

Approved November 12, 2009

**Adjacent Landowner Shoreline Stabilization Program
Application Process**

New York Power Authority
St. Lawrence-FDR Power Project
Project No. 2000

SECTION 1 INTRODUCTION

On October 23, 2003, the New York Power Authority (NYPA) was issued a new 50-year license by the Federal Energy Regulatory Commission (Commission) to operate the St. Lawrence-FDR Power Project (Project) on the St. Lawrence River in Massena, New York. Pursuant to Article 401 of the new license, NYPA developed a Shoreline Stabilization Plan that included an adjacent landowner shoreline stabilization program. As described in the Local Government Agreement dated February 22, 2002 which was included in the Comprehensive Relicensing Settlement Accord filed with the Commission on February 6, 2003, NYPA is working cooperatively with the towns to provide funding for adjoining landowners to perform small stabilization projects on Project shorelines.

This document describes the program as well as the process and the requirements for adjacent landowners to submit proposals to be considered for funding under this adjacent landowner shoreline stabilization program. It further explains each respective party's obligations, including the adjoining landowner, NYPA, and the Adjacent Landowner Stabilization Program Board (Board). The Adjoining Landowner Stabilization Program is intended for Small Projects. A Small Project is considered to be work involving up to 200 feet of shoreline with an estimated cost not to exceed \$50,000.

SECTION 2 ELIGIBILITY

This program is primarily for work to address areas of erosion identified by adjoining landowners and is open to individuals meeting BOTH of the following criteria.

2.1 Eligible Geographic Area

To be eligible for funding, a proposal must be for a site located:

- 1) on the main stem of the St. Lawrence River within that reach of the river from 2300 feet west of the Iroquois Dam in the Town of Waddington downstream to Polly's Gut in the Town of Massena or,
- 2) on tributaries which enter the St. Lawrence River within this reach. Proposals for sites located on tributaries must be within the farthest inland extent of Power Authority ownership or flooding easement on such tributaries.

2.2 Applicant

An applicant must be an adjacent landowner to New York Power Authority property. "Adjacent landowner" is defined as an individual who owns property that adjoins either the Project Boundary or the

NYPA-owner shoreline buffer. “Applicant” is defined as someone who submits a proposal under this program. “Sponsor” is defined as someone whose proposal has been approved by the Board. The applicant or sponsor may be an individual or a group of contiguous, adjacent landowners.

SECTION 3 APPLICATION PROCESS

Each applicant or sponsor shall submit to the Adjacent Landowner Stabilization Board a completed proposal consisting of an application and all supporting documentation.

3.1 Application

An applicant seeking funding for shoreline stabilization through this program must submit to the Board a written proposal that shall include at a minimum:

1. Contact information for the applicant
2. A general description of the site, including location, estimated erosion rate, basis for erosion rate estimate, features at the shoreline or immediately inland such as boat docks or other structures, soil conditions above water and below the water.
3. Length of the site that is eroding and length to be stabilized
4. Average and maximum heights of the banks
5. Past stabilization efforts, if any, and present condition of those efforts
6. Proposed type of stabilization and if it is based on the methods in the Shoreline Stabilization Plan or alternative methods, OR a statement requesting NYPA to select a method of stabilization,
7. Whether the stabilization will be accomplished by the applicant, the applicant’s contractor, or by NYPA
8. a minimum of three color photographs that are representative of the overall site

Any Proposal received without these required elements shall not be considered by the Board and the proposal shall be returned to the project applicant with the missing elements identified. The completed application will be submitted to NYPA. NYPA will provide copies of each application to the Board and to its shoreline stabilization expert.

NYPA will provide engineering and permit assistance to adjoining landowners with respect to the Necessary Stabilization Work when requested to do so and when the proposed method of stabilization is the most appropriate and most cost-effective of the methods proposed in the Shoreline Stabilization Plan.

