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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”)¹ 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

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 law² 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.

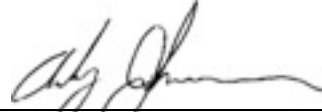
Respectfully submitted,

THE CITY OF MINNEAPOLIS, MINNESOTA



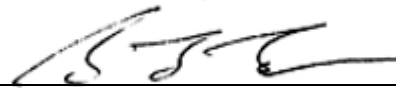
Mayor Jacob Frey
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City of Minneapolis



Council Member Andrew Johnson
Chair, Intergovernmental Relations
350 South 5th Street, Room 307
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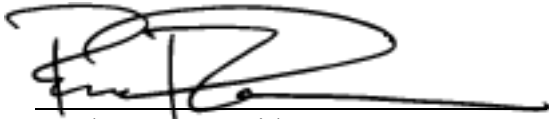
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Council Member Steve Fletcher
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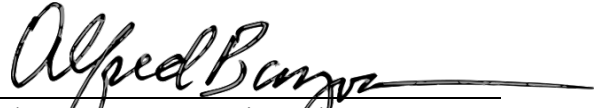
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INDICATED STAKEHOLDERS



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Minneapolis Park & Recreation Board



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Mississippi Riverfront Partnership



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Friends of the Lock and Dam



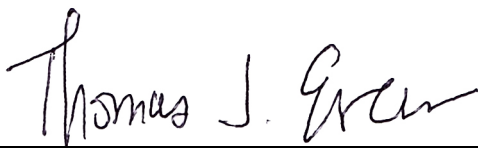
Kent Whitworth, Chair
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Minneapolis, MN 55401

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East Town Business Partnership

INDICATED STAKEHOLDERS (CONT'D)



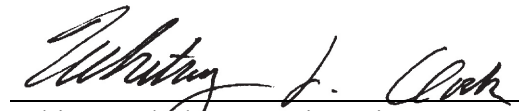
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Mary Jamin Maguire
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*Above the Falls Community Advisory
Committee*



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Friends of the Mississippi River



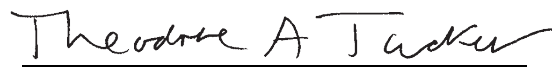
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Minneapolis Park Watch



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*St. Anthony Falls Alliance, representing
Marcy-Holmes Neighborhood Assoc., Nicollet
Island East Bank Neighborhood Assoc., and St.
Anthony West Neighborhood Assoc.*



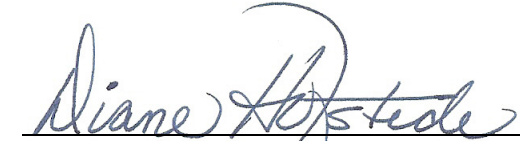
Edna Brazaitis, Director
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Friends of the Riverfront



Margaret Levin, State Director
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Sierra Club North Star Chapter



Diane Hofstede, President
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Great River Coalition

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: