August 6, 2019

**VIA ELECTRONIC FILING**

Honorable Neil Chatterjee, Chairman  
Honorable Richard Glick  
Honorable Cheryl A. LaFleur  
Honorable Bernard L McNamee  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

Attn:  
Honorable Kimberley D. Bose, Secretary  
Terry Turpin, Director of Office of Energy Projects

Re:  
*Crown Hydro, LLC*, Docket No. P-11175-025

Dear Chairman Chatterjee and Commissioners,

The City of Minneapolis and other signatories to this letter (“Indicated Stakeholders”) respectfully request that the Commission and its Office of Energy Projects terminate the license amendment proceeding for the above-referenced Crown Mill Hydroelectric Project (“Project”) or order the Project owner, Crown Hydro, to show cause why its license and proposed amendment should not be terminated, consistent with the *Motion of the Friends of the Lock and Dam for an Order to Show Cause* filed in this docket on January 10, 2019. For the following reasons, we support action on the Friends’ Motion and oppose any action in furtherance of licensing and construction of this Project at the Upper St. Anthony Falls Lock and Dam.

First, the Project proposes to occupy the historic Upper St. Anthony Falls Lock and Dam facilities owned by the U.S. Army Corps of Engineers, which are strategically located in downtown Minneapolis. This location has become a destination for residents and visitors who walk or bike the paved trails along the Mississippi River and cross the iconic historic landmark known as the “Stone Arch Bridge”. The location is also attracting economic development and additional public investments in parks, tourism, and historic preservation. The Crown Hydro Project is not compatible with plans for the area, in part because its potential water flow, powerhouse, parking lot, and portage obstruction threaten the future stability of adjacent historical, cultural, and recreational assets on the Mississippi River waterfront. The ongoing nature of Crown’s twenty-four year-old license proceeding (still without a site or specific construction plans) is impeding

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1. Indicated Stakeholders are key environmental, commercial, and regulatory entities that are parties in this proceeding or who have carefully followed the progress and impacts of the Project’s development over time. They include: Minneapolis Park & Recreation Board, Friends of the Lock & Dam, Mississippi Riverfront Partnership, Mississippi Park Connection, National Parks Conservation Association, St. Anthony Falls Heritage Board, Minneapolis Parks Foundation, Above the Falls Community Advisory Committee, Downtown Minneapolis Neighborhood Association, St. Anthony Falls Alliance (representing Marcy-Holmes Neighborhood Association, Nicollet Island East Bank Neighborhood Association, and St. Anthony West Neighborhood Association), Minneapolis Downtown Council, East Town Business Partnership, Friends of the Mississippi River, Sierra Club North Star Chapter, Great River Coalition, Friends of the Riverfront, Preserve Minneapolis, and Minneapolis Park Watch.
plans to continue the development of the location as a park and trail hub in the center of the City of
Minneapolis.

Second, Crown’s history is one of failure to diligently pursue its consultation responsibilities under
the Commission’s rules and established practice. Two recent examples illustrate the point. Crown
has requested consultation regarding the development of a programmatic agreement with the State
Historic Preservation Officer in Minnesota (“MN SHPO”) and the Commission that would allow
the Project to go forward without prior fulfillment of Crown’s responsibilities to study mitigation of
the Project’s potentially adverse impacts prior to license amendment. Despite numerous
outstanding deliverables, Crown’s April 16 progress report states that it “has done what we can” in
the historic preservation process and passes the buck to the Commission for “guidance.” Based on
Crown’s own representations regarding outstanding deliverables, a programmatic agreement would
be premature and unjustified. Moreover, the extensive history of this Project raises significant
questions regarding Crown’s ability or willingness to meet the future obligations of a programmatic
agreement. In addition, FERC staff made clear on May 2, 2019 that Crown has again failed once to
provide the requested defensible financial plan, especially now that the Project has lost its most
important state grant. Failure to show financial viability is simply one of many of Crown’s half-
hearted attempts to comply with requests from FERC staff and consulting agencies.

Third, despite the passage of over two decades since its original licensure, Crown has failed to
obtain legal rights to locate its proposed Project in any specific location. Crown now envisions
locating its Project on the Corps of Engineers property being used for the lock in downtown
Minneapolis; however, Crown has no near-term prospect of obtaining a buildable site there and no
guarantee of ever obtaining a site there, even in the long term. Furthermore, the Corps of Engineers
is conducting a study about the future use and potential disposition of the facilities on which Crown
proposes to locate its Project, a process which may take years. Thus, the fate of the Project, even in
the long term, is in doubt and the Corps’ ultimate determination regarding the lock and dam may
moot Crown’s license proceeding altogether.

Fourth, the Minnesota legislature enacted a law\(^2\) that prohibits a state agency or local government
to enter into any agreement with a person or corporation or entity to allow or facilitate any kind of
construction near or adjacent to the Stone Arch Bridge that may disturb the foundations or piers or
adversely affect the Bridge’s structural integrity. The Crown Project is located adjacent to the Stone
Arch Bridge and would be subject to the provisions of this law.

The lock and dam and their natural surroundings are major economic, recreational, and aesthetic
assets which would be seriously and permanently compromised by development of the Project and
by permitting any further delay for a project that may never be constructed. We believe the
Commission has been more than patient with Crown. Commission Staff have afforded Crown
every opportunity to improve and complete its work in support of the Project, over a long period of
time, with limited success. Crown’s twenty-four years of failing to timely obtain a site and fully
prosecute its application demonstrates that, even if the Project were authorized as amended, Crown
cannot be depended on to be responsive to the Commission. Crown has repeatedly failed to show it
can meet the needs of the community and the nation regarding this vital piece of riverfront of one
of the country’s most important rivers.

The City and Indicated Stakeholders request that the Commission take prompt action to terminate,
or begin proceedings to terminate, this over twenty-four year-old proposal. Such action would
recognize that the mere existence of the proposed Project, despite its lack of site or path forward, is
an impediment to planned improvements in the area. We understand that overseeing hydropower
project development on the nation’s waterways requires the Commission to balance numerous
competing interests. The City and Indicated Stakeholders want to be clear that development of the

\(^2\) Minnesota Laws 2018 Chapter 214, Article 2, Section 48.
urban waterfront for public use is a matter of vital public interest. We urge the Commission take the steps necessary to stop the specter of this lingering and long unexecuted proposal from interfering with the full development of this strategic piece of Mississippi River waterfront.

Thank you for considering this request. The City and the Indicated Stakeholders invite any questions.

Respectfully submitted,

THE CITY OF MINNEAPOLIS, MINNESOTA

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Chair, Intergovernmental Relations  
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City of Minneapolis
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Mississippi Riverfront Partnership

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Friends of the Lock and Dam

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Minneapolis Park Watch
CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document on the official service list for this proceeding, maintained by the Secretary of the Commission

Dated this ___ day of August, 2019 at _____.

___________________________________________
Signature

Printed Name: