

September 15, 2009

Honorable David Patterson
Governor of the State of New York
The Capitol
Albany, New York 12224

Re: Green Island Power Authority, Cohoes Falls Project
Erie Boulevard Hydropower, L.P., School Street Project

Dear Governor Patterson:

On August 10, 2009, the United States Court of Appeals for the Second Circuit issued a decision in *Green Island Power Authority v Federal Energy Regulatory Commission* (“FERC”) vacating FERC’s Order that issued a new 40-year license for the School Street Hydroelectric Project. The decision provides New York State with a significant opportunity to increase the generation of clean renewable energy from the Mohawk River in Cohoes, New York. The Cohoes Falls Project Alternative proposed by the Green Island Power Authority (“GIPA”) would accomplish this goal, restore Cohoes Falls to its natural majesty; enhance recreational and tourism opportunities and eliminate significant environmental impacts that result from the continued operation of the School Street Project.

The Cohoes Falls Project Alternative would restore the Cohoes Falls (now mostly dry) and allow it to be a waterfall 365 days a year, 24 hours a day. The falls are the second largest waterfall in New York State, reaching 75 feet high and 1,000 feet wide. In the eighteenth century, prior to industrial development on the river, Cohoes Falls was considered second in beauty only to Niagara Falls and was a popular recreational destination. Cohoes Falls is also an important historic and sacred site for the Mohawk people and the Haudenosaunee (People of the Longhouse) Confederacy. This is where the Peacemaker was tested and his vision of a confederacy of nations based on peaceful negotiations and cooperation was accepted and eventually became the Great Law of Peace.

The Cohoes Falls Project would have the capability to produce 100 megawatts (MW) of renewable power; it wouldn’t kill fish and it would rewater the one-mile section of the Mohawk River that is currently dewatered because of the operation of the School Street Project. In contrast, the existing School Street Project has a generating capacity of only 38.8 MW, which is significantly undersized given the hydroelectric generating potential of the Mohawk River. It also kills significant quantities of fish, which adversely affects not only the fishery resources of the Mohawk River but also the Hudson River; it takes most of the water out of the Mohawk River for about a mile, leaving a dry stream

bed; and most sadly, it denies the public the beauty of a natural waterfall, Cohoes Falls. What it does do is produce energy worth \$12-20-million annually for its private owner, a Canadian conglomerate, Brookfield Renewable Power Inc.

Over forty years ago, the Second Circuit of the United States Court of Appeals, issued a landmark decision in *Scenic Hudson Preservation Conference v. FPC*¹ that fundamentally changed the way that federal agencies would be obligated to consider significant environmental issues in agency decisions. The Court reversed the Federal Power Commission (now known as FERC) and held that FERC was *required* to consider reasonable alternatives in light of its public interest mandate. In *Green Island Power Authority v FERC*, the Court reaffirmed its decision in *Scenic Hudson Preservation Conference* and again directed FERC to consider reasonable alternatives, such as the Cohoes Falls Project, that would allow FERC to determine the project best adapted to meet the public interest. This includes consideration of state and national energy policies that call for increasing energy independence through the development of clean renewable energy sources.

The Cohoes Falls Project Alternative can deliver significant economic and environmental benefits to New York and the Capital District. One need only examine GIPA's successful track record in creating more than 1,000 new jobs since July 2000, when it acquired and restored the Green Island Hydroelectric Project on the Hudson River, to understand the importance of the Cohoes Falls Project to the state and local economies. A simple comparison of the energy and environmental benefits of the Cohoes Falls Project Alternative and the existing School Street Project clearly supports the conclusion that the Cohoes Falls Project Alternative is best adapted to utilize the public resource of the Mohawk River to serve the public interest. Thank you for your consideration of this request and your involvement in this important matter.

The following parties have agreed to be signatories to this letter.

Very truly yours,

/s/

Riverkeeper, Inc.
By: Alex Matthiessen
President
E-House
78 North Broadway
White Plains, NY 10603

/s/

Scenic Hudson, Inc.
By: Edward O. Sullivan
President
One Civic Center Plaza
Suite 200
Poughkeepsie, New York 12601

¹ 354 F. 2d 608 (2d Cir. 1965), *cert. denied*, 384 U.S. 941 (1966).

/s/

Natural Resources Defense Council, Inc.
By: Peter Lehner
Executive Director
40 West 20th Street
New York, NY 10011

/s/

Village of Green Island
By Eileen M. McNulty-Ryan
Mayor
20 Clinton St.
Green Island, NY 12183

/s/

Capital District Regional Planning
Commission
By Rocco Ferraro
Executive Director
One Park Place, Suite 102
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/s/

Town of Green Island
By Rachel A. Perfetti
Supervisor
69 Hudson Ave.
Green Island, NY 12183

/s/

Friends of the Falls
By Daniele J. Cherniak
President
415 Vliet Blvd.
Cohoes, NY 12047

/s/

Public Utility Law Project of New York,
Inc.
By Gerald A. Norlander
Executive Director
194 Washington Avenue, Suite 420
Albany, NY 12210

/s/

New York Bicycling Coalition
By Ivan P. Vamos, AICP
Board Member, Outreach Committee Chair
P.O. Box 8868
Albany, NY 12208

/s/

City of Watervliet
By Michael P. Manning
Mayor
2 Fifteenth Street
Watervliet NY 12189

cc: Hon. Charles Schumer
Hon. Kirsten Gillibrand
Hon. Paul Tonko
Hon. Scott Murphy
Hon. Ron Cannestrari
Hon. Neil Breslin
Commissioner Alexander Grannis
Mr. Thomas Congdon, Deputy Secretary for Energy
Mr. Glen Bruening, Assistant Counsel for the Governor
Ms. Kristin Swinton, Green Island Power Authority