

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel

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April 24, 2023

VIA ELECTRONIC FILING

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

RE: Christine Falls Hydroelectric Project (Docket No. P-4639-033)
New York State Department of Environmental Conservation Notice of Intervention

Dear Secretary Bose:

Enclosed please find the Notice of Intervention of the New York State Department of Environmental Conservation (NYSDEC) in the above-referenced proceeding, submitted by electronic filing and distributed to persons identified on the associated Federal Energy Regulatory Commission (FERC) service list (Service List) by the preferred method identified therein. Please add those identified herein as the Department's representatives to the Service List. Thank you.

Sincerely,



Tyler Hepner, Esq.
Senior Attorney

Enc.

ecc: FERC service list
Patrick Rahm, NYSDEC



Department of
Environmental
Conservation

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Christine Falls Hydroelectric Project

Docket No. P-4639-033

NOTICE OF INTERVENTION

Pursuant to Rule 214 of the Rules and Practice and Procedure (18 CFR Section 385.214), the New York State Department of Environmental Conservation (NYSDEC) hereby provides notice to the Federal Energy Regulatory Commission (Commission) that it is intervening in the above-captioned proceeding. The persons to whom communications regarding this Petition should be addressed and upon whom service of all pleadings or other documents in this proceeding should be made are:

Tyler Hepner, Esq.
Senior Attorney
Office of General Counsel
NYSDEC
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Albany, New York 12233-1500
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NYSDEC
625 Broadway
Albany, New York 12233-1500
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As grounds for its Notice of Intervention, NYSDEC respectfully asserts:

1. NYSDEC is a duly constituted Department of the Government of the State of New York, charged by law with administrative management of the State's fish, wildlife, water, and other natural resources.
2. The project is located within the State of New York and impacts the natural resources and environment of the State of New York.
3. As the agency of the State of New York responsible for administering New York State's Environmental Conservation Law, Petitioner is the State agency most intimately involved with and responsible for analyzing environmental impacts of hydroelectric projects. Petitioner's resources, expertise, and familiarity with the locale of the proposed project and related resources will be of considerable assistance to the Commission during the course of the above-captioned proceeding.
4. NYSDEC is a State agency charged by law to consider and, upon proper showing, issue water quality certifications for hydroelectric facilities pursuant to Clean Water Act § 401, 33 USC § 1341.
5. Petitioner's participation as an agency of the Executive Branch of the State of New York government is in the public interest, as well as in the interest of the public health, welfare, and the environment.

6. Granting NYSDEC party status will not disrupt the proceeding.
7. NYSDEC's interest is not adequately represented by any other party hereto.
8. Existing parties will not be prejudiced by, nor will they sustain any additional burden by NYSDEC becoming a party to this proceeding.

WHEREFORE, Petitioner respectfully requests that the Federal Energy Regulatory Commission grant NYSDEC intervention as a fully party in this proceeding. NYSDEC does not request a hearing in this proceeding at this time; however, if a hearing is ordered, NYSDEC further requests that it be granted the right to have notice of and an opportunity to appear at all hearings in this proceeding, to produce evidence and witnesses, to cross-examine witnesses, and to be heard by counsel or other representatives for briefing and oral argument if oral argument is granted.

Respectfully submitted,



Tyler Hepner, Esq.
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Dated: April 24, 2023
Albany, New York

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on each person designated on the official service list compiled in this proceeding by the Secretary of the Federal Energy Regulatory Commission.

Respectfully submitted,

A handwritten signature in black ink that reads "Tyler Hepner". The signature is written in a cursive style with a large, stylized 'T' and 'H'.

Tyler Hepner, Esq.
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