (and available passage routes) of diadromous fish that occur in the vicinity of the projects, such as blueback herring and American eel.

NYSCC occasionally records lockages during the non-navigation season related to canal maintenance, access, and limited off-season commercial boat traffic. Such lockages are not connected to normal boat traffic that occurs during the navigation season, and there is no way to predict the need for or frequency of such non-navigation season lockages in the future. However, in normal years the expected number would be very few to none. For purposes of analyzing the potential effects of non-navigation season lockages, the Power Authority generally assumes that there are no such lockages, since they are not scheduled and not guaranteed.

5. Page 79 of Exhibit E states that the downstream face of the Vischer Ferry dam (below the fish passage notches) is covered by a synthetic, rubberized material to provide a smooth substrate for fish, such as blueback herring, to pass over. However, it is unclear if this same feature is present at the Crescent dam. Therefore, please indicate if this feature is also present at the Crescent dam as this information will aid staff's analysis of the downstream passage survival of blueback herring and other fish species at the projects.

The fish passage opening in the Crescent dam flashboards does not have a synthetic rubberized material installed, and none has ever been required.

6. The FLAs contain contradictory information regarding New York Power Authority's (NYPA) proposed operation of the acoustic deterrent systems that are currently used to guide downstream-migrating blueback herring towards non-turbine routes of passage. In section 3.2 of Exhibit E, NYPA states that it proposes to continue implementing the existing environmental measures, including the continued operation of the acoustic deterrent system, as described in section 3.1 of Exhibit E. Yet, in section 4.5.2 of Exhibit E, NYPA notes that the acoustic deterrent systems are approaching the end of their serviceable life, and that it has found the systems to be increasingly difficult to maintain and to keep in good operating

condition. NYPA further states that it is currently exploring, with the resource agencies, potential alternatives for providing safe downstream passage for blueback herring at each project. Please clarify these discrepancies and specify what measures, if any, NYPA is proposing to implement to protect downstream-migrating blueback herring at the projects; to the extent applicable, include the capital and annual costs of any new measures. This information is necessary so that Commission staff can analyze the effects of NYPA's proposed operation of the projects on aquatic resources at the projects such as blueback herring and evaluate the need for any additional protection, mitigation, or enhancement measures.

While the acoustic deterrent systems at both Projects are approaching the end of their useful life, the Power Authority will continue to deploy, maintain, and operate the acoustic deterrent systems in association with the existing bypasses until a replacement system has been identified and installed. The Power Authority has initiated discussions with the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (USFWS) about potential future alternatives to the existing acoustic deterrent systems. Alternatives that are being considered include guidance booms and screens and other industry techniques. The Power Authority's goal is to include plans for the replacement of, or an alternative to, the acoustic deterrent system in a potential project settlement agreement.

7. Section 4.9.3.1 of Exhibit E proposes to develop a recreation management plan (RMP), in consultation with the agencies, that would identify potential changes and enhancements to be made at project recreation sites to address issues raised by survey respondents during the 2021 Recreation Study. While the FLAs generally describe the issues raised by survey respondents, they do not state the specific issues that will be addressed in the RMP or provide examples of the types of enhancements that might be proposed to mitigate the issues. Without any details about the contents of the RMP or the potential changes/ enhancement measures that are being contemplated, staff cannot analyze how the proposed RMP will affect recreation opportunities at the projects. So that staff can adequately analyze the proposal, please provide more detail, including which agencies will be consulted, potential enhancement measures to be included, a cost for each proposed enhancement measure, and a proposed schedule for developing the RMP.

The Power Authority will develop a Recreation Management Plan for the Crescent and Vischer Ferry Projects, after the issuance of a new FERC license, based on the results of the recreation user survey and in consultation with the agencies. The enhancements being considered include those listed in the table below. Preliminary capital and annual O&M costs associated with these enhancements are also provided in the table.

Recreation Site	Proposed Enhancement	Capital Cost $	Annual Cost $
CRESCENT			
Picnic Area	Replace/refinish picnic tables	$2000	
	Add trash receptacle(s)	$1000	$500
Tailrace Bank Fishing Area	Add trash receptacle(s)	$1000	$500
VISCHER FERRY			
Scenic Overlook	Add 1 picnic table	$2000	
Tailwater Fishing Access	Add trash receptacle(s)	$1000	$500

<u>Exhibit F</u>

8. Section 4.41(g) of the Commission's regulations requires that Exhibit F drawings show all major project structures in sufficient detail to provide a full understanding of the project. The Exhibit F drawings filed for the Crescent Project do not contain front elevation and section views of Guard Gates 1 and 2 or plan and centerline profile views of Lock 6. In addition, the Exhibit F drawings for the Vischer Ferry Project do not contain plan and centerline profile views of Lock 7. Therefore, please file revised Exhibit F drawings for each project that contain these missing views and sections.

Exhibit F has been updated to include new sheets that provide drawings of the guard gates and Lock 6 facilities associated with the Crescent Project (Sheets F-9 through F-14), and the Lock 7 facilities associated with the Vischer Ferry Project (Sheets F-9 and F-10). The revised Exhibit F sheets are being filed separately as CEII.

9. According to 4.41(g) of the Commission's regulations, Exhibit F drawings must show all major project structures in sufficient detail to provide a full understanding of the project. Sheet F-4 of the Crescent Project shows the cross-sectional view of a dam in "Section C;" however, the cutline for "Section C" is not shown in Sheet F-3 or any other drawings. In addition, Sheet F-4 shows plan and elevation views of "Abutment D;" however, "Abutment D" is not shown in Sheet F-3 or any other drawings. Please ensure the revised Exhibit F drawings that are filed for the Crescent Project correct these errors.

Crescent Exhibit F Sheets F-3 and F-4 have been revised to correct the omissions identified by the Commission. The revised Exhibit F sheets are being filed separately as CEII.

Exhibit G

10. Section 4.41(h) of the Commission's regulations requires Exhibit G maps to show the location and physical interrelationships of the principal project works. The Exhibit G maps filed with the FLAs do not show the switchyard that is associated with each project. Therefore, please file revised Exhibit G maps for each FLA that show each project's switchyard and label the grid interconnection points.

Exhibit G for both the Crescent and Vischer Ferry Projects have been revised to show the location of the switchyard associated with each project, as well as the grid interconnect points. Revised Exhibit G sheets are provided in Attachment 2 and are also being filed electronically.

