

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

DRAFT APPLICATION FOR NEW LICENSE FOR MAJOR PROJECT – EXISTING DAM

BLenheim-GILBOA PUMPED STORAGE POWER PROJECT

FERC PROJECT No. 2685

INITIAL STATEMENT

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December 2016

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**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

BLenheim-GILBOA PUMPED STORAGE POWER PROJECT

FERC Project No. 2685

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 Blenheim-Gilboa Pumped Storage Power Project (B-G Project), an existing licensed major project, as described in the attached exhibits. The Project is licensed as Project No. 2685. The current license for the B-G Project was issued by the Federal Power Commission (FPC) on June 6, 1969. The license was effective May 1, 1969 and has a termination date of April 30, 2019.

2. The Location of the Project is:

State	New York
County	Schoharie County
Township or Nearby Town	Blenheim
	Gilboa
Stream or Other Body of Water	Schoharie 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, New York 12207-3425

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

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

Mark E. Slade, Director of Licensing
New York Power Authority
123 Main Street
White Plains, New York 10601
Telephone: (914) 681-6659
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123 Main Street
White Plains, New York 10601
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Van Ness Feldman, LLP
1050 Thomas Jefferson Street, NW, Seventh Floor
Washington, DC 20007
Telephone: (202) 298-1800
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jsw@vnf.com

4. The applicant is:

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 and is claiming the status of an existing licensee under Section 15 of the Federal Power Act (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. 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 Water Quality Certification (WQC) from the New York State Department of Conservation (NYSDEC) under Title 6 of New York Codes, Rules and Regulations Section 609.8 and Section 401(a)(1) of the federal Clean Water Act of 1977.

(3) The B-G Project is outside the State of New York's coastal zone, and the operation of the B-G Project does not affect resources within the designated coastal zone of the State. The relicensing of the B-G

Project, therefore, is not subject to consistency certification by the New York State Department of State (NYS DOS) 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 B-G 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, concurrent with the filing of this Draft License Application, the Applicant is seeking NYSDOS's concurrence that the relicensing of the B-G Project will not affect resources within the designated coastal zone of the State of New York.

6. Name and address of the owner:

The Power Authority of the State of New York owns and operates the B-G Project facilities.

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

No B-G 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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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, New York 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:

The B-G Project is located entirely within Schoharie County, New York.

Schoharie County Office Building
PO Box 549
Schoharie, New York 12157

There are no federal facilities used by the B-G 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 B-G Project is located in the towns of Blenheim and Gilboa, New York.

Blenheim Town Office
PO Box 176
North Blenheim, New York 12131

Gilboa Town Office
PO Box 187
Gilboa, New York 12076

There are 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 Town of Cobleskill, New York had a reported population of 6,625 people in the 2010 census¹

Cobleskill Town Office
PO Box 327
Cobleskill, New York 12043

(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:

There are no irrigation, drainage, or similar special purpose political subdivisions associated with the B-G Project. There are no Federal facilities that are or are proposed to be used by the B-G Project.

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

There are no irrigation or drainage districts or similar special purpose political subdivisions that own, operate, maintain or use any B-G Project facility or Federal facility that is or is proposed to be used by the B-G Project.

(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:

The New York City Department of Environmental Protection owns and operates the Gilboa Dam. The Gilboa Dam impounds Schoharie Creek 5 miles upstream of the B-G Project to create Schoharie Reservoir, which is part of the municipal water system for New York City.

New York City Department of Environmental Protection
96-05 Horace Harding Expressway
Corona, New York 11368

There are no other political subdivisions that are likely to be interested in or affected by the application for new license.

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

There are four known federally recognized Native American tribes who may have been present in the area near the B-G Project: Delaware Nation; Delaware Tribe of Indians; St. Regis Mohawk Tribe; Stockbridge-Munsee Community Band of Mohican Indians.

Delaware Nation
Po Box 825
Anadarko, Oklahoma 73005

Delaware Tribe of Indians
5100 Tuxedo Blvd.
Bartlesville, Oklahoma 74006

¹ U.S. Census Bureau. 2013. American FactFinder. Cobleskill, New York. [Online] URL: http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml. Accessed November 18, 2016.

St. Regis Mohawk Tribe
412 State Route 37
Akwesasne, New York 13655

Stockbridge-Munsee Community Band of Mohican Indians
65 1st Street
Troy, New York 12180

3. Distribution:

- (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 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.**

The Power Authority will provide notification by certified mail to adjacent property owners, Federal, state, municipal or other local government agencies, and Indian Tribes when filing the Final License Application.

**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.