

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION

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

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9 HINCKLEY (GREGORY B. JARVIS) PROJECT

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11 SUNY Polytechnic Institute
12 Student Center Multipurpose Room #2
13 100 Seymour Road
14 Utica, New York 13502
15 Wednesday, September 27, 2017

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17 The public comment meeting, pursuant to notice, convened
18 at 10:00 a.m.

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1 P R O C E E D I N G S

2 MS. CARTER: Good morning, everyone. Welcome to
3 the morning scoping meeting for the Jarvis Hydroelectric
4 Project. I want to thank you guys for attending this
5 morning. For those of you who were here last night, you'll
6 notice the room is set up a little bit differently; for this
7 meeting we're hoping to encourage a little more discussion
8 as opposed to last night where it was mostly comments. So,
9 that's why you might be a little tighter in your chairs this
10 morning. You'll still have the opportunity to provide
11 comments, we have mics if you would like to because we do
12 have a court reporter. My name is Emily Carter, I'm from
13 the Federal Energy Regulatory Commission. Some of you have
14 seen this presentation before, but for those of you that
15 haven't, I'll go through a few housekeeping items and then
16 the agenda and then we'll get into the reason why we're
17 here.

18 Housekeeping items. I think most of you know
19 there were sign in sheets outside, so please make sure you
20 signed in. We'll attach those to the transcripts so that
21 we have them in the public record, to, you know, who was
22 here. I also have some handouts on the back table, so
23 please make sure to pick up anything that you don't have.

24 And as I mentioned, we do have a court reporter
25 who will be transcribing everything that we say at the

1 meeting so that it can be put into the public record. So,
2 please, because of the court reporter, when you do speak,
3 remember to state your name and affiliation. Spell out your
4 name and any acronyms, and then as I mentioned, a
5 transcript will be made available as part of the public
6 record at a later time.

7 So, as I mentioned, I'll start off with just a
8 little bit about who FERC is and why we're here today. And
9 then I'll go over an outline of the licensing process.
10 NYPA will give a project overview of the Jarvis
11 Hydroelectric Project, then I'll talk about the purpose of
12 the scoping, and then we'll get into the discussion of
13 issues, and our requests for information of studies. Then
14 we'll go over how to submit your comments and how to stay
15 informed about the process, and then we'll do a wrap up,
16 reviewing important dates and any additional questions or
17 comments.

18 As I mentioned, I'm with the Federal Energy
19 Regulatory Commission. The Commission is an independent
20 federal agency that regulates the interstate transmission of
21 natural gas, oil, and electricity. It also regulates
22 hydroelectric power, and that is why we're here today.
23 Because of, the Jarvis Hydroelectric Project is under our
24 jurisdiction.

25 When full, the Commission includes five members

1 who are appointed by the President and confirmed by the
2 Senate. As you can see, we currently have three. We're
3 waiting for the other two to be confirmed by the Senate.
4 And the Commission is supported by 12 offices and a staff of
5 about 1,500 employees. I am one of those employees. I also
6 have three of my colleagues with me today.

7 So, as I mentioned my name is Emily Carter, I'm
8 the Project Coordinator from FERC for this relicensing. I
9 also will be looking at the recreation, land use,
10 aesthetics, and cultural resources for the project. With me
11 is Woohee Choi, he's our Project Engineer. He'll be looking
12 at engineering and developmental resources. Andy Bernick
13 will be looking at terrestrial resources and threatened and
14 endangered species. And Jody Callihan will be looking at
15 aquatic resources including fisheries and water quality and
16 quantity.

17 We are from the Office of Energy Projects; and
18 that includes the Division of Hydropower Licensing which is
19 the division we are in. But we also are supported by the
20 Division of Hydropower Administration and Compliance, and
21 the Division of Dam Safety and Inspection. FERC's authority
22 over hydropower projects comes from the Federal Power Act
23 which requires us to balance power generation with
24 environmental and developmental resources.

25 The licenses that we issue are issued for a term

1 of 30 to 50 years and then at that time they come up for
2 relicensing, which is what we're here for today. The
3 Commission has approximately 2,500 license or exempted FERC
4 projects. So, our hydropower program, as I mentioned, has
5 three offices, or three divisions: Licensing, Dam Safety,
6 and License Administration and Compliance, but we also rely
7 heavily on input from licensees and applicants. So in this
8 case, NYPA. As well as resource agencies, both state and
9 federal. Tribes. Non-governmental organizations. And the
10 local stakeholders.

11 So, why are we here today? As I mentioned, we're
12 here to gather information or scope the relicensing of the
13 Jarvis Hydroelectric Project which is FERC Project No. 3211.
14 The original 40 year license that was issued for this
15 project was issued in August 1982 and it expires on July
16 31st 2022. And NYPA is seeking to relicense this project
17 for another term.

18 Scoping, this gathering of information, is
19 required by the National Environmental Policy Act. So, the
20 licensing process starts with this scoping and the
21 gathering of information and it ends with hopefully a
22 license order. And that license order also includes the
23 terms and conditions for how NYPA will operate the project
24 as well as environment protection, mitigation, and
25 enhancement measures.

1 So how do we get from scoping to a license order?
2 It involves gathering information, consulting with
3 stakeholders, and interested parties, conducting an
4 environmental review and, as I mentioned, we rely heavily on
5 input from the stakeholders, who are you guys.

6 So, NYPA has decided to use the Integrated
7 Licensing Process for this relicensing, which is founded on
8 three fundamental principles; which is the early
9 identification and resolution of studies, and that is what
10 we're starting today. The integration of agency and travel
11 permitting process needs including the National
12 Environmental Policy Act, the applicant's pre-filing
13 consultation, work that they've already done gathering
14 information, as well as federal and state permitting needs,
15 including gathering information for New York's water quality
16 permit that they will be issuing under Section 401 of the
17 Clean Water Act. And then any consultations required under
18 the Endangered Species Act or the National Historic
19 Preservation Act.

20 Another principle of the ILP is the establishment
21 of time frames to complete these steps. The time frames in
22 this process are very important; they apply to everyone, and
23 the process does move quickly so it's important to be
24 involved and to follow those deadlines.

25 So, a brief overview of the ILP, we are currently

1 in the pre-filing phase. Up here. It started with NYPA
2 filing their Notice of Intent and Pre-Application document.
3 They filed that on June 30th of this year. And then on
4 August 28th the Commission issued a scoping document that
5 took the information NYPA provided in their pre-application
6 document and identified what we think are the preliminary
7 list of resource issues associated with this project. Now
8 we're hosting scoping meetings, we had an evening meeting
9 last night as well as a site visit yesterday morning. And
10 then we're also accepting written comments until October
11 28th of this year.

12 After we scope and gather this information, we'll
13 move into study plan development. NYPA will review the
14 information that's been gathered so far and they'll prepare
15 a study plan that they'll file with the Commission and then
16 we'll host meetings to discuss that study plan and take
17 comments from stakeholders about whether NYPA's proposed
18 study plan is appropriate, if there are any studies that
19 they missed, anything that needs to be revised. Comments
20 will be received on that and then the Commission will issue
21 a study plan determination telling NYPA what studies they
22 need to complete for this project.

23 Then we move - so that process takes
24 approximately a year. Then we move into the study phase,
25 where NYPA will conduct those studies that they've been

1 directed to conduct and prepare their license application.
2 Once they've prepared their license application, they'll
3 file it with the Commission and we move into post-filing.

4 With post-filing, we'll review the information
5 that NYPA has provided in their final license application.
6 We'll again request comments. We'll do an adequacy review.
7 Once we have all the necessary environmental information,
8 we'll prepare, the Commission will prepare an environmental
9 document. And again that will be issued for public
10 comment. And then based on those comments and the
11 information in the public record, we'll prepare a license
12 order and the Commission will act on that final license
13 application. So, that process takes approximately a year
14 and a half to two years.

15 So, you can find at the end of the scoping
16 document, which there are hard copies in the back, you can
17 find a detailed schedule that lists all of the dates and all
18 of the stuff throughout this process up until 2020.

19 So, this is just another overview of the
20 different steps involved and the dates associated with them.
21 We're currently in this box for the scoping meetings, and
22 the next important date to keep in mind is the October 28th
23 date which is the deadline for filing written comments and
24 study requests for the project.

25 So, now I'll hand it over to Cindy for a brief

1 overview of the project and how it operates.

2 MS. BRADY: So, good morning. I'm just going to
3 go over a brief history of the project and wrap up with the
4 project operations just to give you an overview of how
5 Jarvis works. Most of you have heard this already.

6 So the project history. Prior to 1915 it was
7 just West Canada Creek. West Canada Creek was the - did
8 supply water to the Erie Canal. That was prior to its
9 conversion to the Barge Canal. It also served as the water
10 supply source for Consolidated Water Company in Utica.
11 That's the predecessor of the Mohawk Valley Water Authority.
12 And it also supplied water for hydropower for Utica Gas and
13 Electric. That was the predecessor of Brookfield Power and
14 for other downstream hydropower uses as well.

15 Then in 1915, with the expansion of the canal
16 system, Hinckley Dam was commissioned and that formed
17 Hinckley Reservoir. So, the purpose of forming Hinckley
18 Reservoir was to provide water for the barge canal system
19 and it preserved the water rights of the existing users that
20 were previously using West Canada Creek.

21 Skip forward to the 1970's, the U.S. experienced
22 an energy crisis. There was a concern for the dependence on
23 foreign oil. There were gas shortages, and the U.S.
24 Government responded by enacting PURPA, the Public Utilities
25 Regulatory Policy Act; and among several of its objectives

1 were to encourage the development of hydropower.

2 Following that in August of 1982, FERC issued the
3 Power Authority a 40 year license to construct a small, 9
4 megawatt hydropower project at the existing Hinckley Dam and
5 Reservoir and utilize whatever the existing water releases
6 were. That FERC license will expire July 2022 and we're
7 starting the relicensing process now. In August of 1983,
8 the DOT, the New York State Department of Transportation,
9 conveyed an easement to the Power Authority for the
10 construction, operation and maintenance of the facility.

11 In June of 1986 the project was commissioned and
12 it was dedicated to Gregory B. Jarvis. He is the Mohawk
13 Valley resident who was on board the Space Shuttle
14 Challenger. In June of 2017, NYPA kicked off its
15 relicensing process by filing its Notification of Intent and
16 its Pre-Application Document with FERC.

