NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel
625 Broadway, 14th Floor, Albany, New York 12233-1500
P: (518) 402-9185 | F: (518) 402-9018
www.dec.ny.gov

April 12, 2021

Via Electronic Filing
The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Room 1A East
888 First Street, N.E.
Washington, D.C. 20426

Re: Premium Energy Holdings, LLC (Docket No. P-15056-000);
New York State Department of Environmental Conservation Comments

Dear Secretary Bose:

This letter is being submitted in response to the Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications (Notice), issued February 11, 2021. The Notice relates to an application submitted by Premium Energy Holdings, LLC (Applicant) on November 19, 2020 for a preliminary permit pursuant to section 4(f) of the Federal Power Act (FPA) (Preliminary Permit), proposing to study the feasibility of the Ashokan Pumped Storage Project (Proposed Project). The New York State Department of Environmental Conservation (DEC or Department) submits the following comments for consideration by the Federal Energy Regulatory Commission (FERC) in determining whether to grant the Preliminary Permit, and, if FERC ultimately issues the Preliminary Permit, an identification of potential environmental issues for the Applicant to consider in assessing the feasibility of the Proposed Project. A Notice of Intervention on behalf of DEC is being filed contemporaneously with these comments.

The Department is aware that the purpose of the Preliminary Permit is to preserve the right of the Applicant to have first priority in applying for a license for the Proposed Project while determining feasibility. As noted by FERC, it does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others. The Applicant will be required to consult with the Department (as well as other appropriate state and federal resource agencies and affected Indian tribes), conduct all reasonable studies requested by the Department, and solicit comments on any license application before it is filed (18 C.F.R. § 4.38). The following general comments are not intended to address the potential effects of constructing and operating the proposed project as a component of this preliminary permit; however, they are being provided for consideration by the Applicant if, and when, a Notice of Intent and Preliminary Application Document are prepared for the proposed project (18 C.F.R. § 4.38(a)(3)).

I. Proposed Project

The Proposed Project is a pumped storage facility that would utilize the Ashokan Reservoir, a part of New York City's water supply system, as the lower reservoir. The application for the Preliminary Permit describes three potential alternatives for the upper reservoir; 1) Stony Clove Reservoir on Stony Clove Creek; 2) Woodland Reservoir on Woodland Creek; and 3) Wittenberg Reservoir on Maltby Hollow Brook. The Proposed Project would require the construction of substantial embankments/dams to create the upper reservoirs, ranging in size from 212-304 feet tall and 2527-2736 feet long. The three upper reservoir alternatives range in surface area from 276-313 acres. The Proposed Project will also require the construction of extensive tunnels, shafts and penstocks, a powerhouse and electrical interconnection.

The environmental effects of pump storage facilities operations have long been studied and documented. In fact, the United States Department of Energy (DOE) issued a report comparing the environmental impacts between open-loop versus closed-loop pump storage hydro facilities.[1] It is important to note that the Preliminary Permit application material submitted by the Applicant refers to the proposed Project as being a closed-loop system. However, DOE's basic definition of a closed-loop system states that the upper reservoir is "not continuously connected to a naturally flowing water feature." As discussed above, all three upper reservoir alternatives include a connection to highly valuable flowing waterbodies. As such, the Proposed Project cannot be considered closed-loop. Further, the Ashokan Reservoir, the proposed lower reservoir, is also located on a naturally flowing, high quality trout stream, the Esopus Creek.

II. DEC Water Quality Authority

Section 401 of the Clean Water Act (CWA) requires that any applicant for a federal license or permit to conduct an activity that may result in a discharge into navigable waters must obtain a water quality certification from the State where the activity occurs. As such, and in the event that the Applicant opts to pursue a FERC-issued license under the FPA for the construction and operation of the Proposed Project, it will also need to obtain a CWA Section 401 water quality certification from the DEC. The standards for issuing a water quality certificate are contained in Title 6 of the New York Codes, Rules and Regulations (NYCRR) § 608.9, with the burden placed on the applicant to demonstrate compliance with the following:

1) New York State effluent limitations and standards;
2) New York State water quality standards and thermal discharge criteria;
3) New York State new source standards;
4) New York State prohibited discharges; and
5) Other New York State regulations and criteria otherwise applicable.

Additionally, these standards mandate that the certifying agency require compliance with the DEC's water quality regulations set forth at 6 NYCRR Parts 701, 702, 703, 704 and applicable provisions of Part 750.

[1] https://www.energy.gov/sites/prod/files/2020/04/f73/comparison-of-environmental-effects-open-loop-closed-loop-psh-1.pdf

In the event that any activities conducted under a Preliminary Permit could result in a discharge into navigable waters, the Applicant would also be required to obtain a Section 401 certification from the Department.

III. Impacts to Natural Resources

It is the public policy of the New York State to recognize that the State is rich with valuable water resources and directs the Department - as stewards of the environment - to preserve and protect certain public lands, lakes, rivers, streams, and ponds. ECL § 15-0105. These rivers, streams, lakes, and ponds are necessary for fish and wildlife habitat; drinking and bathing; and agricultural, commercial and industrial uses. In addition, New York's waterways provide opportunities for recreation; education and research; and aesthetic appreciation. Human activities, such as the Proposed Project, can adversely affect, even destroy, the delicate ecological balance of these important areas, thereby impairing the uses of these waters.

The Proposed Project will impact a variety of valuable State resources through both construction and operation of the Proposed Project including, but not limited to: (i) state Forest Preserve lands explicitly protected under the New York State Constitution; (ii) the New York City (NYC) Watershed (of which the Ashokan Reservoir is a critical component); and (iii) protected waterbodies and species. This comment letter is intended to highlight some of the greatest impacts that could result from the Proposed Project and is not exhaustive of the Department's concerns should the Applicant seek licensure under the FPA.

Construction related impacts can include: (i) the direct placement of fill in surface waters to accommodate dam and powerhouse construction and temporary and/or permanent road crossings, causing suspension of sediments and turbidity; (ii) disturbance of stream banks and/or substrates resulting from dam and powerhouse construction, potential tunnel excavation, and buried cable installation; (iii) an increase in water temperature and conversion of cover type due to clearing of vegetation; and (iv) siltation and sedimentation due to earthwork, such as excavating and grading activities. These impacts directly and adversely affect the best usages of a stream, such as for fish propagation and survival, pursuant to 6 NYCRR § 701.8.

Operation related impacts can include: (i) land use changes; (ii) water quality impacts resulting from the release of impounded water from the reservoirs (i.e., increase sediment, increased temperatures; decreased dissolved oxygen levels; increased nutrients, etc.); (iii) water quantity impacts from impounding a naturally flowing water body; scouring and erosion of streambeds and streambanks from the potential variation in flows from the upper reservoir; and (iv) aquatic ecology from water quality/quantity impacts.

1. State Forest Preserve

The entire Proposed Project area is proposed to be located within the "Blue Line" of the Catskill Park and would impact State Forest Preserve lands.[2] Under the Section XIV of the New York State Constitution, the State-owned land within the Catskill Park is considered Forest

[2] *See* https://www.dec.ny.gov/lands/110552.html#:~:text=Use%20of%20a%20%22blue%20line,has%20darkened%2C%20appearing%20almost%20black.

Preserve and thus "shall be forever kept as wild forest lands [and] . . . 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." N.Y. Const. Art. XIV, § 1. The Proposed Project would apparently impact State Forest Preserve Lands, as described further below, and therefore an amendment to the Constitution would be required for the Proposed Project to come to fruition. N.Y. Const. Art. XIX. The Applicant would be unable to rely on any right of eminent domain.[3] 16 U.S.C. § 184 (licensee may not use the right of eminent domain under this section to acquire any lands or other property that, prior to October 24, 1992, were owned by a State or political subdivision thereof and were part of or included within any public park, recreation area or wildlife refuge established under State or local law).

Within the Catskill Park are over 290,000 acres of Constitutionally-protected State Forest Preserve lands "under the care, custody and control" of DEC. These lands consist of protected lands ranging from remote back country to DEC-managed campgrounds that provide exceptional scenic, recreational, and ecological value. It is unclear from what has been submitted by the Applicant to what extent the Proposed Project would impact the lands under DEC's purview.

With regard to the Proposed Project, each upper reservoir alternative has the potential to impact Forest Preserve areas, as do some of the tunnel and transmission line alternative. Exhibit 3 included with the Preliminary Permit application roughly outlines the areas that could be potentially impacted by the proposed Project. Below is a table of these Forest Preserve areas.

Alternative	**Forest Preserve Area**
Stony Clove Reservoir	Indian Head Wilderness Area
Stony Clove Reservoir/Tunnel/Penstock (Stony Clove/Woodland)	Phoenicia – Mt. Tobias Wild Forest
Stony Clove Reservoir/Tunnel/Penstock (Stony Clove)	Hunter-West Kill Wilderness
Woodland Reservoir/Wittenberg Reservoir/ Penstock/Tunnel (Woodland/Stony Clove)	Slide Mountain Wilderness
Penstock/Tunnel (Wittenberg)	Sundown Wild Forest

As indicated above, the potential Forest Preserve areas that will be potentially impacted by the Proposed Project are either classified as either a "Wilderness Area" or "Wild Forest". Under the Catskill Park State Land Management Plan (CPSLMP) a wilderness area is defined as those areas "where the earth and community of life are untrammeled by man….". A wilderness area is further defined to mean an area of state land or water having a primeval character, without significant improvement or protected and managed so as to preserve, enhance and restore, where necessary, its natural conditions (emphasis added).

Under the CPSLMP a Wild Forest area is an area where the resources permit a somewhat higher degree of human use than in wilderness areas, while retaining an essentially wild character

[3] DEC understands that any Preliminary Permit issued by FERC in this proceeding would not confer any rights of eminent domain. *Matter of Lake Shannon Hydroelectric Company, LLC*, 118 FERC P 61117, 61595, 2007 WL 496836, **2 (Feb. 16, 2007))

(emphasis added). A wild forest area is further defined as an area that frequently lacks the sense of remoteness of wilderness and that permits a wide variety of outdoor recreation.

It is DEC's position that, regardless of the classification of any land at issue, Article XIV of the State Constitution would prohibit the taking of any Forest Preserve land that may be required for the creation of the upper reservoir. The construction of a massive embankment and a manmade reservoir on Forest Preserve lands is not consistent with maintaining either the "natural conditions" or "wild character" of these Forest Preserve areas. It would also result in the destruction of timber, clearly prohibited by the State constitution. In addition, any of the upper reservoirs proposed would require relocation of public highways that would also likely require the taking of Forest Preserve lands.

2. Ashokan Reservoir

In addition to being within a Constitutionally protected forest preserve, the Proposed Project is also entirely within the New York City Watershed and includes the Ashokan Reservoir. The Ashokan Reservoir is a critical component of the City's drinking water supply, providing approximately 40% of the daily supply of drinking water to New York City and upstate communities. Water from Ashokan Reservoir is then conveyed to the Kensico Reservoir before it is then sent into the City's distribution system, where is it disinfected with chlorine and ultraviolet light. The Proposed Project plans to utilize the Ashokan Reservoir as the lower reservoir for the pump storage operation. As such, the Proposed Project has the potential to result in significant adverse impacts to the New York City Watershed and water supply system with respect to both water quality and quantity within the system.

The New York City drinking water supply system is the largest unfiltered water supply in the United States. It provides approximately 1.1 billion gallons of high-quality drinking water to nearly one-half the population of New York State every day. This includes eight million residents of the City and one million consumers located in Ulster, Orange, Putnam, and Westchester counties. In order to safeguard this irreplaceable natural resource, a comprehensive and innovative watershed protection plan was developed.

Some of the longstanding and well-documented water quality concerns in the NYC Watershed are:

- Sediment problems, or turbidity, within the Catskill Watershed (i.e., Ashokan and Schoharie basins). Sediment can transport pathogens and interfere with effectiveness of water disinfection.

- Excess nutrients, particularly phosphorus. High phosphorus can cause algae blooms that cause serious odor, taste, and color issues. Excess phosphorus can cause nutrient-rich water conditions that support unwanted plant life and increase carbon. This water, then mixed with chlorine, can result in the formation of "disinfection byproducts" - chemicals that are suspected of being carcinogenic and may cause the risk of early term miscarriages.

