



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
David Dick  
New York State Electric & Gas

Published: February 6, 2026  
Expires: February 21, 2026

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**New York District  
Permit Application No. NAN-2024-00151-UDO**

TO WHOM IT MAY CONCERN: The New York District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). Pursuant to Section 1 and Section 4 of Executive Order (EO) 14156, Declaring a National Energy Emergency, the U.S. Army Corps of Engineers, New York District has found the request to be subject to emergency treatment pursuant to special permit processing procedures in accordance with 33 CFR 325(e)(4) for the National Energy Emergency established by EO 14156, which was issued on January 20, 2025, and the special processing procedures established by the New York District and approved by the North Atlantic Division. These special emergency processing procedures have been established for activities associated with the identification, siting, production, transportation, refining, and generation of domestic energy sources, including energy infrastructure that require a DA authorization. The purpose of this public notice is to solicit comments from the public regarding work described below:

**APPLICANT:** David Dick  
New York State Electric & Gas  
1300 Scottsville Road  
Rochester, New York 14624

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with the Saranac River. The project/review area is located on the south side of Soper Road, 0.15 miles east of the intersection of Soper Rd and New York State Route 3; at Latitude 44.627944 and Longitude -73.757572; in the Town of Saranac, Clinton County, New York.

**EXISTING CONDITIONS:** The site contains the existing High Falls hydropower dam on the Saranac River, approximately 25 river miles upstream of Lake Champlain.

**PROJECT PURPOSE:** New York State Electric and Gas (NYSEG) is required to replace or modify existing trash racks with 1-inch clear spaced racks for fish protection. Several improvements to the intake and related structures are proposed to increase the functionality and safety of the development and for NYSEG post-construction maintenance at the project.

**PROPOSED WORK:** The applicant requests authorization to replace or modify the existing 2-inch trashracks with 1-inch clear spaced trash racks for fish protection. The replacement will require modifications to the existing intake structure. In addition, NYSEG proposes to improve the functionality and safety of the intake and related structures at the High Falls Development including the addition of a mechanized rack raking structure, reinforcing and constructing safety enhancements of the intake house, and electrical and communications upgrades.

NYSEG is seeking authorization for total impacts of approximately 2,220 cubic yards (cy) of fill below the Ordinary High Water Mark (OHWM). Of the 2,220 cy, 750 cy will be concrete associated with the intake, 770 cy will be concrete associated with the loading dock, and 700 cy will be earth fill to stabilize slopes. In square footage, NYSEG is proposing to add 6,080 sf of concrete and earth fill (3,250 sf of earth/stone and 2,830 sf of concrete) below OHWM. NYSEG anticipates permanent impacts above OHWM would total approximately 570 cy. Of the 570 cy above OHWM, 150 cy will be concrete associated with the intake structure, 120 cy will be earth fill for slope stabilization and loading dock, and 300 cy will be concrete associated with the loading dock. In square footage, NYSEG is proposing 2,900 sf of concrete and earth fill above the OHWM (2,200 sf concrete and 700 sf earth fill). NYSEG is anticipating a total amount of 2,220 cy of dredged material to be removed from the intake area.

**Background Information:** The High Falls hydropower development license was issued by the Federal Energy Regulatory Commission (FERC) on January 19, 2006. Article 404 of the existing license requires that NYSEG replace or modify the existing trashracks with 1-inch clear spaced trashracks for fish protection.

On September 6, 2024, the Corps issued a nationwide permit verification letter to NYSEG under Nationwide Permit Nos. 3, 33 and 36 for the construction of a 14,500 square foot temporary cofferdam, boat launch improvements, and modifications to the dam intake area to allow for the replacement of the trash rack. NYSEG commenced construction, installed the cofferdam, and made boat launch improvements during the 2024 construction season. However, after dewatering the project area behind the cofferdam, and following further assessment of site-specific conditions, the NYSEG Engineer of Record recommended additional design modifications to address unforeseen site constraints associated with intake area. The modifications would not be covered under the above referenced nationwide permits. NYSEG is requesting authorization for the work described above in this public notice for the additional permanent impacts for these structural modifications.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The applicant stated that it explored several conceptual design alternatives and evaluated them each on the basis of cost, schedule, environmental impacts, constructability, and operational improvements prior to executing a detailed design.