17 We're all familiar with this, but to give some
18 perspective, the location. The project is located at
19 Hinckley Dam on West Canada Creek; highlighted in red is
20 Hinckley Reservoir. It's within the counties of Oneida and
21 Herkimer. The towns of Trenton, Russia, Remsen, and Ohio.
22 And it's about 15 miles Northeast of Utica.

23 The West Canada Creek Watershed. The total
24 drainage area of Hinckley is 372 square miles. The total
25 drainage area of West Canada Creek was 561 square miles, and

1 Hinckley Dam is located approximately 35 miles upstream of
2 the confluence of the Mohawk River. And the Mohawk is a
3 tributary to the Hudson River; that has a drainage area of
4 3,460 square miles.

5 West Canada Creek Dams. Besides the Hinckley
6 Dam, the West Canada Creek Hydroelectric Project is located
7 downstream of Hinckley. The two dams associated with that
8 are the Prospect and Trenton Falls Dam. Nine Mile Feeder
9 Creek Dam is located approximately one mile downstream of
10 Trenton Falls. The Nine Mile Feeder Creek Dam is the site
11 of the New York State Canal's Diversion from West Canada
12 Creek. And Jarvis has a license requirement to provide a
13 continuous minimum flow of 160 CFS for fisheries and aquatic
14 resources. That's measured downstream of the Nine Mile
15 Feeder Creek Dam. So, if the canals are making any
16 diversions for their uses, there must be at least a minimum
17 flow of 160 CFS plus whatever the canal diversion would be.

18 Hinckley Reservoir is 4.46 square miles. When
19 full, it's at an elevation of 1,225; that's the top of the
20 spillway crest. It holds approximately 25.8 billion gallons
21 and much of the Northern and Eastern portions of it are
22 within Adirondack Park.

23 So, Hinckley Reservoir, I touched on this
24 briefly. It was originally constructed to provide water to
25 the canal system and other uses are, it provides drinking

1 water for the Greater Utica area. It continues to supply
2 hydropower generation. It also provides for aquatic
3 resources, flood protection, and it provides recreation.

4 So, the reservoir operations. The reservoir is
5 operated per an operating diagram. And that operating
6 diagram is owned by the New York State Canals. The Power
7 Authority does not have the authority or the right to
8 deviate from the releases, and if the Jarvis Project were
9 not there as it was for most of time that the Hinckley
10 Reservoir has been in place, the water levels and discharges
11 would remain the same. So, just to give you an example of
12 how the operating diagram works, on the X axis are days of
13 the year starting on our left with January 1 to December 31,
14 and then on the Y Axis are various water level elevations at
15 Hinckley. So, you go across the X Axis to the date that
16 we're currently at and you draw the line straight over to
17 where the current elevation is for that time period; and on
18 the right hand side, although it's difficult to see here are
19 the various releases that are called for.

20 So in this example on August 27th, Hinckley was
21 at an elevation of 1,218.4 feet. So, the corresponding
22 outflow for that time period was 690 cubic feet per second.

23 Some of the features of Hinckley Dam and the
24 Jarvis Project: It's composed of a north and south
25 embankment. There's a non-overflow intake. A 65 foot

1 structure that houses the intakes that bring it into the
2 turbines, and then there's a 400 foot spillway. The crest
3 of that spillway is at elevation 1,225. So any water levels
4 that exceed that will be coming over the spillway.

5 In yellow is the Mohawk Valley Water Authority's
6 intake for their water users. Some of the other features
7 here, there's a low-level outlet that will provide for
8 additional discharges beyond what goes through the turbines.
9 The 9 megawatt powerhouse is located down below where you
10 see the red roof. That houses the two 4.5 megawatt
11 generators. And across Route 365 is the switch yard.
12 There's just another picture of it.

13 So, Jarvis Project Operations. Jarvis utilizes
14 the releases that are determined by the canals in accordance
15 with the 2012 operating diagram. They have two, 4.5
16 megawatt units. So, the maximum capacity is 9 megawatts.
17 Each unit can operate between 300 and 900 cubic feet per
18 second. So, the operating range through the turbines is a
19 minimum of 300 to a maximum of 1,800 cubic feet per second.
20 So, any flows that exceed that 1,800 are passed by a
21 combination of through the turbines and the excess through
22 the sluice gate.

23 Jarvis does not generate when flows of less than
24 300 cubic feet per second or when the Hinckley water falls
25 below 1,195. We have a license commitment to pass a

1 minimum flow of 160 CFS for aquatic resources. And if flows
2 are less than 300 CFS minimum, that would escape the
3 turbines and then it's passed through the sluice gate. And
4 the spill occurs if the level isn't above 1,225.

5 We have some project recreation areas. Upstream
6 of the project about half a mile is a boat launch, and that
7 houses, or, excuse me, that can hold approximately 15
8 vehicles with boat trailers and somewhat more vehicles,
9 obviously without the boat trailers. It's a single lane
10 launch of concrete and gravel. And there's also a scenic
11 area on the northern end of the dam. That's for viewing the
12 reservoir and the project facilities.

13 So, as we kick off the relicensing process, the
14 Power Authority has created a public website that we
15 encourage everybody to share in. The address here:
16 jarvis.nypa.gov and that website will house everything
17 Jarvis relicensing. There's some background on the project.
18 It will tell how the process goes, the FERC schedule will be
19 on there. How to get in contact with FERC. Emily's contact
20 information is on there.

21 Any, all documents that are filed. So, the NOI
22 and the PAD are on there now as well as the supporting
23 documents that went into the PAD. Any meeting information.
24 Any upcoming meetings. Any products as a result of the
25 meetings including this presentation will be on there. And

1 then there's a Contact Us site where if you want to be on
2 the mailing list and notified of any updates to the site,
3 just let us know. I'm on there, and everytime something new
4 is added or a meeting is posted, you'll find it on there.

5 So, thank you. I'll give it back to Emily.

6 MS. CARTER: Thank you, Cindy. So, now, we'll
7 talk a little bit about why we're here this morning. We are
8 here, as I mentioned, for scoping to gather information
9 about this relicensing and the project that Cindy just spoke
10 about. So, we're looking for public input and comments on
11 the scoping document that I mentioned the Commission issued
12 on August 28th. There are, I think there are still a few
13 hard copies in the back if you can find it. On NYPA's
14 relicensing page as well as on the Commission's website.

15 We're here to identify environmental issues and
16 concerns and as well as potential effects of the project on
17 the aquatic, terrestrial, and human environment. So, some
18 things to consider. What information is needed to analyze
19 any of these potential effects for the environmental review
20 process through the National Environmental Policy Act.
21 We're also seeking any existing information.

22 NYPA filed their PAD with the Commission on June
23 30th. That was their way of gathering all the existing
24 information that they had on the history of the project and
25 the current environment. But we're also looking for any

1 information that they might have missed. So, any resource
2 reports or survey data that they might not have known
3 about. Then we're seeking new information, so if there are
4 any information gaps that we identify through this scoping
5 process, we're seeking study requests to fill those
6 information gaps. And as I mentioned, those are due October
7 28th, as well as -- the same date that comments are due.

8 So scoping also involves identifying and
9 receiving input on resources that may be cumulatively
10 affected. So, we want to consider the effect of the project
11 in conjunction
12 with any other activities in the river basin. And any
13 reasonable alternatives to the project and the applicant's
14 proposed action. So, NYPA's proposed action as identified
15 in the pre-application document.

16 And then any resources that may not require
17 detailed analysis. If there's a resource at Jarvis that
18 isn't of, isn't of particular interest and does not need
19 detailed scientific analysis for the relicensing, then we're
20 also interested in hearing about that. So be thinking of
21 these topics as we go through the resources, and if there's
22 anything that comes up that you would like to put into the
23 public record, we'll have time to do that later.

24 So, for those of you that were here last night,
25 I'm going to do things a little differently today. I'll go

1 through each of the identified resources briefly, but I
2 won't take comments after each one like I did last night.
3 Instead, we'll wait until after going through the resources
4 to have a set time that we'll, can discuss and provide any
5 comments.

6 So, these were the resource groups that the
7 Commission has identified as resources impacted by the
8 Jarvis Project. You can find them in Section 4.2 of the
9 scoping document starting on page 16 -- and as I mentioned,
10 I'll go through the resources, but then we'll have a single
11 -- unlike last night, we'll have a single time slot to
12 provide comments and any discussion.

13 So, some other things to consider: Are there any
14 additional issues that we did not identify and are there any
15 identified issues that you do not agree with and if you
16 don't agree with them, why? So, we've identified geologic
17 and soil resources and the effect of continued project
18 operation on soil shoreline erosion within the project
19 boundary. For aquatic resources, we've identified the
20 effect of continued project operation on water quantity and
21 quality. And the effects of continued project operation
22 including fluctuations and entrainment mortality on resident
23 fish species. For terrestrial resources, the effects of
24 continued project operation, including reservoir
25 fluctuations on riparian and wetland habitat and associated

1 wildlife. The effects of continued project operation and
2 maintenance on upland wildlife habitat and associated
3 wildlife, as well as the effects on state listed species
4 including the Bald Eagle and Common Loon.

5 For terrestrial species the only identified,
6 federally-listed threatened or endangered species so far has
7 been the Northern Long-Eared Bat. So, any project effects
8 on that species. For recreation, land use and aesthetics,
9 we've identified as a potential resource issue the adequacy
10 of public access and recreation facilities to meet current
11 and future demand. The effects of project operation and
12 maintenance on current recreational opportunities and river
13 access within the project area. And the effects of project
14 operation and maintenance on land use and aesthetic
15 resources.

16 For cultural resources we've identified the
17 effects of project operation and maintenance on historic
18 properties that are included in or eligible for listing in
19 the National Register of Historic Places. As well as, the
20 effects of operation and maintenance on any previously
21 unidentified resources that are eligible for listing in the
22 National Register.

23 And then for developmental resources we've
24 identified the economics of project and the effects of any
25 recommended environmental measures on the project's

1 economics. So, those are the that's the preliminary list
2 of resource issues that the Commission has identified and
3 what we're here for today is to hear what you think of that
4 list. If there's anything we've missed. Anything you would
5 like to add. Any additional information you would like to
6 provide with us so that we have a full picture of this
7 project as we move into the study plan development phase.

