

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project Nos. 12252-037 and 2318-000
– New York
Great Sacandaga Lake Project
Hudson River-Black River Regulating
District

September 7, 2023

VIA Electronic Mail

Robert Leslie, Esq.
Hudson River - Black River Regulating District
rleslie@hrbrd.ny.gov

Subject: Clarification on Request to Change Project Operations

Dear Robert Leslie:

This letter is in response to your September 5, 2023 filing asking for clarification regarding our August 16, 2023 letter responding to your July 5, 2023 request for authorization to divert flows at the Great Sacandaga Lake Project No. 12252.¹ You requested to divert flows around Erie Boulevard Hydropower, L.P.'s (Erie) E.J. West Project No. 2318² because the operating agreement between you and Erie expired on June 30, 2023. Our August 16, 2023 letter explains that you must file an application to amend your license to change project operations in accordance with 18 C.F.R. 4.200 before we can consider your request. Our letter dismissed your request without prejudice.³

Your September 5, 2023 filing seeks to clarify whether you are still allowed to divert flows around the E.J. West Project at the request of Erie without prior Commission

¹ *Hudson-River Black River Regulating Dist.*, 100 FERC ¶ 61,319 (2002).

² *Erie Boulevard Hydropower, L.P.*, 100 FERC ¶ 61,322 (2002).

³ The August 16, 2023 letter provides additional background information on this proceeding and the rationale for our determination.

approval. You explain that there are times when Erie is unable to pass flows through the E.J. West Project and requests that you divert flows around the E.J. West Project. You have accommodated these requests in the past and foresee that similar requests will occur in the future.

You do not need to request and receive Commission approval to accommodate these requests because they are consistent with how the project has been operated. As detailed in our August 16, 2023 letter and the June 15, 2023 Order on Petitions for Declaratory Order,⁴ you must first obtain Commission approval if you seek to change your operation in a manner that is inconsistent with how the project has operated under the current license. An amendment proceeding would allow the Commission to evaluate whether the project is capable of safely operating in different manner, whether a different operation would have impacts on the environment, and whether such operation is in the public interest.

Thank you for your cooperation and I look forward to working with you on this matter. If you have any questions regarding this letter, please contact Jeremy Jessup at (202) 502-6779 or Jeremy.Jessup@ferc.gov.

Sincerely,

KELLY
HOUFF



Digitally signed by KELLY HOUFF
Date: 2023.09.07 12:40:29 -04'00'

Kelly Houff
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance

⁴ *Hudson River-Black River Regulating Dist.*, 183 FERC ¶ 61,187 (2023).

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