Multiple alternatives were evaluated, ranging from a replacement in kind of the steel racks to 1 inch spacing to a complete overhaul of the intake configuration and structure. NYSEG indicated they selected the option that would most effectively minimize the proposed maintenance actions to meet safety and functional needs associated with the Project. The applicant has stated the proposed alternative for dewatering of the intake area, with implementing New York State Department of Environmental Conservation (NYSDEC) 401 Water Quality Certification (WQC) conditions (drawdown and refill requirements, BMP measures, etc.) would allow NYSEG to implement these maintenance measures in a manner to limit potential impacts to Project area soil and wetland resources

**COMPENSATORY MITIGATION:** The applicant has not proposed compensatory mitigation for the project.

**CULTURAL RESOURCES:** The FERC is the lead Federal agency for this action and is responsible for coordinating review in accordance with National Environmental Policy Act (NEPA). The Corps is coordinating with FERC to obtain their determination on this project pursuant to Section 106 of the National Historic Preservation Act (NHPA).

**ENDANGERED SPECIES:** The FERC is the lead Federal agency for this action and is responsible for coordinating review in accordance with National Environmental Policy Act (NEPA). The Corps is coordinating with FERC to obtain their determination on this project pursuant to Section 7 of the Endangered Species Act (16 U.S.C. §1531).

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

**COASTAL ZONE MANAGEMENT ACT:** This project is not located within the coastal zone of New York State.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**OTHER AUTHORIZATIONS:** In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- FERC (Project No. 2738). January 19, 2006
- USACE NWP No. NAN-2024-00151-UDO issued on September 6, 2024
- NYSDEC (5-0999-00014/00001) issued on March 2, 2005, last modified May 22, 2025.

**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New York District will receive written comments on the proposed work, as outlined above, until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Dustin Dorr at [dustin.a.dorr@usace.army.mil](mailto:dustin.a.dorr@usace.army.mil). Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

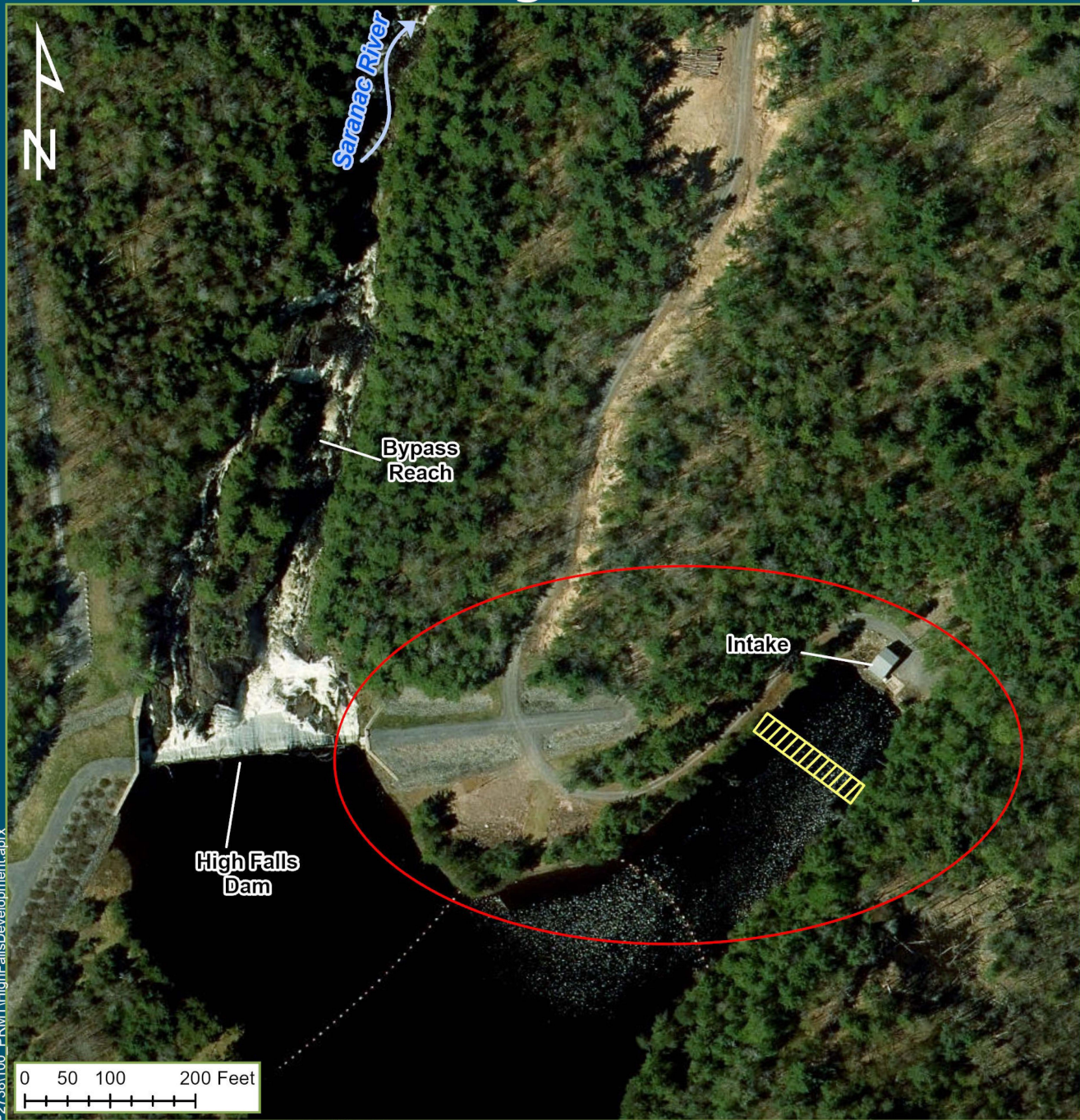
In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