DEC is an active partner in the management and protection of the New York City Watershed Program and provides technical expertise and support of watershed protection programs and overall coordination with other federal, New York State, local governments, City of New York, and environmental organizations involved in the NYC Watershed. Further, DEC has

direct regulatory and non-regulatory oversight of numerous programs included in the 1997 New York City Watershed Memorandum of Agreement, as well as the current 2017 Filtration Avoidance Determination (FAD) within the NYC Watershed.

a. Project Impacts on the NYC Water Supply System

Naturally occurring turbidity will be collected in the upper reservoir and transferred to Ashokan Reservoir during the course of operations from the Proposed Project. The transfer of water may also change the temperature and nutrient profiles of the reservoir. This will likely have negative effects on every aspect of Ashokan operations. Further, the turbidity or cloudiness of water releases from Ashokan Reservoir are closely monitored and governed by an agreement between the Department and the NYC Department of Environmental Protection. The addition of turbidity to Ashokan Reservoir from the proposed upper reservoir would make turbid releases from Ashokan more frequent and more severe.

The addition of turbidity to Ashokan Reservoir from the proposed upper reservoir could also potentially result in more frequent reductions in diversion to Kensico Reservoir in order to comply with the 2017 FAD. The diversions from other NYC reservoirs would therefore be increased with resulting lower reservoir levels and release rates. It would also make the addition of alum under a declared public health emergency more likely which would cause an increase in settleable solids at Kensico Reservoir. In the event that the 2017 FAD is not renewed, the resulting construction and operation of the filtration plant would likely produce much more greenhouse gas emissions than is saved by the construction of Proposed Project.

Furthermore, the addition of warm, potentially nutrient-laden water from the upper reservoir into Ashokan Reservoir during the summer months could encourage the development of harmful algal blooms with a resulting impairment of NYC's ability to deliver safe, potable water to their customers.

Lastly, the daily 1-2' variation in water surface elevation could have a negative effect on NYC's water supply operations. The dividing weir, which separates the Ashokan Reservoir into two basins (i.e. east and west), is sensitive to the elevations in both basins and NYC targets the reservoirs to be balanced under some conditions. The daily fluctuation could make turbidity control more difficult. Some valves used by the City to make diversions and releases cannot be operated when the difference between the basin elevations is too large.

b. Additional Impacts to the Ashokan Reservoir

The reservoir is split into two basins. The west basin would be directly impacted by the pump storage operation through increased turbidity and rapid water level fluctuation, while the east basin would be indirectly impacted via water transfers and by turbidity. The Ashokan Reservoir supports a popular two-story fishery in both basins, consisting of brown trout, rainbow trout, and smallmouth bass. As the reservoir has a steep drop-off, the latter species remains close to shore, especially during the spawning season in late Spring. In the latest Centrarchid-based survey in 2017, the overall (basins combined) catch rate of catchable-sized smallmouth bass was higher than 97% of all lakes in New York. Catches of larger fish ranked in the upper third in the state. Large fluctuations in water levels during spawning season (as would likely occur with pump storage operation), would expose spawning beds and be highly detrimental to the smallmouth population.

This reservoir stratifies in the summer, providing a large trout zone with cool water and good oxygen levels to support a year-round trout population. The most recent netting surveys for trout on Ashokan Reservoir occurred in 1988, 1999, and 2013, all caught both wild rainbow and brown trout, indicating a wild population occurs in the reservoir. Rapid changes in water levels, especially in the summer, could severely impact the trout zone.

3. Waterbody and Species Impacts, in General

In New York, protected streams are defined in 6 NYCRR § 608.1(aa) as streams or portions of streams that have any of the following water quality classifications or standards (in declining order of water quality): AA, AA(T), AA (TS), A, A(T), A(TS), B, B(T), B(TS), C(T), or C(TS). The designation of "T" means that the waters provide habitat in which trout can survive and grow; "TS" means that the waters provide conditions in which trout eggs can be deposited, fertilized, develop, hatch, and grow.

The three waterbodies identified in the Preliminary Permit application that could potentially be impacted by one of the upper reservoir alternatives are all protected waterbodies: Stony Clove (B(TS)); Woodland Creek (B(TS)) and Maltby Hollow Brook B((T)). In addition, Stony Clove Creek and Woodland Creek are tributaries to the Esopus Creek and, as such, any impact to those streams will ultimately result in downstream impacts the Esopus. Brook trout, brown trout, and rainbow trout all exist within the Proposed Project area.

