

**In The Matter Of:**  
*WEST OF HUDSON HYDROELECTRIC PROJECT*

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*FERC PROJECT NO. 13287*  
*December 16, 2009*  
*7 P.M.*

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In the Matter of:

WEST OF HUDSON HYDROELECTRIC PROJECT  
FERC PROJECT NO. 13287

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Wednesday, December 16, 2009

7:15 P.M.

MINUTES OF PUBLIC HEARING

SCHOHARIE BOARD OF SUPERVISORS  
SCHOHARIE, NEW YORK

REPORTED BY: BRENDA J O'CONNOR-MARELLO, CSR

**7 P.M.**

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APPEARANCES:

ANTHONY J. FIORE, Director of Planning and Sustainability

CARL P. DAVIS, Schoharie Section Chief, Western Operations

ROBERT CRAIG, ESQ., Assistant Counsel

ALSO PRESENT:

GOMEZ AND SULLIVAN ENGINEERS, P.C.  
BY: MARK J. WAMSER, P.E.

COUCH WHITE, LLP  
BY: KEVIN M. LANG, ESQ.

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1 PROCEEDINGS

2 MR. DAVIS: Good evening. We  
3 might have what we're going to have this  
4 evening, so we're going to go ahead and  
5 get started.

6 I welcome everyone this evening.  
7 Thanks for coming out. Assemblyman  
8 Lopez, organizational stakeholders, I  
9 appreciate you coming this evening.

10 Earlier today we held a joint  
11 meeting down in Kingston, down in Ulster  
12 County at our Kingston offices, which  
13 met the -- our requirement for a public  
14 forum. Additionally, we want to hold  
15 two informal public meetings to get the  
16 word out, because this project covers  
17 such a vast geographical area. So one  
18 was held down -- last night down at  
19 Sullivan County Community College, and  
20 obviously our intention was to hold one  
21 up here in Schoharie this evening.  
22 We're going to get right to it, get to  
23 the meat of the presentation.

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1  
2 We do have three members of our  
3 panel here. We have Mr. Anthony Fiore  
4 from the -- director of planning and  
5 sustainability for New York State DEP.  
6 Some of you are familiar with me, Carl  
7 Davis, Schoharie section chief.  
8 Unfortunately, Chief Vicars, western  
9 operations division chief, is under the  
10 weather with the flu and he's unable to  
11 be here tonight. He sends his regards.  
12 Additionally, we have Mr. Mark --

13 MR. WAMSER: Wamser.

14 MR. DAVIS: -- Wamser, I  
15 apologize, from Gomez and Sullivan  
16 Engineering, and Kevin Lang, legal  
17 counsel from Couch White.

18 With that, I think we can get  
19 started with our presentation.

20 MR. FIORE: So thanks for being  
21 here. We're going to give an overview  
22 of our project, an overview of the FERC  
23 licensing process, an overview of our

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1  
2 pre-application document, and then open  
3 it up for input from -- from the  
4 audience.

5 I just want to begin by giving a  
6 brief overview of the water supply  
7 system. And I'm sure everyone in the  
8 room here is very familiar with it, but  
9 I'll go through it again anyway.

10 It is an unfiltered water supply  
11 consisting of 22 impoundments in total  
12 ranging in size from .2 billion gallons  
13 to over 140 billion gallons. It  
14 delivers more than 1 billion gallons a  
15 day to 9 million customers, 1 million of  
16 those residing in towns and counties  
17 outside of the city.

18 The water supply system is  
19 spread over a very large geographic  
20 area. It's a 2,000 square mile  
21 watershed. It consists of 125 miles of  
22 tunnels and aqueducts. And it's broken  
23 up into three subsystems: The Croton

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1  
2 system, the Catskill subsystem, and the  
3 Delaware subsystem.

4 The first system to come on line  
5 is the Croton. It's the oldest. It has  
6 12 reservoirs and three controlled lakes  
7 with a total capacity of about 88  
8 billion gallons. And it's located all  
9 on the east side of the Hudson River.

10 The next part of the system to  
11 come on line is the Catskill system.  
12 That consists of the Ashokan and  
13 Schoharie reservoirs, and the total  
14 capacities is approximately 140 billion  
15 gallons.

16 The Delaware system is the newer  
17 part, Cannonsville, Pepacton and  
18 Neversink and Roundout make up that  
19 subsystem. And that consists of  
20 approximately 320 billion gallons.

21 The three subsystems are  
22 operated in concert with one another so  
23 that we are able to supply the highest

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1  
2 quality drinking water to the customers.

3 So this is the Cannonsville  
4 reservoir. And this reservoir was put  
5 in service in about 1964. It's a  
6 world-filled earth embankment, 2,800  
7 feet long. This is the dam here, 1,100  
8 feet wide at the toe, and approximately  
9 45 feet wide at the top. It's 175-foot  
10 elevation between the tow of the dam and  
11 the crest.

12 The spillway is a split-level  
13 spillway, 800 feet long in total. This  
14 is the lower spillway here. This part  
15 is about 10 feet higher than the lower  
16 spillway. The lower portion is 240 feet  
17 long. The upper portion is about 560  
18 feet long.

19 The impoundment itself is 13  
20 miles long, and it has storage capacity  
21 of about 96 billion gallons. The  
22 watershed drainage area for this  
23 reservoir is 450 square miles.

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1  
2 And the proposal for this site  
3 is to locate a powerhouse adjacent to an  
4 existing -- the existing lower level  
5 release chamber, which is right here at  
6 the toe of the dam. So there's an  
7 existing intake structure on the  
8 reservoir with a water conveyance  
9 tunnel, brings the water down to this  
10 release chamber. So the proposal would  
11 be to tie into that tunnel, and then  
12 bring the water over to the new  
13 powerhouse to feed two turbines.

14 In addition to that, in the  
15 release chamber itself, there's a  
16 manifold system that serves the valving  
17 in the release chamber. We would "T"  
18 off of that to serve two additional  
19 turbines in the new powerhouse, one of  
20 equal size of the first two, and then a  
21 fourth turbine, which would be a  
22 minimum-flow turbine.

23 Right now we're looking at about

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1  
2 750 feet of transmission line. That's a  
3 preliminary number. We haven't done the  
4 interconnection study yet to find out  
5 the specific point where we would tie  
6 in, but from our preliminary screening,  
7 we're looking at about 750 feet.

8 Okay. So moving on to Pepacton.  
9 This dam was put in operation in 1955.  
10 It's, again, a zoned earth embankment  
11 dam, 2,400 feet long. This is the dam  
12 here, and then the spillway is here.  
13 It's 1,200 feet wide at the toe and,  
14 again, approximately 45 feet wide at the  
15 top. And there's just over a 200-foot  
16 elevation difference between the toe of  
17 the dam and the crest of the dam. The  
18 spillway comes over into a 54-inch  
19 diameter tunnel which goes underground,  
20 and then the discharge is taken to the  
21 spill in the basin down below.

22 The crest elevation of that  
23 spillway is at 1,280. Impoundment

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1  
2 itself is 18 miles long with a net  
3 storage capacity at normal pool of 140  
4 billion gallons. Watershed drainage  
5 area for this reservoir is 372 square  
6 miles.

7 And the proposal here would be  
8 to replace one of two existing valves  
9 that are in the release chamber. At  
10 Pepacton, it's set up a little bit  
11 differently from the last reservoir  
12 Cannonsville that I spoke about in that  
13 the release chamber is the top of the  
14 dam. In fact, the Cannonsville, the  
15 release chamber is down at the bottom.  
16 But we'd be replacing one of the release  
17 valves in the existing chamber with  
18 turbine.

19 The challenge with this site is  
20 when we replace that valve with the  
21 turbine, it would still continue to meet  
22 flow requirements downstream. So we're  
23 still evaluating the best way to do

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1  
2 that, whether there's a bypass that's  
3 put in around the turbine or replacing  
4 the other existing valve with a larger  
5 valve. So that's the challenges still  
6 to be worked out with the this location.  
7 Here we're looking about 50 feet of  
8 transmission line.

9 Okay. The Neversink reservoir,  
10 it was placed in service in 1954.  
11 Again, it's an earth embankment dam,  
12 2,800 feet long, 1,800 feet wide at the  
13 toe. And it's about a 200-foot gain  
14 between the toe and the crest above that  
15 dam.

16 The spillway is a 30-foot  
17 diameter tunnel. This is the release  
18 chamber up here. It's a tunnel that  
19 comes down and releases into the  
20 spilling pool over here.