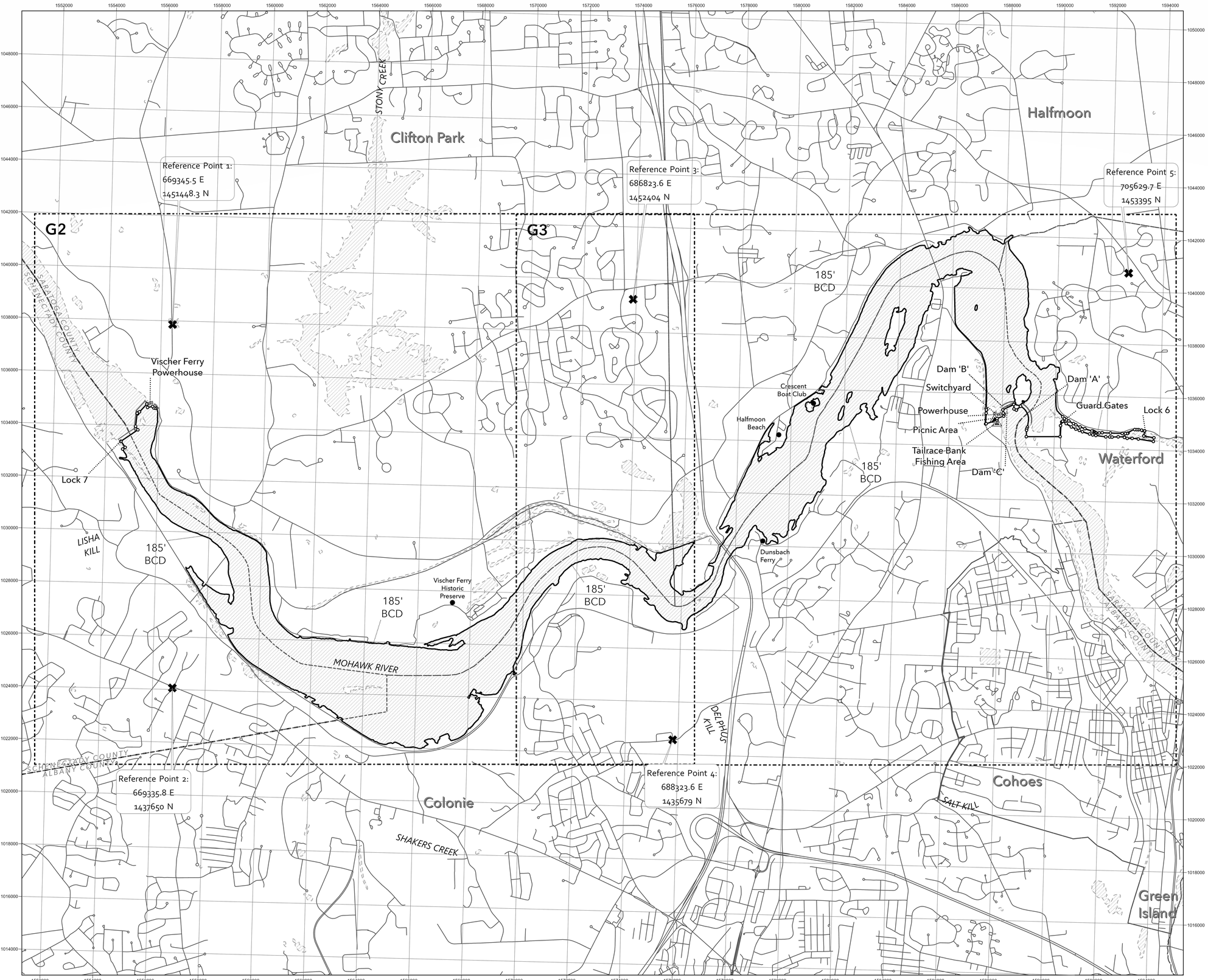
11. Section 4.39 of the Commission's regulations requires a title block for each map that contains a title, scale, and other pertinent information. The Exhibit G maps filed with the projects include an incorrect name for the applicant (i.e., New York Power Association) in the title blocks of the maps. Therefore, please ensure the revised Exhibit G maps include the correct name of the applicant (i.e., New York Power Authority) in the title blocks of all Exhibit G maps.

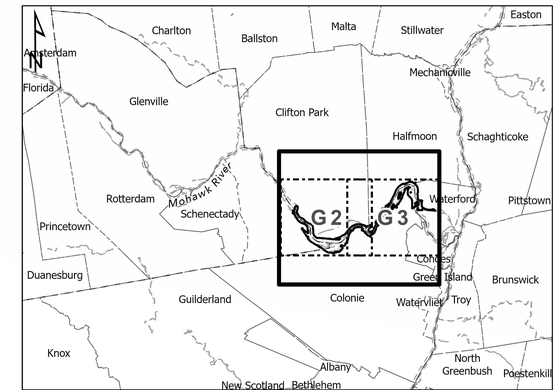
Exhibit G sheets for both Projects have been corrected to include the correct name of the applicant (current licensee), the New York Power Authority.

Attachment 2:

Revised Exhibit G Maps

(electronic shape files provided separately)





N

MN

TRUE NORTH AT 74 - 20 WEST LONGITUDE
MAGNETIC NORTH DECLINATION OF 13.1°

- FERC Project Boundary
- Project Facilities
- Project Recreation Site
- Reference Points
- Map Extents
- Body of Water
- Counties
- City / Town
- Road
- Metes and Bounds

Map notes:

1. The Crescent Project is located in the State of New York in Saratoga, Albany and Schenectady Counties.
2. Reference Point coordinates are shown in NAD 1983 State Plane New York East FIPS 3101 (US Feet).
3. The vertical datum for this Exhibit G is the Barge Canal Datum (BCD).
4. The Project Boundary perimeter description will be contained in the Exhibit G Project Boundary Description Table with the Final License Application.
5. The Project Boundary is defined by elevation contour 185' BCD, which was developed through contour elevations derived from the Capital District 2008 LiDAR Data Collection that meets or exceeds the accuracy requirements in 18CFR4.41. Islands above the elevation of 185' BCD are excluded from the project boundary. No field surveys have been performed to confirm the boundary locations shown herein.
6. All lands and waters within the project boundary depicted herein are controlled through a hydroelectric easement conveyed to the Power Authority of the State of New York by the People of the State of New York by indenture dated March 7, 1984.
7. Magnetic North Declination was cited from NOAA, March 2022

I CERTIFY THAT THE PROJECT BOUNDARY DELINEATION SHOWN HERON IS DEVELOPED FROM RECORD PLANS, MAPS, AND DIGITAL ORTHOPHOTOGRAPHY IN THE FILES OF THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THAT SAID BOUNDARY DELINEATION MEETS THE ACCURACY REQUIREMENTS IN 18CFR4.41 SUBJECT TO THE POTENTIAL VARIATION CITED IN GENERAL NOTE 6 ABOVE.

STATE OF NEW YORK · JOSEPH VARIANO · NO. 050241 · LICENSED LAND SURVEYOR

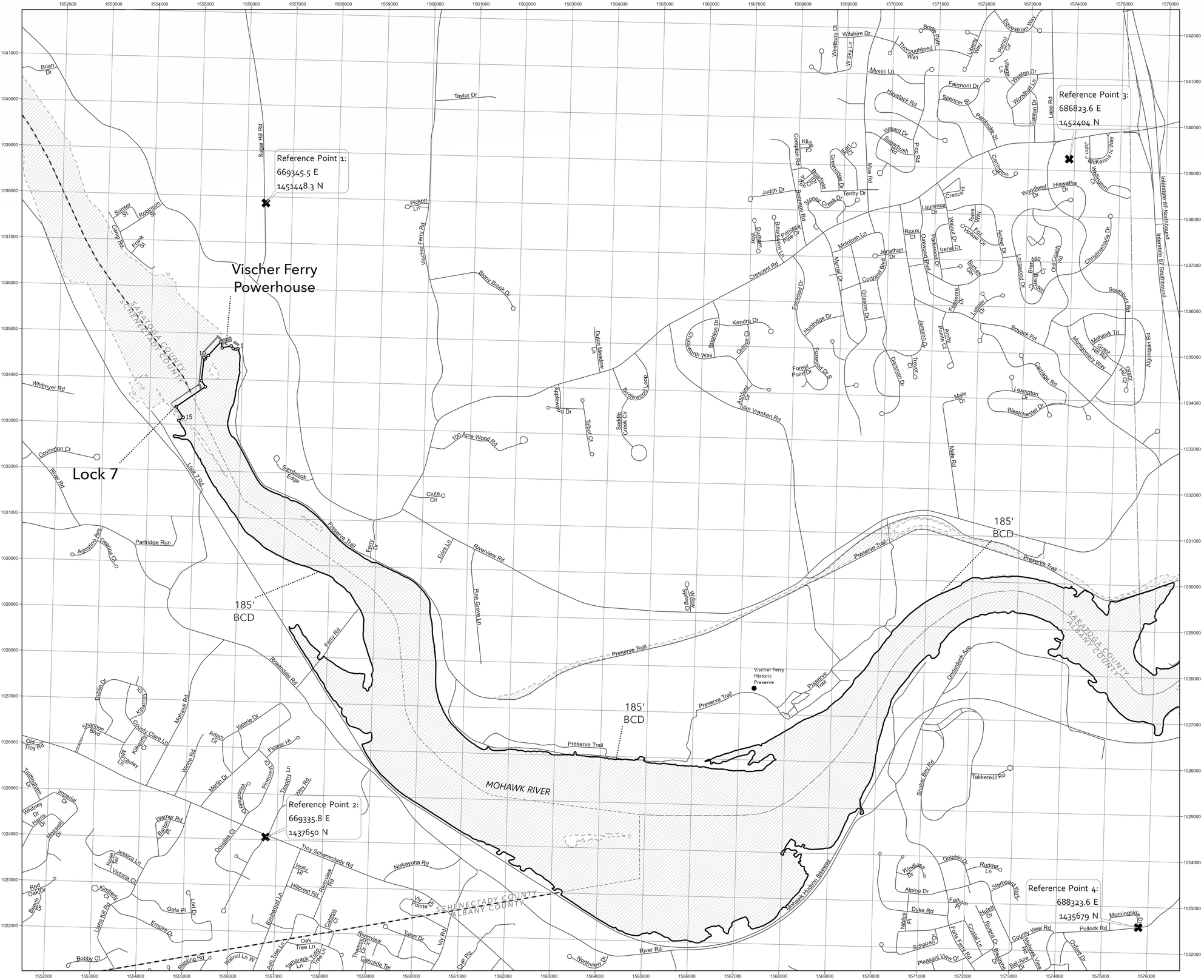
New York Power Authority

CRESCENT HYDROELECTRIC PROJECT
FERC NO. 4678

PROJECT BOUNDARY MAP

EXHIBIT G-1 SCALE: 1" = 1,750' SHEET NO. 1 OF 3

0 1,250 2,500 5,000 7,500 10,000 Feet



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TRUE NORTH AT 74 - 20 WEST LONGITUDE
MAGNETIC NORTH DECLINATION OF 13.1°

- FERC Project Boundary
- Project Facilities
- Project Recreation Site
- Reference Points
- Body of Water
- Counties
- City / Town
- Road
- Metes and Bounds

Map notes:

1. The Crescent Project is located in the State of New York in Saratoga, Albany and Schenectady Counties.
2. Reference Point coordinates are shown in NAD 1983 State Plane New York East FIPS 3101 (US Feet).
3. The vertical datum for this Exhibit G is the Barge Canal Datum (BCD).
4. The Project Boundary perimeter description will be contained in the Exhibit G Project Boundary Description Table with the Final License Application.
5. The Project Boundary is defined by elevation contour 185' BCD, which was developed through contour elevations derived from the Capital District 2008 LiDAR Data Collection that meets or exceeds the accuracy requirements in 18CFR4.41. Islands above the elevation of 185' BCD are excluded from the project boundary. No field surveys have been performed to confirm the boundary locations shown herein.
6. All lands and waters within the project boundary depicted herein are controlled through a hydroelectric easement conveyed to the Power Authority of the State of New York by the People of the State of New York by indenture dated March 7, 1984.
7. Magnetic North Declination was cited from NOAA, March 2022

I CERTIFY THAT THE PROJECT BOUNDARY DELINEATION SHOWN HERON IS DEVELOPED FROM RECORD PLANS, MAPS, AND DIGITAL ORTHOPHOTOGRAPHY IN THE FILES OF THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THAT SAID BOUNDARY DELINEATION MEETS THE ACCURACY REQUIREMENTS IN 18CFR4.41 SUBJECT TO THE POTENTIAL VARIATION CITED IN GENERAL NOTE 6 ABOVE.