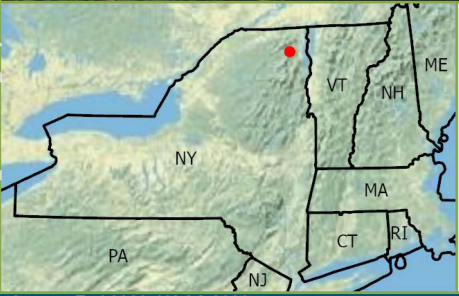
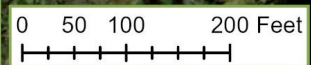
A handwritten signature in black ink, appearing to read "Amy S. Mitchell". The signature is fluid and cursive, with a large initial "A" and "M".

**FOR AND ON BEHALF OF**  
Stephan A. Ryba  
Chief, Regulatory Division

# High Falls Development



Path: Q:\Client\_Data\FERC\_Projects\100\_PRMT\HighFallsDevelopment.aprx



- Legend**
- General Project Area
  - Temporary Cofferdam

New York State Electric & Gas Corporation  
Clinton County, NY

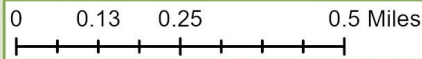
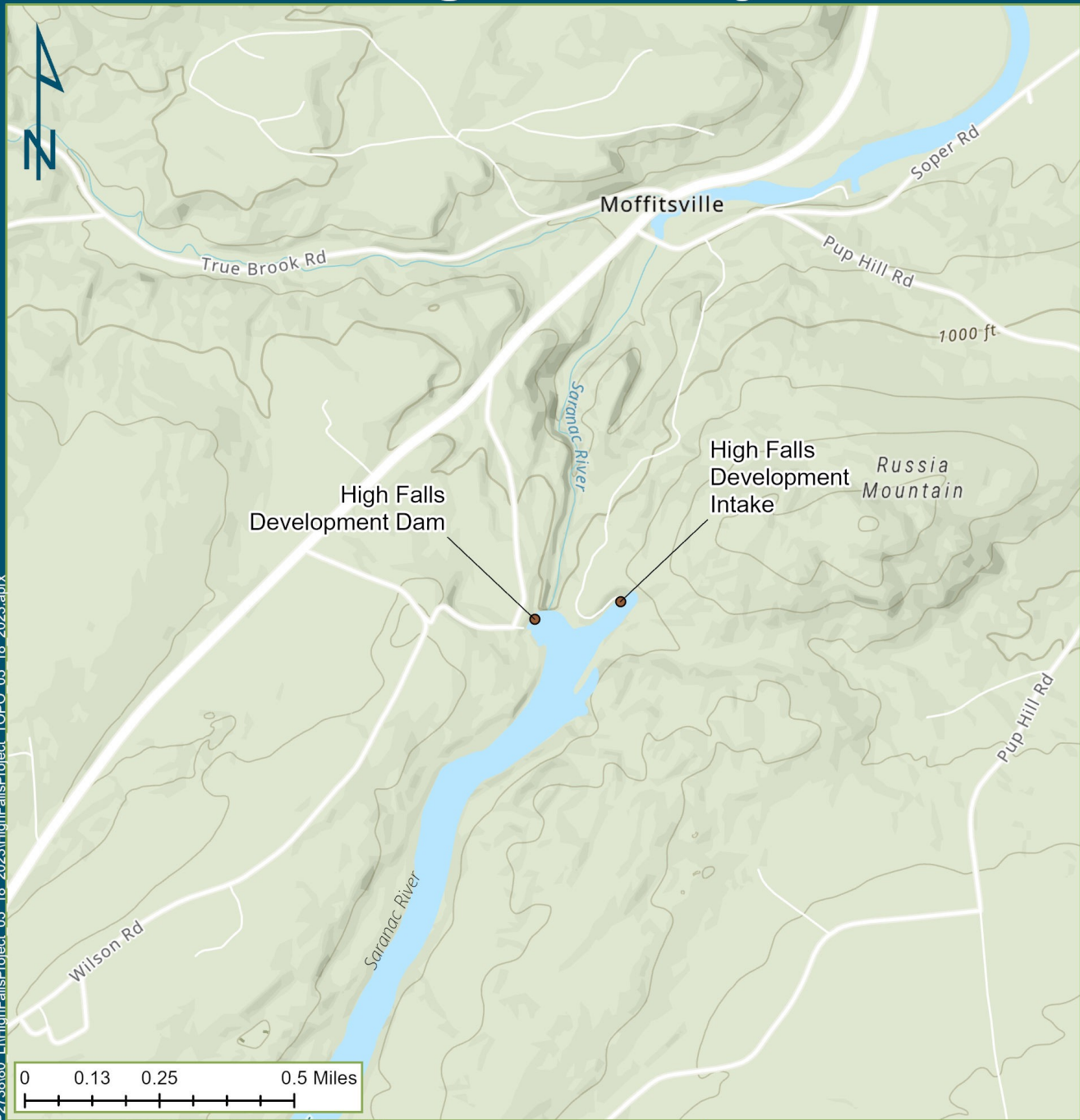
Drawn By: ENM	Date Drawn: 01-20-2026	Checked By: KPN	Date Checked: 01-20-2026
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**Kleinschmidt**  
141 Main St., PO Box 650  
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# Intake - High Falls Project Location



Legend  
● Saranac River Feature

New York State Electric & Gas Corporation  
Clinton County, NY

Drawn By: ENM	Date Drawn: 01-20-2026	Checked By: KPN	Date Checked: 01-20-2026
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**Kleinschmidt**