21 The impoundment itself is 5  
22 miles long. And the net storage  
23 capacity here is about 35 billion

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1  
2 gallons. Watershed drainage area for  
3 this reservoir is 93 square miles.

4 The proposal here, similar to  
5 Pepacton, would be to replace one of the  
6 two release valves existing within this  
7 chamber with a turbine. This chamber  
8 itself is a little bit different from  
9 the previous reservoir and release  
10 chamber in that this serves two  
11 functions: It's both a intake chamber  
12 and a release chamber. The previous  
13 reservoirs, both Pepacton and  
14 Cannonsville, the intake chamber that  
15 supplies water to the Roundout reservoir  
16 are located in separate areas, different  
17 part of the reservoir. Here at  
18 Neversink, it's common to one facility.

19 The challenge with this facility  
20 is space restrictions. So it's very  
21 tight in there. So we're still  
22 evaluating different turbines and what  
23 we could -- can fit into there.

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1  
2 Okay. So Schoharie Development  
3 placed in service in 1926 the mixed  
4 earthen and cyclopiam masonry dam, just  
5 over 2,000 feet long. Masonry width at  
6 the toe is 700 feet. Earthen portion of  
7 it is 150 feet wide. And it's 155-foot  
8 elevation difference between the crest  
9 of the dam, which is here, and then  
10 continues off in this direction off the  
11 slide. And this is the spillway here.

12 This dam is currently under  
13 rehab, as I'm sure everybody knows.  
14 Carl spoke about this earlier today, but  
15 just to go over it quickly, there's five  
16 phases to this work. The first phase  
17 involves crest-gate installation. The  
18 second phase is site preparation. The  
19 third phase would be installing this --  
20 a new low-level outlet structure. The  
21 fourth phase involves work for  
22 refurbishing the Shandaken tunnel inlet  
23 -- intake chamber. And the last part of

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1  
2 that would be site restoration.

3 Impoundment itself is 6 miles  
4 long, and there's a total capacity,  
5 normal -- at normal pool, net storage  
6 capacity I should say of just over  
7 17-and-a-half billion gallons. And the  
8 drainage area for this reservoir is 314  
9 square miles.

10 So under the current work, a new  
11 intake chamber would be installed here.  
12 There would be a tunnel to a gate  
13 chamber to this general location, and  
14 then a tunnel down to a new release  
15 chamber over here. The proposal here  
16 would be top "T" off of this new tunnel  
17 to a powerhouse.

18 I will tell you that we are  
19 conducting feasibility studies for all  
20 of these locations. And current  
21 screening for this site, it makes it  
22 look like a very difficult project. So  
23 we are still looking at alternatives

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1  
2 that might make this site a viable  
3 project, but the alternatives that we've  
4 seen so far makes this look very  
5 difficult.

6 Okay. So I want to just get  
7 into the preliminary permit part of the  
8 Federal Energy Regulatory Commissions'  
9 framework.

10 The preliminary permit is really  
11 in the first step in considering  
12 hydroelectric generation. What it's  
13 not, it's not an approval by FERC of the  
14 project. And it does not allow  
15 construction. What the preliminary  
16 permit does do is it provides priority  
17 to file a license application while the  
18 project is being studied.

19 With the permit in hand, we can  
20 begin collecting data, existing data,  
21 including the environmental setting of  
22 the projects, economic information,  
23 engineering data, and who the

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1  
2 stakeholders would be for these  
3 different projects.

4 That information is all then  
5 compiled and put together in what's  
6 called a pre-application document and  
7 using this pre-application document as a  
8 base line in engaging stakeholders.  
9 Then additional data that might be  
10 required to support a license  
11 application can be put together.

12 This is a real simple overview  
13 of the licensing process, a simple  
14 block-flow diagram. It gives you a nice  
15 visual of the large, I guess, milestones  
16 that are part of the FERC process. It  
17 is more detailed than this, but these  
18 are the major components. It's getting  
19 your permit application, pulling  
20 together your pre-application document,  
21 which is, again, it's a compilation of  
22 the existing data about the project  
23 sites and who the stakeholders are, and

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1  
2 then engaging those stakeholders in  
3 order to come up and develop your study  
4 plans. And so this is where we are  
5 today. Once we develop our study plans,  
6 we would then file for a -- I'd say  
7 develop a site plan and conduct the  
8 studies, file for a license application.  
9 After the license application gets  
10 filed, then that's where FERC would come  
11 in and begin the environmental review  
12 process. Once that is completed, you  
13 can file a final license application,  
14 you get a license approval, and then so  
15 you can begin your construction phase.