Of particular note, based on the survey results of Esopus River immediately downstream of Stony Clove and Woodland Creeks, this section of river (as well as the stretch above Phoenicia to Lost Clove Creek in Big Indian) was designated a 'Wild-Quality' trout reach in the revised 2020 Trout Stream Management Plan. 'Wild-Quality' streams are promoted to the angling public as places that have good fishing access and great opportunity to fish on a robust wild trout population. This designation has drawn the interest and praise of many anglers in the region.

As discussed above, the Proposed Project also includes the use of the Ashokan Reservoir as the lower reservoir. The Ashokan is also a protected waterbody and part of the New York City public water supply system. In addition, the Ashokan Reservoir supports a valuable warm water fishery as well.

a. Trout Biology/Habitat

Trout are members of the Salmonidae family of freshwater fish that are a unique among the fishes of New York State because they require cold, clear, water of very high quality for all stages of their life cycle from reproduction through adulthood. Ideal water temperatures for the survival and growth of trout in the summer is between 55-65 degrees Fahrenheit. Water temperatures exceeding 70 Fahrenheit for extended periods of time can cause stress and mortality, especially for the less temperature tolerant brook trout. Additionally, trout require diverse in-stream habitat consisting of gravel and large cobble substrates, undercut banks, and fallen trees. Riparian vegetation capable of shading stream surfaces is vital to maintaining adequate summer water temperatures and providing fallen tree habitat in the stream. In order to reproduce successfully, trout require substrates with clean, silt-free gravel and small cobbles as they excavate nests where eggs are deposited, fertilized and buried by the female trout.

Fertilized eggs develop based on water temperatures, with the eggs of brook and brown trout remaining in the gravel through the winter, hatching from late February through early April, and the fry swimming up through the gravel into the water column about two weeks after hatching. Due to higher water temperatures in the spring, rainbow trout hatch and swim up from the gravel during April and May. Any activities that deposit excess fine sediments on stream bottoms while eggs and newly hatched fry are still in the gravel can lead to suffocation and death of the eggs or entrapment of the fry before they can swim up through the gravel. In addition, trout are a highly sought after sportfish in New York State (second only to bass in popularity) as well as being recognized as excellent indicators of water quality conditions in streams.

b. Specific Resources

All three of the proposed alternatives locations include the creation of the upper reservoir in the headwaters of a protected cold-water fishery and effectively eliminating the upper reaches of these valuable resources. In addition to this obvious significant potential impact, the operation of the pump storage will have potential impacts on the remaining stream reaches between the upper reservoir and the Ashokan Reservoir.

As discussed in the DOE report, the primary impacts from the operation of an open-loop pump storage facility include a change to both water quality and quantity in the waterbodies between the upper and lower reservoirs. Water quality impacts include an increase in water temperature from the release of impounded water from the upper reservoir, an increase in suspended sediment; and in some instances a decrease in dissolved oxygen.

Water quantity impacts from pumped storage operations are primarily related to the pulsing nature of water flows in the waterbodies downstream of the upper reservoir. The interruption of the natural flow regime of a waterbody can have significant impacts on not only the fishery resources, but all other organisms within the stream system that exist and rely upon certain stream dynamics to exist.

Below is a discussion of specific resources that could be impacted by the Proposed Project. Each discussion includes a reference to all available DEC fisheries data for each waterbody and the impacts the Proposed Project could have on these resources. As noted above, this discussion is not exhaustive – this is an initial assessment based on the limited information before the Department.

i. Maltby Hollow

The Department has survey data for Maltby Hollow from 1936, 1957, 1962 and 2016. Five different locations were surveyed in those timeframes and all found a variety of trout species. The upstream-most sites, where the proposed reservoir would be located, had brook trout (sampled in 1936 and 2016). The construction of a reservoir in this location would eliminate native brook trout habitat and have major impacts to the brook trout population in this stream. The southernmost survey sites found rainbow and brown trout, indicating this is a spawning tributary of the wild Ashokan Reservoir populations. In addition, the Bush Kill, below confluence with Maltby Hollow, was surveyed in 1936 and 1989. Three different sites were sampled, and rainbow and brown trout were found at each, indicating this is a spawning tributary of the wild Ashokan Reservoir populations. Spawning trout in this portion of Bush Kill would be impacted by both water quality and quantity changes as a result of the Proposed Project.

ii. Woodland Creek

The Department has survey data for Woodland Creek from 1936, 1957, 1961, 1989, 1990, 1991, and 2017. Ten different locations were surveyed in those timeframes and all found a variety of trout species. The upstream-most sites, where the proposed reservoir would be located, had brook trout (sampled in 1957 and 1991). The construction of a reservoir in this location would eliminate native brook trout habitat and have major impacts to the brook trout population in this stream. The southernmost sites where surveys were conducted found both rainbow and brown trout, indicating wild populations that likely also contribute to the Esopus Creek trout populations. Spawning trout in this lower portion of Woodland Creek would be potentially impacted by both changes in water quality and quantity.