8 So, our request for information and studies
9 include information that may help us to find geographic and
10 temporal scope as well as identify any significant
11 environmental issues, any data that would help describe the
12 existing environment and the effects of the project on
13 developmental resources on environmental and socioeconomic
14 resources.

15 The identification of any federal, state, or
16 local resource plans that NYPA did not already list in their
17 pre-application document. And documentation showing why
18 any of the resources or identified issues maybe should be
19 excluded from further study or consideration. Then, a
20 request for studies to fill in any information gaps that you
21 think are necessary.

22 When requesting studies, we are, you have to
23 identify, there are seven criteria that you have to meet.
24 They are listed here as well as detailed in the PAD. The
25 main one is identifying the study goals and objectives, but

1 one of the biggest ones is also project nexus. Any study
2 that was requested has to be tied to the hydroelectric
3 project. But you also have to consider the resource
4 management goals or public interest of the projects, the
5 methodology, and if you have a proposed methodology make
6 sure it's consistent with accepted scientific practice. And
7 then consider the level of operating costs associated with
8 the projects compared to Jarvis Hydroelectric Project. As I
9 mentioned, that list of criteria, and you can find more
10 information about requesting studies also on our website at
11 ferc.gov.

12 So, today we're going to be accepting oral
13 comments and if there are any questions anyone has. Written
14 comments and study requests, as I mentioned, are due
15 October 28th; and when you do file anything, please clearly
16 identify that it is for the Jarvis Hydroelectric Project,
17 FERC project No. 3211. And you can either file those
18 comments, any written comments you can file electronically
19 or via mail. Although we do prefer electronic filing. And
20 all communications should be addressed to the Secretary of
21 the Commission.

22 And again, all of this information is in the
23 scoping document, that you can find on the Commission's
24 website, through our eLibrary system under Docket 3211 but
25 as well on the Jarvis hydro relicensing page.

1 So, staying informed, the best way to do that is
2 through eSubscription, you sign up through the FERC website
3 and you register your email address under the Docket 3211,
4 and then you will receive an email anytime anything is
5 either filed in that docket or anything that the Commission
6 issues related to the Jarvis Project. This is the best way
7 to know everything that is going on related to the Jarvis
8 Project.

9 There's also eLibrary, this is where, again,
10 every piece of paper that is either filed for the project
11 with the Commission or the Commission issued related to the
12 project. You can find it in eLibrary, you just do the
13 docket search for 3211. And there's a brochure in the back
14 that details our electronic services. We also have a
15 mailing list if you're interested in getting on the mailing
16 list and receiving a hard copy of anything the Commission
17 issues for the Jarvis Project. The only drawback to that
18 is, when you're on the mailing list you only receive hard
19 copies of Commission issuances. So, you won't receive
20 anything if anything is filed on the Jarvis Project. So,
21 that's why we recommend eSubscription because you'll get an
22 email about everything that's filed and it will include a
23 link to eLibrary so you can access the electronic documents.
24 This is just a screen shot of our web page where you can
25 find all the available electronic information. And now,

1 we'll get to comments.

2 So, I went through all of the resource issues.

3 As I mentioned, we do have a court reporter so, when we
4 talk, please remember to state your name, affiliation and
5 spell out any acronyms or spell your last name if it's not -
6 - if you need to, and then we'll get started. No one signed
7 up no one signed up to speak but is there anyone who
8 would like to provide comments or have any questions on what
9 I've covered? Yes.

10 MR. REINHART: My name is Don Reinhart. I'm here
11 today for the, representing the Schoharie County
12 Conservation Association. We have like, 35 clubs and from
13 many ranges of hunting, fishing, snowmobiling, and things of
14 that nature.

15 Even though we're far away from you, we have
16 Gilboa Dam in our county. I think the operations there are
17 similar in some parts, but they're very diverse in other
18 ways. My son and I own a camp on Flybrook Road in Ohio, and
19 we've owned it for ten years and we've seen the water
20 drastically go down at various times due to the draw of the
21 water in the reservoir, up to the point where there is no
22 water up there in that end of the reservoir.

23 When we first bought the cabin the water was up
24 and we were led to believe there is a boat ramp there, road
25 that goes right down to the reservoir. And lately, it's

1 nothing but a mud flat. And I can understand that, you
2 know, you're committed by how much water you can draw off
3 for downstream, but I'd just like to make our comment of
4 what we see for our recreation.

5 MS. CARTER: And to clarify, this is at the
6 Hinckley Reservoir?

7 MR. REINHART: Yes. That's basically all I had
8 to say.

9 MS. CARTER: Thank you. So, anyone else that has
10 any questions or comments, if they would. Questions for the
11 Commission staff, any questions about project oper- yes?
12 Name and affiliation, please?

13 MR. MILLER: Paul Miller, Trout Unlimited. When
14 you, when Cindy showed the example of how the operating
15 diagram applies, the release amount was 698, I think, cubic
16 feet per second. When we were at the dam yesterday, it was
17 only 550 that was being released. What's the difference?

18 MS. BRADY: What's the difference?

19 MR. MILLER: If you do the math, why wasn't it
20 operating at 698?

21 MS. BRADY: Rich Mueller is the water resource
22 person and is probably far more confident --

23 MR. MILLER: All right. Yeah. Sure.

24 MR. MUELLER: Hi. Yes, I'm Rich Mueller with New
25 York Power Authority, and on August 27th, the elevation was

1 a different elevation than it is -

2 MR. MILLER: Oh, that was just an example, it
3 wasn't really what was happening yesterday?

4 MR. MUELLER: No, what was really happening
5 yesterday is that today, the flow is 600 cfs, Thursday it's
6 going to 550; and so the current release is based on an
7 elevation of 550 release, the other based on an elevation
8 that was measured yesterday.

9 MR. MILLER: I see it. I made a mistake. Thank
10 you.

11 MR. MONTEFUSCO: John Montefusco at Trout Power.
12 I know we spoke a bit last night about how the diagram seems
13 to be the template that we run on, essentially. My question
14 is, and forgive me, but I don't understand how some of this
15 stuff works, but if I'm looking at future dates, you know,
16 October, November, etcetera, is that diagram telling you
17 folks that that's the flow you should have on that date?

18 But then my question would be after that, how do
19 you know environmentally, I'm looking at November 19th. So,
20 let's say between tomorrow and November 19th -- and I'm
21 making this up, obviously -- it's 80 degrees and doesn't
22 rain a drop. How would you, is there room to adjust? And
23 again, I can't see it, but let's say November 19th is -- and
24 again I'm making this up -- 700 CFS, and it's down lower
25 than it is now. Are you still, do you still have to go to

1 that or -- ?

2 MR. MUELLER: Well, if you look at the operating
3 -- again -- for November 19th, if it's dry between now and
4 then, the water level might be much lower than it is right
5 now. And the way that operating diagram will work is
6 release less water from the reservoir. If for some reason
7 we get a big flood between now and November 19th, the water
8 levels near their crest, then we're going to be releasing
9 much more water because of the diagram. So, given that
10 consideration, the date but also the water levels, flow will
11 be somewhere in that range.

12 MS. CARTER: Yes?

13 MR. ZEMBRZUSKI: Tom Zembrzuski with West Canada
14 Watershed Alliance. I don't want to belabor what I said too
15 much from last night about this operating diagram and also
16 about the other hydro facilities downstream whose licenses
17 will be, this process that we have right now, I believe,
18 next year is when their, Brookfield's similar process is
19 going to happen; and how we got one system here basically,
20 and it would really be great if, you know, all of these
21 environmental issues were handled at once and don't have to
22 be raised again.

23 And then having said that, and I'm saying this
24 now hoping that someone will correct me if I'm wrong on
25 this. Maybe someone from the power authority or elsewhere,

1 but this diagram here, the 2012 Hinckley Reservoir Diagram
2 that NYPA is operating under was developed as a result of a
3 legal agreement between Mohawk Valley Water Authority and
4 New York State Canal Corporation. I believe those were the
5 only two parties.

6 While NYPA operates off of this operating
7 diagram, I believe Brookfield still has legal rights to be
8 operating off the 1920 operating diagram, which is similar
9 to this but there are enough differences so that sometimes
10 Brookfield is not getting as much water as the 1920 diagram
11 would say that they should be getting. And as a result, the
12 Canal Corporation has to compensate either by releasing
13 water as a deviation to this one, you know, to make up for
14 the water that they missed, or monetarily. I think mostly
15 they've been doing it by water releases in deviation of
16 this. Is that about right?

17 MR. MUELLER: The Canal Corp has been trying to
18 pay back the water. In the past they just accumulated the
19 deviation then paid Brookfield.

20 MR. ZEMBRZUSKI: So it's monetary, okay.

21 MR. MUELLER: Monetary.

22 MR. ZEMBRZUSKI: Well, anyway, in another year
23 when Brookfield's license, I don't know what they're going
24 to say. This is the water that they're getting but this is
25 not the operating diagram that they work from. So, that's

1 going to be an interesting --

2 MS. WATSON: I would say that that's not correct.

3 The operating diagram has been incorporated into the

4 agreement between the Canal Corporation --

5 MR. ZEMBRZUSKI: Okay, so there's been a change

6 there?

7 MS. WATSON: - and Brookfield. So that is the

8 operating diagram that is used for, that is used --

9 MS. CARTER: Can you identify yourself?

10 MR. ZEMBRZUSKI: Are you saying then that --

11 MS. WATSON: I'm sorry. Susan Watson from New
12 York Power Authority.

13 MR. ZEMBRZUSKI: Okay. So the Power Authority,
14 I'm sorry, the Canal Corporation no longer compensates
15 Brookfield?

16 MR. MUELLER: Perhaps I could be of help. Could
17 I clarify something? Rich Mueller with New York Power
18 Authority. Brookfield and the Canal Corp entered into an
19 agreement that says Brookfield would recognize the 2012
20 operating diagram provided that they would be compensated
21 for deviations from that diagram that were not --.

22 MR. ZEMBRZUSKI: Okay.

23 MR. BELLINGER: Blake Bellinger, property owner
24 at Hinckley, and just touching on that. Two summers ago
25 when we lost 10, 12 feet within two weeks' time and you

1 know, that was ridiculous that that happened, and it was all
2 because they had to give water back to Brookfield Power. We
3 suffered for that. Local businesses suffered from that,
4 local fisheries suffered from that.

5 This 2012 operating diagram is a lot worse than
6 the 1920 operating diagram, and I even questioned if they
7 were allowed to change this in the middle of the NYPA
8 contract with FERC because in that entire contract with FERC
9 it states that they will operate under the 1920 operating
10 diagram. But I guess this is the only thing that NYPA
11 pointed out to me I that they had to release a minimum of
12 160 cubic feet per second, and that that's what they
13 basically looked at.

14 One last thing is that I don't know if there's
15 any I don't see any Canal Corp representatives here and I
16 looked in the news, I see all these things where NYPA and
17 the Canal Corp are working very close on all these projects
18 across the state, and why are they not working close on this
19 project here? Hopefully they are, behind the scenes and the
20 Canal Corp just is not representing us here today, but
21 hopefully that will change as we move through this process
22 here.

23 MS. STELZER: There's not any mention of this in
24 their website, either. I'm sorry, Chris Stelzer, resident.
25 There's no mention on the Canal Corp page that they're even

1 involved with the Power Authority. All those three entities
2 need to get together, the drinking water from the Power
3 Authority and the Canal Corp. That's the issue.

4 MR. ZEMBRZUSKI: This may not be the forum for
5 this, but obviously we're seeing some frustration on lack of
6 transparency, not on the part of NYPA or on the part of the
7 entities who actually control the releases. And, this is
8 brand new to me; I did not know this, I don't know how I
9 could have found out, other than by asking someone from
10 Canal, but we need a lot more transparency in some of these
11 decisions that are being made.

12 MR. BELLINGER: Blake Bellinger. Landowner on
13 Hinckley. I've studied a lot of reservoirs, a lot of lakes
14 across the country over the last couple years and I've never
15 seen an operating diagram like this, it seems very old
16 fashioned to me. That you would look at a date and say,
17 well the average for that over the last hundred years, this
18 is what it's been, so we're going to release a certain
19 amount of water whether we have rainfall coming or not. Or
20 whether there is snow pack in the mountains or not.

21 That was the issue two springs ago. There was
22 not much snow pack in the mountains. We didn't get a lot of
23 rain, yet the water was still going over the dam at one
24 point they said they had to stick to this operating diagram
25 because of Brookfield Power down below. I don't know, just

1 very old fashioned; you would think that target levels would
2 be more modern and more, you know, sustainable for us to --
3 for everybody that's involved in this to be happy and to
4 have a piece of this in the long run.

5 MS. CARTER: Are there any other questions or
6 comments about the resources that we've identified in the
7 scoping document? Anything anyone would like to add?

8 MR. FLACK: Frank Flack. New York State DEC.
9 I'm wondering why the small angler access parking area on
10 the north shore above the dam is not listed as a
11 recreational facility.

12 MS. CARTER: I believe that's because it's
13 considered informal. So, it's listed, it is mentioned in
14 the PAD that it's available, but it is currently an informal
15 site. So, it's not detailed in their current license.

16 MR. FLACK: So what is FERC's definition of that,
17 informal versus formal?

18 MS. CARTER: Well, it's just we're looking at
19 project needs and so we just want to know what project is
20 there - what project recreation is there, and this is
21 something that we'll consider as whether that anything needs
22 to change about that; but it is listed in their PAD that it
23 is available to the public. So, do you have any comments
24 about the access there or any issues that's something we
25 would either like to hear today or in your written comments.

1 MR. FLACK: Well, it's listed in the PAD but it's
2 not listed in the scoping document.

3 MR. WILEY: This is John Wiley, Fish and Wildlife
4 Service. So, it's not required in the license but it's
5 available to the public. The difference between formal and
6 informal.

7 MS. CARTER: So, that - by including it in the
8 license that means they have to maintain it, like the boat
9 launch, NYPA is required as part of their license that it
10 is required to update and maintain that or operate and
11 maintain that facility. The fish access, because it's
12 informal is not listed as a formal recreation facility. It
13 is, again, it's available; but this is something, like I
14 said, that we can look at through the new relicensing
15 process if anything needs to change about that.

16 MR. ZEMBRZUSKI: This is a question for either
17 John or December. As part of this process will you or
18 anybody be looking at the minimum flow requirements see if
19 they are appropriate and you know, as part of your own
20 evaluation on this project?

21 MS. CARTER: The Commission will be looking at
22 that and if DEC would like to comment, I assume --

23 MR. FLACK: We will be requesting that study.

24 MS. CARTER: I'm sorry, could you say your name
25 again?

1 MR. FLACK: Frank Flack. F L A C K.

2 MR. ZEMBRZUSKI: Requesting a study that they do,
3 or what?

4 MR. FLACK: Yes.

5 MS. CARTER: Are there any other questions?
6 Comments? Anything from the FERC staff that you guys would
7 like to ask?

8 SPEAKER: I have a few about existing data on a
9 few topics of aquatics. First, do we know anything about
10 the DO levels of what's coming out of the powerhouse, any
11 data on that? The maximum capacity of low level output
12 number four and whether it's going past the required minimum
13 flow that's currently being used?

14 MR. MILLER: Actually, Rich Quatro is more
15 familiar with the dam, but it's my understanding that
16 there's something with the bottom gate so that doesn't sink
17 all the way down. And you are still able to open it up
18 fully, but if for some reason that bottom fill -- It's the
19 equivalent of -- the flow that's coming out of there is the
20 equivalent of 126. So, we're still able to open,
21 leave the lift gate open, and the flow amount.

22 SPEAKER: What is the maximum capacity?

23 MR. MILLER: The maximum capacity depends on the
24 range from 500 to 700 --. To 770.

25 SPEAKER: So if you're not generating, you're

1 just going to use the water --

2 MR. MILLER: Correct.

3 SPEAKER: So, this is a question for the DEC,
4 kind of current fishing activities. Are they targeted to
5 more downstream areas compared to Hinckley, or --?

6 MR. MILLER: No.

7 SPEAKER: For stocking what is your goal?

8 MR. FLACK: This is Frank Flack, again. We have
9 stocking policies basically from Pass Bridge up to Trenton
10 Falls, then we have some for Hinckley Reservoir itself, and
11 then we have it for West Canada Creek all the way above the
12 reservoir up to Hasfil Road, up into Hasful Road. So, those
13 are all separate policies. Oh, and Prospect Reservoir, too

14 SPEAKER: But the target species there are mainly
15 trout and --

16 MR. FLACK: All trout. It's all trout.

17 SPEAKER: Do we know anything about mussels in
18 the area or do we just --

19 MR. FLACK: We will be requesting a mussel
20 survey.

21 SPEAKER: Thanks, that's all I have.

22 MS. CARTER: Are there any other questions or
23 comments? Any questions about the process?

24 MR. WILEY: I have one more question.

25 MR. WILEY: John Wiley, US Fish and Wildlife

1 Service. So the 95 elevation, that changes the way the
2 diagram is used?

3 MR. MILLER: Yes.

4 MR. WILEY: So, -- trying to obey that order.

5 The diagram is designed to maintain reservoir elevations,
6 assuming we can go down to what number it is on the
7 diagram.

8 MR. MILLER: Yes, but it's not --

9 MR. WILEY: Because the releases of that are --

10

11 1195.

12 MR. MILLER: I think the intention is not to go

13

14 below 1195 so below 1195, the operating diagram is

15

16 basically--

17

18 MR. WILEY: Except for the slopes on those lines

19

20 to dates are assuming that you'll get to a refill in the

21

22 spring, and you can go as low as you want to on the lower

23

24 end.

25

MR. MILLER: Yes, technically, you could.

But the 1964 drought was an exceptional drought

and there may not have been any -- the mother of all

droughts.

MS. CARTER: Are there other questions, comments?

Anyone? If there isn't anything else, I will just highlight

one more time the important dates for the rest of the

project as I mentioned, the comments on the scoping document

1

1 that the Commission issued and NYPA's pre-application
2 document, are due October 28th, and that's also when any
3 study requests are due. All of the information relating to
4 that can be found in the scoping document and there's more
5 detailed instructions also on the FERC website if you're
6 putting together study requests.

7 NYPA will prepare a proposed study plan based on
8 the requested studies that have come in. They have to file
9 that by December 12th of this year. Then, by January 11th,
10 2018 they'll host a study plan meeting to discuss the
11 proposed study plan and if they've missed anything, if
12 anyone has any comments about the proposed studies or other
13 studies that they would like to see included then NYPA will
14 - and comments are due on that on March 12th, 2018 and then
15 NYPA will review all those comments and discussion that
16 occurred during the meeting and file a revised study plan on
17 April 11th 2018, then the Commission will review that study
18 plan and will make a final determination by May 11th,
19 telling -- directing NYPA about which studies are required.
20 So, those are the next few dates that are

21 important in this process. October 28th being the next one
22 to make sure to not miss. And if there are no other
23 questions or comments, I want to thank you all again, for
24 coming today and if you were here last night then I really
25

appreciate you taking your time to give us your input on the

1 project and to hear your questions and discussion is very
2 helpful to us and we appreciate the input from everyone. We
3 look forward to the next several steps in working with you
4 all in this relicensing, and thank you again.
5 [Whereupon, at 2:07 p.m., the scoping meeting
6 concluded.]
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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4

before the FEDERAL ENERGY REGULATORY COMMISSION in the

5

Matter of:

6

Name of Proceeding: HINCKLEY (GREGORY B. JARVIS)

7

PROJECT

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Docket No.: Project No. 3211-009

15

Place: Utica, New York

16

Date: Wednesday, Septmeber 27, 2017

17

were held as herein appears, and that this is the original

18

transcript thereof for the file of the Federal Energy

19

Regulatory Commission, and is a full correct transcription

20

of the proceedings.

21

22

23

Dan Hawkins

24

Official Reporter

25

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION
3

4 - - - - - x
5 Power Authority of the Project No. 3211-009
6 State of New York
7 - - - - - x

8
9 HINCKLEY (GREGORY B. JARVIS) PROJECT

10
11 SUNY Polytechnic Institute
12 Student Center Multipurpose Room #2
13 100 Seymour Road
14 Utica, New York 13502
15 Wednesday, September 27, 2017
16

17 The public comment meeting, pursuant to notice,
convened
18 at 10:00 a.m.
19
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24
25

1 P R O C E E D I N G S

2 MS. CARTER: Good morning, everyone. Welcome to
3 the morning scoping meeting for the Jarvis Hydroelectric
4 Project. I want to thank you guys for attending this
5 morning. For those of you who were here last night, you'll
6 notice the room is set up a little bit differently; for
this
7 meeting we're hoping to encourage a little more discussion
8 as opposed to last night where it was mostly comments. So,
9 that's why you might be a little tighter in your chairs
this
10 morning. You'll still have the opportunity to provide
11 comments, we have mics if you would like to because we do
12 have a court reporter. My name is Emily Carter, I'm from
13 the Federal Energy Regulatory Commission. Some of you have
14 seen this presentation before, but for those of you that
15 haven't, I'll go through a few housekeeping items and then
16 the agenda and then we'll get into the reason why we're
17 here.

18 Housekeeping items. I think most of you know
19 there were sign in sheets outside, so please make sure you
20 signed in. We'll attach those to the transcripts so that
21 we have them in the public record, to, you know, who was
22 here. I also have some handouts on the back table, so
23 please make sure to pick up anything that you don't have.

24 And as I mentioned, we do have a court reporter

25 who will be transcribing everything that we say at the

1 meeting so that it can be put into the public record. So,
2 please, because of the court reporter, when you do speak,
3 remember to state your name and affiliation. Spell out
your
4 name and any acronyms, and then as I mentioned, a
5 transcript will be made available as part of the public
6 record at a later time.

7 So, as I mentioned, I'll start off with just a
8 little bit about who FERC is and why we're here today. And
9 then I'll go over an outline of the licensing process.
10 NYPA will give a project overview of the Jarvis
11 Hydroelectric Project, then I'll talk about the purpose of
12 the scoping, and then we'll get into the discussion of
13 issues, and our requests for information of studies. Then
14 we'll go over how to submit your comments and how to stay
15 informed about the process, and then we'll do a wrap up,
16 reviewing important dates and any additional questions or
17 comments.

18 As I mentioned, I'm with the Federal Energy
19 Regulatory Commission. The Commission is an independent
20 federal agency that regulates the interstate transmission
of
21 natural gas, oil, and electricity. It also regulates
22 hydroelectric power, and that is why we're here today.
23 Because of, the Jarvis Hydroelectric Project is under our
24 jurisdiction.

When full, the Commission includes five members

1 who are appointed by the President and confirmed by the
2 Senate. As you can see, we currently have three. We're
3 waiting for the other two to be confirmed by the Senate.
4 And the Commission is supported by 12 offices and a staff
of
5 about 1,500 employees. I am one of those employees. I
also
6 have three of my colleagues with me today.

7 So, as I mentioned my name is Emily Carter, I'm
8 the Project Coordinator from FERC for this relicensing. I
9 also will be looking at the recreation, land use,
10 aesthetics, and cultural resources for the project. With
me
11 is Woohee Choi, he's our Project Engineer. He'll be
looking
12 at engineering and developmental resources. Andy Bernick
13 will be looking at terrestrial resources and threatened and
14 endangered species. And Jody Callihan will be looking at
15 aquatic resources including fisheries and water quality and
16 quantity.

17 We are from the Office of Energy Projects; and
18 that includes the Division of Hydropower Licensing which is
19 the division we are in. But we also are supported by the
20 Division of Hydropower Administration and Compliance, and
21 the Division of Dam Safety and Inspection. FERC's
authority
22 over hydropower projects comes from the Federal Power Act
23 which requires us to balance power generation with

24 environmental and developmental resources.

25 The licenses that we issue are issued for a term

1 of 30 to 50 years and then at that time they come up for
2 relicensing, which is what we're here for today. The
3 Commission has approximately 2,500 license or exempted FERC
4 projects. So, our hydropower program, as I mentioned, has
5 three offices, or three divisions: Licensing, Dam Safety,
6 and License Administration and Compliance, but we also rely
7 heavily on input from licensees and applicants. So in this
8 case, NYPA. As well as resource agencies, both state and
9 federal. Tribes. Non-governmental organizations. And the
10 local stakeholders.

11 So, why are we here today? As I mentioned,
we're
12 here to gather information or scope the relicensing of the
13 Jarvis Hydroelectric Project which is FERC Project No.
3211.

14 The original 40 year license that was issued for this
15 project was issued in August 1982 and it expires on July
16 31st 2022. And NYPA is seeking to relicense this project
17 for another term.

18 Scoping, this gathering of information, is
19 required by the National Environmental Policy Act. So, the
20 licensing process starts with this scoping and the
21 gathering of information and it ends with hopefully a
22 license order. And that license order also includes the
23 terms and conditions for how NYPA will operate the project
24 as well as environment protection, mitigation, and

25 enhancement measures.

order? 1 So how do we get from scoping to a license

2 It involves gathering information, consulting with
3 stakeholders, and interested parties, conducting an
4 environmental review and, as I mentioned, we rely heavily
on 5 input from the stakeholders, who are you guys.

6 So, NYPA has decided to use the Integrated
7 Licensing Process for this relicensing, which is founded on
8 three fundamental principles; which is the early
9 identification and resolution of studies, and that is what
10 we're starting today. The integration of agency and travel
11 permitting process needs including the National
12 Environmental Policy Act, the applicant's pre-filing
13 consultation, work that they've already done gathering
14 information, as well as federal and state permitting needs,
15 including gathering information for New York's water
quality 16 permit that they will be issuing under Section 401 of the
17 Clean Water Act. And then any consultations required under
18 the Endangered Species Act or the National Historic
19 Preservation Act.

20 Another principle of the ILP is the
establishment 21 of time frames to complete these steps. The time frames in
22 this process are very important; they apply to everyone,
and 23 the process does move quickly so it's important to be

24 involved and to follow those deadlines.

25 So, a brief overview of the ILP, we are
currently

1 in the pre-filing phase. Up here. It started with NYPA
2 filing their Notice of Intent and Pre-Application document.
3 They filed that on June 30th of this year. And then on
4 August 28th the Commission issued a scoping document that
5 took the information NYPA provided in their pre-application
6 document and identified what we think are the preliminary
7 list of resource issues associated with this project. Now
8 we're hosting scoping meetings, we had an evening meeting
9 last night as well as a site visit yesterday morning. And
10 then we're also accepting written comments until October
11 28th of this year.

we'll

12 After we scope and gather this information,
13 move into study plan development. NYPA will review the
14 information that's been gathered so far and they'll prepare
15 a study plan that they'll file with the Commission and then
16 we'll host meetings to discuss that study plan and take
17 comments from stakeholders about whether NYPA's proposed
18 study plan is appropriate, if there are any studies that
19 they missed, anything that needs to be revised. Comments
20 will be received on that and then the Commission will issue
21 a study plan determination telling NYPA what studies they
22 need to complete for this project.

23 Then we move - so that process takes
24 approximately a year. Then we move into the study phase,
25 where NYPA will conduct those studies that they've been

1 directed to conduct and prepare their license application.
2 Once they've prepared their license application, they'll
3 file it with the Commission and we move into post-filing.

4 With post-filing, we'll review the information
5 that NYPA has provided in their final license application.
6 We'll again request comments. We'll do an adequacy review.
7 Once we have all the necessary environmental information,
8 we'll prepare, the Commission will prepare an environmental
9 document. And again that will be issued for public
10 comment. And then based on those comments and the
11 information in the public record, we'll prepare a license
12 order and the Commission will act on that final license
13 application. So, that process takes approximately a year
14 and a half to two years.

15 So, you can find at the end of the scoping
16 document, which there are hard copies in the back, you can
17 find a detailed schedule that lists all of the dates and
all
18 of the stuff throughout this process up until 2020.

19 So, this is just another overview of the
20 different steps involved and the dates associated with
them.

21 We're currently in this box for the scoping meetings, and
22 the next important date to keep in mind is the October 28th
23 date which is the deadline for filing written comments and
24 study requests for the project.

25

So, now I'll hand it over to Cindy for a brief

1 overview of the project and how it operates.

2 MS. BRADY: So, good morning. I'm just going to
3 go over a brief history of the project and wrap up with the
4 project operations just to give you an overview of how
5 Jarvis works. Most of you have heard this already.

6 So the project history. Prior to 1915 it was
7 just West Canada Creek. West Canada Creek was the - did
8 supply water to the Erie Canal. That was prior to its
9 conversion to the Barge Canal. It also served as the water
10 supply source for Consolidated Water Company in Utica.

11 That's the predecessor of the Mohawk Valley Water
Authority.

12 And it also supplied water for hydropower for Utica Gas and
13 Electric. That was the predecessor of Brookfield Power and
14 for other downstream hydropower uses as well.

15 Then in 1915, with the expansion of the canal
16 system, Hinckley Dam was commissioned and that formed
17 Hinckley Reservoir. So, the purpose of forming Hinckley
18 Reservoir was to provide water for the barge canal system
19 and it preserved the water rights of the existing users
that
20 were previously using West Canada Creek.

21 Skip forward to the 1970's, the U.S. experienced
22 an energy crisis. There was a concern for the dependence
on
23 foreign oil. There were gas shortages, and the U.S.

- Utilities
- 24 Government responded by enacting PURPA, the Public
 - 25 Regulatory Policy Act; and among several of its objectives

1 were to encourage the development of hydropower.
2 Following that in August of 1982, FERC issued
the 3 Power Authority a 40 year license to construct a small, 9
4 megawatt hydropower project at the existing Hinckley Dam
and 5 Reservoir and utilize whatever the existing water releases
6 were. That FERC license will expire July 2022 and we're
7 starting the relicensing process now. In August of 1983,
8 the DOT, the New York State Department of Transportation,
9 conveyed an easement to the Power Authority for the
10 construction, operation and maintenance of the facility.

11 In June of 1986 the project was commissioned and
12 it was dedicated to Gregory B. Jarvis. He is the Mohawk
13 Valley resident who was on board the Space Shuttle
14 Challenger. In June of 2017, NYPA kicked off its
and 15 relicensing process by filing its Notification of Intent
16 its Pre-Application Document with FERC.

17 We're all familiar with this, but to give some
18 perspective, the location. The project is located at
19 Hinckley Dam on West Canada Creek; highlighted in red is
20 Hinckley Reservoir. It's within the counties of Oneida and
21 Herkimer. The towns of Trenton, Russia, Remsen, and Ohio.
22 And it's about 15 miles Northeast of Utica.

23 The West Canada Creek Watershed. The total
24 drainage area of Hinckley is 372 square miles. The total

and 25 drainage area of West Canada Creek was 561 square miles,

1 Hinckley Dam is located approximately 35 miles upstream of
2 the confluence of the Mohawk River. And the Mohawk is a
3 tributary to the Hudson River; that has a drainage area of
4 3,460 square miles.

5 West Canada Creek Dams. Besides the Hinckley
6 Dam, the West Canada Creek Hydroelectric Project is located
7 downstream of Hinckley. The two dams associated with that
8 are the Prospect and Trenton Falls Dam. Nine Mile Feeder
9 Creek Dam is located approximately one mile downstream of
10 Trenton Falls. The Nine Mile Feeder Creek Dam is the site
11 of the New York State Canal's Diversion from West Canada
12 Creek. And Jarvis has a license requirement to provide a
13 continuous minimum flow of 160 CFS for fisheries and
aquatic
14 resources. That's measured downstream of the Nine Mile
15 Feeder Creek Dam. So, if the canals are making any
16 diversions for their uses, there must be at least a minimum
17 flow of 160 CFS plus whatever the canal diversion would be.

18 Hinckley Reservoir is 4.46 square miles. When
19 full, it's at an elevation of 1,225; that's the top of the
20 spillway crest. It holds approximately 25.8 billion
gallons
21 and much of the Northern and Eastern portions of it are
22 within Adirondack Park.

23 So, Hinckley Reservoir, I touched on this
24 briefly. It was originally constructed to provide water to

25 the canal system and other uses are, it provides drinking

1 water for the Greater Utica area. It continues to supply
2 hydropower generation. It also provides for aquatic
3 resources, flood protection, and it provides recreation.

4 So, the reservoir operations. The reservoir is
5 operated per an operating diagram. And that operating
6 diagram is owned by the New York State Canals. The Power
7 Authority does not have the authority or the right to
8 deviate from the releases, and if the Jarvis Project were
9 not there as it was for most of time that the Hinckley
10 Reservoir has been in place, the water levels and
discharges
11 would remain the same. So, just to give you an example
of
12 how the operating diagram works, on the X axis are days of
13 the year starting on our left with January 1 to December
31,
14 and then on the Y Axis are various water level elevations
at
15 Hinckley. So, you go across the X Axis to the date that
16 we're currently at and you draw the line straight over to
17 where the current elevation is for that time period; and on
18 the right hand side, although it's difficult to see here
are
19 the various releases that are called for.

20 So in this example on August 27th, Hinckley was
21 at an elevation of 1,218.4 feet. So, the corresponding
22 outflow for that time period was 690 cubic feet per second.

23 Some of the features of Hinckley Dam and the

24 Jarvis Project: It's composed of a north and south
25 embankment. There's a non-overflow intake. A 65 foot

1 structure that houses the intakes that bring it into the
2 turbines, and then there's a 400 foot spillway. The crest
3 of that spillway is at elevation 1,225. So any water
levels
4 that exceed that will be coming over the spillway.

5 In yellow is the Mohawk Valley Water Authority's
6 intake for their water users. Some of the other features
7 here, there's a low-level outlet that will provide for
8 additional discharges beyond what goes through the
turbines.

9 The 9 megawatt powerhouse is located down below where you
10 see the red roof. That houses the two 4.5 megawatt
11 generators. And across Route 365 is the switch yard.
12 There's just another picture of it.

13 So, Jarvis Project Operations. Jarvis utilizes
14 the releases that are determined by the canals in
accordance
15 with the 2012 operating diagram. They have two, 4.5
16 megawatt units. So, the maximum capacity is 9 megawatts.
17 Each unit can operate between 300 and 900 cubic feet per
18 second. So, the operating range through the turbines is a
19 minimum of 300 to a maximum of 1,800 cubic feet per second.
20 So, any flows that exceed that 1,800 are passed by a
21 combination of through the turbines and the excess through
22 the sluice gate.

23 Jarvis does not generate when flows of less than
24 300 cubic feet per second or when the Hinckley water falls

25 below 1,195. We have a license commitment to pass a

flows 1 minimum flow of 160 CFS for aquatic resources. And if
 2 are less than 300 CFS minimum, that would escape the
 3 turbines and then it's passed through the sluice gate. And
 4 the spill occurs if the level isn't above 1,225.

 5 We have some project recreation areas. Upstream
 6 of the project about half a mile is a boat launch, and that
 7 houses, or, excuse me, that can hold approximately 15
 8 vehicles with boat trailers and somewhat more vehicles,
 9 obviously without the boat trailers. It's a single lane
the 10 launch of concrete and gravel. And there's also a scenic
 11 area on the northern end of the dam. That's for viewing
 12 reservoir and the project facilities.

 13 So, as we kick off the relicensing process, the
 14 Power Authority has created a public website that we
 15 encourage everybody to share in. The address here:
 16 jarvis.nypa.gov and that website will house everything
project. 17 Jarvis relicensing. There's some background on the

be 18 It will tell how the process goes, the FERC schedule will
 19 on there. How to get in contact with FERC. Emily's
contact 20 information is on there.

 21 Any, all documents that are filed. So, the NOI
 22 and the PAD are on there now as well as the supporting
 23 documents that went into the PAD. Any meeting information.

24 Any upcoming meetings. Any products as a result of the
25 meetings including this presentation will be on there. And

1 then there's a Contact Us site where if you want to be on
2 the mailing list and notified of any updates to the site,
3 just let us know. I'm on there, and everytime something
new
4 is added or a meeting is posted, you'll find it on there.

5 So, thank you. I'll give it back to Emily.

6 MS. CARTER: Thank you, Cindy. So, now, we'll
7 talk a little bit about why we're here this morning. We
are

8 here, as I mentioned, for scoping to gather information
9 about this relicensing and the project that Cindy just
spoke
10 about. So, we're looking for public input and comments on
11 the scoping document that I mentioned the Commission issued
12 on August 28th. There are, I think there are still a few
13 hard copies in the back if you can find it. On NYPA's
14 relicensing page as well as on the Commission's website.

15 We're here to identify environmental issues and
16 concerns and as well as potential effects of the project on
17 the aquatic, terrestrial, and human environment. So, some
18 things to consider. What information is needed to analyze
19 any of these potential effects for the environmental review
20 process through the National Environmental Policy Act.
21 We're also seeking any existing information.

22 NYPA filed their PAD with the Commission on June
23 30th. That was their way of gathering all the existing
24 information that they had on the history of the project and

25 the current environment. But we're also looking for any

1 information that they might have missed. So, any resource
2 reports or survey data that they might not have known
3 about. Then we're seeking new information, so if there are
4 any information gaps that we identify through this scoping
5 process, we're seeking study requests to fill those
6 information gaps. And as I mentioned, those are due
October
7 28th, as well as -- the same date that comments are due.

8 So scoping also involves identifying and
9 receiving input on resources that may be cumulatively
project
10 affected. So, we want to consider the effect of the
11 in conjunction
12 with any other activities in the river basin. And any
13 reasonable alternatives to the project and the applicant's
14 proposed action. So, NYPA's proposed action as identified
15 in the pre-application document.

16 And then any resources that may not require
17 detailed analysis. If there's a resource at Jarvis that
18 isn't of, isn't of particular interest and does not need
19 detailed scientific analysis for the relicensing, then
we're
20 also interested in hearing about that. So be thinking of
21 these topics as we go through the resources, and if there's
22 anything that comes up that you would like to put into the
23 public record, we'll have time to do that later.

24 So, for those of you that were here last night,

25 I'm going to do things a little differently today. I'll go

1 through each of the identified resources briefly, but I
2 won't take comments after each one like I did last night.
3 Instead, we'll wait until after going through the resources
4 to have a set time that we'll, can discuss and provide any
5 comments.

6 So, these were the resource groups that the
7 Commission has identified as resources impacted by the
8 Jarvis Project. You can find them in Section 4.2 of the
9 scoping document starting on page 16 -- and as I mentioned,
10 I'll go through the resources, but then we'll have a single
11 -- unlike last night, we'll have a single time slot to
12 provide comments and any discussion.

13 So, some other things to consider: Are there
any
14 additional issues that we did not identify and are there
any
15 identified issues that you do not agree with and if you
16 don't agree with them, why? So, we've identified geologic
17 and soil resources and the effect of continued project
18 operation on soil shoreline erosion within the project
19 boundary. For aquatic resources, we've identified the
20 effect of continued project operation on water quantity and
21 quality. And the effects of continued project operation
resident
22 including fluctuations and entrainment mortality on
23 fish species. For terrestrial resources, the effects of
24 continued project operation, including reservoir

25 fluctuations on riparian and wetland habitat and associated

1 wildlife. The effects of continued project operation and
2 maintenance on upland wildlife habitat and associated
3 wildlife, as well as the effects on state listed species
4 including the Bald Eagle and Common Loon.

5 For terrestrial species the only identified,
6 federally-listed threatened or endangered species so far
has
7 been the Northern Long-Eared Bat. So, any project effects
8 on that species. For recreation, land use and aesthetics,
9 we've identified as a potential resource issue the adequacy
10 of public access and recreation facilities to meet current
11 and future demand. The effects of project operation and
12 maintenance on current recreational opportunities and river
13 access within the project area. And the effects of project
14 operation and maintenance on land use and aesthetic
15 resources.

16 For cultural resources we've identified the
17 effects of project operation and maintenance on historic
18 properties that are included in or eligible for listing in
19 the National Register of Historic Places. As well as, the
20 effects of operation and maintenance on any previously
21 unidentified resources that are eligible for listing in the
22 National Register.

