

**FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426**

**OFFICE OF ENERGY PROJECTS**

**Project No. 2438--New York  
Waterloo and Seneca Falls Project  
Seneca Falls Power Corporation**

**September 16, 2008**

**Mr. Ron Kilmartin  
Seneca Falls Power Corporation  
3330 Clayton Road, Suite B  
Concord, CA 94519**

**Re: Article 405 compliance: request for information**

**Dear Mr. Kilmartin:**

**This letter regards compliance with article 405 of your license for the Waterloo and Seneca Falls Project. We have received information alleging that you may not be operating your project in compliance with article 405 for the Waterloo and Seneca Falls Project.**

**Article 405 of the license requires you to operate the Waterloo and Seneca Falls Project to control fluctuations of the reservoir surface elevation at each development for the protection of wetlands, wildlife, and fish habitat and recreational opportunities in the project impoundments. You are to act at all times to maintain the impoundment water surface elevations, as measured immediately upstream of each project dam, as follows:**

**Maintain the Seneca Lake impoundment within 0.1 foot of the seasonal target elevations of 446 feet Barge Canal Datum (BCD) during the summer and at 445.0 feet BCD during the winter;**

**Maintain Van Cleef Lake (Seneca Falls Development) impoundment at a target elevation of 430.5 feet BCD with a maximum daily fluctuation of +0.25 foot; The seasonal fluctuations shall be in accordance with the rule curve developed by the New York State Thruway Authority (NYSTA) and the previous licensee New York State Electric & Gas Corporation; and**

**Management of reservoir fluctuations is required within 60 days of installation of the reservoir level gages required by Article 406.**

**You may vary from the recommended water level management regime due to circumstances beyond your control (emergency conditions) and for short periods of time**

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upon mutual agreement with the NYSTA and the New York State Department of Environmental Conservation. If the water level management regime is so modified, you are to notify the Commission as soon as possible, but not later than 10 days after each such incident.

We received information indicating that boat owners cannot get their boats out of hoists and into the water, and that sail boat keels are getting stuck in the mud at marinas. So that we may complete our review of your compliance with license article 405, you are requested to provide, within 30 days of the date of this letter, a report containing the following information:

- (1) water surface elevation records and/or flow records documenting compliance with article 405 from June 1 through the date of this letter, to include identification of any days on which you deviated from article 405; and
- (2) any comments you have received from federal or state resource agencies or other entities, regarding operation of the project to date in 2008.

An original and eight copies of your response should be filed with:

The Secretary  
Federal Energy Regulatory Commission  
Mail Code: DHAC, PJ-12  
888 First Street, NE  
Washington, DC 20426

Thank you for your cooperation. If you have any questions, please contact Shana High at (202) 502-8674.

Sincerely,



Robert J. Fletcher  
Chief, Land Resources Branch  
Division of Hydropower  
Administration and Compliance

cc: Ms. Donna Scott  
Finger Lakes Ecology Association  
535 Lansing Station Road  
Lansing, NY 14882