16 Okay. So the project time line,  
17 October 21st this year, licensing  
18 process was approved. Between December  
19 and April, the study plans will be  
20 developed. And February 15th is a major  
21 milestone. Any study requests that are  
22 going to be submitted, they need to be  
23 submitted by this date to the DEP and to

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1  
2 FERC. So February 15th is the reported  
3 date.

4 And then in the fall of 2011, we  
5 expect that we'd be filing for a draft  
6 license application. There's 90 days  
7 after that for comments. And then  
8 sometime in the spring of 2012 we'd be  
9 filing for our license application.

10 Okay. So the proposed  
11 operations, what I'd like to say is, you  
12 know, again, the primary mission for the  
13 Department of Environmental Protection  
14 is and will continue to be to supply  
15 high-quality drinking water to the  
16 customers. The hydropower generation  
17 will be second to that mission.

18 For the Delaware developments  
19 operation of the Delaware basin  
20 developments will fit into the existing  
21 Delaware flow regime. Releases will  
22 remain consistent with current  
23 protocols. We are not proposing to

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1  
2 change the magnitude, the timing or the  
3 frequency of downstream releases to  
4 affect hydroelectric generation. So  
5 existing conservation and directed  
6 releases will be used to generate power.  
7 So that's water that we would otherwise  
8 be releasing.

9 On the Schoharie development,  
10 what we're looking at is water that we  
11 could capture from our Snow Pack  
12 Management Plan to generate the  
13 hydroelectric.

14 Okay. So the pre-application  
15 document, I've spoken about this a  
16 little bit before, but just to sum it up  
17 again, it provides the background  
18 information on the city's existing  
19 reservoirs and dams. It discusses,  
20 again, the economic engineering, the  
21 environmental and operational  
22 information that's available, and it  
23 then helps to identify potential

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1  
2 impacts. It looks at a whole host of  
3 environmental impacts including geology  
4 and soils, water resources, fish and  
5 aquatic resources, and the list goes on.  
6 Based on looking at this, we can then  
7 propose studies that are necessary to  
8 support the license application.

9 So this is the environmental  
10 review part that I discussed earlier.  
11 This is a FERC-lead process. And this  
12 begins when we file for our license  
13 application. FERC would review that  
14 license application. If and when they  
15 accept the license application, then the  
16 NEPA scoping process would begin. Then  
17 a ready-for-environmental analysis  
18 notice would be put out. There would be  
19 a comment period. And then FERC  
20 eventually issues a final environmental  
21 assessment or environmental impact  
22 statement depending on the scope of the  
23 project.

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1  
2 I think that's it. So that's  
3 the overview of the project. If you  
4 want to submit any written comments or  
5 follow-up in any way, this is the  
6 contact information here. You can  
7 contact them, and they will get back to  
8 you, whatever you need.

9 So with that, I'd like to turn  
10 it over to Assemblyman Lopez, who would  
11 like to make some remarks.

12 ASSEMBLYMAN LOPEZ: I'd just  
13 like to thank the city for coming down.  
14 As you can see, we have a very small  
15 representation in the community. I'm  
16 just going to start to rewind a couple  
17 of years. This issue has been part of a  
18 local dialogue in the community for  
19 sometime.

20 So just to rewind, this  
21 discussion really has been at many  
22 tables, and Schoharie County had been  
23 part of a dialogue tied to the

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1  
2 rehabilitation of the Gilboa reservoir,  
3 the emergency reparations, and the  
4 long-term view of redefining and  
5 redesigning the dam, and, again, the  
6 whole premise tied to the concerns of  
7 the community, who basically supply the  
8 resource and really a function of the  
9 dialogue or the risks and reward,  
10 rewards given to the community that  
11 really is impacted.

