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NEW YORK STATE COUNCIL OF TROUT UNLIMITED

October 23, 2017

COMMENTS ON JARVIS PROJECT P-3211-009
Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington DC 20426

Dear Secretary Bose,

As the Region 6 Vice President for New York State Council of Trout Unlimited (TU) I am writing to express concern for the cold water and other fisheries in the West Canada Creek system caused by the Jarvis and other projects. I have met with other TU members, other anglers and riparian landowners representing downstream and lakeside interests to collect informed input from experienced and concerned stakeholders. I attended the FERC Scoping Sessions held on Sept 26 and 27 and site tour on Sept 26th. There is widespread, genuine concern for fish communities, both upstream and downstream of the Hinckley Dam, and the cumulative environmental impacts of all the uses of water within the West Canada Creek watershed on the quality and quantity of water available for fish and riparian interests.

For years there has been concern for the downstream environments where unnaturally erratic flows, gross dewatering of creek margins and variations in stream temperatures create stress on fish, macroinvertebrates and the natural community they depend on. Widely fluctuating flows and departures from the required "continuous minimum flow" of 160 cfs caused by peaking (Article 20 of permit) are factors limiting the health of the downstream ecosystem and inhibiting cold water fisheries. The actual in-stream flow is sometimes much less than the mandated 160 cfs because the criteria for minimum flows allows generating facilities to drop below this level as long as the daily total flow averages at least 160 cfs. These harmful effects to fish and invertebrates come into play when generating facilities ramp up and down from peaking. It does not take long for stranded aquatic life to be mortally stressed by dewatering. Unnatural flows also affect riparian landowner enjoyment of their property. I know of no comprehensive study that looks at the cumulative effects of unnatural flows, dewatering and temperature spikes on the aquatic environment. These issues should be studied as a part of the pending P-3211 application.

Hydro project reviews always look downstream but the variation in impounded water levels and the impacts on upstream fish communities are significant for the Jarvis project. Natural fish migration across the Hinckley Dam is not possible and has for years precluded natural fish use of the fragmented West Canada system. Sedimentation of the impoundment and reservoir drawdowns impact fish spawning and the forage base for in-reservoir species and stream resident fish that migrate to the reservoir. I know of no studies that address these impacts. Such a study is urgently needed.

Here are some additional specific concerns:

- The openings on intake structure grates on the Hinckley Dam are far too big to preclude entry by fish and should be reduced to the DEC desired one-inch spacing.
- The impact of sedimentation on the available volume of water should be addressed. The volume estimates for reservoir capacity come from decades-old calculations of questionable accuracy. Inaccurate estimates of available water call into question the validity of the release volumes and could amplify their negative impacts on the aquatic environment and limit beneficial uses. An engineering study must be conducted to determine reservoir volume. Results may require re-thinking the Operating Diagram and water allocation for the Jarvis Project and other users.
- Operation of projects at Hinckley (Jarvis/NYPA), Prospect and Trenton dams (Brookfield Renewable/P-2701) affects the trout fishery and health of the river ecosystem downstream. License renewal for the three facilities should be coordinated and, to the extent possible, be conducted simultaneously. P-2701 is due for relicensing to start around March of 2018, just seven months after Jarvis. It should not cause any undue hardship to require that the owner of these downstream facilities participate in the Jarvis relicensing and be bound by terms and conditions that result. This would be economical and efficient for all involved.
- Given the minimal commercial use of the canal and its evolution into a recreational waterway, canal use should be reprioritized to other recreational usage.
- The concerns raised by many commenters on this project relicensing revolve around releases governed by the Operating Diagram which is primarily intended to provide appropriate quantities of water for the Barge Canal System. In the past, competing interests have had to accept flows that the Canal Authority provided. It seems that canal uses ruled the day and hydropower entities deferred to the Canal Authority when changes to the Operating Diagram were suggested during permit reviews. In January, the Canal Corporation came under the control and authority of the New York Power Authority removing a separation that had previously existed. A fresh look at the Operating Diagram to analyze its adequacy and its impacts must be considered along with the Power Authority's Jarvis application. This will also will be useful in the Brookfield relicensing process.
- In other FERC permitted projects where the impacts are not fully avoided, there are often mitigation funds set up to support enhancement of the environment and recreation. Most often the money for these funds is provided and held by the licensee and managed by an advisory council of stakeholders. While the Hinckley boat ramp maintained by NYPA is a much-needed facility in obvious need of improvement, the lost community and recreational opportunities caused by these projects are considerable. If Jarvis and Brookfield Project are renewed, the permits should require that such a fund be created, similar to several such funds already in operation, such as those for the Raquette and St.Regis Rivers. In summary studies and the Environmental Assessment should be conducted to:
 - 1) Determine the impact of fluctuating flows and water levels on in-stream temperatures, macro-invertebrates and fish communities downstream and upstream from the Hinckley Dam.

- 2) Determine the impact of fluctuating flows on downstream riparian land owners.
 - 3) Determine the minimum flow required for maintaining the West Canada trout fishery at its potential carrying capacity for wild trout.
 - 4) Determine ways to mitigate adverse impacts of fluctuating flows and water levels on the aquatic environment upstream and downstream from Hinkley.
 - 5) Review the advisability and potential for an advisory council controlled mitigation fund sup
 - 6) Conduct a study to accurately determine the current water capacity of Hinckley Reservoir.
- Respectfully Submitted,

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For the New York State Council of Trout Unlimited

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