

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ALBANY

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In the Matter of the Application of RIVERKEEPER, INC.,

Petitioner/Plaintiff,

AFFIDAVIT OF JOHN MYLOD

-against-

Index No.
R.J.I No.

PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK, NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE, HELIOS POWER CAPITAL, LLC, DANSKAMMER ENERGY, LLC and MERCURIA ENERGY AMERICA, INC.

Respondents/Defendants,

for a Judgment and Order Pursuant to Article 78 and Section 3001 of the Civil Practice Law and Rules.

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STATE OF NEW YORK)
) s.s.:
COUNTY OF DUTCHESS)

John Mylod, being duly sworn, deposes and says:

1. My name is John Mylod. I reside currently and have resided at 101 Beechwood Avenue, Poughkeepsie, New York 12601, for forty (40) years.

2. I make this Affidavit in support of the petition and complaint of Petitioner Riverkeeper, Inc. ("Riverkeeper"). The facts stated in this Affidavit are true of my own personal knowledge, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true.

3. My residence is located roughly eight (8) miles "as the crow flies" from the Danskammer Generating Station (the "Station"). My residence is downwind of the Station when the wind is in the southwest.

4. I am a Hudson River commercial fisherman and a member of Riverkeeper, Inc. I also frequently use and enjoy the Hudson River for recreational activities and aesthetic enjoyment aside from commercial fishing, including recreational boating and rowing. I was also the past president of Mid-Hudson Rowing Association and am still an active member.

5. Riverkeeper is a non-profit organization whose mission includes promoting and protecting the ecological, recreational, commercial and aesthetic qualities of the Hudson River ecosystem and its fishery.

6. I share Riverkeeper's goals of restoring and maintaining the commercial and recreational Hudson River fisheries. I also joined Riverkeeper in part because its work to protect the Hudson River and its tributaries helps to improve my enjoyment of the River and the natural resources it supports.

7. I am one of the original members of and continue to serve on Hudson River Estuary Management Advisory Committee, commissioned by the New York State Department of Environmental Conservation ("DEC").

8. As a member of the DEC Hudson River Estuary Management Advisory Committee for over twenty (20) years, I have actively participated in helping to develop a long term management plan for the estuary. The first goal of the estuary management plan is to "[r]estore the signature fisheries of the estuary to their full potential, ensuring future generations the opportunity to make a seasonal living from the Hudson's bounty, and to fish for sport and consume their catch without concern for their health." Hudson River Estuary Action Agenda 2005-2009, The Hudson River Estuary Program NYSDEC, 2005, p.7.

9. In the early 2000s, also I served on a legislative commission to develop recommendations on reopening the commercial striped bass fishery in New York State. I

have also worked on research projects studying sturgeon, and I report regularly to the state on findings, landings, and crab tags and other tagged fish.

10. As a result of the experience and knowledge I have gained, I am aware that the operation of large Hudson River power plants such as the Danskammer Station results in significant and adverse environmental impacts to air quality, water quality and aquatic organisms.

11. I was a commercial American shad fisherman on the Hudson River from 1973 through March of 2010 when the New York State Department of Environmental Conservation closed the American shad fishery on the Hudson River.

12. I currently fish commercially on the river for river herring and blue crab. I invest in new gear and expand my operation annually, and intend to continue fishing commercially in the Hudson River near my home for the foreseeable future.

13. Commercial fishing for herring and blue crab on the Hudson River provides incalculable benefits to me that, in my opinion, exceed the commercial return on my investments and efforts. Commercial fishing for American shad provided those same benefits to me.

14. For example, the pursuit of American shad, herring and blue crab on the Hudson River is an aesthetic and historically significant pastime that also allows me provide locally-harvested food to the customers in the existing community of the Hudson Valley in the vicinity of Poughkeepsie.

15. I fish the "Long Reach" of the Hudson River, from Crum Elbow, just south of Hyde Park, New York to New Hamburg, New York, and concentrate my activities about two miles and less north of the Danskammer Power Plant. American shad, river herring and blue crab, must pass the Station on their annual migrations.

16. I routinely place one hundred forty (140) crab trap "pots" in the river within a seven mile reach north and south of Poughkeepsie. I place roughly seventy (70) pots along the west shore of the river, which is the shore where the Station is located.

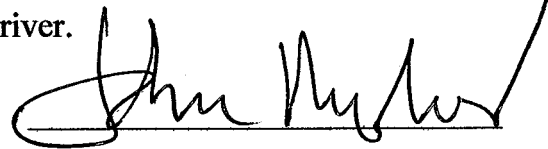
17. The reactivation of the Station in once-through cooling mode would result in the discharge of heated thermal pollution which would substantially and adversely change

the existing Hudson River water quality, substantially interfere with the movement the migratory fish species and habitat of the Hudson River and also create conditions in an area of up to 65 acres in the Hudson River at the Station which would be fatal to American Shad, river herring and fish and aquatic organisms.

18. As one of only a handful for people fishing commercially on the Hudson River, I have seen a steady decline in shad and river herring populations over the past thirty years and the depletion of other fish stocks.

19. My livelihood as a commercial fisherman and my aesthetic and recreational enjoyment of the Hudson River will be significantly jeopardized by the Public Service Commission's action to allow the reactivation of the Station, as the resulting fish kills will radically reduce the quantity of fish available for me to catch and sell.

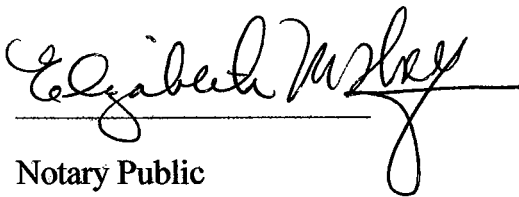
20. Accordingly, the Public Service Commission's action to allow the reactivation of the Station will harm me personally by jeopardizing my recreational, aesthetic, conservation and commercial interests in the Hudson River and affecting the existing air quality where I reside and fish the river.



John Mylod

Sworn to before me this

21st day of October, 2014.



Notary Public

Elizabeth M. Wolf
Notary Public, State of New York
No. 02WO6221950
Qualified in Dutchess County
Commission Expires May 10, 2018