

EMERGENCY ACTION PLAN

FOR THE
WATERLOO AND SENECA FALLS HYDROELECTRIC PROJECT
FERC No. 2438-NY

INCLUDING:

NATIONAL INVENTORY OF DAMS #NY00708 AND #NY00709
consisting of two developments that are 4.2 miles apart:

THE WATERLOO DEVELOPMENT at New York State Canal Corporation (NYSCC) Lock No. 4
AND THE SENECA FALLS DEVELOPMENT at New York State Canal Corporation (NYSCC) Locks No. 2 & 3

located on the 12.6-mile-long Seneca River section of the New York State Barge Canal System (NYSBCS) between Seneca Lake and Cayuga Lake in Seneca, Yates, Schuyler, and Ontario Counties, New York

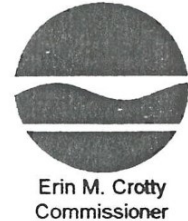
Licensee:
Seneca Falls Power Corporation
1233 Alpine Road
Suite 202
Walnut Creek, CA 94586

Submitted July 2002
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Serial No. 10

**New York State Department of Environmental Conservation
Division of Water, Region 8**

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September 24, 2002

Honorable Douglas G. Marchionda, Jr., Mayor
Village of Penn Yan
3 Maiden Lane
PO Box 426
Penn Yan, New York 14527-0426

Dear Mayor Marchionda:

RE: KLOC Kimballs Gully Easement
Keuka Lake Flood Project
Penn Yan (V), Yates County

As you had requested, I am enclosing a copy of my business card. Thanks very much for your interest and support during the KLOC meeting last night in Hammondspport.

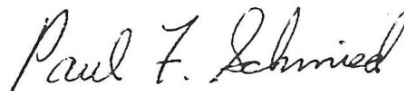
I am enclosing a revised copy of the proposed easement wording. The changes from that discussed at the meeting last night include changing the date to 2002, deleting the reference to the KLOC in paragraph 3, adding the reference to KLOC in paragraph 2, and renumbering the pages.

I am also enclosing another copy of the preliminary easement map which was prepared by the Department of Environmental Conservation at state expense. Be advised the map and the title search completed by the Attorney General are being retained in the Department Real Property office in Albany pending agreement on the easement wording.

Copies of this letter and of the enclosures are being sent to Chairman Andersen and Secretary Weber

Should you have any questions, please call or write anytime.

Yours truly,



Paul F. Schmied, P.E.
Flood Protection

cc: Scott Foti, Steve Len, Michelle Polanski
John Andersen, William Weber w/enclosures

**KEUKA LAKE FLOOD CONTROL PROJECT
KIMBALL'S GULLY EASEMENT**

THIS INDENTURE made the _____ day of _____, 2002, between YATES COUNTY, a municipal corporation of the State of New York ("Grantor"), and the PEOPLE OF THE STATE OF NEW YORK, by the New York State Commissioner of the Department of Environmental Conservation ("Grantee").

WITNESSETH THAT, Grantor, in consideration of ONE DOLLAR and other good and valuable consideration, receipt of which is waived, does hereby remise, release and quitclaim unto the Grantee, the successors or assigns of the Grantee, including and not limited to the Keuka Lake Outlet Compact,

A permanent right, privilege and easement to construct, reconstruct, maintain and operate thereon, a work area, and including the right to: (1) remove therefrom any and all materials excavated, cut, razed, or torn down from the area described herein, or deposit any material thereon; (2) protect the bank of Kimballs' Gully Creek by any method deemed necessary; (3) clear and grub trees, shrubs, brush, debris and structures; (4) place, keep and operate machines, tools and equipment; (5) construct channel improvements including and not limited to a debris deposition basin and related facilities connected with the Keuka Lake Flood Protection Project; (6) reconstruct use and maintain the road which extends from Hicks Street through the area of this easement including and not limited to the bridge over Kimballs' Creek, including the right at all times of ingress, egress and regress, for purposes connected with the flood control project. Such easement shall be exercised in and to all that piece or parcel of property situated in the Village of Penn Yan, Town of Milo, County of Yates and the State of New York, as above delineated and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Village of Penn Yan, being part of Township 7, Range 1 of the Phelps & Gorham Purchase, in the Town of Milo, County of Yates, State of New York, bounded and described as follows: