



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20201205

Approval Date: December 11, 2020

GOODYEAR LAKE HYDRO, LLC

Hydroelectric Operations at the Colliersville Hydroelectric Project

Section 1. Approval

This project is subject to review pursuant to Article 3, Section 3.10, and Article 10, Section 10.1, of the Susquehanna River Basin Compact (Compact), P.L. 91-575, 84 Stat. 1509 et seq., and 18 CFR § 801.12, relating to electric power generation, and § 806.4, relating to projects requiring review and approval.

The Susquehanna River Basin Commission (Commission) authorizes hydroelectric projects in accordance with the “Comprehensive Plan for the Water Resources of the Susquehanna River Basin” (Comprehensive Plan), as mandated by Article 14 of the Compact. Commission authorization of hydroelectric projects should also be consistent with the annual Water Resources Program as further mandated by Article 14.

Commission staff recommended that the plans, specifications, and supporting documents submitted by the project sponsor as part of its original application should be incorporated herein by reference and become a part of this approval. Staff further recommended that no substantial deviations from approved plans or specifications affecting the river flow, migratory fish passage, recreation, metering, monitoring and reporting, or use of waters should be made without written approval from the Commission.

In accordance with 18 CFR § 801.12, Commission staff reviewed the application considering the direct and indirect effects of the proposed electrical generation project, alteration of natural stream regime, effects on water quality and on the other uses of the river, and evaluated whether the proposal is in accord with the Comprehensive Plan.

Commission staff participated with other resource agencies and with the project sponsor during review of the relicensing application that enabled advance consideration of the possible effects of the project on the water resources of the basin, as required by 18 CFR § 801.12. Other factors considered by Commission staff during the review of the proposed relicensing included, but were not limited to, minimum releases, fish passage, and recreation.

After review of the record, including the technical findings of Commission staff, the Commission has determined that, the project is physically feasible and does not conflict with or adversely affect the Commission’s Comprehensive Plan as conditioned herein, and accordingly

is approved for inclusion in the Commission’s Comprehensive Plan. Additionally, review and approval of this project is required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and may significantly affect the water resources of the basin. The Commission hereby approves the project described herein in accordance with the conditions set forth below.

Commission staff has coordinated with the New York State Department of Environmental Conservation (NYSDEC), the United States Fish and Wildlife Services (USFWS), and the Federal Energy Regulatory Commission (FERC) during review of this project.

Section 2. Project Information

Information concerning the project sponsor, water use type, and location are set forth in the table below.

| Project Information | |
|--------------------------------------|--|
| Project Sponsor: | Goodyear Lake Hydro, LLC |
| Facility: | Colliersville Hydroelectric Project |
| Approval Type: | Hydroelectric |
| Authorized Water Use Purpose: | Operation of a Hydroelectric Generating Facility and Related Incidental Uses |
| Municipality: | Town of Milford |
| County: | Otsego County |
| State: | New York |

Section 3. Project Features

FERC issued the original license for the Colliersville Hydroelectric Project (project) on March 13, 1979, and the license expired on February 28, 2019. The project sponsor submitted an application to FERC on February 27, 2017, for a new license for FERC Project No. 2788-017 (FERC license). The project operated under an annual license pending the disposition of its new license application. The new 40-year FERC license was approved on July 17, 2019, effective July 1, 2019.

As a prerequisite to the issuance of the new FERC license, the project sponsor was required to receive a Section 401 Water Quality Certification – NYSDEC Permit No. 4-3640-00078/00006 (401 Certification), which was issued by NYSDEC on March 4, 2019. Additionally, an Offer of Settlement (Settlement Agreement), dated June 6, 2018, between the project sponsor, USFWS, NYSDEC, and the Commission addressing issues including, but not limited to, fish passage, and the terms and conditions of the USFWS Modified Prescription for Fishways (Modified Prescription), was filed to FERC on October 12, 2017, pursuant to Section 18 of the Federal Power Act.

Section 4. Current Operations

The project is located in the Upper Susquehanna Subbasin and operates as a 1,487.5-kilowatt (kW) run-of-river hydroelectric generation facility. The Colliersville Dam impounds the Susquehanna River creating a 364-acre reservoir (Goodyear Lake).

The project includes Colliersville Dam, a power canal, a powerhouse, trailrace, and a bypass reach of the Susquehanna River. The Colliersville Dam extends a length of 200 feet across the Susquehanna River, and includes an approximately 50 feet wide head gate structure adjacent to the dam, extending to the western shore of the river. The power canal is 550 feet long from head gate to powerhouse, and the bypass reach is a 700-foot long section of the Susquehanna River extending from the dam to the tailrace.

The powerhouse contains two turbine-generator units with rated capacities of 850 kW and 650 kW, respectively. When operating, water flow from Goodyear Lake is diverted into the power canal through the head gate structure, and passes through the powerhouse into the trailrace. The facility has a minimum hydraulic capacity of 75 cubic feet per second (cfs) and a maximum hydraulic capacity of 706 cfs. The project maintains a continuous outflow, approximating the inflow, with a minimum flow of 20 cfs, or inflow to the reservoir, whichever is less, to protect aquatic habitat downstream of the project.

Section 5. Proposed Construction and Operations

The current FERC license included a Modified Prescription to improve fish passage and protect aquatic resources in the Susquehanna River, as a requirement of the 401 Certification and Settlement Agreement. The proposed improvements included a phased approach to implementing fish passage measures and effectiveness testing at the project. The project has proposed to design and implement temporary environmental measures and monitoring, resulting in determining the location and operation of permanent improvements to protect aquatic resources and fish passage. The Settlement Agreement includes measures for the project to install at least one permanent seasonal eel ramp and a downstream fish passage structure and exclusion device.

Section 6. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under 18 CFR § 808.12.

3. In accordance with 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

4. This approval is conditioned on the project sponsor maintaining legal access to the project location for the duration of the approval.

5. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.

6. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

7. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to 18 CFR § 806.32.

8. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

9. This project is approved for inclusion in the Commission's Comprehensive Plan.

Section 7. Special Conditions

10. The project sponsor is required to apply for and obtain approval prior to any significant changes or modifications of the project features or current operation described in the submitted application materials, the FERC license, and the 401 Certification.

11. Conditions of the 401 Certification not inconsistent herewith shall be incorporated into and made part of this approval.

12. The project sponsor shall adhere to the Final Operation Compliance Monitoring Plan approved by FERC for run-of-river operations, reservoir water levels, and minimum flows established in the 401 Certification and Settlement Agreement.

13. The project sponsor shall develop a mechanism to release a continuous minimum flow of 20 cfs, or inflow to the project, whichever is less, into the bypass reach as required by the FERC license.

14. The project sponsor shall implement the fish passage requirements as prescribed in the 401 Certification and Settlement Agreement.

15. The project sponsor shall adhere to the Northern Long-eared Bat and Bald Eagle Protection Plan and the Invasive Plant Species Management Plan, incorporated in the Settlement Agreement, and as outlined in the FERC License.

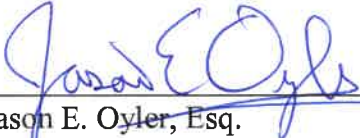
16. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any conditions of this approval within five (5) days of such violation.

Section 8. Term

17. This approval is effective until June 30, 2059. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 2058, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

CERTIFICATION: I, Jason E. Oyler, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on December 11, 2020.

Dated: December 14, 2020



Jason E. Oyler, Esq.