



Via eFile

January 29, 2018

Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

**Subject: Swinging Bridge Hydroelectric Project (FERC No. P-10482-117)
 Mongaup Falls Hydroelectric Project (FERC No. P-10481-067)
 Rio Hydroelectric Project (FERC No. P-9690-112)
 Schedule for Relicensing Studies and Proposed Construction of Unit No. 3
 at the Swinging Bridge Project**

Dear Secretary Bose:

Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (collectively "Eagle Creek") herein submits supplemental information related to the on-going relicensing of the Swinging Bridge, Mongaup Falls, and Rio Hydroelectric Projects (collectively "Mongaup River Projects" or "Projects") as well as the Non-Capacity License Amendment Application for the existing license for the Swinging Bridge Hydroelectric Project. The Projects are located on the Mongaup River in Sullivan and Orange Counties, New York, and are licensed by the Federal Energy Regulatory Commission (FERC or Commission).

Pursuant to the requirements of the Integrated Licensing Process (ILP) and the schedule provided in the FERC's Scoping Document 2, the Revised Study Plan for the Mongaup River Projects was filed with the Commission on January 10, 2018 indicating that Eagle Creek proposes to perform one-season of studies in 2018 to support the relicensing of the Mongaup River Projects. The FERC Study Plan Determination is due to be issued by February 9, 2018.

Concurrent with the ongoing relicensing of the Mongaup River Projects, Eagle Creek proposes to amend its existing FERC license for the Swinging Bridge Project by replacing the inoperable 5 megawatt (MW) turbine-generator unit (Unit No. 1) with a new minimum base flow turbine-generator unit (Unit No. 3) that will be located in a new powerhouse directly adjacent to the Project's Unit No. 2 powerhouse at the Swinging Bridge development. As

indicated in the Non-Capacity License Amendment Application for the Swinging Bridge Project filed with the Commission on January 26, 2018, construction for the proposed Unit No. 3 is planned to commence in the second quarter of 2018 and extend through the second quarter of 2019. This planned construction schedule is required in order to meet the requirements for the proposed Unit No. 3 to be operational by July 2019 pursuant to the contract with the New York State Energy Research and Development Authority (NYSERDA) and for Eagle Creek to obtain the financial incentives necessary for the economic viability of the proposed Unit No. 3.

Through consultation with the stakeholders in support of the on-going relicensing of the Mongaup River Projects, as well as the Non-Capacity License Amendment Application for the Swinging Bridge Project, stakeholders have expressed concern that the proposed construction of Unit No. 3 at the Swinging Bridge development will impact the data collected during the 2018 relicensing studies rendering the data unrepresentative of current or normal conditions at the Swinging Bridge Project.

As described in the aforementioned Revised Study Plan and the Non-Capacity License Amendment Application, Eagle Creek has planned for the construction of the proposed Unit No. 3 to be coordinated with the schedule for the relicensing studies in order to minimize or eliminate potential impacts to data collected during these studies. In particular, the following measures have been incorporated into the construction process and proposed studies.

- The majority of the construction for the Unit No. 3 powerhouse (i.e., approximately 30 feet by 30 feet in size) and appurtenances will occur in a very limited footprint, in pre-disturbed upland area consisting primarily of an existing dirt access road.
- For the limited construction that will occur within the shoreline (currently covered with large rip-rap) of the Mongaup River, Eagle Creek will install measures to isolate the construction area from the river (i.e., installation of a temporary cofferdam around the tailrace of the new Unit No. 3) prior to June 1, 2018. This schedule will avoid potential impacts to studies to be performed in the Mongaup River downstream of the Swinging Bridge Dam which will commence after June 1, 2018 including the Fisheries Survey Study, Water Quality Study, Macroinvertebrate and Mussel Survey Study, and the Bypass/Base Flow Transect Evaluation Study.
- The proposed Unit No. 3 will utilize the same intake and penstock for the existing Unit No. 2 powerhouse. The existing penstock bifurcation for the existing minimum flow discharge valve will be extended to connect to the proposed Unit No. 3 powerhouse; therefore, no construction activities will occur within the Swinging Bridge Reservoir or along the embankment from the dam crest to the proposed powerhouse.
- The construction of the proposed Unit No. 3 will utilize existing access roads and upland lay-down areas and will not require tree or vegetation clearing.
- Eagle Creek anticipates no interruption to the required minimum flow during construction of Unit No. 3.
- Eagle Creek anticipates no interruption to the ability to operate the Unit No. 2

powerhouse within the requirements of the existing license during construction of Unit No. 3.

- Pursuant to comments provided by the USFWS and NYSDEC, the construction schedule for Unit No. 3 has been planned to avoid heavy construction activities with the potential to generate noise at levels considered adverse to wintering eagles during the bald eagle wintering period from December 1 through March 31.

Based on the information provided in the Revised Study Plan for the Mongaup River Projects as well as the Non-Capacity License Amendment Application, Eagle Creek believes there is no substantive reason that the data collected during the relicensing studies in 2018 will be adversely affected or misrepresentative of current and normal conditions at the Swinging Bridge Project.

If there are any questions regarding the information provided herein, please do not hesitate to contact Michael Scarzello with Eagle Creek at (973) 998-8400 or Jim Gibson with HDR at (315) 414-2202.

Sincerely,
Eagle Creek (Licensees)



Michael Scarzello
Regulatory Director

cc: Quinn Emmering, FERC
Kelly Houff, FERC
John Wiley, USFWS
Joseph Murray, NYSDEC