STATE OF NEW YORK · JOHN THOMAS · NO. 050394 · LICENSED LAND SURVEYOR

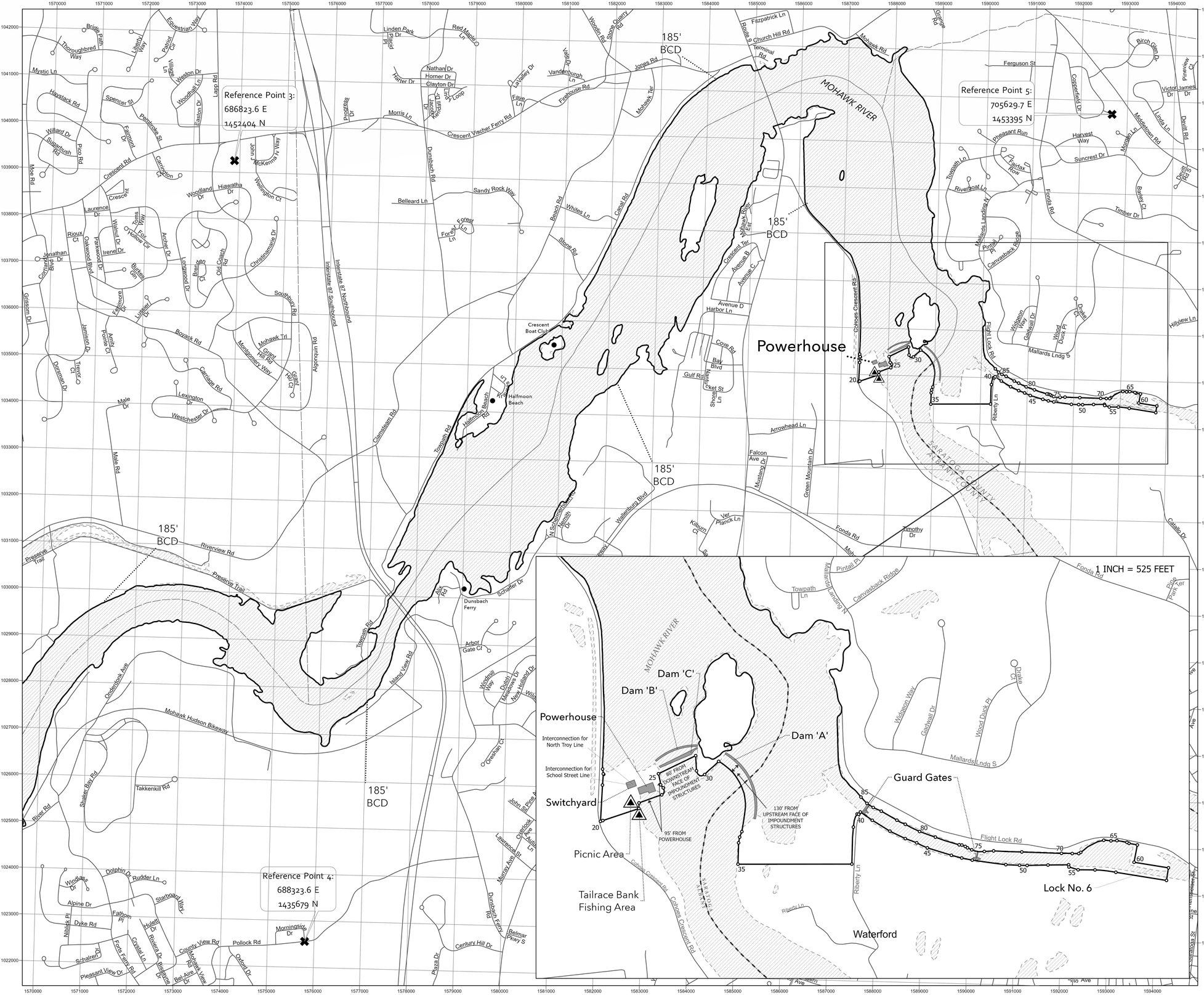
New York Power Authority

CRESCENT HYDROELECTRIC PROJECT
FERC NO. 4678

PROJECT BOUNDARY MAP

EXHIBIT G-2 | SCALE: 1" = 1,000' | SHEET NO. 2 OF 3

0 500 1,000 2,000 3,000 4,000 Feet



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TRUE NORTH AT 74 - 20 WEST LONGITUDE
MAGNETIC NORTH DECLINATION OF 13.1°

- FERC Project Boundary
- Project Facilities
- Project Recreation Site
- Reference Points
- Body of Water
- Counties
- City / Town
- Road
- Metes and Bounds

Map notes:

1. The Crescent Project is located in the State of New York in Saratoga, Albany and Schenectady Counties.
2. Reference Point coordinates are shown in NAD 1983 State Plane New York East FIPS 3101 (US Feet).
3. The vertical datum for this Exhibit G is the Barge Canal Datum (BCD).
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STATE OF NEW YORK · ALBANY · ALBANY · LICENSED LAND SURVEYOR

