



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2482-122]

Erie Boulevard Hydropower, L.P.; Notice of Application for Temporary Variance Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. Application Type: Temporary Variance from Reservoir Elevation
- b. Project No.: 2482-122
- c. Date Filed: October 7, 2024, and supplemented June 10, 2025
- d. Applicant: Erie Boulevard Hydropower, LP
- e. Name of Project: Hudson River Project
- f. Location: The Hudson River Project is located in the counties of Warren and Saratoga, New York, and in the towns of Moreau, Corinth, Lake Luzerne, and Queensbury.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791 (a)-825(r)
- h. Applicant Contact: Megan Cook, Compliance Specialist, 399 Big Bay Road, Queensbury, NY 12804, (315) 528-2712.
- i. FERC Contact: Zeena Aljibury, (202) 502-6065, zeena.aljibury@ferc.gov
- j. Cooperating agencies: With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of

any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. Deadline for filing comments, motions to intervene, and protests: 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/doc-sfiling/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number **P-2482-122**. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose

name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

1. Description of Request: The applicant requests Commission approval for a temporary variance from the reservoir elevation requirements at the Spier Falls Development. The Spier Falls powerhouse was severely damaged due to a fire that took both generating units out of service. With the loss of hydraulic capacity and control through the station, and to reduce the operational and environmental risks, the applicant drew down the Spier Falls impoundment (to the spillway crest elevation of 428.8 feet, or six feet below the lower impoundment limit) beginning on October 9, 2024 after it consulted with the New York State Department of Environmental Conservation (New York DEC) and, as per New York DEC's recommendation, the applicant lowered the impoundment at a target rate of no faster than 1-foot per hour to decrease turbidity downstream, prevent erosion, and maximize the ability for aquatic organisms to relocate on their own. All flows are being passed through the gate openings and the applicant is effectively operating from the crest of the principal spillway until flows can be managed through the powerhouse again, thereby reducing operational and environmental risk. On June 10, 2025, the applicant filed documentation of extensive consultation with the resources agencies and a review of the potential effects on project resources resulting from the drawdown. The applicant also provided a schedule and anticipates that powerhouse reconstruction will take more than a year to complete. Currently, the applicant anticipates refilling the impoundment by October 2025. Therefore, the

applicant requires a temporary variance to remain into effect until October 30, 2025.

m. Locations of the Application: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Motions to Intervene, or Protests: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as

applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: July 29, 2025.

Carlos D. Clay,

Deputy Secretary.

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