23 And then for developmental resources we've
24 identified the economics of project and the effects of any
25 recommended environmental measures on the project's

1 economics. So, those are the that's the preliminary list
2 of resource issues that the Commission has identified and
3 what we're here for today is to hear what you think of that
4 list. If there's anything we've missed. Anything you
would

5 like to add. Any additional information you would like to
6 provide with us so that we have a full picture of this
7 project as we move into the study plan development phase.

8 So, our request for information and studies
9 include information that may help us to find geographic and
10 temporal scope as well as identify any significant
11 environmental issues, any data that would help describe the
12 existing environment and the effects of the project on
13 developmental resources on environmental and socioeconomic
14 resources.

15 The identification of any federal, state, or
16 local resource plans that NYPA did not already list in
their
17 pre-application document. And documentation showing why
18 any of the resources or identified issues maybe should be
19 excluded from further study or consideration. Then, a
20 request for studies to fill in any information gaps that
you
21 think are necessary.

22 When requesting studies, we are, you have to
23 identify, there are seven criteria that you have to meet.
24 They are listed here as well as detailed in the PAD. The

25 main one is identifying the study goals and objectives, but

1 one of the biggest ones is also project nexus. Any study
2 that was requested has to be tied to the hydroelectric
3 project. But you also have to consider the resource
4 management goals or public interest of the projects, the
5 methodology, and if you have a proposed methodology make
6 sure it's consistent with accepted scientific practice.

And

7 then consider the level of operating costs associated with
8 the projects compared to Jarvis Hydroelectric Project. As

I

9 mentioned, that list of criteria, and you can find more
10 information about requesting studies also on our website at
11 ferc.gov.

12 So, today we're going to be accepting oral
13 comments and if there are any questions anyone has.

Written

14 comments and study requests, as I mentioned, are due
15 October 28th; and when you do file anything, please clearly
16 identify that it is for the Jarvis Hydroelectric Project,
17 FERC project No. 3211. And you can either file those
18 comments, any written comments you can file electronically
19 or via mail. Although we do prefer electronic filing. And
20 all communications should be addressed to the Secretary of
21 the Commission.

22 And again, all of this information is in the
23 scoping document, that you can find on the Commission's
24 website, through our eLibrary system under Docket 3211 but

25 as well on the Jarvis hydro relicensing page.

1 So, staying informed, the best way to do that is
2 through eSubscription, you sign up through the FERC website
3 and you register your email address under the Docket 3211,
4 and then you will receive an email anytime anything is
5 either filed in that docket or anything that the Commission
6 issues related to the Jarvis Project. This is the best way
7 to know everything that is going on related to the Jarvis
8 Project.

9 There's also eLibrary, this is where, again,
10 every piece of paper that is either filed for the project
11 with the Commission or the Commission issued related to the
12 project. You can find it in eLibrary, you just do the
13 docket search for 3211. And there's a brochure in the back
14 that details our electronic services. We also have a
15 mailing list if you're interested in getting on the mailing
16 list and receiving a hard copy of anything the Commission
17 issues for the Jarvis Project. The only drawback to that
18 is, when you're on the mailing list you only receive hard
19 copies of Commission issuances. So, you won't receive
20 anything if anything is filed on the Jarvis Project. So,
21 that's why we recommend eSubscription because you'll get an
22 email about everything that's filed and it will include a
23 link to eLibrary so you can access the electronic
documents.

24 This is just a screen shot of our web page where you can
25 find all the available electronic information. And now,

1 we'll get to comments.

2 So, I went through all of the resource issues.

3 As I mentioned, we do have a court reporter so, when we
4 talk, please remember to state your name, affiliation and
5 spell out any acronyms or spell your last name if it's not

-

6 - if you need to, and then we'll get started. No one
signed

7 up no one signed up to speak but is there anyone who
8 would like to provide comments or have any questions on
what

9 I've covered? Yes.

10 MR. REINHART: My name is Don Reinhart. I'm
here

11 today for the, representing the Schoharie County
12 Conservation Association. We have like, 35 clubs and from
13 many ranges of hunting, fishing, snowmobiling, and things
of
14 that nature.

15 Even though we're far away from you, we have
16 Gilboa Dam in our county. I think the operations there are
17 similar in some parts, but they're very diverse in other
18 ways. My son and I own a camp on Flybrook Road in Ohio,
and

19 we've owned it for ten years and we've seen the water
20 drastically go down at various times due to the draw of the
21 water in the reservoir, up to the point where there is no
22 water up there in that end of the reservoir.

23 When we first bought the cabin the water was up
24 and we were led to believe there is a boat ramp there, road
25 that goes right down to the reservoir. And lately, it's

1 nothing but a mud flat. And I can understand that, you
2 know, you're committed by how much water you can draw off
3 for downstream, but I'd just like to make our comment of
4 what we see for our recreation.

5 MS. CARTER: And to clarify, this is at the
6 Hinckley Reservoir?

7 MR. REINHART: Yes. That's basically all I had
8 to say.

9 MS. CARTER: Thank you. So, anyone else that
has
10 any questions or comments, if they would. Questions for
the
11 Commission staff, any questions about project oper- yes?
12 Name and affiliation, please?

13 MR. MILLER: Paul Miller, Trout Unlimited. When
14 you, when Cindy showed the example of how the operating
15 diagram applies, the release amount was 698, I think, cubic
16 feet per second. When we were at the dam yesterday, it was
17 only 550 that was being released. What's the difference?

18 MS. BRADY: What's the difference?

19 MR. MILLER: If you do the math, why wasn't it
20 operating at 698?

21 MS. BRADY: Rich Mueller is the water resource
22 person and is probably far more confident --

23 MR. MILLER: All right. Yeah. Sure.

24 MR. MUELLER: Hi. Yes, I'm Rich Mueller with
New

25 York Power Authority, and on August 27th, the elevation was

1 a different elevation than it is -

2 MR. MILLER: Oh, that was just an example, it
3 wasn't really what was happening yesterday?

4 MR. MUELLER: No, what was really happening
5 yesterday is that today, the flow is 600 cfs, Thursday it's
6 going to 550; and so the current release is based on an
7 elevation of 550 release, the other based on an elevation
8 that was measured yesterday.

9 MR. MILLER: I see it. I made a mistake. Thank
10 you.

11 MR. MONTEFUSCO: John Montefusco at Trout Power.
12 I know we spoke a bit last night about how the diagram
seems
13 to be the template that we run on, essentially. My
question

14 is, and forgive me, but I don't understand how some of this
15 stuff works, but if I'm looking at future dates, you know,
16 October, November, etcetera, is that diagram telling you
17 folks that that's the flow you should have on that date?

18 But then my question would be after that, how do
19 you know environmentally, I'm looking at November 19th.
So,

20 let's say between tomorrow and November 19th -- and I'm
21 making this up, obviously -- it's 80 degrees and doesn't
22 rain a drop. How would you, is there room to adjust? And
23 again, I can't see it, but let's say November 19th is --
and

24 again I'm making this up -- 700 CFS, and it's down lower
25 than it is now. Are you still, do you still have to go to

1 that or -- ?

2 MR. MUELLER: Well, if you look at the operating
3 -- again -- for November 19th, if it's dry between now and
4 then, the water level might be much lower than it is right
5 now. And the way that operating diagram will work is
6 release less water from the reservoir. If for some reason
7 we get a big flood between now and November 19th, the water
8 levels near their crest, then we're going to be releasing
9 much more water because of the diagram. So, given that
10 consideration, the date but also the water levels, flow
will
11 be somewhere in that range.

12 MS. CARTER: Yes?

13 MR. ZEMBRZUSKI: Tom Zembrzuski with West Canada
14 Watershed Alliance. I don't want to belabor what I said
too
15 much from last night about this operating diagram and also
16 about the other hydro facilities downstream whose licenses
17 will be, this process that we have right now, I believe,
18 next year is when their, Brookfield's similar process is
19 going to happen; and how we got one system here basically,
20 and it would really be great if, you know, all of these
21 environmental issues were handled at once and don't have to
22 be raised again.

23 And then having said that, and I'm saying this
24 now hoping that someone will correct me if I'm wrong on

25 this. Maybe someone from the power authority or elsewhere,

1 but this diagram here, the 2012 Hinckley Reservoir Diagram
2 that NYPA is operating under was developed as a result of a
3 legal agreement between Mohawk Valley Water Authority and
4 New York State Canal Corporation. I believe those were the
5 only two parties.

6 While NYPA operates off of this operating
7 diagram, I believe Brookfield still has legal rights to be
8 operating off the 1920 operating diagram, which is similar
9 to this but there are enough differences so that sometimes
10 Brookfield is not getting as much water as the 1920 diagram
11 would say that they should be getting. And as a result,

the

12 Canal Corporation has to compensate either by releasing
13 water as a deviation to this one, you know, to make up for
14 the water that they missed, or monetarily. I think mostly
15 they've been doing it by water releases in deviation of
16 this. Is that about right?

17 MR. MUELLER: The Canal Corp has been trying to
18 pay back the water. In the past they just accumulated the
19 deviation then paid Brookfield.

20 MR. ZEMBRZUSKI: So it's monetary, okay.

21 MR. MUELLER: Monetary.

22 MR. ZEMBRZUSKI: Well, anyway, in another year
23 when Brookfield's license, I don't know what they're going
24 to say. This is the water that they're getting but this is
25 not the operating diagram that they work from. So, that's

1 going to be an interesting --

2 MS. WATSON: I would say that that's not
correct.

3 The operating diagram has been incorporated into the
4 agreement between the Canal Corporation --

5 MR. ZEMBRZUSKI: Okay, so there's been a change
6 there?

7 MS. WATSON: - and Brookfield. So that is the
8 operating diagram that is used for, that is used --

9 MS. CARTER: Can you identify yourself?

10 MR. ZEMBRZUSKI: Are you saying then that --

11 MS. WATSON: I'm sorry. Susan Watson from New
12 York Power Authority.

13 MR. ZEMBRZUSKI: Okay. So the Power Authority,
14 I'm sorry, the Canal Corporation no longer compensates
15 Brookfield?

16 MR. MUELLER: Perhaps I could be of help.
Could

17 I clarify something? Rich Mueller with New York Power
18 Authority. Brookfield and the Canal Corp entered into an
19 agreement that says Brookfield would recognize the 2012
20 operating diagram provided that they would be compensated
21 for deviations from that diagram that were not --.

