

161 FERC ¶ 62,021

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Erie Boulevard Hydropower, L.P.

Project Nos. 7387-068
9222-032, 033

ORDER AMENDING LICENSE TERMS AND TERMINATING
RELICENSING PROCEEDING

(Issued October 11, 2017)

1. On May 12, 2017, Erie Boulevard Hydropower, L.P. (licensee), filed a request with the Commission to amend the terms of the licenses for the Piercefield Hydroelectric Project No. 7387¹ and Yaleville Hydroelectric Project No. 9222.² Specifically, the licensee requests that the Commission extend the license term for the Yaleville Project approximately 12 years, from January 31, 2022 to December 31, 2033, and accelerate the license term for the Piercefield Project by 10 years, from October 31, 2045 to October 31, 2035. Both projects are located on the Raquette River, in St. Lawrence County, New York. This order amends the license terms for both projects and terminates the relicensing proceeding for the Yaleville Project.

Background

2. On February 10, 1992, the Commission issued a 30-year³ license for the operation and maintenance of the Yaleville Project expiring on January 31, 2022. On October 27, 2005, the Commission issued a 40-year license for the operation and maintenance of the Piercefield Project expiring on October 31, 2045. Both projects are located with four other projects licensed to the licensee on the Raquette River with licenses expiring on December 31, 2033.⁴

¹ *Erie Boulevard Hydropower, L.P.*, 113 FERC ¶ 62,079 (2005).

² *Niagara Mohawk Power Corporation*, 58 FERC ¶ 62,114 (1992).

³ *See Niagara Mohawk Power Corporation*, 67 FERC ¶ 61,300 (1994) (order granting rehearing and amending license to change the license term from 50 to 30 years).

⁴ *See Erie Boulevard Hydropower, L.P.*, 98 FERC ¶ 61,143 (2002) (order approving settlement offer and issuing new license for the Lower Raquette Project No. 2330, Middle Raquette Project No. 2320, Upper Raquette Project No. 2084, and

(continued)

3. On January 30, 2017, the licensee filed a Notice of Intent (NOI), Pre-Application Document (PAD), and request to use the Traditional Licensing Process in preparing a relicense application for the Yaleville Project.⁵ Through its initial consultation with stakeholders, the licensee determined there was significant interest in amending the license terms for the Piercefield and Yaleville projects to align their expiration dates with the licensee's four other Raquette River projects, so they could be licensed concurrently.

4. In order to best align the license expiration dates of the Yaleville and Piercefield projects with those of the licensee's other Raquette River projects, the licensee requests to extend the license term of the Yaleville Project, approximately 12 years, to December 31, 2033, and accelerate the license term of the Piercefield Project 10 years, to October 31, 2035.⁶ The licensee states that the requested license term adjustments would allow it to coordinate the relicensing activities of all its Raquette River projects and allow for a settlement agreement with stakeholders that addresses the river basin as a whole.

Consultation and Public Notice

5. The licensee consulted with the U.S. Fish and Wildlife Service (FWS), New York State Department of Environmental Conservation (New York DEC), New York State Council Trout Unlimited (New York CTU), and the Adirondack Mountain Club prior to filing its request with the Commission. The licensee included with its request correspondence from New York DEC, FWS, and the Adirondack Mountain Club supporting the license term amendments.

6. The Commission issued a public notice of the licensee's request on June 23, 2017, with the comment period closing on July 24, 2017. The New York CTU and New York DEC filed motions to intervene on June 28, 2017. In addition, FWS filed a motion to intervene and provided comments supporting the license term amendments on July 19, 2017 and July 20, 2017. No other comments were filed.

Carry Falls Project No. 2060).

⁵ A letter order authorizing use of the Traditional Licensing Process for the project was issued on March 30, 2017.

⁶ Section 15(e) of the Federal Power Act, 16 U.S.C. § 808(e), provides that any license issued shall be for a term not less than 30 years or more than 50 years. Therefore, the licensee requests that the license term for the Piercefield Project be amended from 40 years to 30 years.

Discussion

7. Amending the license terms for the Yaleville and Piercefield projects would align their expiration with the licensee's other projects on the Raquette River. This alignment would allow the Commission, resource agencies, and stakeholders to perform a more comprehensive analysis of the cumulative environmental impacts of the projects and increase efficiency during the relicensing process for all of the licensee's Raquette River projects.

8. In 1994, the Commission stated that its policy was to "coordinate the expiration dates of licenses to the maximum extent possible, to maximize future considerations of cumulative impacts ... in contemporaneous proceedings at relicensing."⁷ Amending the license terms of the Yaleville and Piercefield projects would maximize the future consideration of cumulative and environmental impacts of all the licensee's Raquette River projects and improve the efficiency in each relicensing proceeding.

9. As discussed above, this order extends the license term for the Yaleville Project approximately 12 years, from January 31, 2022 to December 31, 2033. Therefore, the relicensing proceeding initiated by the licensee on January 30, 2017 is moot, and the relicensing proceeding will be terminated. Under section 5.5(d) of the Commission's regulations, a licensee must file an NOI to file a license application between 5 and 5.5 years before its license expires. Since the license for the Yaleville Project will expire on December 31, 2033, an NOI must be filed between (June 30, 2028 and December 31, 2028) and the NOI must include a PAD with the most recent project information.

The Director orders:

(A) Erie Boulevard Hydropower, L.P.'s request to amend the license terms for the Piercefield Hydroelectric Project No. 7387 and Yaleville Hydroelectric Project No. 9222 filed on May 12, 2017, is approved.

(B) The license term for the Piercefield Project No. 7387 is amended to expire on October 31, 2035.

(C) The license term for the Yaleville Project No. 9222 is amended to expire on December 31, 2033.

(D) The relicensing proceeding for the Yaleville Project No. 9222 is terminated.

(E) This order constitutes final agency action. Any party may file a request for

⁷ See *Policy Statement on Use of Reserved Authority in Hydropower Relicenses to Ameliorate Cumulative Impacts*, 59 Fed. Reg. 66,714; 18 C.F.R. § 2.23 (2016).

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rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2017). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Steve Hocking, Chief
Environmental and Project Review Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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