UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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Power Authority of the State of New York | Project No. 3211-009

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HINCKLEY (GREGORY B. JARVIS) PROJECT

SUNY Polytechnic Institute
Student Center Multipurpose Room #2
100 Seymour Road
Utica, New York 13502
Tuesday, September 26, 2017

The public comment meeting, pursuant to notice, convened at 7:00 p.m.

P R O C E E D I N G S

MS. CARTER: All right. I think we're going to go ahead and get started. If there are any stragglers then you can go ahead and bring them in.

So welcome to the scoping meeting for the Jarvis Hydroelectric Project. I'm glad you could all join us tonight. My name is Emily Carter. I am with the Federal Energy Regulatory Commission. I am the Project Lead for FERC for the relicensing of the Jarvis Project. We'll get started tonight with a few housekeeping items.

First, I think you all caught the sign-in sheets and we had a speaker sign in; if you didn't sign up to speak, you'll still have opportunities. We just wanted to get a feel for how many knew they wanted to speak. Then there are handouts. If you didn't see them, there are some handouts on the back table. We have a copy, I made a couple of hard copies of the scoping document if you didn't already have it. There is also, if you don't already know how to access the electronic information at the Commission, there's a pamphlet that tells you all about our electronic systems. So that can come in handy. And then if you're new to relicensing or FERC, we also have a How to Get Involved Guide that goes through our highlights, our process, and the main points of interest that you need to know for staying involved and talking about, and filing comments on projects.

Also, we do have a court reporter for the meeting tonight. He will be recording everything for the meeting and preparing transcripts that will be available as part of the public record. So if you do decide to speak, remember to state your name and affiliation, and spell out any acronyms and if you have an unusual name or you feel like it, please spell out your name so that he can get it accurate in the transcript. While you're speaking I may be reminding you to do that, because the first couple usually remember and then there may be a need to remind you.

Also, just some basics. Bathrooms are out the door and to the right. Exits. There's one in here and then the way you came in.

So our agenda tonight is -- and I'll talk a little bit about who FERC is and why we're here. Then I'll do a brief overview of the licensing process and why we're here to talk about the Jarvis Project. And then NYPA will give a project overview. And then I'll come back and I'll discuss the purposes of scoping and gathering of information and discussion of issues. Our requests for information and studies. How to submit your comments and stay informed. And then we'll do a wrap up and I'll review the important dates for you to know. Then we'll have a final opportunity for any questions or comments.

So, who is the Federal Energy Regulatory

Commission also known as FERC? It is an independent federal agency that regulates interstate transmission of natural gas, oil, and electricity. We also regulate natural gas and hydropower projects. So, obviously because of the hydropower projects is why we're here today.

When full, the Commission includes five members that are appointed by the President and confirmed by the Senate. As you can see, we currently have three. We're waiting for the Senate to act on the other two. But business as usual, things are currently moving.

The Commission is supported by twelve offices and has a staff of about 1,500 employees. One of those offices and the office that is important tonight is the Office of Energy Projects. That's where the hydropower regulation happens. There's the Division of Hydropower Licensing, which is the division that I am in as well as my colleagues, And then there's also the Division of Hydropower Administration and Compliance, and the Division of Dam Safety and Inspection.

Our authority for licensing hydropower projects comes from the Federal Power Act, and within that Federal Power Act, we do a balancing act between economic development and environmental resources. A license is issued for 30 to 50 years. Under the Commission's jurisdiction we have approximately 2,500 licensed or

exempted FERC projects. So, that's just an overview of the Commission.

Our hydropower project, as I mentioned, there are three divisions. Licensing, Administration and Compliance, and Dam Safety. But for licensing projects we also rely heavily on the licensees and applicants, resource agencies - both state and federal -- Indian Tribes, nongovernmental organizations, and local stakeholders. This process doesn't work if these parties aren't involved. Or I should say, it works much better when these parties are involved.

So, why are we here tonight? We're here to gather information or to scope for the relicensing of the Jarvis Hydroelectric Project, which is FERC project number 3211. It was issued an original license, a 40 year license, in August 1982. And that license expires on July 31st, 2022. Tonight we'll give more of an overview on the history of the project. But we're here tonight to gather information so that we can prepare an environmental document and analyze that project so that we can issue a new license before that license expires. So, the licensing process: It starts with scoping which is what we're doing today, and it ends with a license order. The license order includes terms and conditions for operation. It includes environmental protection, mitigation, and enhancement measures. And how do we get to that license order? We

gather information, we conduct an environmental review, and to do all that we rely heavily on input from stakeholders, as I mentioned.

So, NYPA has decided for this project, for the Jarvis relicensing, to use the Integrated Licensing Process or the ILP. That process is founded on three fundamental principles which are: the early identification and resolution of studies. That process is starting tonight. Also, it's founded on the principle of the integration of agency and travel permitting, process needs including the National Environmental Policy Act; consultation with NYPA has already been conducted. And then federal and state permitting needs including Section 1 of the Clean Water Act that New York DEC will issue. And any species that are listed under the Endangered Species Act. Anything under the National Historic Preservation Act. So, it's integrating all those process into one, hopefully, streamlined process. And it streamlines them by establishing time frames to complete each step.

So, an overview of the ILP. We're currently in what we call pre-filing, so it's prefiling because it's before the final license application has been filed. On June 30th, NYPA filed their Notice of Intent to relicense and a Pre-Application Document where they gathered all the existing information that they had, and that kind of forms

the basis of this relicensing process. Now we're in the scoping process where we host the scoping meetings and request public comments on the information that's out there and any new information or any other issue that might not have been identified yet, and any study needs to fill any information gaps.

Next would be the study plan development. That's determining what studies are necessary to fill the information gaps. This whole process takes approximately a year. And there are strict time frames which I'll highlight later on when comments are due, when the study plan is due, when the studies are conducted, and that's all part of the ILP process.

So once we get through that process then we move on to the conduct of studies and NYPA preparing their final license application. So, I mentioned that their license expires for the Jarvis Project on July 31st, 2022, so NYPA is required by the Federal Power Act to file a license application two years before that date. So, they have to file their final license application by July 31st, 2020.

Once they file that we move into what we call the post-filing process. They file their license application with the Commission, the Commission then conducts an adequacy review. We request more public comments on what they filed. The Commission will then prepare an

environmental document and request public comments on that document, and then we will issue the FERC authorization for a license order. And that process usually takes one and a half to two years.

So that's an overview of the process. If you have any questions. There are a lot of steps involved, but I just wanted to give you to highlight the main ones. If you have any questions please either ask me when we get to that part of the presentation or come up and find me after the meeting.

So, it's a little intimidating, I know, but it is all the steps involved and I've included the dates as part of this process. So, as I mentioned, NYPA filed their NOI and PAD on June 30th . The Commission issued a Scoping Document 1 or SD-1 on August 29th. We're currently at this spot, we are having the Commission meetings, and then the next important date to know is October 28th; that's when comments and study requests are due.

That highlights all of the pre-filing steps and the dates associated with it. You can also find in the scoping document all of those dates, are attached at the end in what we call the process plan. You'll see you can find all of those steps and then the date that's associated with it in SD-1, starting on page B-1 of the scoping document.

Now, I will turn it over to Cindy. Cindy Brady

with the New York Power Authority, to give an overview of the project and its history.

MS. BRADY: Thank you, Emily. So as Emily said, we're here to talk about the Jarvis Project. And I am going to start out with a little bit if history and then kind of work towards the Jarvis Project operations.

So, the project history. Prior to 1915, West Canada Creek. West Canada Creek supplied water to the Erie Canal; that was prior to its conversion to the barge canal. It also served as the water supply to the Consolidated Water Company of Utica. That was the predecessor of today's Mohawk Valley Water Authority. It also supplied water for hydropower to the Utica Gas and Electric Company. That's the predecessor, Brookfield and the two other electric companies downstream.

In 1915, Hinckley Dam was built, commissioning the Hinckley Reservoir. Hinckley Dam was built for the purpose of providing water to the barge canal system. It preserved the water rights of existing users, the hydropower and the Mohawk Valley Water Authority. And then in the 1970's, if you recall, though some of you are way too young, there was the energy crisis. So, there was a lot of fear about dependence on foreign oil, there were gasoline shortages. In response to that, the U.S. Government enacted what they called PURPA, the Public Utilities Regulatory

Policy Act. That's a mouthful. So, among its objectives were to encourage the development of hydropower.

So following that, in August of 1982, FERC issued a 40 year license to the power authority to construct a small 9 megawatt power project at the existing Hinckley Dam and Reservoir. And it was to use the existing water releases that were in place. So as Emily mentioned, that FERC license expires July 31, 2022. In August of 1983, the New York State Department of Transportation conveyed an easement to the Power Authority, and that was to construct and operate a hydropower generating facility.

In June of 1986, that Jarvis Plant was constructed and commissioned, and it was dedicated to Gregory B. Jarvis, a Mohawk Valley resident who died on the Space Shuttle Challenger.

In June of 2017, NYPA issued with FERC with Notification of Intent and a pre-application document to renew the FERC license, and that kicked off the relicensing process that we're here tonight.

So, to give you a little perspective, in red, is an outline of the Hinckley Reservoir. The Jarvis Project is located at the Hinckley Dam within the Counties of Oneida and Herkimer and the towns of Trenton, Russia, Remsen, and Ohio. It's located about 16 miles northeast of Utica.

West Canada Creek Watershed. It has a drainage

basin of approximately 372 square miles. And the total drainage area is 561 square miles. It's a big water body. Hinckley Dam is located about 35 miles upstream of the Mohawk River, and the Mohawk River is a tributary to the Hudson River which has a drainage area of about 3,460 square miles. All part of the barge canal system.

Located on West Canada Creek are other dams downstream of the Hinckley Dam. There's the West Canada Creek Hydroelectric Project, operated by Brookfield. There are two dams, Prospect Dam and the Trenton Falls Dam. Then about a mile downstream of Trenton Falls Dam is what's known as the Ninemile Creek Feeder Dam and that's where the barge canal diversion takes place.

Jarvis has a license commitment to provide the continuous minimum flow of 160 cubic feet per second. That is measured downstream by the Nine Mile Feeder Dam and that's to support fisheries. So, if there are any diversions upstream to the Nine Mile Feeder Dam, the 160 CFS is in addition to whatever that is. Hinckley Reservoir is 4.46 square miles, for those of you who saw it today. Thank you for joining us. When full, the Hinckley Reservoir is at an elevation of 1,225 feet. That would be at the top of the spillway crest. It holds approximately 25.8 billion gallons of water. Much of the Hinckley Reservoir, or the northern eastern portions of it are located within the

Adirondack Park.

So, Hinckley Reservoir. It was constructed in 1915 for the purpose of providing water to the canal system, and the canals operate Hinckley Reservoir. It also provides drinking water to the Utica area. It supplies water to downstream hydropower generation. It supports aquatic resources, provides some measure of flood protection and supports recreation.

The reservoir operations. Hinckley Reservoir is operated by an operating diagram. Currently it's the 2012 operating diagram. The Power Authority simply passes whatever the flows are as best they can take it through our generating facility. We don't have the right to deviate from whatever the diagram dictates that the flows will be. Basically, if the project were not there, as it wasn't for much of the history of this project, the reservoir releases and the water levels would still be the same.

So that spaghetti graph is confusing to me, so it's probably confusing to many people. I have a little example here. The way operate diagram works is on the X Axis are days. I think it's - there's are three periods per month. So along the X axis from January 1 through the end of December, and then along the Y axis are various elevations of the Hinckley Reservoir. So, as an example here on August 27th, the elevation was 1,218.4 feet. So, if

you draw a line straight across from 1,218 straight up from August 27th where those lines intersect, it's evident that -- that the outflows are 690 cubic feet per second. So, that's what the outflow would be for that time period.

To give you a little perspective on the Hinckley Dam's features in the Jarvis Project, the Hinckley Dam was composed of a North and South embankment. There's a non-overflow intake. It's a 65 foot structure. and housed within that are the intakes where the water passes through to our turbines and then flows on. The spillway is a 400 foot long structure. The elevation is 1,225 feet. So whenever the reservoir exceeds that, then the water is spilling over that structure.

Housed in the far end of the south embankment is the Mohawk Valley Water Authority's intake. Some other features here are the low level outlet; I'll speak to that in a little bit. Basically, if the water flows do not pass through our units for some reason, then they can pass through the low level output. Route 365 is offered for perspective. Across the street is the switch yard, and then immediately down below the non-overflow intake, which is a little tough to see here but where the red roof is, that houses our units. And then the tailrace is immediately downstream.

Just another close up picture of it.

The Jarvis Project operations. The Jarvis Project utilizes the releases from the New York State canals in accordance with the operating diagram. Within that small powerhouse there are 2.5 megawatt generators, so the most we could produce is 9 megawatts. Each of those units can pass from 300 to 900 cubic feet per second. So our operating range is a minimum of 300 cubic feet per second to a maximum of 1,800 cubic feet per second.

So, any flows that exceed that 1,800 are passed through a combination of, we'll take whatever we can through the units and then the excess is through the sluice gate. Jarvis does not generate when flows are less than 300 cubic feet per second or when the water levels fall below 1,195 feet. We have a license commitment to pass a minimum flow of 160 cubic feet per second for downstream fisheries. So, if flows happen to be less than 300 cubic feet per second then those flows are passed through the sluice gate. And as mentioned earlier, if the elevation exceeds 1,225 feet, then it simply goes over the spillway.

So, the Power Authority, in conjunction with our license, has a formal recreation boat launch. That is located about a half mile northeast of the Jarvis Project on Route 365. It's a formal recreation site that we operate and maintain. It's composed of one single lane launch of concrete planks and gravel. With trailers it can hold

approximately 15 vehicles. Without trailers, up to 100 vehicles.

In addition, we do provide a scenic overlook that's on the northern end of the dam, and it's simply a place where people can park and view the reservoir and the project facilities.

So as Emily mentioned, we're into the relicensing process now. NYPA has created a public website, the address is here: www.jarvis.nypa.gov and everything Jarvis relicensing is on here. So, the pre-application document, the notification of intent, the documents that support the pre-application document, the background and history are located on there. The contact information for Emily and the other FERC staff. The schedule, meetings, any upcoming meetings and then any products resulting from the meetings. This presentation will be on there. The comments that we receive from further scoping documents will all be found on here. And if anybody wants to be updated regularly as documents are added to it then you can get on the Contact Us site, which is furthest right tab, provide your contact information then every time there is an update you will be notified.

So that's what I have. Thank you, Emily.

MS. CARTER: Thank you, Cindy. All right. So, that's the background of FERC and the project. Now we're

going to get to the purpose of scoping and why we're here tonight. So, the main purposes is to solicit public input and comments on the scoping document that we issued, that the Commission issued on August 29th, 2017, to identify any environmental issues and concerns that were not mentioned in that scoping document as well as any potential effects of the project on aquatic, terrestrial, and the human environment. And to identify what information is needed to analyze those potential effects throughout the NEPA process and in our NEPA document.

So, we're looking for existing information that NYPA might not already have, whether it's resource reports or big data, things of that nature; as well as new information so if there are information gaps, requesting studies to fill those gaps; and those study requests are due the same day that comments are due, which is October 28th, 2017.

The dates are very important, so, I apologize, I don't mean to sound like a broken record but I'm going to be repeating October 28th many times so that everyone knows what the due date is. Scoping also involves identifying and receiving input on resources that may be cumulatively affected; so we consider the effect of the project in conjunction with other activities within that, within the West Canada Creek River Basin.

So, if there are any resources in the scoping document; we identified water quality and quantity as resources that were cumulatively affected, so we'd like any comments if there are any things that we missed or your thoughts on those two issues as being cumulatively affected. Also, reasonable alternatives to the project and the applicant posed action.

And input on resources that may not require detailed analysis. So, if there are resources at this particular project that really aren't much of a concern we are interested in knowing that as well. So, be thinking about these topics as I go through each of the resource issues, if there's anything that you would like to add or when you file your written comments on October 28th that you would like to consider in those written comments.

So the resource groups that we'll be going over tonight include geology and soils. Aquatic resources. Terrestrial resources. Threatened and endangered species. Recreation land use and aesthetics. Cultural resources and developmental resources. As I mentioned, I'm the project lead, but I will also be looking at recreation and land use and aesthetics and cultural resources for this relicensing.

Also, colleagues here tonight that will be looking at the other resources; we've got Woohee Choi, in the back, he's our project engineer. And he'll be looking

at engineering developmental resources. We've got Jody Callihan who will be handling aquatic resources, so fishery and water quality issues. And Andy Bernick will be handling terrestrial resources and threatened and endangered species, and geology and soils.

So the preliminary list of resource issues that we identified in the scoping document can be found in Section 4.2. If you've got your scoping document with you, it starts on page 16 if you are interested in following along. I'll go through, resource by resource, and I'll stop after each one if you have specific comments about that specific resource and then at the end of the presentation will be opportunities to stand up and speak more generally or if you think of something along the way, you can add it then.

So, some other things to consider if there are any, as I mentioned, if there are any additional issues or concerns that were not identified and then were there any identified issues with which you disagree and if so, why. So those are things to keep in mind.

So, we'll start with the geologic and soil resources. We have identified the issue of effects of continued project operation on shoreline erosion within the project boundary. Does anyone have anything to add to that? Any comments they'd like to put into the record at the

moment? Any questions? And don't forget, state your name and affiliation, and we've got a microphone.

MR. CORRIGAN: I believe that I need a mic, but I'm Dennis Corrigan.

MS. CARTER: All right. I'm sorry.

MR. CORRIGAN: Can you hear me?

MS. CARTER: That's for the court reporter.

MR. CORRIGAN: I'm Dennis Corrigan. I'm a resident and the President of the Hinckley Homeowner's Association. On the erosion, but now who will be doing that study is the separate -

MS. CARTER: Well, right now we're just gathering information on whether a study is necessary.

MR. CORRIGAN: Because when the water is low there's -- I mean, even somebody clearing land, if you clear more than five acres you have to have a water runoff plan because of the safety of your neighbors and safety of drinking water wells, everything else -- this is water for all of Utica, and when the water is down to what it is today, there are hundreds of acres that have no vegetation on it and I think that is a definite a study that needs to be done.

MS. CARTER: So, I'll talk a little bit more about study requirements and how we look at, how we determine what studies are required, a little bit later in

the presentation. But if you have concerns about erosion it's definitely something to put in your comments so that we can consider it during the process. Thank you.

MR. CORRIGAN: Is there a list of things that you're going to do? Or you're just giving a list of things you're considering?

MS. CARTER: We're at the very beginning of the process and as I mentioned, right now, the scoping process is to, the scoping document identifies the issues that we have identified so far that might be an issue with this project. So, we list those issues and gather the information about the project and the existing information and any project concerns that there are, and we'll use that to identify whether there are any information gaps to require, that need to be studied and that will help us determine what studies need to be conducted. So, the whole point of this meeting is to find out what issues might be at this project. So, these are the ones that we've identified so far. If you disagree with those or you have additional ones, that's what -- that's what we're seeking right now.

MR. CORRIGAN: But who's making that decision, the end decision on what is going to be done?

MS. CARTER: The Commission will have, ultimately will issue a study plan determination that tells NYPA which studies to conduct. But we do it through the public process

and through these stakeholder comments. So, we will review all of the input that we've received and look at the requirements for the project and what is actually tied to the project to determine what is necessary.

MR. CORRIGAN: Do we get a chance at the end to be a part of that?

MS. CARTER: This whole process is very public. I mentioned some of the steps, and how important it is for stakeholder input. So there are multiple opportunities for stakeholder comments throughout that process.

So are there any other comments on geologic and soil resources? Then the next - sorry, yes? Name and affiliation, please.

MS. WEIDNER: My name is Carol Weidner, W E I D N E R. I own Trail's End Campground which is located by the reservoir, and I just wanted to say when we're talking about the erosion, since the 2012 changes, I have -- we have quite a few neighbors that have started to have to put up retaining walls and things like that, so things have definitely changed in the last five years. I just want to bring that to your attention and definitely think that that erosion needs to be looked at.

MS. CARTER: Thank you. All right. So the next resource is aquatic resources. We've identified the effects of continued project operation on water quantity and quality

such as dissolved oxygen and water temperature. And the effects of continued project operation, including reservoir operations and entrainment mortality on resident fish species.

Does anyone have anything they'd like to add to that, or questions?

MR. ZEMBRZUSKI: My name is Tom Zembrzuski, Z E M B R Z U S K I, and I'm with the West Canada Watershed Alliance. I'm not sure if this is the right place to bring this issue up, but as you probably know, in two more years this whole process is going to begin again for the next hydropower facilities downstream from here. Operated by Brookfield now, Prospect and Trenton Falls.

It seems to me that there are so many linked operational and environmental issues that we've got really one system here, talking about, that these two licenses ought to be considered together. You know, that they should be on the same time frame. I don't know what that does to your schedule here or if that's even something that you would consider, but many of the things that are of importance to people who are concerned about Hinckley Reservoir, you know, follow on down to people who are concerned about flows downstream of all three of these projects.

So again, they're all connected as one system and

again, I'd just like to suggest to FERC and to NYPA and to Brookfield that maybe everything be rolled up together. And, you know, done at the same time because these same issues are going to come up again in two years.

MS. CARTER: Thank you.

If there are no other comments on aquatic resources then we'll go to terrestrial resources. We've identified the effects of continued project operation including the reservoir fluctuations on riparian and wetlands habitat and associated wildlife, including water fowl and water-wetland dependent birds. The effects of continued project operation and maintenance on upland wildlife habitat and associated wildlife. And the effects of continued project operation and maintenance on state listed species including the Bald Eagle and Common Loon and natural community.

Does anyone have anything they would like to add to terrestrial resources at the moment?

All right.

Threatened and endangered species. We've identified the effects of continued project operation and maintenance on the federally-listed threatened Northern Long-Eared Bat. That is the only threatened and endangered species that has been identified so far in this area. Does anyone have anything they would like to add about

threatened and endangered species? Like I said, there will be opportunities later for other comments. All right?

Recreation land use and aesthetics. We've identified as resource issues the adequacy of public access and recreational facilities to meet current and future recreation demand. The effects of project operation and maintenance on recreational opportunities and river access within the project area. The effects of project operation and maintenance on land use and aesthetic resources within the project area.

Does anyone have anything at the moment that they would like to add?

Name and affiliation, please.

MR. CORRIGAN: Dennis Corrigan. Hinckley Lake Homeowners. Recreation land use, aesthetics, also the, you know, the benefit to the area. The one thing I think that needs to be considered, that back when all this was done, we had a gigantic resource for the area taken away when these power plants all started. Back in the 1800's, early 1900's, we had one of the destination points for people. Giant hotels, like they do, like the Might. Washington hotel right there in Trenton. That's been stolen from us, and Prospect Gorge, back in the 70's, the water was shut off to it so the people in that town that had a beautiful waterfalls behind them, does not exist anymore. It was just taken.

And, you know, that has to stop from us. We seem to be the ones that things are being taken from. The canal did build the reservoir for their water, but even now it is not equally taken from the other reservoirs so they're supposed to handle this and the mix. If you look at our reservoir right now, we're down, you know, in the last week, we've gone down 8 to 10 feet. Delta Lake was open last weekend at their beach. We don't even have a launch that you can use right now. It's out, that nice launch that you talked about earlier, when you go to the end of it, it's mud. You can't pull anything out there.

Anyway. Talking about recreation and land use, it's very hard for people there to keep their boats. If you leave your boat a week, it could be on shore. It kills the recreation use, you know, for those, and makes it just an unbelievable amount of work. A lot of extra cost. If it's going to continue, will these people or will the Power Authority, the Canal Authority, who is going to help the residents so they are not the ones taken the burden of the costs all the time?

MS. CARTER: Thank you.

Anything else on recreation?

MS. WEIDNER: Carol Weidner. Trail End Campground. I would like to just reiterate what Dennis has to say about - well, a couple of different things too.

The public access. The boat launching and the ramp -- we also have a boat launch at our facility and we have -- Labor Day -- well, this year is the first year in a long time that we've had our launch operational between May all the way until September. We've had a rainy year. Most years we're done at the beginning of August. We've also experienced high water flooding that was unprecedented in May, and been unable to launch boats by July 4th.

So, there is no consistent regulation of the water levels other than to follow the -- irrespective of everything that's happening in the environment around the reservoir.

In addition, the public access is inadequate for the demand. Even with our facility it is inadequate. This public boat launch and ramp to provide 11 boats, room for 11 boats and parking. They don't allow people to park. You can't bring a friend with you in another vehicle. There is no place for the extra vehicles to park, and it is inadequate to service the community.

MS. CARTER: Are you referring to the NYPA boat launch?

MS. WEIDNER: The NYPA boat launch, yes. Because we do, we've benefit from the overflow of that, and we do provide boat launching for our facility. But I'm just saying 15 boats, plus what we have is also inadequate for

the lake levels to be more adequately maintained; and within a reasonable fluctuation the demand would be far more than it is now. But even the way it is now, we could launch a hundred boats on a Father's Day if it's nice out. And those are all people that come to us because this launch is closed. So even when the water is high, it's inadequate to serve the community and I just wanted to bring that out. And I may make a comment after.

MS. CARTER: If there are no more questions on, or comments on recreation, land use and aesthetics, the next resource is cultural resources. We've identified the effects of project operation and maintenance on historic properties that are included in or eligible for listing in, and potentially eligible for listing in inclusion in the National Register of Historic Places. And then effects of project operation and maintenance on any previously unidentified historic or archaeological resources or traditional cultural properties that may be eligible for inclusion in the National Register.

Does anyone have any comments about cultural resources?

All right.

Then developmental resources. We've identified the economics of the project and the effects of any recommended environmental measures on the project's

economics. Does anyone have anything they would like to add to developmental resources? Name and affiliation, please.

MR. CORR: My name is Dave Corr. I am the Conservation Fund Advisory Board rep for this region. Representing the sportsmen. And I'm also a member, past Vice President of Trout, Unlimited, regional VP. And full disclosure, I'm also on the Mohawk Valley Water Authority Board. So, I have a number of non-paying jobs.

Anyways, there are a couple things which encompasses all of this, and basically we manage a resource, and you oversee it and the Power Authority oversees it. But we don't know what it is. I served on the stakeholders group, back some six, seven years ago with the number of townships around here. What we did is we discussed with the Canal Corp and the other stakeholders including the property owners and the land owners and the river keepers and so on.

We have a water system there that you say has 28 billion gallons. When? And the fact that the last time that we actually measured that, was my understanding was the late 1920's. We have no idea what has silted in in the last 90 years and how much capacity there really is there. What is the effect of the loss of the greater reservoir that was taken out some 10 years ago, 12 years ago, I think. In that neighborhood. What's the effect of the wells and the

development in the area on that watershed?

So, we're sitting here with the curve, trying to say how much waters we have when we don't know. And nobody has checked this even though the Canal Corps said, about six years ago, said that they were going to do a study and find out what the actual capacity was in Hinckley. And it has not been done. They backed out of the deal. They said they were going to do it in several of the stakeholders meetings and then decided, "No, we're not going to do it." They even told us at one time that they had $110,000 to do that study.

I think we're all behind the eight ball when we don't, when we have a resource but we don't know what it is. And I think it's very important that as we go forward, that whether it's the Power Authority, whether it's Jarvis, whether it's the Canal Corp, the sportsmen, or the land holders, know really, what is the capacity there? How much water is really there? And what are we holding?

The other thing is that I think we always have to remember too is the economic impacts and that's heavily represented here, I think, by a lot of folks that are looking at the economic impacts. If we don't have water, the Mohawk Valley Water Authority, we can fold the town up and all go home. We can talk all we want but we have to have the water. So, I think, again, it goes back to my

original comment as it relates to the capacity.

And then the last item besides the economic impact is pertaining to the flow rates, that they be maintained and they be maintained all the way through and I agree with what was previously mentioned regarding the other power plants in Brookfield and how much they're going to take, what their flow rates are going to be, because the last figure that I know of is from the 1990's was a $14 million dollar a year impact locally, from just fishing.

So, it is a major tourist attraction, it is a major economic engine in a relatively rural area, and I think it's -- we need to protect it and safeguard it and I think that's incumbent upon all of us to do that. Thank you.

MS. CARTER: Thank you.

MR. ZEMBRZUSKI: Tom Zembrzuski with West Canada Watershed Authority. I'd like to just kind of add to what Dave said. This is going to be kind of a frustrating process, I think for FERC and NYPA because they are locked into this operating diagram. And this diagram, the 2012 diagram was developed with the canal, by the Canal Corporation and the Mohawk Valley Water Authority to help resolve a lawsuit against the Canal Corporation.

The problem that a lot of us see here is that the diagram, the analysis was done with no public input at all.

In fact, the results were kind of sprung on us, you know, without any knowledge that a study was even going on. So, again, this rule curve is having lots of effect, we've heard that it probably is changing even erosion patterns on our properties around the lake. It certainly has changed flows down below.

I don't know if this process can somehow tap in and look at that rule curve to see how adequate it is and whether or not it really is the best thing for the development and protection of the resource. Is this rule curve really representing the best stewardship of this resource?

So, that's a question for, I guess, FERC, as to whether or not you can actually delve into something that is, the basis of it is a legal agreement between two other agencies that aren't even part of what we're doing here. So, but let me tell you that rule curve is what's driving everything. All the controversy. Thank you.

MR. GALINI: Hi, my name is Michael Galini. I'm a recreational user of Hinckley. I've been up there pretty much my whole life. Father is also here. I came here specifically to address one of the issues that was just brought up about the, what's been silted in. And also I poured over a lot of the documentation that's been done, including the 2008 report that was done, which the new

operating diagram was a result of research that was done.

The two things I'd like to hit on are the fact that in those reports -- I'm mentioning this specifically because you're going to base a lot of your research on what's already been written, and of course, these meetings and thank you for coming and doing this. But in that report in particular, I think what was downplayed very much so was the recreational use and the economic impact of that recreation.

Some of the other reservoirs were mentioned in those reports; and with Hinckley in particular, many of the campgrounds, such as Trail's End, how many people use the boat launch, how many people use the boaters beach, was very much so downplayed. The actual state park was not even referred to as a state park. It was referred to as just simply a day use area.

So, I just wanted to make sure that you note that I really would encourage you to venture into the communities around the West Canada and Hinckley, and make sure that the people you're talking to and the information you're gathering is a good representation of who is actually using that reservoir.

The second thing, the silting, I wanted to come tonight and request the same thing, that the capacity of the reservoir be re-measured, because as a boater who's been

going there my whole life, over the past decade, we've seen a change. Every season, from when I was a kid, you could almost before going up there look at the level of the water and know exactly where you could and couldn't go with your boat. And over the past decade that seems to be radically changing. The research needs to be done if that's tied to the increased inflow and outflow. Because depending on the season, your inflow and outflow is going to bring up the level of silt and there's definitely new sandbar activity, and we can see the bottom of that lake changing.

So that's, I wanted to just make a note that the capacity definitely needs to be investigated, and it could be part of the reason sometimes we are scratching our head and saying, how come the water run down so fast when we thought we only let this much out? Because maybe there's not that much in there anymore.

So, that's all I have tonight, and thank you. I'll file many things electronically.

MS. CARTER: October 28th.

MR. BELLINGER: Hello. My name is Blake Bellinger, I am a landowner up on Hinckley. My family has also owned land up there for probably 90 years now. Just touching on what Tom said, I believe Brookfield power was also involved in that contractual legal agreement that was settled in 2012. And I will touch more on that later but

they, basically since the time they've come in in 2000 and taken those dams over, have been going after the State and the Canal, trying to get as much water. Trying to get them to stick to that operating diagram to a T, where they can't deviate off it unless they get -- if they deviate away from the diagram, they have to give the State, the Canal Corp has to give them money. A huge sum of money.

So since 2000 we've seen things progressively get worse since Brookfield has come in town. I will talk more about that at the end there, but I just wanted to tag on to what Tom said there.

MS. CARTER: Thank you.

MR. CORRIGAN: Dennis Corrigan, again. The last three weeks have been the best weeks of the summer. It's September, but they've been pretty nice; 85, 87. But the last three weeks in Hinckley, for people doing business in Hinckley, they just aren't because, you know, the water was already low, we'll just start from August 31st.

From August 31st until today, September 25th, the minimum amount that is required is 300, which is about 170 million gallons a day, but it's been anywhere from 490 million gallons to a low of 383 million gallons, which is over double the minimum amount that's being taken out when we're already low. So, you know, that's the, the consideration for the economics now, even though it's still

fits within your 600 cubic feet per second, it does not work for people who live there because of the amount that's coming out. You know, you lose eight feet at the end of your dock, your boat's out, your dock's out, everything is out.

MS. CARTER: Thank you. So, I'll just, as you guys have already gathered, we're here to request information and look at what the required studies -- so the information that we're looking for: We want information that will help define the geographic and temporal scope of the project, of the analysis and identify, as I mentioned, any significant environmental issues. We're also looking for any data that would help to describe the existing environment so that if it's missing anything, any additional information that can be filed to discuss any other developmental activities like some of you have mentioned in the environmental and socioeconomic - that will effect the environmental and socioeconomic resources.

We're looking for the identification of any federal, state, or local resource plans that NYPA might not have included in their PAD, their pre-application document, and if there are any future project proposals that might be out there that could affect the resources as well. We already understand about the Brookfield projects downstream. We're also looking for any documentation showing why any

resource is, or identified issue should be excluded from further study. So, if there's anything that you think doesn't need to be looked at for the project, we would like the information on that as well. And then also requests for studies to fill any of the identified information gaps.

When it comes to the studies, there are certain criteria that has to be met for FERC to consider that study request. There are seven criteria, so the first and the main one is to identify the study goals and objectives. If it's an agency they also have to consider resource management goals. You have to look at the public interest and consider existing information, so when you're identifying a study need you have to identify why the existing information is not adequate and why this new information is necessary.

A really big one is actually nexus to project operation and effect. And the project nexus is one of the main study criteria that we consider because it does have to be tied to the Jarvis Hydroelectric Project. For this particular relicensing, the Commission has jurisdiction over NYPA and the Jarvis Project, and we want to look at any resources that are affected by that project but we only have jurisdiction over NYPA; and as you guys have identified, there are several parties that are involved in this watershed.

So, we're going to look at the issues as we can. But we only have jurisdiction over NYPA. And then you also have to consider the methodology that you're requesting and make sure it's consistent with the accepted scientific practice. And then also address the consideration of level of effort and cost that goes into a particular study that you request. So if anyone is interested in requesting a study, you will need to address these seven criteria within your request to make sure that we know why you're requesting that study, what information is needed and what information gaps it's filling. And all that is also outlined in the scoping document.

So for submitting your comments and study requests, some of you -- we're accepting your oral comments today. We'll have another opportunity, we'll ask for more comments. We've got the court reporter who is putting all this into a transcript that will become a part of the public record. And then for written comments and study requests, those are due October 28th.

When you file those or anything electronically please clearly identify the project name and number. For the Jarvis Hydroelectric Project number 3211 -- some documents are 009, but the main number that's important for identification is 3211. Your comments can be filed electronically which is the preferred method, or you can

mail them and all communications should be addressed to the Secretary of the Commission who is Kimberly Bose and our address. And again, all of that information can be found in the scoping document. So, how to stay informed. The one we highly recommend is signing up for eSubscription. Cindy mentioned that NYPA has their own system for contacting, you can get on their mailing list, but the Commission also has what we call eSubscription, and you can register for that and then you'll be notified via email any time that the Commission either issues something on this project or if something is filed on the project. And then it will include a link for how to access it from our electronic eLibrary system and that's where the eLibrary system, is, you can find it on our website and it is where every document related to the project is. All public documents are archived to there and you just do a search for project number, Document number P-3211 and you'll find everything that is issued or filed.

And that brochure I mentioned in the back tells you more information about eLibrary, eSubscription, and our other electronic systems. We also have a mailing list. You can request to be added to the mailing list. It's on, I think, page 23 of the scoping document. The one thing, the one drawback of the mailing list is you will only receive hard copies of any issuances from the Commission. So,

anytime we issue something, you'll receive a hard copy, but you won't receive hard copies or anything of things that are filed with the Commission. So, only issuances from the Commission, which is why we recommend eSubscription because that's an email from everything coming in and going out.

This is just a screen shot of our electronic FERC online page, how to register and where to find all of the things that I've mentioned; eComment, eRegister, eFiling, eSubscription, eLibrary, all the E's. Ferc.gov it's all right there.

So, now we have a couple people, and I don't know if you've already made your comments, a couple of people signed up to speak. The first one is Blake Bellinger. So, we'll start with these and then I'll open it up for other comments.

MR. BELLINGER: Thank you, should I do my name again?

MS. CARTER: Please.

MR. BELLINGER: I'm Blake Bellinger. I'm a property owner up at Hinckley. I have a little prepared thing here that may take a few minutes but I may repeat some of the things that I said earlier.

I think the major issue here is the operating diagram and how the water is managed at Hinckley. While these issues may not be directly to the management of

NYPA's power production, the operating diagram is connected to Brookfield Power's power production. It is bad, it was bad before the year 2000 and it has gotten progressively worse since 2000 when Brookfield Power took over the lower dams below Jarvis, below the Hinckley Jarvis Dam and began legally going after the Canal Corp and the State so that they would not deviate off the operating diagram.

Hinckley Lake and the entire West Canada River System is a prime example of power production superseding all else in severely damaging the environment, fisheries, the local economy, recreation, amongst other things. We are in dire need of help here, especially since the legal settlement recently that implemented the 2012 operating diagram in 2013.

Since the inception of the 2012 operating diagram, we have seen our issues become even greater than before. The top three to five feet of the water at the reservoir sucked out as quickly as possible leaving boats and docks, stuck on shore, oftentimes causing property damage.

Water has been quickly drawn down by six feet in weeks time and released during the middle of summer to get water back to Brookfield Power so the Canal Corp does not have to give them large sums of money. This has drastically damaged the local economy, the fisheries, and opportunity

for recreation at Hinckley. Why should we have to walk through mud and not have any access at all to the lake because of power production? Why should our fisheries be stressed and reproduction of the fisheries damaged because of power production?

Here are some recent examples of the negative impacts of the operating diagram. In May 2013, water levels dropped to 12.17. We never saw that before. Very rarely, if we did. Negatively impacting the fisheries and recreation amongst the other things. Water levels rose thanks to rainfall by early July of 2013 but again dropped steadily and quickly to low levels by mid-August, creating a very negative impact on the environment, local business and recreation.

In June 2014, levels dropped to below 1220 again negatively impacting fisheries. In May 2015, waters again dropped to 1216. July 1st, water levels rose to the top of the dam. The top five feet was taken as quick as possible away because of the operating diagram. It leveled out at about 1220; in a matter of days the withdrawal, slowed down and the water levels stabilized. Then suddenly a few days later, we lost six feet in six days.

So by mid-July of 2015, the summer recreation season was severely damaged. Property owners were not able to access the lake in some places. People were scared away

from the lake due to the low water levels, greatly hurting the local businesses. I'm certainly, I am certain greatly stressing the fisheries.

So I did some research on this to find out why water levels were taken down so quickly at this point. The answer that I got from the Canal Corp, NYPA, was Brookfield Power had to be given the water downstream or the state canal would have to pay them money. This was all tied to the 2012 operating diagram.

In May and June of 2016 the water level decreases rapidly to a record low for that time of year, to 1208, the lowest we ever saw during the springtime, greatly damaging the reproduction of the fisheries, greatly hurting recreation, and the local businesses and property values again. People again were scared away from coming to Hinckley and off they went to other lakes. Again, this year, 2017, we had a great summer until about mid-August, late August and then the waters dropped steadily to 1215 by Labor Day. And like Dennis said earlier, we've had probably the best last two weeks of, the last two weeks of the summer here were probably the best that we've had. People weren't able to get their boats into the water.

It makes no sense to me that water being released is greatly increased when the water coming in is decreasing. Why are we releasing 1,600 cubic feet per second when only

400 cubic feet per second are coming in? Why are we releasing 750, when only 200 are coming in like the past two weeks? The 1920 operating diagram, the original diagram, was bad. This 2012 operating diagram is even worse. It is devastating. This is all a prime example of power production and greed by a company being more important than the fisheries and small businesses, the local economy, property values, and the recreation.

In contacting Brookfield Power to see what their stance on all this was and to see why we were seeing devastating issues, I was put into contact with Andy Davis. His reply to me was that Hinckley can be used for recreation but basically all other uses, including power reduction, were more important. Ask the local small business person if their business is less important. This contract with Brookfield Power and Canal Corp, where they owe them money if they don't get their water, needs to end.

I'm no hydrologist, I'm no scientist for that matter, but it seems as though target water levels would be a more up-to-date, modern way to manage Hinckley. We know the snow pack in the mountains, we know the water that is coming in. We know the future weather pretty accurately today. My suggestion would be for target levels of 1220 to 1223 in which a river inflow is used from May to Columbus Day Weekend each year. Once inflow gets to a certain low

level, for example, maybe 200 cubic feet per second, or whatever is best for downstream fisheries, then that is only when we would see water levels drop at the lake.

With higher water levels, NYPA would be able to produce more consistent electricity due to the head pressure, the fisheries would improve, property values would stabilize, recreation would not have issues and the local economy would improve. As well as small businesses would thrive. It seems like a win-win for all involved. Since the Canal Corporation is a subsidy of NYPA now, we hope they will come together in creating an operating diagram using the target levels I just discussed. And we hope FERC will support that.

We are in dire need for help here. This will either be a new and improved beginning of Hinckley Lake, or it will be the end due to greed of money and power production. One thing is for sure, I don't think we want to see a relicensing of any power production dam until this operating diagram is changed for the better for all involved.

MS. CARTER: Thank you.

(Applause)

MS. CARTER: The next, Dennis Corrigan.

MR. CORRIGAN: I've said enough.

MS. CARTER: All right. So those were the only

two who had signed up to speak. Do we have anybody else that is interested in saying something?

MR. MONTEFUSCO: John Montefusco, I'm the Chairman and CEO of Trout Power. I'm also a resident and property owner up on the southeast corner of the lake. I just kind of want to reiterate some of the things that were said. There's a number of groups here today, and we're all kind of in the same boat and I would like to thank you, Emily, for being here and taking us folks on the tour earlier. It was eye-opening to kind of see how it actually works.

You know, to some of the points that were made tonight with respect to what Dennis and Carol and Blake have been saying, that the operating diagram in our opinion is definitely one of the largest issues, I think, that we're facing on the lake.

Dave spoke about siltation. I think that that's critically important because I see changes just in my part of the lake and now when the water is like this, I used to be lakefront, now my wife and I only joke that technically we need like three sections of dock. Except for now, probably 300, 400 yards to actually get to the water. Consequently, there's no docks.

And I'd also like to make a point, and I know it's not necessarily now for this process with Jarvis, but I

think one of the points that Tom made about looking at Jarvis and the two below as a system is critical. The homeowner side of me, the property owner side of me, sees what's happening in the lake. I see some siltation things going on. Anecdotally, fishing is different than it was when we first purchased back in '03, I guess, '04.

From the Trout Power perspective that I come from, the issue below the other two, they're gigantic. We've seen evidence of breeding trout populations in most of the tribs, there's nothing in the main stem that we can find. You know, the way things are pulsed, it's really becoming an issue and I know it's not the scope of this particular licensing, but I do think it's critical that somehow we look at this as an entire system because one certainly does impact the other.

Thank you so much.

MS. CARTER: Thank you.

MS. WEIDNER: Carol Weidner, Trail End Campground. As one of the very few businesses on the lake, I just wanted to first of all thank everybody who's been here and bringing this to the attention of NYPA and I thank NYPA for having this meeting here tonight and involving the public in this process, I know you're required to, but thank you anyway.

As one of the few businesses on the lake I can't

help but wonder what this area would be like if we had a stable lake level at Hinckley. What kind of economic development would be there? Our property owners on this lake currently suffer from the very lowest property values of any lake in this state. I can probably grant you that. I would like to know that for sure; I'll do some research on it to see.

As far as people coming to recreate on that lake, the demand is incredibly high. We do everything we can to host as many people as we can, but the demand is really, really high. And this area not only needs a stable water supply, it needs adequate fisheries. Like Dennis indicated before, it could be a shining star in upstate New York for tourism and recreation.

And even though it's the last item on the list, even though it's -- I don't think it should be lower than the profits of people who aren't from the area. And that's what it is now. I think individuals who live in this area deserve to be able to have the resource that is there and to be able to benefit from it as much as some of the outside corporations do, and I hope that's taken into consideration.

Thank you very much.

MS. CARTER: Thank you.

MR. ZEMBRZUSKI: Tom Zembrzuski. I just wanted

to reiterate again. I gave, I thought I gave some good reasons why the licenses of the, of the NYPA and the Brookfield Projects ought to be, you know, both done at the same time, but a reason why, if you don't do that I'm afraid that whatever gets enshrined in approval of NYPA's license will then just automatically translate down to Brookfield when they come up in a couple years. So, there's that aspect of it.

And I'd also like to thank you, Emily, Cindy, and your staffs for the tour earlier; it was very informative, and for holding this tonight, giving us a chance to express our views. Thank you.

MS. CARTER: Thank you.

MR. PAIGE: Hello. Philip Paige, candidate for the 118th Assembly District. I just want to bring up the area of the district that I hail from, just recently completed a FERC relicensing with NYPA, and I want to remind you that you're making a generational decision here. And look at other places in the state that have gone through something like this and make sure you learn from our mistakes. Unfortunately, I was at the point that this was all happening, was far too young to be involved and to speak up, but we really gave away the farm during our relicensing and I encourage you to look at Howard Proceed Allocation Act. To look at monetization of the electricity that's

generated here for economic development for your communities. And just to make sure you're getting your fair share and to demand that your officials are there at every step of the process, demanding that you get what you deserve.

Certainly the hearing the concerns about economic development and the negative externalities, you've got a very strong case to be getting more than you're getting now; and I hope you'll see this as the huge opportunity, see your tremendous leverage and make the absolute best of this situation going forward. Thank you.

MR. MONTEFUSCO: John Montefusco, Trout Power again. Just to repeat some of what the candidate said and what Carol said earlier, talking about the economics of this. I think it's fairly apparent that if we have consistent water levels in the lake, the economics would work.

I wanted to mention something I've been talking about that Tom started, about this system kind of look at things. If all, if the licensing were done with the three dams and things were looked at from an environmental prospective with respect to the fisheries, this would be a true, in our world, what's called a tailwater fishery. And a lot of my team, guys that are in the room understand what that is and for folks that don't, it's cold water releases

which help the trout propagate, etcetera.

That is a major, or could be a major economic driver and again, this might be anecdotal, but I go back to -- I've been going to Pulaski since about 7th grade. I'm 50. When we first started going to Pulaski it was, two gas stations, three bait shops, and a diner. Now that region is booming and I'll maintain -- and I don't know if there's any DEC folks in the room. If you take the trout and the salmon out of the salmon river, Pulaski and that region is just going to roll right back up to, you know, a couple of diners, a gas station, etcetera. I think the potential about looking at this, what I'd like to say, is in a more encompassing way. And I know there's a lot of groups in here tonight and I'm sure we'll all be kind of talking and working together with you folks as we go forward.

If we look at it that way I think that the economic argument for a region that is, frankly, squarely in need of some economic development, particularly from this area down in to, say, Herkimer. It kind of speaks for itself, I mean, if you go back and look at what's been going on in that area of the world, and I guess at Pulaski, that whole region.

The fisheries are what's driven the economics there, and I think that that's real, real possible here and I think that you folks have an opportunity to kind of, it

could be a vanguard kind of moment, if you really look at it from that perspective and do whatever can be done with respect to either the diagram, you know, various regulations, etcetera. I think it's certainly worth a look. Thank you.

MR. MILLER: Yes. My name is Paul Miller and I'm the region 6 Vice President for Trout Unlimited. As I sit here listening to all of the considerations that have been brought up tonight, I wonder why the non-power license and the project decommissioning alternatives have been discarded so out of hand. I think there's a lot to consider.

MS. CARTER: All right. Thank you.

Are there any other comments? Anything else you'd like to provide at tonight's meeting?

All right. So, just to go over, as I mentioned, the dates are really important in the Integrated Licensing Process, the ILP. So, comments on the pre-application document that NYPA filed on June 30th. You can find on their website and you can find on the FERC website via our eLibrary system. And the scoping document that we issued on August 28th, again, you can find those in the eLibrary and on the Jarvis Relicensing Page. Those comments are due October 28th, so, that's also when study requests are due, as I mentioned, which you can find detailed in the scoping document. Please address those seven study criteria when

requesting a study, but this is your opportunity, this is our, we're just starting the process.

This is our opportunity to gather information. To identify the existing information and figure out what information gaps there are. And then, work towards developing a study plan to fill those information gaps. So, comments and study requests are due October 28th, then the next step in the process is NYPA will file a proposed study plan. They will look at everything that was filed in October and they've proposed one study in their PAD. They will determine if there are any other studies they would like to propose.

And then by January 11th, we will have another meeting. It will be a public meeting to discuss the study plan and any comments that stakeholders have on that study plan. Then NYPA will take - and there will be an opportunity to provide written study, written comments on that study plan as well. And then NYPA will file a revised study plan with the Commission on April 11th of next year. The Commission will make a final determination on, and comments on, I apologize, these dates are mixed up. So, comments on the study plan are due March 12th, and then based on those comments, NYPA may revise their proposed study plan and they will file that revised study plan on April 11th; and then the Commission will review all of the

comments that have come in, NYPA's proposed study plan, and we will issue a study plan determination on May 11th of next year telling NYPA which studies they will need to conduct for this relicensing for the Jarvis Project.

So, again, the next big date is October 28th but there are plenty more opportunities for involvement and comments over the next several months. So, it is a process that keeps moving. You really need to meet these deadlines so that we know what the issues are and what their concerns are, and so we have all of the information we need to be able to move forward in the process.

MR. GALINI: May I say something?

MS. CARTER: Yes.

MR. GALINI: Thank you. Michael Galini. I'm a Utica resident and actually I've been Council President of Utica but I was trying to come here as a Hinckley person who uses my boat up there.

It's rare that I'm in the same room with the New York Power Authority in a meeting like this, so I really would like to invite you to change your perspective on the landowners, the business owners, and the people who use the lake as a recreational resource. When the complaints and the reports come in continually that the water levels have changed, there's new sandbars, there's now 400 yards of sand where there used to be four rows of dock. Certain water

levels come in, typically we're greeted with the response that Hinckley reservoir was created for the use of the canal and power production in years later.

Now, over those years more reasons have been stacked on to use that water, and the reason I'd said I would like to invite you to change your perspective is rather than looking at these people who use the lake from a the recreational standpoint and on land, as people who are complaining about the water levels, I would like you to look at it that it's a signal to you that you're overusing the resource, all right.

The watershed is volatile because so much water is running through it at this point. The reports of low water levels, the reports of issues at different seasonal times, are coming more frequently. I really think it's very important to assess if you're overusing the resource.

That's all I have to say. Thanks.

MS. CARTER: Are there any other comments? All right. If there are no other comments, I want to thank you again for attending. I appreciate everything that we've heard tonight. The point of this process is to hear from stakeholders and I really appreciate everyone for taking their time and sharing that information with us tonight.

A reminder, we did have a sign in sheet, if you did not sign in, please do that and we'll include that as

part of the transcript that goes into the public record.

We have another meeting tomorrow morning at 10 a.m. in the same room so if you'd like to come back and speak or hear and listen to more again. We'll be giving the presentation again.

And if there are no other comments, I want to, again, thank you all, and I'll go ahead and conclude the meeting. Thank you.

(Whereupon, at 8:23 p.m., the scoping meeting concluded.)

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceeding before the FEDERAL ENERGY REGULATORY COMMISSION in the Matter of:

Name of Proceeding: HINCKLEY (GREGORY B. JARVIS) PROJECT

Docket No.: Project No. 3211-009

Place: Utica, New York

Date: Tuesday, September 26, 2017

were held as herein appears, and that this is the original transcript thereof for the file of the Federal Energy Regulatory Commission, and is a full correct transcription of the proceedings.

Dan Hawkins

Official Reporter

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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Power Authority of the State of New York Project No. 3211-009

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HINCKLEY (GREGORY B. JARVIS) PROJECT

SUNY Polytechnic Institute
Student Center Multipurpose Room #2
100 Seymour Road
Utica, New York 13502
Tuesday, September 26, 2017

The public comment meeting, pursuant to notice, convened at 7:00 p.m.

P R O C E E D I N G S

MS. CARTER: All right. I think we're going to go ahead and get started. If there are any stragglers then you can go ahead and bring them in.

So welcome to the scoping meeting for the Jarvis Hydroelectric Project. I'm glad you could all join us tonight. My name is Emily Carter. I am with the Federal Energy Regulatory Commission. I am the Project Lead for FERC for the relicensing of the Jarvis Project. We'll get started tonight with a few housekeeping items.

First, I think you all caught the sign-in sheets and we had a speaker sign in; if you didn't sign up to speak, you'll still have opportunities. We just wanted to get a feel for how many knew they wanted to speak. Then there are handouts. If you didn't see them, there are some handouts on the back table. We have a copy, I made a couple of hard copies of the scoping document if you didn't already have it. There is also, if you don't already know how to access the electronic information at the Commission, there's a pamphlet that tells you all about our electronic systems. So that can come in handy. And then if you're new to relicensing or FERC, we also have a How to Get Involved Guide that goes through our highlights, our process, and the

main points of interest that you need to know for staying involved and talking about, and filing comments on projects.

Also, we do have a court reporter for the meeting tonight. He will be recording everything for the meeting and preparing transcripts that will be available as part of the public record. So if you do decide to speak, remember to state your name and affiliation, and spell out any acronyms and if you have an unusual name or you feel like it, please spell out your name so that he can get it accurate in the transcript. While you're speaking I may be reminding you to do that, because the first couple usually remember and then there may be a need to remind you.

Also, just some basics. Bathrooms are out the door and to the right. Exits. There's one in here and then the way you came in.

So our agenda tonight is -- and I'll talk a little bit about who FERC is and why we're here. Then I'll do a brief overview of the licensing process and why we're here to talk about the Jarvis Project. And then NYPA will give a project overview. And then I'll come back and I'll discuss the purposes of scoping and gathering of information and discussion of issues. Our requests for information and studies. How to submit your comments and stay informed. And then we'll do a wrap up and I'll review the important dates for you to know. Then we'll have a final opportunity for any questions or comments.

25 So, who is the Federal Energy Regulatory

Commission also known as FERC? It is an independent federal agency that regulates interstate transmission of natural gas, oil, and electricity. We also regulate natural gas and hydropower projects. So, obviously because of the hydropower projects is why we're here today.

When full, the Commission includes five members that are appointed by the President and confirmed by the Senate. As you can see, we currently have three. We're waiting for the Senate to act on the other two. But business as usual, things are currently moving.

The Commission is supported by twelve offices and has a staff of about 1,500 employees. One of those offices and the office that is important tonight is the Office of Energy Projects. That's where the hydropower regulation happens. There's the Division of Hydropower Licensing, which is the division that I am in as well as my colleagues, And then there's also the Division of Hydropower Administration and Compliance, and the Division of Dam Safety and Inspection.

Our authority for licensing hydropower projects comes from the Federal Power Act, and within that Federal Power Act, we do a balancing act between economic development and environmental resources. A license is issued for 30 to 50 years. Under the Commission's

jurisdiction we have approximately 2,500 licensed or

exempted FERC projects. So, that's just an overview of the Commission.

Our hydropower project, as I mentioned, there are three divisions. Licensing, Administration and Compliance, and Dam Safety. But for licensing projects we also rely heavily on the licensees and applicants, resource agencies - both state and federal -- Indian Tribes, nongovernmental organizations, and local stakeholders. This process doesn't work if these parties aren't involved. Or I should say, it works much better when these parties are involved.

So, why are we here tonight? We're here to gather information or to scope for the relicensing of the Jarvis Hydroelectric Project, which is FERC project number 3211. It was issued an original license, a 40 year license, in August 1982. And that license expires on July 31st, 2022. Tonight we'll give more of an overview on the history of the project. But we're here tonight to gather information so that we can prepare an environmental document and analyze that project so that we can issue a new license before that license expires. So, the licensing process: It starts with scoping which is what we're doing today, and it ends with a license order. The license order includes terms and conditions for operation. It includes

environmental protection, mitigation, and enhancement measures. And how do we get to that license order? We

gather information, we conduct an environmental review, and to do all that we rely heavily on input from stakeholders, as I mentioned.

So, NYPA has decided for this project, for the Jarvis relicensing, to use the Integrated Licensing Process or the ILP. That process is founded on three fundamental principles which are: the early identification and resolution of studies. That process is starting tonight. Also, it's founded on the principle of the integration of agency and travel permitting, process needs including the National Environmental Policy Act; consultation with NYPA has already been conducted. And then federal and state permitting needs including Section 1 of the Clean Water Act that New York DEC will issue. And any species that are listed under the Endangered Species Act. Anything under the National Historic Preservation Act. So, it's integrating all those process into one, hopefully, streamlined process. And it streamlines them by establishing time frames to complete each step.

So, an overview of the ILP. We're currently in what we call pre-filing, so it's prefiling because it's before the final license application has been filed. On June 30th, NYPA filed their Notice of Intent to relicense and a Pre-Application Document where they gathered all the existing information that they had, and that kind of forms

the basis of this relicensing process. Now we're in the scoping process where we host the scoping meetings and request public comments on the information that's out there and any new information or any other issue that might not have been identified yet, and any study needs to fill any information gaps.

Next would be the study plan development. That's determining what studies are necessary to fill the information gaps. This whole process takes approximately a year. And there are strict time frames which I'll highlight later on when comments are due, when the study plan is due, when the studies are conducted, and that's all part of the ILP process.

So once we get through that process then we move on to the conduct of studies and NYPA preparing their final license application. So, I mentioned that their license expires for the Jarvis Project on July 31st, 2022, so NYPA is required by the Federal Power Act to file a license application two years before that date. So, they have to file their final license application by July 31st, 2020.

Once they file that we move into what we call the post-filing process. They file their license application with the Commission, the Commission then conducts an adequacy review. We request more public comments on what

they filed. The Commission will then prepare an

environmental document and request public comments on that document, and then we will issue the FERC authorization for a license order. And that process usually takes one and a half to two years.

So that's an overview of the process. If you have any questions. There are a lot of steps involved, but I just wanted to give you to highlight the main ones. If you have any questions please either ask me when we get to that part of the presentation or come up and find me after the meeting.

So, it's a little intimidating, I know, but it is all the steps involved and I've included the dates as part of this process. So, as I mentioned, NYPA filed their NOI and PAD on June 30th . The Commission issued a Scoping Document 1 or SD-1 on August 29th. We're currently at this spot, we are having the Commission meetings, and then the next important date to know is October 28th; that's when comments and study requests are due.

That highlights all of the pre-filing steps and the dates associated with it. You can also find in the scoping document all of those dates, are attached at the end in what we call the process plan. You'll see you can find all of those steps and then the date that's associated with it in SD-1, starting on page B-1 of the scoping document.

Now, I will turn it over to Cindy. Cindy Brady

with the New York Power Authority, to give an overview of the project and its history.

MS. BRADY: Thank you, Emily. So as Emily said, we're here to talk about the Jarvis Project. And I am going to start out with a little bit if history and then kind of work towards the Jarvis Project operations.

So, the project history. Prior to 1915, West Canada Creek. West Canada Creek supplied water to the Erie Canal; that was prior to its conversion to the barge canal. It also served as the water supply to the Consolidated Water Company of Utica. That was the predecessor of today's Mohawk Valley Water Authority. It also supplied water for hydropower to the Utica Gas and Electric Company. That's the predecessor, Brookfield and the two other electric companies downstream.

In 1915, Hinckley Dam was built, commissioning the Hinckley Reservoir. Hinckley Dam was built for the purpose of providing water to the barge canal system. It preserved the water rights of existing users, the hydropower and the Mohawk Valley Water Authority. And then in the 1970's, if you recall, though some of you are way too young, there was the energy crisis. So, there was a lot of fear about dependence on foreign oil, there were gasoline

shortages. In response to that, the U.S. Government enacted what they called PURPA, the Public Utilities Regulatory

Policy Act. That's a mouthful. So, among its objectives were to encourage the development of hydropower.

So following that, in August of 1982, FERC issued a 40 year license to the power authority to construct a small 9 megawatt power project at the existing Hinckley Dam and Reservoir. And it was to use the existing water releases that were in place. So as Emily mentioned, that FERC license expires July 31, 2022. In August of 1983, the New York State Department of Transportation conveyed an easement to the Power Authority, and that was to construct and operate a hydropower generating facility.

In June of 1986, that Jarvis Plant was constructed and commissioned, and it was dedicated to Gregory B. Jarvis, a Mohawk Valley resident who died on the Space Shuttle Challenger.

In June of 2017, NYPA issued with FERC with Notification of Intent and a pre-application document to renew the FERC license, and that kicked off the relicensing process that we're here tonight.

So, to give you a little perspective, in red, is an outline of the Hinckley Reservoir. The Jarvis Project is located at the Hinckley Dam within the Counties of Oneida and Herkimer and the towns of Trenton, Russia, Remsen, and Ohio. It's located about 16 miles northeast of Utica.

West Canada Creek Watershed. It has a drainage

basin of approximately 372 square miles. And the total drainage area is 561 square miles. It's a big water body. Hinckley Dam is located about 35 miles upstream of the Mohawk River, and the Mohawk River is a tributary to the Hudson River which has a drainage area of about 3,460 square miles. All part of the barge canal system.

Located on West Canada Creek are other dams downstream of the Hinckley Dam. There's the West Canada Creek Hydroelectric Project, operated by Brookfield. There are two dams, Prospect Dam and the Trenton Falls Dam. Then about a mile downstream of Trenton Falls Dam is what's known as the Ninemile Creek Feeder Dam and that's where the barge canal diversion takes place.

Jarvis has a license commitment to provide the continuous minimum flow of 160 cubic feet per second. That is measured downstream by the Nine Mile Feeder Dam and that's to support fisheries. So, if there are any diversions upstream to the Nine Mile Feeder Dam, the 160 CFS is in addition to whatever that is. Hinckley Reservoir is 4.46 square miles, for those of you who saw it today. Thank you for joining us. When full, the Hinckley Reservoir is at an elevation of 1,225 feet. That would be at the top of the spillway crest. It holds approximately 25.8 billion

gallons of water. Much of the Hinckley Reservoir, or the northern eastern portions of it are located within the

Adirondack Park.

So, Hinckley Reservoir. It was constructed in 1915 for the purpose of providing water to the canal system, and the canals operate Hinckley Reservoir. It also provides drinking water to the Utica area. It supplies water to downstream hydropower generation. It supports aquatic resources, provides some measure of flood protection and supports recreation.

The reservoir operations. Hinckley Reservoir is operated by an operating diagram. Currently it's the 2012 operating diagram. The Power Authority simply passes whatever the flows are as best they can take it through our generating facility. We don't have the right to deviate from whatever the diagram dictates that the flows will be. Basically, if the project were not there, as it wasn't for much of the history of this project, the reservoir releases and the water levels would still be the same.

So that spaghetti graph is confusing to me, so it's probably confusing to many people. I have a little example here. The way operate diagram works is on the X Axis are days. I think it's - there's are three periods per month. So along the X axis from January 1 through the end of December, and then along the Y axis are various elevations of the Hinckley Reservoir. So, as an example

25 here on August 27th, the elevation was 1,218.4 feet. So, if

you draw a line straight across from 1,218 straight up from August 27th where those lines intersect, it's evident that - that the outflows are 690 cubic feet per second. So, that's what the outflow would be for that time period.

To give you a little perspective on the Hinckley Dam's features in the Jarvis Project, the Hinckley Dam was composed of a North and South embankment. There's a non-overflow intake. It's a 65 foot structure. and housed within that are the intakes where the water passes through to our turbines and then flows on. The spillway is a 400 foot long structure. The elevation is 1,225 feet. So whenever the reservoir exceeds that, then the water is spilling over that structure.

Housed in the far end of the south embankment is the Mohawk Valley Water Authority's intake. Some other features here are the low level outlet; I'll speak to that in a little bit. Basically, if the water flows do not pass through our units for some reason, then they can pass through the low level output. Route 365 is offered for perspective. Across the street is the switch yard, and then immediately down below the non-overflow intake, which is a little tough to see here but where the red roof is, that houses our units. And then the tailrace is immediately downstream.

25 Just another close up picture of it.

The Jarvis Project operations. The Jarvis Project utilizes the releases from the New York State canals in accordance with the operating diagram. Within that small powerhouse there are 2.5 megawatt generators, so the most we could produce is 9 megawatts. Each of those units can pass from 300 to 900 cubic feet per second. So our operating range is a minimum of 300 cubic feet per second to a maximum of 1,800 cubic feet per second.

So, any flows that exceed that 1,800 are passed through a combination of, we'll take whatever we can through the units and then the excess is through the sluice gate. Jarvis does not generate when flows are less than 300 cubic feet per second or when the water levels fall below 1,195 feet. We have a license commitment to pass a minimum flow of 160 cubic feet per second for downstream fisheries. So, if flows happen to be less than 300 cubic feet per second then those flows are passed through the sluice gate. And as mentioned earlier, if the elevation exceeds 1,225 feet, then it simply goes over the spillway.

So, the Power Authority, in conjunction with our license, has a formal recreation boat launch. That is

located about a half mile northeast of the Jarvis Project on Route 365. It's a formal recreation site that we operate and maintain. It's composed of one single lane launch of concrete planks and gravel. With trailers it can hold

approximately 15 vehicles. Without trailers, up to 100 vehicles.

In addition, we do provide a scenic overlook that's on the northern end of the dam, and it's simply a place where people can park and view the reservoir and the project facilities.

So as Emily mentioned, we're into the relicensing process now. NYPA has created a public website, the address is here: www.jarvis.nypa.gov and everything Jarvis relicensing is on here. So, the pre-application document, the notification of intent, the documents that support the pre-application document, the background and history are located on there. The contact information for Emily and the other FERC staff. The schedule, meetings, any upcoming meetings and then any products resulting from the meetings. This presentation will be on there. The comments that we receive from further scoping documents will all be found on here. And if anybody wants to be updated regularly as documents are added to it then you can get on the Contact Us site, which is furthest right tab, provide your contact information then every time there is an update you will be notified.

So that's what I have. Thank you, Emily.

MS. CARTER: Thank you, Cindy. All right. So, that's the background of FERC and the project. Now we're

going to get to the purpose of scoping and why we're here tonight. So, the main purposes is to solicit public input and comments on the scoping document that we issued, that the Commission issued on August 29th, 2017, to identify any environmental issues and concerns that were not mentioned in that scoping document as well as any potential effects of the project on aquatic, terrestrial, and the human environment. And to identify what information is needed to analyze those potential effects throughout the NEPA process and in our NEPA document.

So, we're looking for existing information that NYPA might not already have, whether it's resource reports or big data, things of that nature; as well as new information so if there are information gaps, requesting studies to fill those gaps; and those study requests are due the same day that comments are due, which is October 28th, 2017.

The dates are very important, so, I apologize, I don't mean to sound like a broken record but I'm going to be repeating October 28th many times so that everyone knows what the due date is. Scoping also involves identifying and receiving input on resources that may be cumulatively affected; so we consider the effect of the project in

conjunction with other activities within that, within the West Canada Creek River Basin.

So, if there are any resources in the scoping document; we identified water quality and quantity as resources that were cumulatively affected, so we'd like any comments if there are any things that we missed or your thoughts on those two issues as being cumulatively affected.

Also, reasonable alternatives to the project and the applicant posed action.

And input on resources that may not require detailed analysis. So, if there are resources at this particular project that really aren't much of a concern we are interested in knowing that as well. So, be thinking about these topics as I go through each of the resource issues, if there's anything that you would like to add or when you file your written comments on October 28th that you would like to consider in those written comments.

So the resource groups that we'll be going over tonight include geology and soils. Aquatic resources. Terrestrial resources. Threatened and endangered species. Recreation land use and aesthetics. Cultural resources and developmental resources. As I mentioned, I'm the project lead, but I will also be looking at recreation and land use and aesthetics and cultural resources for this relicensing.

Also, colleagues here tonight that will be looking at the other resources; we've got Woohee Choi, in

the back, he's our project engineer. And he'll be looking

at engineering developmental resources. We've got Jody Callihan who will be handling aquatic resources, so fishery and water quality issues. And Andy Bernick will be handling terrestrial resources and threatened and endangered species, and geology and soils.

So the preliminary list of resource issues that we identified in the scoping document can be found in Section 4.2. If you've got your scoping document with you, it starts on page 16 if you are interested in following along. I'll go through, resource by resource, and I'll stop after each one if you have specific comments about that specific resource and then at the end of the presentation will be opportunities to stand up and speak more generally or if you think of something along the way, you can add it then.

So, some other things to consider if there are any, as I mentioned, if there are any additional issues or concerns that were not identified and then were there any identified issues with which you disagree and if so, why. So those are things to keep in mind.

So, we'll start with the geologic and soil resources. We have identified the issue of effects of continued project operation on shoreline erosion within the project boundary. Does anyone have anything to add to that?

Any comments they'd like to put into the record at the

moment? Any questions? And don't forget, state your name and affiliation, and we've got a microphone.

MR. CORRIGAN: I believe that I need a mic, but I'm Dennis Corrigan.

MS. CARTER: All right. I'm sorry.

MR. CORRIGAN: Can you hear me?

MS. CARTER: That's for the court reporter.

MR. CORRIGAN: I'm Dennis Corrigan. I'm a resident and the President of the Hinckley Homeowner's Association. On the erosion, but now who will be doing that study is the separate -

MS. CARTER: Well, right now we're just gathering information on whether a study is necessary.

MR. CORRIGAN: Because when the water is low there's -- I mean, even somebody clearing land, if you clear more than five acres you have to have a water runoff plan because of the safety of your neighbors and safety of drinking water wells, everything else -- this is water for all of Utica, and when the water is down to what it is today, there are hundreds of acres that have no vegetation on it and I think that is a definite a study that needs to be done.

MS. CARTER: So, I'll talk a little bit more about study requirements and how we look at, how we

25 determine what studies are required, a little bit later in

the presentation. But if you have concerns about erosion it's definitely something to put in your comments so that we can consider it during the process. Thank you.

MR. CORRIGAN: Is there a list of things that you're going to do? Or you're just giving a list of things you're considering?

MS. CARTER: We're at the very beginning of the process and as I mentioned, right now, the scoping process is to, the scoping document identifies the issues that we have identified so far that might be an issue with this project. So, we list those issues and gather the information about the project and the existing information and any project concerns that there are, and we'll use that to identify whether there are any information gaps to require, that need to be studied and that will help us determine what studies need to be conducted. So, the whole point of this meeting is to find out what issues might be at this project. So, these are the ones that we've identified so far. If you disagree with those or you have additional ones, that's what -- that's what we're seeking right now.

MR. CORRIGAN: But who's making that decision, the end decision on what is going to be done?

MS. CARTER: The Commission will have, ultimately will issue a study plan determination that tells NYPA which

25 studies to conduct. But we do it through the public process

and through these stakeholder comments. So, we will review all of the input that we've received and look at the requirements for the project and what is actually tied to the project to determine what is necessary.

MR. CORRIGAN: Do we get a chance at the end to be a part of that?

MS. CARTER: This whole process is very public. I mentioned some of the steps, and how important it is for stakeholder input. So there are multiple opportunities for stakeholder comments throughout that process.

So are there any other comments on geologic and soil resources? Then the next - sorry, yes? Name and affiliation, please.

MS. WEIDNER: My name is Carol Weidner, W E I D N E R. I own Trail's End Campground which is located by the reservoir, and I just wanted to say when we're talking about the erosion, since the 2012 changes, I have -- we have quite a few neighbors that have started to have to put up retaining walls and things like that, so things have definitely changed in the last five years. I just want to bring that to your attention and definitely think that that erosion needs to be looked at.

MS. CARTER: Thank you. All right. So the next

resource is aquatic resources. We've identified the effects of continued project operation on water quantity and quality

such as dissolved oxygen and water temperature. And the effects of continued project operation, including reservoir operations and entrainment mortality on resident fish species.

Does anyone have anything they'd like to add to that, or questions?

MR. ZEMBRZUSKI: My name is Tom Zembrzuski, Z E M B R Z U S K I, and I'm with the West Canada Watershed Alliance. I'm not sure if this is the right place to bring this issue up, but as you probably know, in two more years this whole process is going to begin again for the next hydropower facilities downstream from here. Operated by Brookfield now, Prospect and Trenton Falls.

It seems to me that there are so many linked operational and environmental issues that we've got really one system here, talking about, that these two licenses ought to be considered together. You know, that they should be on the same time frame. I don't know what that does to your schedule here or if that's even something that you would consider, but many of the things that are of importance to people who are concerned about Hinckley Reservoir, you know, follow on down to people who are concerned about flows downstream of all three of these projects.

25 So again, they're all connected as one system and

again, I'd just like to suggest to FERC and to NYPA and to Brookfield that maybe everything be rolled up together. And, you know, done at the same time because these same issues are going to come up again in two years.

MS. CARTER: Thank you.

If there are no other comments on aquatic resources then we'll go to terrestrial resources. We've identified the effects of continued project operation including the reservoir fluctuations on riparian and wetlands habitat and associated wildlife, including water fowl and water-wetland dependent birds. The effects of continued project operation and maintenance on upland wildlife habitat and associated wildlife. And the effects of continued project operation and maintenance on state listed species including the Bald Eagle and Common Loon and natural community.

Does anyone have anything they would like to add to terrestrial resources at the moment?

All right.

Threatened and endangered species. We've identified the effects of continued project operation and maintenance on the federally-listed threatened Northern Long-Eared Bat. That is the only threatened and endangered species that has been identified so far in this area. Does anyone have anything they would like to add about

threatened and endangered species? Like I said, there will be opportunities later for other comments. All right?

Recreation land use and aesthetics. We've identified as resource issues the adequacy of public access and recreational facilities to meet current and future recreation demand. The effects of project operation and maintenance on recreational opportunities and river access within the project area. The effects of project operation and maintenance on land use and aesthetic resources within the project area.

Does anyone have anything at the moment that they would like to add?

Name and affiliation, please.

MR. CORRIGAN: Dennis Corrigan. Hinckley Lake Homeowners. Recreation land use, aesthetics, also the, you know, the benefit to the area. The one thing I think that needs to be considered, that back when all this was done, we had a gigantic resource for the area taken away when these power plants all started. Back in the 1800's, early 1900's, we had one of the destination points for people. Giant hotels, like they do, like the Might. Washington hotel right there in Trenton. That's been stolen from us, and Prospect Gorge, back in the 70's, the water was shut off to it so the

people in that town that had a beautiful waterfalls behind them, does not exist anymore. It was just taken.

And, you know, that has to stop from us. We seem to be the ones that things are being taken from. The canal did build the reservoir for their water, but even now it is not equally taken from the other reservoirs so they're supposed to handle this and the mix. If you look at our reservoir right now, we're down, you know, in the last week, we've gone down 8 to 10 feet. Delta Lake was open last weekend at their beach. We don't even have a launch that you can use right now. It's out, that nice launch that you talked about earlier, when you go to the end of it, it's mud. You can't pull anything out there.

Anyway. Talking about recreation and land use, it's very hard for people there to keep their boats. If you leave your boat a week, it could be on shore. It kills the recreation use, you know, for those, and makes it just an unbelievable amount of work. A lot of extra cost. If it's going to continue, will these people or will the Power Authority, the Canal Authority, who is going to help the residents so they are not the ones taken the burden of the costs all the time?

MS. CARTER: Thank you.

Anything else on recreation?

MS. WEIDNER: Carol Weidner. Trail End

Campground. I would like to just reiterate what Dennis has to say about - well, a couple of different things too.

The public access. The boat launching and the ramp -- we also have a boat launch at our facility and we have -- Labor Day -- well, this year is the first year in a long time that we've had our launch operational between May all the way until September. We've had a rainy year. Most years we're done at the beginning of August. We've also experienced high water flooding that was unprecedented in May, and been unable to launch boats by July 4th.

So, there is no consistent regulation of the water levels other than to follow the -- irrespective of everything that's happening in the environment around the reservoir.

In addition, the public access is inadequate for the demand. Even with our facility it is inadequate. This public boat launch and ramp to provide 11 boats, room for 11 boats and parking. They don't allow people to park. You can't bring a friend with you in another vehicle. There is no place for the extra vehicles to park, and it is inadequate to service the community.

MS. CARTER: Are you referring to the NYPA boat launch?

MS. WEIDNER: The NYPA boat launch, yes. Because we do, we've benefit from the overflow of that, and we do

provide boat launching for our facility. But I'm just saying 15 boats, plus what we have is also inadequate for

the lake levels to be more adequately maintained; and within a reasonable fluctuation the demand would be far more than it is now. But even the way it is now, we could launch a hundred boats on a Father's Day if it's nice out. And those are all people that come to us because this launch is closed. So even when the water is high, it's inadequate to serve the community and I just wanted to bring that out. And I may make a comment after.

MS. CARTER: If there are no more questions on, or comments on recreation, land use and aesthetics, the next resource is cultural resources. We've identified the effects of project operation and maintenance on historic properties that are included in or eligible for listing in, and potentially eligible for listing in inclusion in the National Register of Historic Places. And then effects of project operation and maintenance on any previously unidentified historic or archaeological resources or traditional cultural properties that may be eligible for inclusion in the National Register.

Does anyone have any comments about cultural resources?

All right.

Then developmental resources. We've identified the economics of the project and the effects of any

recommended environmental measures on the project's

economics. Does anyone have anything they would like to add to developmental resources? Name and affiliation, please.

MR. CORR: My name is Dave Corr. I am the Conservation Fund Advisory Board rep for this region. Representing the sportsmen. And I'm also a member, past Vice President of Trout, Unlimited, regional VP. And full disclosure, I'm also on the Mohawk Valley Water Authority Board. So, I have a number of non-paying jobs.

Anyways, there are a couple things which encompasses all of this, and basically we manage a resource, and you oversee it and the Power Authority oversees it. But we don't know what it is. I served on the stakeholders group, back some six, seven years ago with the number of townships around here. What we did is we discussed with the Canal Corp and the other stakeholders including the property owners and the land owners and the river keepers and so on.

We have a water system there that you say has 28 billion gallons. When? And the fact that the last time that we actually measured that, was my understanding was the late 1920's. We have no idea what has silted in in the last 90 years and how much capacity there really is there. What is the effect of the loss of the greater reservoir that was taken out some 10 years ago, 12 years ago, I think. In

25 that neighborhood. What's the effect of the wells and the

development in the area on that watershed?

So, we're sitting here with the curve, trying to say how much waters we have when we don't know. And nobody has checked this even though the Canal Corps said, about six years ago, said that they were going to do a study and find out what the actual capacity was in Hinckley. And it has not been done. They backed out of the deal. They said they were going to do it in several of the stakeholders meetings and then decided, "No, we're not going to do it." They even told us at one time that they had $110,000 to do that study.

I think we're all behind the eight ball when we don't, when we have a resource but we don't know what it is. And I think it's very important that as we go forward, that whether it's the Power Authority, whether it's Jarvis, whether it's the Canal Corp, the sportsmen, or the land holders, know really, what is the capacity there? How much water is really there? And what are we holding?

The other thing is that I think we always have to remember too is the economic impacts and that's heavily represented here, I think, by a lot of folks that are looking at the economic impacts. If we don't have water,

the Mohawk Valley Water Authority, we can fold the town up and all go home. We can talk all we want but we have to have the water. So, I think, again, it goes back to my

original comment as it relates to the capacity.

And then the last item besides the economic impact is pertaining to the flow rates, that they be maintained and they be maintained all the way through and I agree with what was previously mentioned regarding the other power plants in Brookfield and how much they're going to take, what their flow rates are going to be, because the last figure that I know of is from the 1990's was a $14 million dollar a year impact locally, from just fishing.

So, it is a major tourist attraction, it is a major economic engine in a relatively rural area, and I think it's -- we need to protect it and safeguard it and I think that's incumbent upon all of us to do that. Thank you.

MS. CARTER: Thank you.

MR. ZEMBRZUSKI: Tom Zembrzuski with West Canada Watershed Authority. I'd like to just kind of add to what Dave said. This is going to be kind of a frustrating process, I think for FERC and NYPA because they are locked into this operating diagram. And this diagram, the 2012 diagram was developed with the canal, by the Canal Corporation and the Mohawk Valley Water Authority to help resolve a lawsuit against the Canal Corporation.

The problem that a lot of us see here is that the

diagram, the analysis was done with no public input at all.

In fact, the results were kind of sprung on us, you know, without any knowledge that a study was even going on. So, again, this rule curve is having lots of effect, we've heard that it probably is changing even erosion patterns on our properties around the lake. It certainly has changed flows down below.

I don't know if this process can somehow tap in and look at that rule curve to see how adequate it is and whether or not it really is the best thing for the development and protection of the resource. Is this rule curve really representing the best stewardship of this resource?

So, that's a question for, I guess, FERC, as to whether or not you can actually delve into something that is, the basis of it is a legal agreement between two other agencies that aren't even part of what we're doing here. So, but let me tell you that rule curve is what's driving everything. All the controversy. Thank you.

MR. GALINI: Hi, my name is Michael Galini. I'm a recreational user of Hinckley. I've been up there pretty much my whole life. Father is also here. I came here specifically to address one of the issues that was just brought up about the, what's been silted in. And also I poured over a lot of the documentation that's been done, including the 2008 report that was done, which the new

operating diagram was a result of research that was done.

The two things I'd like to hit on are the fact that in those reports -- I'm mentioning this specifically because you're going to base a lot of your research on what's already been written, and of course, these meetings and thank you for coming and doing this. But in that report in particular, I think what was downplayed very much so was the recreational use and the economic impact of that recreation.

Some of the other reservoirs were mentioned in those reports; and with Hinckley in particular, many of the campgrounds, such as Trail's End, how many people use the boat launch, how many people use the boaters beach, was very much so downplayed. The actual state park was not even referred to as a state park. It was referred to as just simply a day use area.

So, I just wanted to make sure that you note that I really would encourage you to venture into the communities around the West Canada and Hinckley, and make sure that the people you're talking to and the information you're gathering is a good representation of who is actually using that reservoir.

The second thing, the silting, I wanted to come

tonight and request the same thing, that the capacity of the reservoir be re-measured, because as a boater who's been

going there my whole life, over the past decade, we've seen a change. Every season, from when I was a kid, you could almost before going up there look at the level of the water and know exactly where you could and couldn't go with your boat. And over the past decade that seems to be radically changing. The research needs to be done if that's tied to the increased inflow and outflow. Because depending on the season, your inflow and outflow is going to bring up the level of silt and there's definitely new sandbar activity, and we can see the bottom of that lake changing.

So that's, I wanted to just make a note that the capacity definitely needs to be investigated, and it could be part of the reason sometimes we are scratching our head and saying, how come the water run down so fast when we thought we only let this much out? Because maybe there's not that much in there anymore.

So, that's all I have tonight, and thank you. I'll file many things electronically.

MS. CARTER: October 28th.

MR. BELLINGER: Hello. My name is Blake Bellinger, I am a landowner up on Hinckley. My family has also owned land up there for probably 90 years now. Just touching on what Tom said, I believe Brookfield power was also involved in that contractual legal agreement that was

settled in 2012. And I will touch more on that later but

they, basically since the time they've come in in 2000 and taken those dams over, have been going after the State and the Canal, trying to get as much water. Trying to get them to stick to that operating diagram to a T, where they can't deviate off it unless they get -- if they deviate away from the diagram, they have to give the State, the Canal Corp has to give them money. A huge sum of money.

So since 2000 we've seen things progressively get worse since Brookfield has come in town. I will talk more about that at the end there, but I just wanted to tag on to what Tom said there.

MS. CARTER: Thank you.

MR. CORRIGAN: Dennis Corrigan, again. The last three weeks have been the best weeks of the summer. It's September, but they've been pretty nice; 85, 87. But the last three weeks in Hinckley, for people doing business in Hinckley, they just aren't because, you know, the water was already low, we'll just start from August 31st.

From August 31st until today, September 25th, the minimum amount that is required is 300, which is about 170 million gallons a day, but it's been anywhere from 490 million gallons to a low of 383 million gallons, which is over double the minimum amount that's being taken out when we're already low. So, you know, that's the, the

consideration for the economics now, even though it's still

fits within your 600 cubic feet per second, it does not work for people who live there because of the amount that's coming out. You know, you lose eight feet at the end of your dock, your boat's out, your dock's out, everything is out.

MS. CARTER: Thank you. So, I'll just, as you guys have already gathered, we're here to request information and look at what the required studies -- so the information that we're looking for: We want information that will help define the geographic and temporal scope of the project, of the analysis and identify, as I mentioned, any significant environmental issues. We're also looking for any data that would help to describe the existing environment so that if it's missing anything, any additional information that can be filed to discuss any other developmental activities like some of you have mentioned in the environmental and socioeconomic - that will effect the environmental and socioeconomic resources.

We're looking for the identification of any federal, state, or local resource plans that NYPA might not have included in their PAD, their pre-application document, and if there are any future project proposals that might be out there that could affect the resources as well. We already understand about the Brookfield projects downstream.

25 We're also looking for any documentation showing why any

resource is, or identified issue should be excluded from further study. So, if there's anything that you think doesn't need to be looked at for the project, we would like the information on that as well. And then also requests for studies to fill any of the identified information gaps.

When it comes to the studies, there are certain criteria that has to be met for FERC to consider that study request. There are seven criteria, so the first and the main one is to identify the study goals and objectives. If it's an agency they also have to consider resource management goals. You have to look at the public interest and consider existing information, so when you're identifying a study need you have to identify why the existing information is not adequate and why this new information is necessary.

A really big one is actually nexus to project operation and effect. And the project nexus is one of the main study criteria that we consider because it does have to be tied to the Jarvis Hydroelectric Project. For this particular relicensing, the Commission has jurisdiction over NYPA and the Jarvis Project, and we want to look at any resources that are affected by that project but we only have jurisdiction over NYPA; and as you guys have identified,

there are several parties that are involved in this watershed.

So, we're going to look at the issues as we can. But we only have jurisdiction over NYPA. And then you also have to consider the methodology that you're requesting and make sure it's consistent with the accepted scientific practice. And then also address the consideration of level of effort and cost that goes into a particular study that you request. So if anyone is interested in requesting a study, you will need to address these seven criteria within your request to make sure that we know why you're requesting that study, what information is needed and what information gaps it's filling. And all that is also outlined in the scoping document.

So for submitting your comments and study requests, some of you -- we're accepting your oral comments today. We'll have another opportunity, we'll ask for more comments. We've got the court reporter who is putting all this into a transcript that will become a part of the public record. And then for written comments and study requests, those are due October 28th.

When you file those or anything electronically please clearly identify the project name and number. For the Jarvis Hydroelectric Project number 3211 -- some documents are 009, but the main number that's important for identification is 3211. Your comments can be filed electronically which is the preferred method, or you can

mail them and all communications should be addressed to the Secretary of the Commission who is Kimberly Bose and our address. And again, all of that information can be found in the scoping document. So, how to stay informed. The one we highly recommend is signing up for eSubscription. Cindy mentioned that NYPA has their own system for contacting, you can get on their mailing list, but the Commission also has what we call eSubscription, and you can register for that and then you'll be notified via email any time that the Commission either issues something on this project or if something is filed on the project. And then it will include a link for how to access it from our electronic eLibrary system and that's where the eLibrary system, is, you can find it on our website and it is where every document related to the project is. All public documents are archived to there and you just do a search for project number, Document number P-3211 and you'll find everything that is issued or filed.

And that brochure I mentioned in the back tells you more information about eLibrary, eSubscription, and our other electronic systems. We also have a mailing list. You can request to be added to the mailing list. It's on, I think, page 23 of the scoping document. The one thing, the

one drawback of the mailing list is you will only receive hard copies of any issuances from the Commission. So,

anytime we issue something, you'll receive a hard copy, but you won't receive hard copies or anything of things that are filed with the Commission. So, only issuances from the Commission, which is why we recommend eSubscription because that's an email from everything coming in and going out.

This is just a screen shot of our electronic FERC online page, how to register and where to find all of the things that I've mentioned; eComment, eRegister, eFiling, eSubscription, eLibrary, all the E's. Ferc.gov it's all right there.

So, now we have a couple people, and I don't know if you've already made your comments, a couple of people signed up to speak. The first one is Blake Bellinger. So, we'll start with these and then I'll open it up for other comments.

MR. BELLINGER: Thank you, should I do my name again?

MS. CARTER: Please.

MR. BELLINGER: I'm Blake Bellinger. I'm a property owner up at Hinckley. I have a little prepared thing here that may take a few minutes but I may repeat some of the things that I said earlier.

I think the major issue here is the operating

diagram and how the water is managed at Hinckley. While these issues may not be directly to the management of

NYPA's power production, the operating diagram is connected to Brookfield Power's power production. It is bad, it was bad before the year 2000 and it has gotten progressively worse since 2000 when Brookfield Power took over the lower dams below Jarvis, below the Hinckley Jarvis Dam and began legally going after the Canal Corp and the State so that they would not deviate off the operating diagram.

Hinckley Lake and the entire West Canada River System is a prime example of power production superseding all else in severely damaging the environment, fisheries, the local economy, recreation, amongst other things. We are in dire need of help here, especially since the legal settlement recently that implemented the 2012 operating diagram in 2013.

Since the inception of the 2012 operating diagram, we have seen our issues become even greater than before. The top three to five feet of the water at the reservoir sucked out as quickly as possible leaving boats and docks, stuck on shore, oftentimes causing property damage.

Water has been quickly drawn down by six feet in weeks time and released during the middle of summer to get water back to Brookfield Power so the Canal Corp does not have to give them large sums of money. This has drastically

damaged the local economy, the fisheries, and opportunity

for recreation at Hinckley. Why should we have to walk through mud and not have any access at all to the lake because of power production? Why should our fisheries be stressed and reproduction of the fisheries damaged because of power production?

Here are some recent examples of the negative impacts of the operating diagram. In May 2013, water levels dropped to 12.17. We never saw that before. Very rarely, if we did. Negatively impacting the fisheries and recreation amongst the other things. Water levels rose thanks to rainfall by early July of 2013 but again dropped steadily and quickly to low levels by mid-August, creating a very negative impact on the environment, local business and recreation.

In June 2014, levels dropped to below 1220 again negatively impacting fisheries. In May 2015, waters again dropped to 1216. July 1st, water levels rose to the top of the dam. The top five feet was taken as quick as possible away because of the operating diagram. It leveled out at about 1220; in a matter of days the withdrawal, slowed down and the water levels stabilized. Then suddenly a few days later, we lost six feet in six days.

So by mid-July of 2015, the summer recreation season was severely damaged. Property owners were not able

to access the lake in some places. People were scared away

from the lake due to the low water levels, greatly hurting the local businesses. I'm certainly, I am certain greatly stressing the fisheries.

So I did some research on this to find out why water levels were taken down so quickly at this point. The answer that I got from the Canal Corp, NYPA, was Brookfield Power had to be given the water downstream or the state canal would have to pay them money. This was all tied to the 2012 operating diagram.

In May and June of 2016 the water level decreases rapidly to a record low for that time of year, to 1208, the lowest we ever saw during the springtime, greatly damaging the reproduction of the fisheries, greatly hurting recreation, and the local businesses and property values again. People again were scared away from coming to Hinckley and off they went to other lakes. Again, this year, 2017, we had a great summer until about mid-August, late August and then the waters dropped steadily to 1215 by Labor Day. And like Dennis said earlier, we've had probably the best last two weeks of, the last two weeks of the summer here were probably the best that we've had. People weren't able to get their boats into the water.

It makes no sense to me that water being released

is greatly increased when the water coming in is decreasing.

Why are we releasing 1,600 cubic feet per second when only

400 cubic feet per second are coming in? Why are we releasing 750, when only 200 are coming in like the past two weeks? The 1920 operating diagram, the original diagram, was bad. This 2012 operating diagram is even worse. It is devastating. This is all a prime example of power production and greed by a company being more important than the fisheries and small businesses, the local economy, property values, and the recreation.

In contacting Brookfield Power to see what their stance on all this was and to see why we were seeing devastating issues, I was put into contact with Andy Davis. His reply to me was that Hinckley can be used for recreation but basically all other uses, including power reduction, were more important. Ask the local small business person if their business is less important. This contract with Brookfield Power and Canal Corp, where they owe them money if they don't get their water, needs to end.

I'm no hydrologist, I'm no scientist for that matter, but it seems as though target water levels would be a more up-to-date, modern way to manage Hinckley. We know the snow pack in the mountains, we know the water that is coming in. We know the future weather pretty accurately today. My suggestion would be for target levels of 1220 to 1223 in which a river inflow is used from May to Columbus

25 Day Weekend each year. Once inflow gets to a certain low

level, for example, maybe 200 cubic feet per second, or whatever is best for downstream fisheries, then that is only when we would see water levels drop at the lake.

With higher water levels, NYPA would be able to produce more consistent electricity due to the head pressure, the fisheries would improve, property values would stabilize, recreation would not have issues and the local economy would improve. As well as small businesses would thrive. It seems like a win-win for all involved. Since the Canal Corporation is a subsidy of NYPA now, we hope they will come together in creating an operating diagram using the target levels I just discussed. And we hope FERC will support that.

We are in dire need for help here. This will either be a new and improved beginning of Hinckley Lake, or it will be the end due to greed of money and power production. One thing is for sure, I don't think we want to see a relicensing of any power production dam until this operating diagram is changed for the better for all involved.

MS. CARTER: Thank you.

(Applause)

MS. CARTER: The next, Dennis Corrigan.

MR. CORRIGAN: I've said enough.

MS. CARTER: All right. So those were the only

two who had signed up to speak. Do we have anybody else that is interested in saying something?

MR. MONTEFUSCO: John Montefusco, I'm the Chairman and CEO of Trout Power. I'm also a resident and property owner up on the southeast corner of the lake. I just kind of want to reiterate some of the things that were said. There's a number of groups here today, and we're all kind of in the same boat and I would like to thank you, Emily, for being here and taking us folks on the tour earlier. It was eye-opening to kind of see how it actually works.

You know, to some of the points that were made tonight with respect to what Dennis and Carol and Blake have been saying, that the operating diagram in our opinion is definitely one of the largest issues, I think, that we're facing on the lake.

Dave spoke about siltation. I think that that's critically important because I see changes just in my part of the lake and now when the water is like this, I used to be lakefront, now my wife and I only joke that technically we need like three sections of dock. Except for now, probably 300, 400 yards to actually get to the water. Consequently, there's no docks.

And I'd also like to make a point, and I know

it's not necessarily now for this process with Jarvis, but I

think one of the points that Tom made about looking at Jarvis and the two below as a system is critical. The homeowner side of me, the property owner side of me, sees what's happening in the lake. I see some siltation things going on. Anecdotally, fishing is different than it was when we first purchased back in '03, I guess, '04.

From the Trout Power perspective that I come from, the issue below the other two, they're gigantic. We've seen evidence of breeding trout populations in most of the tribs, there's nothing in the main stem that we can find. You know, the way things are pulsed, it's really becoming an issue and I know it's not the scope of this particular licensing, but I do think it's critical that somehow we look at this as an entire system because one certainly does impact the other.

Thank you so much.

MS. CARTER: Thank you.

MS. WEIDNER: Carol Weidner, Trail End Campground. As one of the very few businesses on the lake, I just wanted to first of all thank everybody who's been here and bringing this to the attention of NYPA and I thank NYPA for having this meeting here tonight and involving the public in this process, I know you're required to, but thank you anyway.

25 As one of the few businesses on the lake I can't

help but wonder what this area would be like if we had a stable lake level at Hinckley. What kind of economic development would be there? Our property owners on this lake currently suffer from the very lowest property values of any lake in this state. I can probably grant you that. I would like to know that for sure; I'll do some research on it to see.

As far as people coming to recreate on that lake, the demand is incredibly high. We do everything we can to host as many people as we can, but the demand is really, really high. And this area not only needs a stable water supply, it needs adequate fisheries. Like Dennis indicated before, it could be a shining star in upstate New York for tourism and recreation.

And even though it's the last item on the list, even though it's -- I don't think it should be lower than the profits of people who aren't from the area. And that's what it is now. I think individuals who live in this area deserve to be able to have the resource that is there and to be able to benefit from it as much as some of the outside corporations do, and I hope that's taken into consideration.

Thank you very much.

MS. CARTER: Thank you.

MR. ZEMBRZUSKI: Tom Zembrzuski. I just wanted

to reiterate again. I gave, I thought I gave some good reasons why the licenses of the, of the NYPA and the Brookfield Projects ought to be, you know, both done at the same time, but a reason why, if you don't do that I'm afraid that whatever gets enshrined in approval of NYPA's license will then just automatically translate down to Brookfield when they come up in a couple years. So, there's that aspect of it.

And I'd also like to thank you, Emily, Cindy, and your staffs for the tour earlier; it was very informative, and for holding this tonight, giving us a chance to express our views. Thank you.

MS. CARTER: Thank you.

MR. PAIGE: Hello. Philip Paige, candidate for the 118th Assembly District. I just want to bring up the area of the district that I hail from, just recently completed a FERC relicensing with NYPA, and I want to remind you that you're making a generational decision here. And look at other places in the state that have gone through something like this and make sure you learn from our mistakes. Unfortunately, I was at the point that this was all happening, was far too young to be involved and to speak up, but we really gave away the farm during our relicensing

and I encourage you to look at Howard Proceed Allocation Act. To look at monetization of the electricity that's

generated here for economic development for your communities. And just to make sure you're getting your fair share and to demand that your officials are there at every step of the process, demanding that you get what you deserve.

Certainly the hearing the concerns about economic development and the negative externalities, you've got a very strong case to be getting more than you're getting now; and I hope you'll see this as the huge opportunity, see your tremendous leverage and make the absolute best of this situation going forward. Thank you.

MR. MONTEFUSCO: John Montefusco, Trout Power again. Just to repeat some of what the candidate said and what Carol said earlier, talking about the economics of this. I think it's fairly apparent that if we have consistent water levels in the lake, the economics would work.

I wanted to mention something I've been talking about that Tom started, about this system kind of look at things. If all, if the licensing were done with the three dams and things were looked at from an environmental prospective with respect to the fisheries, this would be a true, in our world, what's called a tailwater fishery. And a lot of my team, guys that are in the room understand what

25 that is and for folks that don't, it's cold water releases

which help the trout propagate, etcetera.

That is a major, or could be a major economic driver and again, this might be anecdotal, but I go back to -- I've been going to Pulaski since about 7th grade. I'm 50. When we first started going to Pulaski it was, two gas stations, three bait shops, and a diner. Now that region is booming and I'll maintain -- and I don't know if there's any DEC folks in the room. If you take the trout and the salmon out of the salmon river, Pulaski and that region is just going to roll right back up to, you know, a couple of diners, a gas station, etcetera. I think the potential about looking at this, what I'd like to say, is in a more encompassing way. And I know there's a lot of groups in here tonight and I'm sure we'll all be kind of talking and working together with you folks as we go forward.

If we look at it that way I think that the economic argument for a region that is, frankly, squarely in need of some economic development, particularly from this area down in to, say, Herkimer. It kind of speaks for itself, I mean, if you go back and look at what's been going on in that area of the world, and I guess at Pulaski, that whole region.

The fisheries are what's driven the economics there, and I think that that's real, real possible here and

I think that you folks have an opportunity to kind of, it

could be a vanguard kind of moment, if you really look at it from that perspective and do whatever can be done with respect to either the diagram, you know, various regulations, etcetera. I think it's certainly worth a look.

Thank you.

MR. MILLER: Yes. My name is Paul Miller and I'm the region 6 Vice President for Trout Unlimited. As I sit here listening to all of the considerations that have been brought up tonight, I wonder why the non-power license and the project decommissioning alternatives have been discarded so out of hand. I think there's a lot to consider.

MS. CARTER: All right. Thank you.

Are there any other comments? Anything else you'd like to provide at tonight's meeting?

All right. So, just to go over, as I mentioned, the dates are really important in the Integrated Licensing Process, the ILP. So, comments on the pre-application document that NYPA filed on June 30th. You can find on their website and you can find on the FERC website via our eLibrary system. And the scoping document that we issued on August 28th, again, you can find those in the eLibrary and on the Jarvis Relicensing Page. Those comments are due October 28th, so, that's also when study requests are due,

as I mentioned, which you can find detailed in the scoping document. Please address those seven study criteria when

requesting a study, but this is your opportunity, this is our, we're just starting the process.

This is our opportunity to gather information. To identify the existing information and figure out what information gaps there are. And then, work towards developing a study plan to fill those information gaps. So, comments and study requests are due October 28th, then the next step in the process is NYPA will file a proposed study plan. They will look at everything that was filed in October and they've proposed one study in their PAD. They will determine if there are any other studies they would like to propose.

And then by January 11th, we will have another meeting. It will be a public meeting to discuss the study plan and any comments that stakeholders have on that study plan. Then NYPA will take - and there will be an opportunity to provide written study, written comments on that study plan as well. And then NYPA will file a revised study plan with the Commission on April 11th of next year. The Commission will make a final determination on, and comments on, I apologize, these dates are mixed up. So, comments on the study plan are due March 12th, and then based on those comments, NYPA may revise their proposed study plan and they will file that revised study plan on April 11th; and then the Commission will review all of the

comments that have come in, NYPA's proposed study plan, and we will issue a study plan determination on May 11th of next year telling NYPA which studies they will need to conduct for this relicensing for the Jarvis Project.

So, again, the next big date is October 28th but there are plenty more opportunities for involvement and comments over the next several months. So, it is a process that keeps moving. You really need to meet these deadlines so that we know what the issues are and what their concerns are, and so we have all of the information we need to be able to move forward in the process.

MR. GALINI: May I say something?

MS. CARTER: Yes.

MR. GALINI: Thank you. Michael Galini. I'm a Utica resident and actually I've been Council President of Utica but I was trying to come here as a Hinckley person who uses my boat up there.

It's rare that I'm in the same room with the New York Power Authority in a meeting like this, so I really would like to invite you to change your perspective on the landowners, the business owners, and the people who use the lake as a recreational resource. When the complaints and the reports come in continually that the water levels have changed, there's new sandbars, there's now 400 yards of sand

where there used to be four rows of dock. Certain water

levels come in, typically we're greeted with the response that Hinckley reservoir was created for the use of the canal and power production in years later.

Now, over those years more reasons have been stacked on to use that water, and the reason I'd said I would like to invite you to change your perspective is rather than looking at these people who use the lake from a the recreational standpoint and on land, as people who are complaining about the water levels, I would like you to look at it that it's a signal to you that you're overusing the resource, all right.

The watershed is volatile because so much water is running through it at this point. The reports of low water levels, the reports of issues at different seasonal times, are coming more frequently. I really think it's very important to assess if you're overusing the resource.

That's all I have to say. Thanks.

MS. CARTER: Are there any other comments? All right. If there are no other comments, I want to thank you again for attending. I appreciate everything that we've heard tonight. The point of this process is to hear from stakeholders and I really appreciate everyone for taking their time and sharing that information with us tonight.

A reminder, we did have a sign in sheet, if you

25 did not sign in, please do that and we'll include that as

part of the transcript that goes into the public record.

We have another meeting tomorrow morning at 10 a.m. in the same room so if you'd like to come back and speak or hear and listen to more again. We'll be giving the presentation again.

And if there are no other comments, I want to, again, thank you all, and I'll go ahead and conclude the meeting. Thank you.

(Whereupon, at 8:23 p.m., the scoping meeting concluded.)

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceeding before the FEDERAL ENERGY REGULATORY COMMISSION in the Matter of:

Name of Proceeding: HINCKLEY (GREGORY B. JARVIS) PROJECT

Docket No.: Project No. 3211-009

Place: Utica, New York

Date: Tuesday, September 26, 2017

were held as herein appears, and that this is the original transcript thereof for the file of the Federal Energy Regulatory Commission, and is a full correct transcription of the proceedings.

Dan Hawkins

Official Reporter

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