



CATSKILLCENTER

April 8, 2021

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

RE: Docket # P 15056 - Ashokan Pumped Storage Project

Dear Secretary Bose:

The Catskill Center for Conservation and Development (Catskill Center) has learned of a new project that is proposed in the Catskill Park. The Southern California company, Premium Energy Holdings has announced its plan to build hydroelectric facilities in the nearby vicinity of the Ashokan Reservoir in the towns of Olive and Shandaken. The project would bring a new reservoir, turbines, tunnels, as well as severe environmental, drinking water, and economic impacts to the towns, Ashokan Reservoir, the Catskill Park, and the approximately 9 million people who receive their drinking water from the New York City water supply, which includes the Ashokan Reservoir.

For more than 51 years, the Catskill Center has been a nationally recognized advocate for the Catskill region, the Catskill Park, and the Catskill Forest Preserve. Our mission is to protect and foster the environmental, cultural and economic well-being of the Catskill region. We work with a network of strategic partners that represent tens of thousands of concerned citizens who work to protect and promote our region's extraordinary natural environment, while promoting smart development that helps our local communities thrive.

Environmental Impacts:

Due to their diverse topography and microhabitats, the Catskill Mountains are recognized as a landscape that is resilient to a changing climate. This project will result in the fragmentation of critical habitats and reduce the resiliency of this landscape. The loss of both forest cover and important habitats would not only impact the local biodiversity of the Catskills, but also diminish the recreational values of the landscape and thereby, the quality of life for residents. Ongoing climate change will contribute to increased intensity of extreme weather events, high intensity rain events, and less winter snowpack. Weather events and their impacts on water quality, turbidity, and sedimentation will reduce the efficacy of the proposed energy generation and reduce the lifespan of any proposed project.

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Additionally, the vast, vitally important unfragmented forest systems of the Catskills provide habitat that supports many rare interior nesting birds like Bicknell's thrush (a New York State Species of Greatest Conservation Need). The Catskills contain a diversity of forest communities, from hemlock ravines to high elevation spruce-fir stands mixed within a mosaic of northern hardwood forest types. Forests that will be lost in the creation of the proposed reservoirs include beech-maple mesic forest and hemlock-northern hardwood forest. This high-quality bird habitat was recognized by the Audubon Society when it designated the Catskill Peaks Area and Catskill Forest Preserve as an Important Bird Area. The forests that will be replaced by reservoirs support the following New York State Species of Greatest Conservation Need: Ruffed Grouse, Red-shouldered Hawk, Black-throated Blue Warbler, Scarlet Tanager, and Wood Thrush.

Drinking Water Impacts:

The Ashokan Reservoir is the largest reservoir in the New York City Department of Environmental Protection (NYCDEP) system, providing drinking water for nine million New Yorkers. The proposed Ashokan Pumped Storage Hydroelectric Project could severely jeopardize the reservoir.

Under the New York State Public Health Law, Watershed Regulations are required by the 2007 Filtration Avoidance Determination (FAD) issued to New York City by the United States Environmental Protection Agency (EPA), pursuant to the Surface Water Treatment Rule (SWTR) directed under the federal Safe Drinking Water Act. In 2007, the EPA delegated direct regulatory oversight of the SWTR in the region to New York State's Department of Health (NYS DOH). The Watershed Regulations govern activities including: construction of impervious surfaces adjacent to a stream; crossing, diverting or piping a stream; construction of a structure adjacent to a stream or watercourse; a land clearing or land grading project involving two or more acres, located at least in part within the limiting distance of 100 feet of a watercourse or wetland, or within the limiting distance of 300 feet of a reservoir, reservoir stream or controlled lake or on a slope exceeding a 15 percent angle. It does not appear that this proposal takes into account these requirements or considerations of the NYCDEP system.

Additionally, moving the water through these pumps, containers and pipes could make the reservoir more turbid. The construction of the proposed power lines would run alongside the reservoir. This would mean that anywhere from 12.9 to 17.3 miles of reservoir frontage and riparian areas would be disturbed by construction and clear cutting of power lines and associated infrastructure.

Community/ Economic Impacts:

All three proposed reservoirs, would flood private land where people live. There is a historical legacy of taking land for reservoirs in the Catskills, which has generated long-lasting friction and resentment from area landowners. Further, after the construction of the proposed Woodland Valley Reservoir, a neighborhood of homes just below the proposed dam would be at severe risk in the event of a dam failure or flooding event.

The proposed Stony Clove reservoir would flood New York State Route 214, a designated New York State Scenic Byway. The highway is a major commute and access road through the heart of the Catskill Region. This Byway is of direct importance for local commerce, daily life, and tourism.

Tourism is a major component of the economy in the Catskills. This project involves considerable land and infrastructure manipulation which would substantially block access to rural communities and recreational opportunities which draw millions of visitors annually, resulting in severe negative impacts on the local economy.

The Ashokan Pumped Storage Project has proposed its building and operation to take place within the Catskill Forest Preserve and would require the use of State lands. According to Article XIV of the New York State Constitution Section 1: *“The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.”* Furthermore, any violation of Article XIV: *“A violation of any of the provisions of this article may be restrained at the suit of the people or, with the consent of the supreme court in appellate division, on notice to the attorney-general at the suit of any citizen.”* The Catskill Center, alongside Catskills-based organizations and citizens, will request intervenor status in opposition to the Ashokan Pumped Storage Project.

In conclusion, while the Catskill Center is supportive of renewable energy generation opportunities, this project is ill-conceived and utterly disregards critical resources for millions of people, the environment, and the local communities. It ignores impacts on the New York City water supply, New York State Forest Preserve Lands, and the presence of communities and homes within areas where the upper basins are proposed. The Catskill Center stands in opposition of this project and requests that the Federal Energy Regulatory Commission take these comments into consideration and not move this project forward.

Sincerely,



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