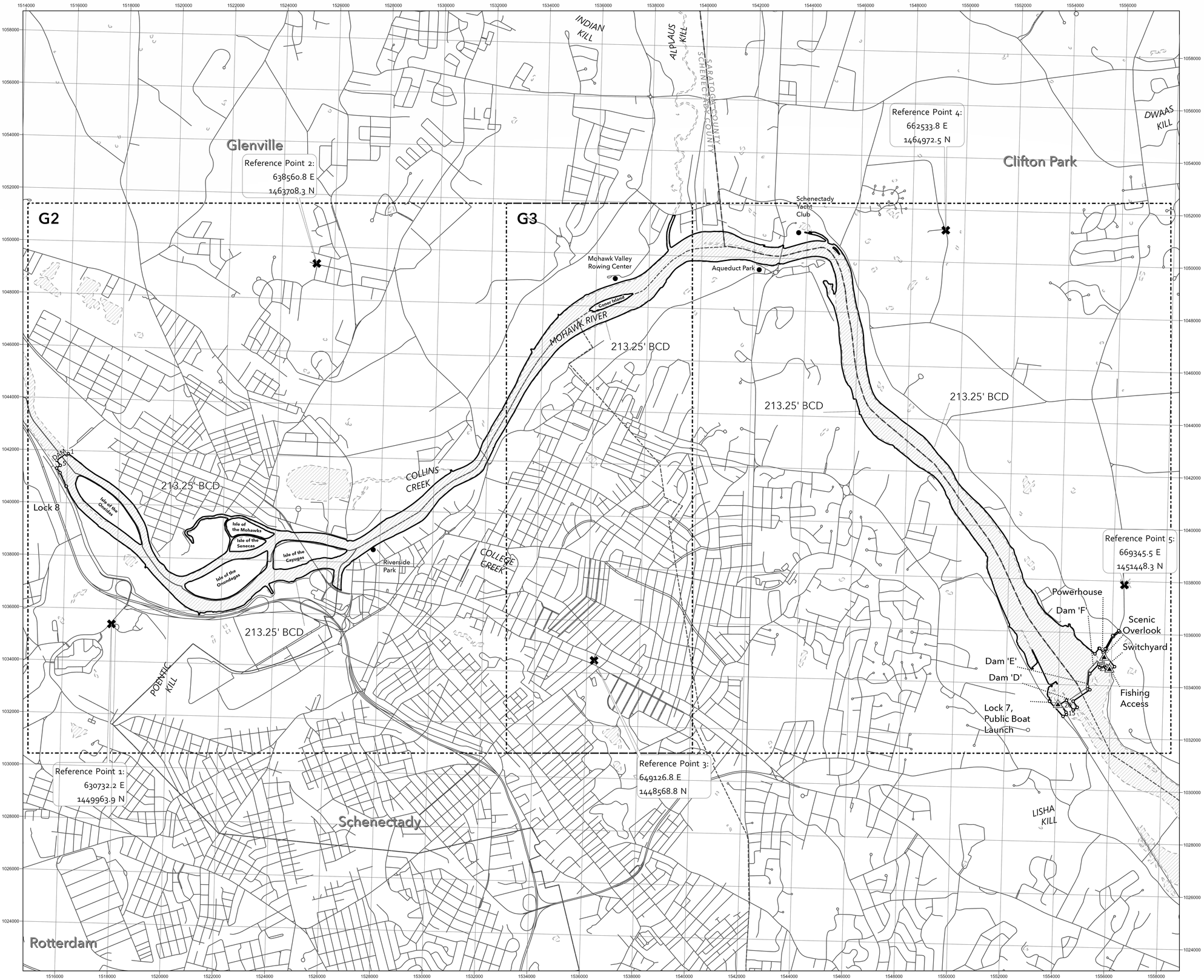
New York Power Authority

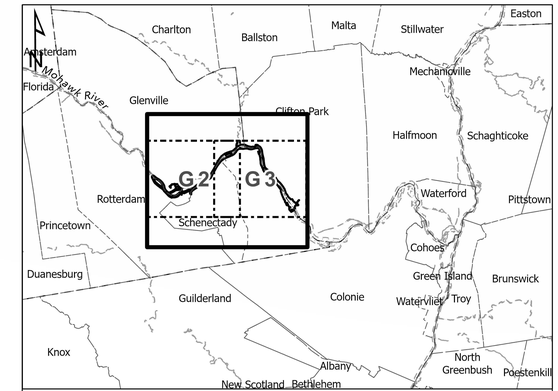
CRESCENT HYDROELECTRIC PROJECT
FERC NO. 4678

PROJECT BOUNDARY MAP

EXHIBIT G-3 | SCALE: 1" = 1,000' | SHEET NO. 3 OF 3

0 500 1,000 2,000 3,000 4,000 Feet





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TRUE NORTH AT 74 - 20 WEST LONGITUDE
MAGNETIC NORTH DECLINATION OF 13.1°

- FERC Project Boundary
- Project Facilities
- Project Recreation Site
- Reference Points
- Map Extents
- Body of Water
- Counties
- City / Town
- Road
- Metes and Bounds