12 And just by illustration, many  
13 of these faces are new. How many of you  
14 -- I'm just going to ask anecdotally:  
15 How many of you were here during the  
16 dialogue on the dam reconstruction from  
17 DEP? One or two. But just to put it in  
18 perspective, that dialogue, which had  
19 thousands of people at the meeting,  
20 highlighted the sensitivity of any DEP  
21 activity in this area. And, again, I am  
22 going to question the amount of public  
23 outreach that was done for this forum,

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1  
2 the amount of public awareness of this  
3 initiative, because I can tell you the  
4 sensitivity to this issue and the  
5 support for a measure like this,  
6 particularly given the prospect of  
7 exploring benefits to the host  
8 communities, would be immense.

9 And so to hold a meeting just  
10 before Christmas when people are very  
11 busy, I'm not sure what sort of public  
12 notice, other than the official notice  
13 of the paper, I'm not sure if there were  
14 formal press advisories that went to the  
15 public and to the press. I understand  
16 just newspapers were contacted. I don't  
17 believe that radio or TV were listed.

18 And, again, as we hold these  
19 forums, it's my understanding we're only  
20 holding two hearings, there are many  
21 communities impacted and many counties  
22 impacted. And I would think at minimum,  
23 respectfully, the city should be engaged

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1  
2 in each county fully. And so my first  
3 point is I have concerns and questions  
4 about the public outreach and the full  
5 public dialogue that's represented at  
6 this meeting tonight.

7 Back to the issue of the  
8 benefits for the host communities. As  
9 we've had -- historically had  
10 conversations with the city, we got back  
11 to the issue of flood control. The  
12 city's response has been we're only  
13 responsible for water supply, nothing  
14 else. Our assertion is you are  
15 responsible for more. And flood control  
16 and the protection of lives and  
17 properties is part of that dialogue. In  
18 this case, we're looking at the  
19 potential for developing a renewable  
20 resource base which I think is a shared  
21 responsibility between the state, the  
22 localities and the city.

23 So to the extent that the city

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has jumped in, I commend it, but I also question the city's involvement to the extent that this dialogue that we're having tonight is a dialogue I've had with the Delaware Rural Electric Cooperative, who has attempted and continues to attempt to have a constructive dialogue with the city on this issue. And the whole premise in regard to developing the resource, maximizing its use and efficiency, and also exploring the potential for having that resource, the benefits of that resource spread out more fully, ideally to the host communities as well. So I also question the city's engagement and its sincerity in terms of exploring that prospect of working with some of our local electric providers and also working with the host communities.

Just as I take some of this information in, and I'm -- this is a

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1  
2 starting point in terms of understanding  
3 the full proposal, but as I assess the  
4 issue with the Schoharie reservoir, my  
5 sense is, and as I've had conversation  
6 with Greg and with others, I question  
7 whether we are designing facilities that  
8 would maximize the full kinetic  
9 potential of those reservoirs.

10 Now, it's my understanding  
11 you're making reference to a blow-off  
12 tunnel. And I question why we don't  
13 have a design that addresses capturing  
14 the kinetic potential at the intake to  
15 the tunnel as we're drawing water down,  
16 and maybe I misunderstand, and why we  
17 don't have a spillway to capture -- a  
18 design that captures the runoff at the  
19 spillway as well. So I understand we're  
20 at, I forget how many megawatts of  
21 power, but I have the impression that we  
22 may not be capturing the full kinetic  
23 potential of the stored energy that we

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1  
2 have in the reservoirs.

3 As we move forward, and I had a  
4 chance to look briefly at the time line,  
5 I would like to see a more open dialogue  
6 between the city and the impacted  
7 communities. I've worked for Senator  
8 Cook, who was instrumental in shaping  
9 the watershed agreement. And I would  
10 dare say, and I'm glad counsel is here,  
11 and this is something I'll research with  
12 my counsel, when the watershed agreement  
13 was formulated, I'm not aware of this  
14 aspect being incorporated or discussed  
15 in the watershed agreement. And it may  
16 have been just the lack of attention to  
17 that element, but I would suggest that  
18 this should be part and much in step  
19 with the process and the deliberation  
20 that went into framing the watershed  
21 agreement to begin with.