22 MR. ZEMBRZUSKI: Okay.

23 MR. BELLINGER: Blake Bellinger, property owner
24 at Hinckley, and just touching on that. Two summers ago

25 when we lost 10, 12 feet within two weeks' time and you

all 1 know, that was ridiculous that that happened, and it was
We 2 because they had to give water back to Brookfield Power.
3 suffered for that. Local businesses suffered from that,
4 local fisheries suffered from that.

5 This 2012 operating diagram is a lot worse than
6 the 1920 operating diagram, and I even questioned if they
7 were allowed to change this in the middle of the NYPA
FERC 8 contract with FERC because in that entire contract with
9 it states that they will operate under the 1920 operating
10 diagram. But I guess this is the only thing that NYPA
11 pointed out to me I that they had to release a minimum of
12 160 cubic feet per second, and that that's what they
13 basically looked at.

14 One last thing is that I don't know if there's
15 any I don't see any Canal Corp representatives here and I
16 looked in the news, I see all these things where NYPA and
17 the Canal Corp are working very close on all these projects
18 across the state, and why are they not working close on
this 19 project here? Hopefully they are, behind the scenes and
the 20 Canal Corp just is not representing us here today, but
21 hopefully that will change as we move through this process
22 here.

23 MS. STELZER: There's not any mention of this in

24 their website, either. I'm sorry, Chris Stelzer,
resident.

25 There's no mention on the Canal Corp page that they're even

entities 1 involved with the Power Authority. All those three

2 need to get together, the drinking water from the Power
3 Authority and the Canal Corp. That's the issue.

of 4 MR. ZEMBRZUSKI: This may not be the forum for
5 this, but obviously we're seeing some frustration on lack

6 transparency, not on the part of NYPA or on the part of the
7 entities who actually control the releases. And, this is
8 brand new to me; I did not know this, I don't know how I
9 could have found out, other than by asking someone from
10 Canal, but we need a lot more transparency in some of these
11 decisions that are being made.

never 12 MR. BELLINGER: Blake Bellinger. Landowner on
13 Hinckley. I've studied a lot of reservoirs, a lot of lakes
14 across the country over the last couple years and I've

15 seen an operating diagram like this, it seems very old
16 fashioned to me. That you would look at a date and say,
17 well the average for that over the last hundred years, this
18 is what it's been, so we're going to release a certain
19 amount of water whether we have rainfall coming or not. Or
20 whether there is snow pack in the mountains or not.

of 21 That was the issue two springs ago. There was
22 not much snow pack in the mountains. We didn't get a lot
23 rain, yet the water was still going over the dam at one

24 point they said they had to stick to this operating diagram
25 because of Brookfield Power down below. I don't know, just

would 1 very old fashioned; you would think that target levels
2 be more modern and more, you know, sustainable for us to --
3 for everybody that's involved in this to be happy and to
4 have a piece of this in the long run.

5 MS. CARTER: Are there any other questions or
6 comments about the resources that we've identified in the
7 scoping document? Anything anyone would like to add?

8 MR. FLACK: Frank Flack. New York State DEC.
9 I'm wondering why the small angler access parking area on
10 the north shore above the dam is not listed as a
11 recreational facility.

12 MS. CARTER: I believe that's because it's
13 considered informal. So, it's listed, it is mentioned in
14 the PAD that it's available, but it is currently an
informal 15 site. So, it's not detailed in their current license.

16 MR. FLACK: So what is FERC's definition of
that, 17 informal versus formal?

18 MS. CARTER: Well, it's just we're looking at
19 project needs and so we just want to know what project is
20 there - what project recreation is there, and this is
21 something that we'll consider as whether that anything
needs 22 to change about that; but it is listed in their PAD that it
23 is available to the public. So, do you have any comments

24 about the access there or any issues that's something we

25 would either like to hear today or in your written
comments.

it's 1 MR. FLACK: Well, it's listed in the PAD but

2 not listed in the scoping document.

Wildlife 3 MR. WILEY: This is John Wiley, Fish and

4 Service. So, it's not required in the license but it's

5 available to the public. The difference between formal and
6 informal.

7 MS. CARTER: So, that - by including it in the
8 license that means they have to maintain it, like the boat
9 launch, NYPA is required as part of their license that it
10 is required to update and maintain that or operate and
11 maintain that facility. The fish access, because it's
12 informal is not listed as a formal recreation facility. It
13 is, again, it's available; but this is something, like I
14 said, that we can look at through the new relicensing
15 process if anything needs to change about that.

16 MR. ZEMBRZUSKI: This is a question for either
17 John or December. As part of this process will you or
18 anybody be looking at the minimum flow requirements see if
19 they are appropriate and you know, as part of your own
20 evaluation on this project?

21 MS. CARTER: The Commission will be looking at
22 that and if DEC would like to comment, I assume --

23 MR. FLACK: We will be requesting that study.

24 MS. CARTER: I'm sorry, could you say your name

25 again?

1 MR. FLACK: Frank Flack. F L A C K.

2 MR. ZEMBRZUSKI: Requesting a study that they

do,

3 or what?

4 MR. FLACK: Yes.

5 MS. CARTER: Are there any other questions?

6 Comments? Anything from the FERC staff that you guys would

7 like to ask?

8 SPEAKER: I have a few about existing data on a

9 few topics of aquatics. First, do we know anything about

10 the DO levels of what's coming out of the powerhouse, any

11 data on that? The maximum capacity of low level output

12 number four and whether it's going past the required

minimum

13 flow that's currently being used?

14 MR. MILLER: Actually, Rich Quatro is more

15 familiar with the dam, but it's my understanding that

16 there's something with the bottom gate so that doesn't sink

17 all the way down. And you are still able to open it up

18 fully, but if for some reason that bottom fill -- It's the

19 equivalent of -- the flow that's coming out of there is the

20 equivalent of 126. So, we're still able to open,

21 leave the lift gate open, and the flow amount.

22 SPEAKER: What is the maximum capacity?

23 MR. MILLER: The maximum capacity depends on the

24 range from 500 to 700 --. To 770.

25

SPEAKER: So if you're not generating, you're

1 just going to use the water --

2 MR. MILLER: Correct.

3 SPEAKER: So, this is a question for the DEC,
4 kind of current fishing activities. Are they targeted to
5 more downstream areas compared to Hinckley, or --?

6 MR. MILLER: No.

7 SPEAKER: For stocking what is your goal?

8 MR. FLACK: This is Frank Flack, again. We have
9 stocking policies basically from Pass Bridge up to Trenton
10 Falls, then we have some for Hinckley Reservoir itself, and
11 then we have it for West Canada Creek all the way above the
12 reservoir up to Hasfil Road, up into Hasful Road. So,
those
13 are all separate policies. Oh, and Prospect Reservoir, too

14 SPEAKER: But the target species there are
mainly
15 trout and --

16 MR. FLACK: All trout. It's all trout.

17 SPEAKER: Do we know anything about mussels in
18 the area or do we just --

19 MR. FLACK: We will be requesting a mussel
20 survey.

21 SPEAKER: Thanks, that's all I have.

22 MS. CARTER: Are there any other questions or
23 comments? Any questions about the process?

24 MR. WILEY: I have one more question.

25

MR. WILEY: John Wiley, US Fish and Wildlife

1 Service. So the 95 elevation, that changes the way the
2 diagram is used?

3 MR. MILLER: Yes.

4 MR. WILEY: So, -- trying to obey that order.
5 The diagram is designed to maintain reservoir elevations,
6 assuming we can go down to what number it is on the
7 diagram.

8 MR. MILLER: Yes, but it's not --

9 MR. WILEY: Because the releases of that are --

10

1195.

11 MR. MILLER: I think the intention is not to go

12

below 1195 so below 1195, the operating diagram is

13

basically--

14 MR. WILEY: Except for the slopes on those lines

15

to dates are assuming that you'll get to a refill in the

16

spring, and you can go as low as you want to on the lower

17

end.

18 MR. MILLER: Yes, technically, you could.

19 But the 1964 drought was an exceptional drought

20

and there may not have been any -- the mother of all

21

droughts.

22 MS. CARTER: Are there other questions, comments?

23

highlight 24 Anyone? If there isn't anything else, I will just

25

one more time the important dates for the rest of the

project as I mentioned, the comments on the scoping document

1

1 that the Commission issued and NYPA's pre-application
2 document, are due October 28th, and that's also when any
3 study requests are due. All of the information relating to
4 that can be found in the scoping document and there's more
5 detailed instructions also on the FERC website if you're
6 putting together study requests.

7 NYPA will prepare a proposed study plan based on
8 the requested studies that have come in. They have to file
9 that by December 12th of this year. Then, by January 11th,
10 2018 they'll host a study plan meeting to discuss the
11 proposed study plan and if they've missed anything, if
12 anyone has any comments about the proposed studies or other
13 studies that they would like to see included then NYPA will
14 - and comments are due on that on March 12th, 2018 and

then

15 NYPA will review all those comments and discussion that
16 occurred during the meeting and file a revised study plan
17 April 11th 2018, then the Commission will review that study
18 plan and will make a final determination by May 11th,
19 telling -- directing NYPA about which studies are required.
20 So, those are the next few dates that are

on

21 important in this process. October 28th being the next one
22 to make sure to not miss. And if there are no other
23 questions or comments, I want to thank you all again, for

24

coming today and if you were here last night then I really

25

appreciate you taking your time to give us your input on the

We

1 project and to hear your questions and discussion is very
2 helpful to us and we appreciate the input from everyone.
3
4 look forward to the next several steps in working with you
5 all in this relicensing, and thank you again.
6 [Whereupon, at 2:07 p.m., the scoping meeting
7 concluded.]
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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4

before the FEDERAL ENERGY REGULATORY COMMISSION in the

5

Matter of:

6

Name of Proceeding: HINCKLEY (GREGORY B. JARVIS)

7

PROJECT

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Docket No.: Project No. 3211-009

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Place: Utica, New York

16

Date: Wednesday, Septmeber 27, 2017

17

were held as herein appears, and that this is the original

18

transcript thereof for the file of the Federal Energy

19

Regulatory Commission, and is a full correct transcription

20

of the proceedings.

21

22

23

Dan Hawkins

24

Official Reporter

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