In addition, United States Geological Service (USGS) completed a ten-year survey of Woodland Creek about ½ mile above the confluence with Esopus Creek (2009-2018). The completed survey methods were appropriate for conducting population estimation. The conclusion of USGS survey was very high trout populations in the creek. Spawning trout in this lower portion of Woodland Creek would be impacted by both water quality and quantity impacts as a result of the proposed Project.

iii. Stony Clove Creek – Trout/Biological Reconnaissance Surveys

The Stony Clove Creek spans between two DEC Regions.[4] DEC Region 3 has survey data for Stony Clove Creek from 1957, 1958, 1978, 1989, 1991, 2017. Nine different locations were surveyed in those timeframes and all found a variety of trout species. In particular, the portion of the stream near the confluence with Esopus Creek contained rainbow and brown trout. These are wild trout populations that also contribute to the Esopus Creek trout populations. DEC Region 4 has survey data for the upper portion of Stony Clove Creek (where the reservoir would be located) from 1936, 1957, 1978 and 2016. All surveys documented wild trout in the creek. The construction of a reservoir in this location would eliminate wild trout habitat and have major impacts to the wild trout population in this stream.

In addition, USGS completed a six-year survey near the confluence with the Esopus (2009-2014). As part of that survey, USGS also sampled two other upstream reaches at Chichester (2009-2011) and Lanesville (2011). Large catches of rainbow and brown trout of all sizes were observed at all sites in all years. Brook trout were observed at the Chichester site in 2009. These results indicate a robust wild trout population in Stony Clove Creek, which also likely contributes to the Esopus Creek wild trout population.

All of the reaches of Stony Clove will be impacted by water quality and quantity changes as result of the Proposed Project.

iv. Esopus Creek downstream of Phoenicia (downstream of Stony Clove and Woodland Creek)

[4] https://www.dec.ny.gov/about/76070.html

The Department has sampled the Esopus Creek downstream of Stony Creek and Woodland Creek many times. Recent population level surveys were done in various locations in this stretch of river in 1988, 1991, 1992, 1993, 2009, 2010, and 2020. Almost all results showed high catches of adult wild trout (rainbow and brown) and evidence of young-of-year wild trout (rainbow and brown). As discussed above, this section of river (as well as the stretch above Phoenicia to Lost Clove Creek in Big Indian) was designated a 'Wild-Quality' trout reach in the revised 2020 Trout Stream Management Plan based on these survey results. Changes in flow to either the Stony Clove Creek or Woodland Creek would dramatically alter water quality and flows in the Esopus reach below Phoenicia, most notably in the summer months where the cold water from these tributaries provides much needed refuge for wild trout.

IV. Conclusion

While the Preliminary Permit application does not provide the Department with sufficient detail to assess all potential impacts associated with the Proposed Project, based on the available information, both FERC and the Applicant would have to address numerous potentially significant adverse environmental impacts, along with State Constitutional issues, prior to being able to proceed with the Proposed Project. The Department reserves its right to supplement its comments with FERC as necessary, including, but not limited to, upon receipt of a formal submission by the Applicant to either the Department or through the FERC docket. Indeed, while media reports suggest the Applicant has reconfigured the Proposed Project, the Department has not had an opportunity to review any details regarding, nor do these comments address, this reconfiguration.[5]

Thank you for the opportunity to comment on the Preliminary Permit for the Proposed Project. If you have any questions or desire additional information, please contact me or the DEC Project Manager, Chris Hogan, at chris.hogan@dec.ny.gov or (518) 402-9151.

Very truly yours,

Sita Crounse, Esq.
Associate Attorney

Encl.

cc: FERC Service List
NYSDEC Staff

[5] https://www.timesunion.com/hudsonvalley/news/article/Ashokan-Reservoir-hydroelectric-plant-plans-move-16094107.php?IPID=Times-Union-HP-CP-Spotlight