22 And we all know that the city  
23 has delineated its roles and

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1  
2 responsibilities. The scope of work  
3 that's being undertaken is appropriate,  
4 and I don't want to diminish the need to  
5 pursue hydro. I think that it's an  
6 intelligent move. I think that it sets  
7 the proper tone for the state as we try  
8 to move towards renewable resources. I  
9 serve on the environmental committee.  
10 Assemblyman Kevin Cahill and I, our  
11 managing committee are very close  
12 comrades. And, again, I'm sure he would  
13 also commend, if he hasn't already, the  
14 prospect of this project coming to  
15 fruition, but there are a lot of  
16 details.

17 And, again, my concern is, does  
18 the city set the tone of saying, yes,  
19 we're here, we're going to take  
20 advantage of the resource and use it to  
21 our advantage solely, or will the city,  
22 as it had suggested during the dam  
23 reconstruction, that the city does feel

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the need to serve as a good neighbor.  
And so I just want to, one, commend the city for its effort, but I also am putting the city on notice that we're hoping that this is just not a formal exercise to run out the time on a permit approval, and that it's not an exercise its solely focused to the benefit of the city of New York with no reflection and no acknowledgment and no intent to engage in a good-neighbor relationship with the host communities.

So I'm going to let that stand as a formal record. I will be following up with that. And I will probably be seeking a joint letter from my colleagues in the watershed. We would like to -- again, I would like to explore this more fully. I'm not sure who the point person is.

I do have one last item, and it's just as a note of disappointment.

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1  
2 And I'd like it to be in the record  
3 formally.

4 Last summer I made a request to  
5 Paul Rush. Paul Rush had distinguished  
6 himself during the meetings in the flood  
7 control as being a compassionate,  
8 thoughtful representative of the city of  
9 New York. And truthfully, in  
10 retrospect, he was probably elevated to  
11 his current status because of the  
12 positive response he received. My fear  
13 is that Paul Rush has now marginalized  
14 and is a cog in the wheel.

15 I requested personally to engage  
16 in a series of tours with the public to  
17 highlight the potential for the  
18 resource, asked to do public tours of  
19 the existing facilities. Made that  
20 request of Mr. Rush, never received a  
21 response, and then with chagrin, to find  
22 this formal process proceeding with no  
23 dialogue with my office after making it

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1  
2 clear that my office was keenly  
3 interested in this issue. And I've  
4 hosted forums on wind energy generation,  
5 on bio diesel. And the kinetic  
6 potential of the watershed is a clear  
7 concern for this region.

8 So I'm concerned and very  
9 frustrated that Mr. Rush -- and, again,  
10 I understand that he is an  
11 administrative -- he's part of the  
12 administration and not the sole  
13 decision-maker, but the lack of  
14 communication has been part of the  
15 history of the difficulty between the  
16 city and the communities who are  
17 impacted by the watershed. And my  
18 encouragement to the city is let's not  
19 repeat prior mistakes, and the prior  
20 mistake of lack of concern for the  
21 upstate community and a lack of  
22 communication.

23 And I'm sure that you would hear

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1  
2 that same issue echoed in Senator  
3 Bonacic and any of my other colleagues  
4 who represent this region. I know that  
5 Senator Schumer has been working very  
6 hard. Maybe Senator Schumer needs help  
7 to just let the mayor know how important  
8 this issue is to this region. And we  
9 have other colleagues in the city that  
10 we can talk to as well if that's helpful  
11 to help the mayor become aware.

12 So, again, I want to commend  
13 DEP, because the initiative is proper,  
14 but the execution of it is the issue  
15 that stands as a matter to be resolved.  
16 So I look forward to working with you.

17 I would appreciate having a  
18 contact person. I spoke briefly to your  
19 legislative director, is it Rich,  
20 Richard? Is that the gentleman's name?

21 MR. FIORE: You spoke to Rick  
22 Muller.

23 ASSEMBLYMAN LOPEZ: Rick Muller,

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2 yes.

3 MR. FIORE: Mark Flanagan is the  
4 contact person.

5 ASSEMBLYMAN LOPEZ: Yes. So if  
6 you'd just give me the proper phone  
7 number --

8 MR. FIORE: Absolutely.

9 ASSEMBLYMAN LOPEZ: We'd be set.  
10 But I do look forward to hearing back  
11 from the city on this issue. Again,  
12 we'll follow-up with formal comment.  
13 Thank you.

14 MR. FIORE: Thank you,  
15 Assemblyman.

16 And, Greg Starheim, would you  
17 like to say a few words?

18 MR. STARHEIM: I don't really  
19 have any comments.

20 MR. FIORE: Sherri?

21 MS. BARTHOLOMEW: I don't have  
22 any comments.

23 MR. FIORE: All right.

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2 Well, if there's, you know, then  
3 no other specific comments, again, I'd  
4 like to thank you all for coming out.

5 MR. LANG: Any questions?

6 MS. BARTHOLOMEW: We were there  
7 today. Howard and I were in Kingston  
8 today in the morning meeting, and Howard  
9 made many comments there, which I'm sure  
10 are on record. And I think he got his  
11 points out. And there is no sense in me  
12 repeating them to this group tonight  
13 because they heard them all today and it  
14 was recorded, so.

15 ASSEMBLYMAN LOPEZ: I did  
16 request of, is it Richard?

17 MR. FIORE: Rick Muller.

18 ASSEMBLYMAN LOPEZ: I did  
19 request copies of the proceedings and  
20 the minutes from those forums, including  
21 the Sullivan County. Is that -- that  
22 was held yesterday?

23 MR. FIORE: Yes. Yeah. And

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1  
2 Sherri mentioned the meeting this  
3 morning was quite well-attended.

4 MS. BARTHOLOMEW: Yes. I will  
5 let you know, Peter, that we did find  
6 out through Trout Unlimited and received  
7 that notice, but got a call today from  
8 one of our DEC members telling us it was  
9 in the paper this morning, tonight's  
10 meeting was in the paper this morning,  
11 but that's how we found out, via the  
12 internet.

13 MR. FIORE: Again, and then if  
14 you want to make further comments later  
15 or submit written comments, we have our  
16 general contact information here.

17 And Assemblyman Lopez, I'll put  
18 you -- get you the contact information.

19 ASSEMBLYMAN LOPEZ: Thank you.

20 MS. BARTHOLOMEW: Could you go  
21 back a couple slides, because I do have  
22 one question, for me. And I don't  
23 remember exactly where it was, but it

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1  
2 was before the public comment.

3 MR. LANG: Excuse me. Could you  
4 state your name for the record?

5 MS. BARTHOLOMEW: Oh, sure.  
6 Sherri Bartholomew, concerned citizen.

7 MR. DAVIS: Do you know what the  
8 subject was?

9 MS. BARTHOLOMEW: I'll tell you  
10 where the slide is. Keep going through  
11 the slides. It had to deal with talking  
12 about studies, the studies. I'm just  
13 wondering when the public can make  
14 comment -- it had to deal with the  
15 February 15th date.

16 MR. FIORE: Yes.

17 MS. BARTHOLOMEW: Okay. Go back  
18 one. Yeah. That February 15th, the  
19 study request relating to the project  
20 are required to be submitted to the  
21 city, who can submit those study  
22 requests? Is it the public, or is it --

23 MR. FIORE: Anyone and everyone.

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2 MS. BARTHOLOMEW: Okay. So we  
3 need to have that in by the 15th if we  
4 have some things that we thought of and  
5 we'd like to submit?

6 MR. FIORE: Yeah. Yeah. And I  
7 encourage you also to visit FERC's web  
8 site. And they lay out for you, you  
9 know, what should be included in the  
10 study request.

11 MS. BARTHOLOMEW: Okay. And we  
12 send that to Zinia?

13 MR. FIORE: Yeah. You can send  
14 that directly to Zinia, that's right.

15 MS. BARTHOLOMEW: And then  
16 afterwards, the comments are submitted  
17 after? Is that what happens?

18 MR. FIORE: So those comments  
19 are then taken and we develop our study  
20 plans based on all the input that we  
21 get. We conduct studies. And then, you  
22 know, once that's all completed, we  
23 would put together our draft license

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1  
2 application and submit -- submit that.  
3 Once we submit that, then there's  
4 opportunity to comment on that draft  
5 license application.

6 MS. BARTHOLOMEW: Okay. Thank  
7 you. That's all I have.

8 MR. FIORE: You're welcome.

9 MS. BARTHOLOMEW: For  
10 clarification.

11 ASSEMBLYMAN LOPEZ: Do you have

12 --

13 MR. LANG: Anthony.

14 ASSEMBLYMAN LOPEZ: I do have  
15 one further request. And as -- I  
16 haven't had a chance to digest this  
17 initial document, I just received it,  
18 but in terms of total power generation,  
19 I saw all sorts of analyses, but have we  
20 made any analysis as to total electrical  
21 output and the value of that output per  
22 site?

23 MR. FIORE: We're still doing a

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1  
2 feasibility analysis. And that  
3 feasibility analysis will determine what  
4 the exact capacities are. Right now,  
5 the capacities are similar to what was  
6 in the pre-application document, but  
7 there are still a number of factors that  
8 have to be analyzed in order to refine  
9 that, but I don't think that they're  
10 going to be drastically different from  
11 those numbers. But, again, there are  
12 still factors that have to be analyzed  
13 to get through those.

14 ASSEMBLYMAN LOPEZ: It would be  
15 helpful. And I think it should be part  
16 of the dialogue. We understand that the  
17 fixed cost of making the investment and  
18 the need for the rate of return to the  
19 city, but it would also be helpful to  
20 know what the revenue stream or the cost  
21 avoidance would be in terms of per usage  
22 per site. I think that would be helpful  
23 to have some cost-benefit analysis per

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1  
2 site as well and to understand, again,  
3 both in terms of electrical generation  
4 and also in terms of current market  
5 value of the energy. I think that's  
6 important dialogue, piece of the  
7 dialogue. And I didn't see any  
8 reference to that in this report.

9 MR. FIORE: In the feasibility  
10 analysis, as we look at that, we'll be  
11 using energy forecasting pricing that  
12 would begin out when this project would  
13 actually have been constructed and out  
14 in time from there.

15 ASSEMBLYMAN LOPEZ: And that  
16 should be part of a public -- that  
17 should be made available for public  
18 review and discussion as well. Thank  
19 you.

20 MR. FIORE: Thank you.

21 MR. STARHEIM: Anthony, if I  
22 may.

23 MR. FIORE: Absolutely.

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2 MR. STARHEIM: My name is Greg  
3 Starheim, and I'm a resident of Gilboa  
4 and Blenheim, and I also am the CEO of  
5 the Delaware County Electrical  
6 Cooperative.

7 As some of you know, Delaware  
8 County Electrical Co-Op, which also  
9 serves Schoharie County and other  
10 counties as well, proposed this project  
11 several years ago. And it was only at  
12 that time that the city elected to  
13 submit a competing permit application to  
14 DCEC's request to FERC. We're  
15 non-profit local utility with an intent  
16 of using this power for the local area.  
17 And the sizing of the project based on  
18 our preliminary design was about two  
19 times the amount of power that has been  
20 sized, at least on a preliminary basis  
21 by the city of New York.

22 So two issues of our concern  
23 that we have a great deal of dialogue

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1  
2 with the city of New York has to do with  
3 the fact that, one, if any hydroelectric  
4 project is built, and at this scale,  
5 it's very highly unlikely that the  
6 economics will support that, it will not  
7 provide as much local incentive, if  
8 there's any incentive, with the city of  
9 New York doing it compared to the  
10 Delaware County Electric Co-Op.

11 And then secondly, this is a  
12 finite resource that we believe would  
13 not be fully utilized to its extent in a  
14 world that is very carbon conscious and  
15 in an environment where clean energy is  
16 a vital resource for us that we can't  
17 afford not to take advantage of.

18 For the record, DCEC and our  
19 members and our local communities are  
20 just extremely disappointed in the  
21 city's actions, and we very much hope  
22 that some day this opportunity will come  
23 back and to allow us to develop it for

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the benefit of the local area.

MR. FIORE: Thank you. Thanks  
again.

(Whereupon, the proceedings  
concluded at 7:52 P.M.)

7 P.M.

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CERTIFICATION

I, BRENDA J. O'CONNOR-MARELLO, a Certified Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of the same, to the best of my knowledge and belief.

BR  ARELLO, CSR

<p><b>1</b></p>	<p>7:52 43: 6 700 13: 6 750 9: 2, 7</p>	<p>anecdotally 22:14 Anthony 4: 3;38:13; 40:21</p>	<p>17:11,15;20:16; 27:21;40:12</p>	<p>change 19: 2 chief 4: 7, 8, 9 Christmas 23:10 citizen 36: 6 city 5:17;21:13;</p>
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