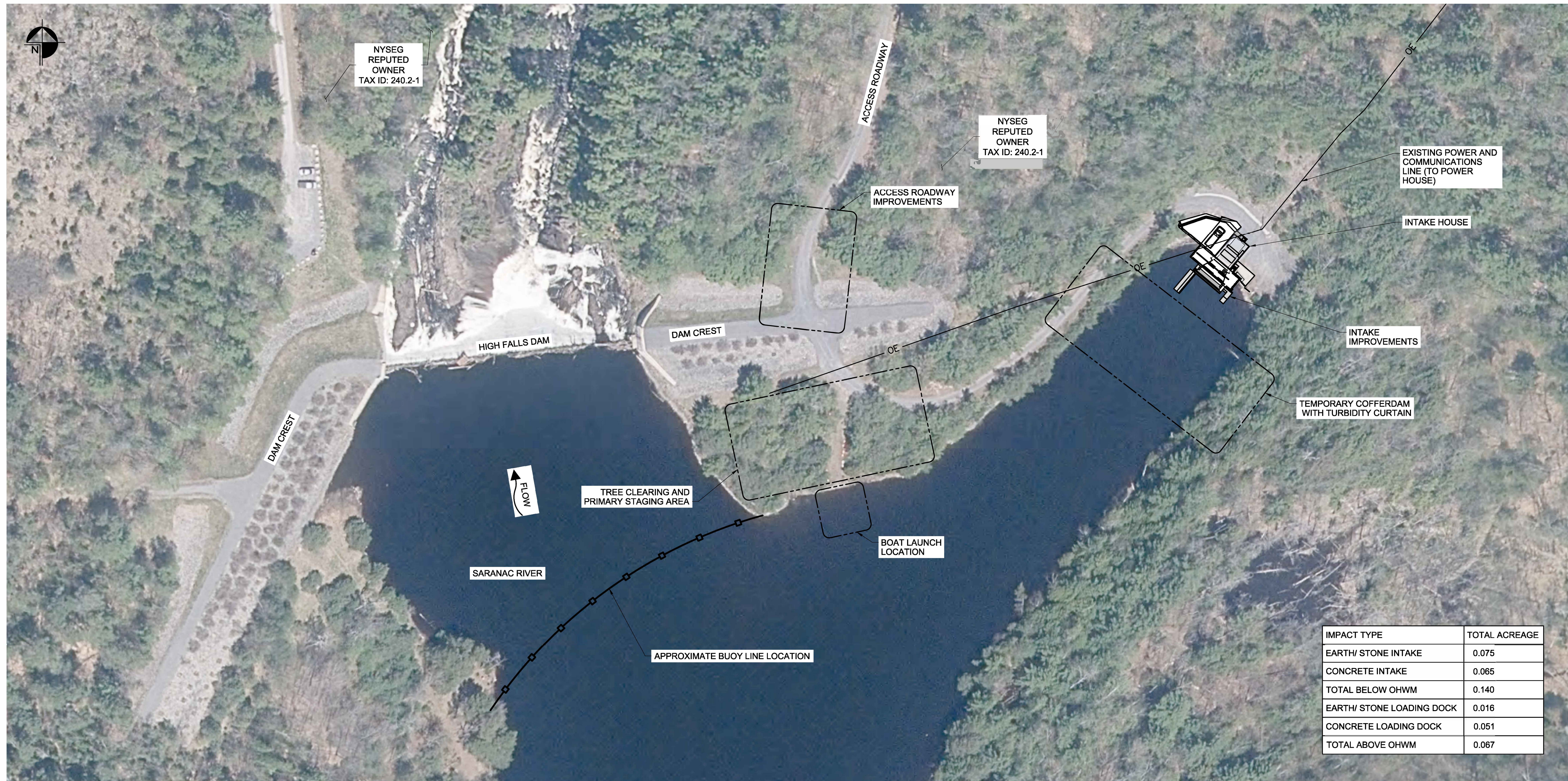
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Path: Q:\Client\_Data\FERC\_Projects\12738180\_LIN\HighFallsProject\_05\_18\_2023\HighFallsProject\_TOPO\_05\_18\_2023.aprx

Source: ESRI USGS

Date Printed: 1/23/2026



IMPACT TYPE	TOTAL ACREAGE
EARTH/ STONE INTAKE	0.075
CONCRETE INTAKE	0.065
TOTAL BELOW OHWM	0.140
EARTH/ STONE LOADING DOCK	0.016
CONCRETE LOADING DOCK	0.051
TOTAL ABOVE OHWM	0.067

1 PLAN - PROJECT OVERVIEW  
SCALE: 1" = 50'