



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

February 17, 2006

GEORGE E. PATAKI
GOVERNOR

Mr. John L. Osinski
Executive Director Regulatory Affairs
New York Power Authority
30 South Pearl Street
Albany, New York 12207-3425

Re: F-2005-0935
Federal Energy Regulatory Commission - FERC #2216
Niagara Power Project
Towns of Niagara and Lewiston
Niagara County
Concurrence with Consistency Certification

Dear Mr. Osinski:

The Department of State has completed its review of your consistency certification regarding the consistency of the above-referenced activity with the New York Coastal Management Program.

Pursuant to 15 CFR Part 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification for this activity, subject to the following agreed-upon conditions:

Section 4.1.1 of the Relicensing Settlement Agreement Addressing New License Terms and Conditions (including Proposed License Articles) dated July 18, 2005 establishes an Ecological Standing Committee (ESC) to oversee the development of Habitat Improvement Projects (HIPS), as well as to approve projects to be funded by the Fish and Wildlife Habitat Enhancement and Restoration Fund (HERF). The Department of State is to have a representative on the ESC to participate in the oversight of these activities to ensure activities comply and are undertaken in a manner consistent with the New York Coastal Management Program as implemented.

This concurrence is without prejudice to, and does not obviate the need to obtain all other applicable licenses, permits, and approvals required pursuant to existing State statutes.

Sincerely,

Sally Ball
Deputy Director
Division of Coastal Resources

cc: FERC: Magali R. Salas