For Small Projects that include additional work or different work than the most appropriate and most cost-effective of the methods proposed in the Shoreline Stabilization Plan, the applicant must hire their own contractor to do the work. For Small Projects that do not include additional work or different work, the applicant may hire their own contractor to do the work, or may request that NYPA do the work, and NYPA will do so.

2.2 Permits

Persons who wish to have shoreline projects considered under this program may obtain the necessary permits or permissions from all other entities with jurisdiction, including but not limited to, the U. S. Army Corps of Engineers, NYS Department of Environmental

Conservation, NYS Department of State Division of Coastal Zone Management, and NYS Historic Preservation Office prior to submitting a proposal (See the list of Agencies in Appendix A).

Adjoining landowners who elect to have their own contractor do shoreline stabilization work **must obtain the necessary permits prior to the start of construction, including a permit from NYPA.** Copies of all permits, or where no permit is required, correspondence stating such, must be provided to NYPA, Attention: Mr. Sean Doyle, Sr. Real Estate Administrator, 830 Barnhart Island Road, Massena, N.Y. 13662, before a NYPA permit for such work will be issued.

NYPA will work with the Corps of Engineers, the DEC, the Department of State, and any other agencies having regulatory jurisdiction, to streamline the permitting process for Small Projects to make it easier for the adjoining landowners to obtain permits.

An adjoining landowner who proposes a method of stabilization identified in the Shoreline Stabilization Plan and who requests that NYPA provide engineering and permit assistance need not contact any regulatory agency prior to submitting a proposal. Such proposals will require the elements listed in Section 2.1 to be provided in order for the application to be determined to be complete and receive consideration from the Board.

SECTION 4 PROJECT SELECTION PROCESS

4.1 Schedule for Application

Proposals may be submitted at any time. Proposals shall be submitted to NYPA as follows; .

New York Power Authority
Adjoining Landowner Stabilization Program
St. Lawrence-FDR Power Project
Robert Moses Power Dam
830 Barnhart Island 13662
Attention: Ms. Cindy LaVean

All completed proposals received by NYPA on behalf of the Board by July 15 of each year shall be evaluated, ranked and selected by the Board at a meeting to be held by on or about September 15. Proposals received by July 15 shall be evaluated for funding for construction during the next construction season. Proposals received after July 15 shall be reviewed in the following year. Any proposal not selected for funding by the Board shall be retained for review in the following year.

4.2 Review of Applications

The following criteria shall be used by the Board to prioritize the proposals received:

- Safety
- Erosion rate: the site is eroding at such a rate that the shoreline will intersect NYPA's project boundary within three years
- Distance to infrastructure: there exists on the site infrastructure that may be impacted by the eroding shoreline within three years

Following the evaluation of each proposal by these criteria, the estimated cost of the stabilization and other circumstances will be considered.

4.3 Annual Funding

Up to \$125,000 shall be approved in each year for shoreline projects.

Adjoining landowners may request that additional or different shoreline stabilization work be done on Power Authority land adjacent to their property. For Small Projects that include additional or different work, adjoining landowners must hire their own contractor to do the work. For Small Projects that do not include additional or different work, adjoining landowners may hire their own contractor to do the work, or may request that NYPA do the work, and NYPA will do so. Any work done by contractors for adjoining landowners will be subject to inspection and approval by NYPA.

Adjacent Landowners may include cost sharing in their proposal. This is not a requirement of this program but will be included in the evaluation of the proposal.

4.4 Consultation on Historic Properties

Article 422 of the FERC license for the St. Lawrence FDR Power Project requires that NYPA protect historic properties at the project. As shoreline stabilization activities may disturb historic properties, whether known or unknown, the Authority's Preservation Officer (APO) shall review all proposals for stabilization and may conduct field surveys. The APO may also consult with the New York State Historic Preservation Officer and the Mohawk Community at Akwesasne (Consulted Parties) as part of this review. No work shall proceed until such review and consultation, if applicable, has been completed and a determination made as to the potential to disturb historic resources.