Map notes:

1. The Vischer Ferry Project is located in the State of New York in Saratoga and Schenectady Counties.
2. Reference Point coordinates are shown in NAD 1983 State Plane New York East FIPS 3101 (US Feet).
3. The vertical datum for this Exhibit G is the Barge Canal Datum (BCD).
4. The Project Boundary perimeter description will be contained in the Exhibit G Project Boundary Description Table with the Final License Application.
5. The Project Boundary is defined by elevation contour 213.25' BCD was developed through photo interpretation using digital orthophotography that meets or exceeds the accuracy requirements in 18CFR4.41. No field surveys have been performed to confirm the boundary locations shown herein.
6. All lands and waters within the project boundary depicted herein are controlled through a hydroelectric easement conveyed to the Power Authority of the State of New York by the People of the State of New York by indenture dated March 7, 1984.
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STATE OF NEW YORK · LICENSED LAND SURVEYOR

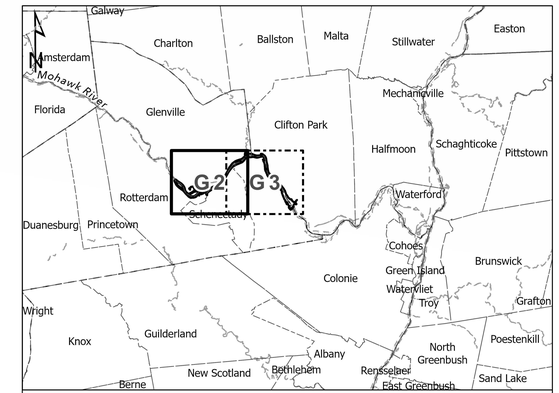
New York Power Authority

VISCHER FERRY HYDROELECTRIC PROJECT
FERC NO. 4679

PROJECT BOUNDARY MAP

EXHIBIT G-1 SCALE: 1" = 1,750' SHEET NO. 1 OF 3

0 1,250 2,500 5,000 7,500 10,000 Feet



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TRUE NORTH AT 74 - 20 WEST LONGITUDE
MAGNETIC NORTH DECLINATION OF 13.1°

- FERC Project Boundary
- Project Facilities
- Project Recreation Site
- Counties
- City / Town
- Body of Water
- Reference Points
- Road
- Metes and Bounds

Map notes:

1. The Vischer Ferry Project is located in the State of New York in Saratoga and Schenectady Counties.
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STATE OF NEW YORK · LICENSED LAND SURVEYOR · ORIGINAL

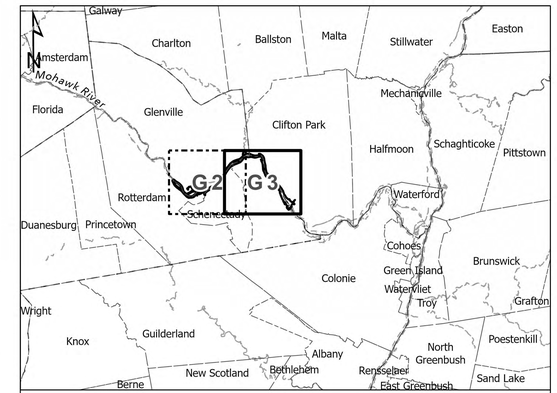
New York Power Authority

VISCHER FERRY HYDROELECTRIC PROJECT
FERC NO. 4679

PROJECT BOUNDARY MAP

EXHIBIT G-2 SCALE: 1" = 1,000' SHEET NO. 2 OF 3

0 500 1,000 2,000 3,000 4,000 Feet



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TRUE NORTH AT 74 - 20 WEST LONGITUDE
MAGNETIC NORTH DECLINATION OF 13.1°

- FERC Project Boundary
- Project Facilities
- Project Recreation Site
- Counties
- City / Town
- Body of Water
- Reference Points
- Road
- Metes and Bounds

Map notes:

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New York Power Authority

VISCHER FERRY HYDROELECTRIC PROJECT
FERC NO. 4679

PROJECT BOUNDARY MAP

EXHIBIT G-3 | SCALE: 1" = 1,000' | SHEET NO. 3 OF 3

0 500 1,000 2,000 3,000 4,000 Feet