

Coalition of Watershed Towns

c/o Delaware County Department of Watershed Affairs

1 Gallant Avenue

Delhi, New York 13753

Phone: 607-832-5432, Fax: 607-832-6042

coalitionofwatershedtowns.org

Executive Committee

Ric Coombe - Chairman
Neversink Councilman

Pat Davis
Middletown Supervisor

William Federice
Conesville Supervisor

Peter Friedel
Olive Councilman

Wayland Gladstone
Andes Supervisor

David Kukle – Vice Chairman
Hunter Councilman

Greg Vurckio
Denning Councilman

Drew Boggess – Alternate
Olive Councilman

Scott Grey – Alternate
Neversink Councilman

Thomas Hilson – Alternate
Bovina Councilman

Shayne Moshier – Alternate
Andes Councilman

Lester Parker – Alternate
Gilboa Councilman

Larry Reilly – Alternate
Fleischmanns Trustee

Richard Tompkins – Alternate
Ashland Supervisor

Steve Walker – Alternate
Windham Councilman

April 12, 2021

Via electronic filing

Ms. Kimberly Bose

Secretary

Federal Energy Regulatory Commission

888 First Street NE

Washington, DC 20426

Re: Comments, Docket # P-15056 – Ashokan Pump Storage Project

Dear Secretary Bose:

As counsel to the Coalition of Watershed Towns (“CWT”), I am writing to submit comments on Premium Energy Holding’s application for a Preliminary Permit for the Ashokan Pump Storage Project. The CWT strongly opposes this project and particularly opposes the application for preliminary approval. While the threshold for granting a preliminary approval is low, the myriad comments in opposition by every stakeholder in the area as well as the deficient nature of the application itself warrants a denial of the application. Granting the preliminary permit would result in an unnecessary waste of resources and energies of the affected communities for a project that stands virtually no chance of final approval.

The Coalition of Watershed Towns is an inter-municipal cooperative organization pursuant to Article 5-G of the New York State General Municipal Law. The CWT is comprised of the approximately 40 towns and villages that make up that portion of the New York City water supply system that lies west of the Hudson River and consists of the Catskill and Delaware portions of the New York City Water Supply. The CWT was formed in 1991 in response to efforts by New York City to obtain a Filtration Avoidance Determination from the Surface Water Treatment Rule of the Safe Drinking Water Act (42 U.S.C. §300f et seq.; 40 CFR Part 141). At that time, New York City was seeking to avoid having to filter its surface water supply by adopting land-use regulations which would have a draconian impact on the watershed communities. The City also proposed a land acquisition program that sought to acquire hundreds of thousands of acres by the use of eminent domain. The CWT was formed as vehicle for the watershed communities, which are all small municipalities with limited resources, to work collectively to mitigate the impacts of the City’s proposed watershed protection program. The CWT’s efforts culminated in the historic 1997 New York City Watershed Memorandum of Agreement and a new watershed protection program that included a more focused regulatory program that respected the need to maintain sustainable communities, a land acquisition program that relied upon willing sellers and willing buyers and prohibited the use of eminent domain and an infrastructure improvement program that brought hundreds of millions of dollars to the

watershed communities to improve, *inter alia*, septic systems and community wastewater projects throughout the west-of-hudson watershed.

The CWT joins in the extensive comments already submitted by NYCDEP, various towns and counties, environmental organizations and local community groups in addition to the individual comments that demonstrate the significant problems presented by this application. In addition to posing a threat to the New York City water supply, the project as proposed will result in significant environmental impacts to forested areas, wildlife, endangered species and community character. The project could result in the loss of permanently protected forever wild state lands if it is determined that FERC can grant rights over such protected lands. If approved the project would, alternatively, result in the taking of private property and the destruction of the character of the affected communities. The applicant has demonstrated a disregard for the sensitivities of the local communities by failing to engage in any outreach in advance of its application and has demonstrated a striking ignorance of the local conditions. Through either incompetence or a callous disregard for martialing the necessary information, the application failed to even properly identify the municipalities where the project is proposed to be located.

As the Commission is aware by now, this project has resulted in significant opposition and concern in the affected area. The understandable concerns expressed by the citizenry has in turn become an immense burden to local government officials taking up much of their time and energy. All of the potentially affected towns are very small with very limited staff and limited resources to retain the necessary legal and engineering consultants to review the issues raised by a project such as this. If granted preliminary approval, the burden on the towns will increase and continue for several more years as the applicant attempts to complete the application and move through the permitting process. It is a daunting and terrifying prospect for local elected representatives to contemplate that this project will be hanging over their heads demanding their attention and resources for those years. Put simply, the communities do not have the bandwidth to have to deal with a project like this while dealing with the other issues they regularly confront. If this was a facially viable project then the effort may be warranted, however, it is evident that this project has no chance of overcoming the significant obstacles to approval. Therefore, to ignore a prolonged exercise in futility that will sap the resources of the communities the Commission should exercise its authority and deny the preliminary approval as not consistent with the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey S. Baker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeffrey S. Baker
Counsel to the Coalition of Watershed Towns.