Notwithstanding, if any historic resources, such as foundations, buried, charred wood, or pottery pieces, are discovered during the construction of any approved shoreline stabilization project, all work shall immediately cease. The applicant, sponsor, or construction contractor shall notify the Authority at (315) 764-6847, so that such resources may be examined and the site investigated. Such examination and survey will determine if and how the remaining construction shall proceed.

4.5 Applicant Notification

The applicant or sponsor of each approved project will be notified by mail of the Board's decision and any provisions or conditions of that approval. A copy of all approvals shall be provided to the respective municipal official within which the approved projects are located.

Applicants of proposals that were not selected by the Board for funding shall also be notified.

4.6 NYPA Engineering and Permit Assistance

If the applicant of an approved proposal has requested that NYPA provide engineering assistance or permit assistance, NYPA shall design an appropriate treatment based on the concepts in the Shoreline Stabilization Plan. NYPA shall initiate the application process for required regulatory permits so that all permits are received prior to the start of the

construction. It is NYPA's intent to prepare an application that will address the eroding shoreline and be acceptable to the regulatory agencies. However, it may be necessary to revise the application based on the regulatory review and final permit conditions.

SECTION 5 FUNDING PROCESS

5.1 Dollar Amounts

The Board will determine the total dollar value of work to be approved in a given year up to \$125,000.00. Less than the total amount may be approved in any year. The Board shall maintain a contingency amount to cover the cost of potential additional work for approved projects if such work is reasonably expected to occur. The Board may also approve funding for less than the total annual amount, if, in the course of approving proposals, a complete project cannot be funded based on the estimated cost of stabilization and the available money remaining in that year's allotment. Money not spent in a given year will be available in the following year for use in this program.

6.0 INSPECTION AND PAYMENT

6.1 Work Performed by NYPA

Shoreline stabilization work that is performed by NYPA, at the request of an adjoining landowner(s), shall be completed in compliance with all required permit conditions and subject to inspection. Funds allocated for this program shall be used to pay for shoreline stabilization constructed by NYPA. A total, final cost for each NYPA-constructed stabilization project shall be provided to the Board.

6.2 Work Performed by the Applicant or Applicant's Contractor

All initial costs for approved shoreline stabilization projects shall be paid by the project sponsor for work which the sponsor elects to have done by his own contractor. Upon completion of the approved project, the project sponsor shall notify the Board that it is ready to be inspected for compliance with the requirements of the permit. NYPA shall conduct the inspection and shall report to the Board its findings. The Board may conduct its own inspections or conduct joint inspections with NYPA representatives.

If the inspection finds that the project is in compliance with all permit requirements, the Board shall provide its concurrence. The project sponsor shall submit to NYPA a package containing the itemized costs of the project and copies of applicable receipts. Upon acceptance of such evidence, NYPA shall then reimburse the project sponsor for the approved costs of the project.

If the inspection finds that the project is not in compliance with all permit requirements, the Board shall so notify the project sponsor of such deficiencies and provide a schedule for compliance. When such deficiencies have been completed, the project sponsor shall again notify the Board that it believes it has complied and is ready for final inspection.

Inspections of projects by NYPA shall be scheduled as efficiently as possible based on the availability of NYPA inspectors.

NYPA shall maintain records of all disbursements under this program.

APPENDIX A

List of Regulatory Agencies for Shoreline Activities

- 1) U. S. Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199
716-879-4307

- 2) New York State Department of Environmental Conservation
Division of Regulatory Affairs
317 Washington Street
Watertown, NY 13601-3787
315-785-2245
Contact: Regional Supervisor of Regulatory Affairs

- 3) U. S. Coast Guard
Aids to Navigation Branch
Ninth Coast Guard District
1240 East Ninth Street
Cleveland, OH 44199-2060
212-522-3366

- 4) New York State Office of Parks, Recreation and Historic Preservation
Field Services Bureau
P. O. Box 189, Peebles Island
Waterford, NY 12188-0189
518-237-8643

- 5) New York State Department of State
Division of Coastal Zone Management
Albany, NY 12231-0001
518-474-3642