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October 26, 2017

COMMENTS ON JARVIS PROJECT P-3211-009

Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington DC 20426

Dear Ms. Bose:

I am a member of the Board of Directors for the West Canada Watershed Alliance (WCWA). Our organization advocates for the West Canada Creek's healthy aquatic environment and beneficial uses of the river by our community members, sports fishermen, recreationalists, and tourists. I attended both scoping meetings on September 26 and 27, and the Environmental Site Review on September 26. We have two comments to offer at this stage of the Jarvis (P-3211) relicensing process.

1. Relicensing schedule for the Jarvis (P-3211) project and the Brookfield (P-2710) projects

Many WCWA members reside along the banks of the lower West Canada Creek (downstream from both the Jarvis and Brookfield projects, and are long-time observant monitors of river conditions. We realize that hydrologic conditions in the lower West Canada Creek are highly regulated, resulting from releases from Hinckley Reservoir and diversions to support Canal operations, Mohawk Valley Water Authority (MVWA) diversions from Hinckley, and hydropower operations at both the Jarvis and Brookfield projects. The two hydroelectric projects are inextricably intertwined in a complex system that has many water management and environmental demands on it. We also know that the Brookfield relicensing process will be starting in a few months from now. Thus, it does not seem wise to separate the relicensing process of the Jarvis and Brookfield projects from an environmental and community impact point of view. We are dealing with a single hydrologic system, and many of the environmental and community impacts are identical. Would it not be more efficient, consistent, and effective to address the impacts of both projects together at the same time?

2. The 2012 Operating Diagram

The Jarvis PAD and Scoping documents state that the flow that passes through the Jarvis turbines is determined by the 2012 Hinckley Reservoir Operating Diagram. The New York Power Authority (NYPA) does not have the authority to deviate from the diagram's water release dictates, and furthermore, must comply with the directions of the Hinckley Dam's owner, the NYS Canal Corporation (NYCC), in such times as NYCC deems it necessary to deviate from the diagram. It seems that this is a simple and convenient matter for NYPA, as whatever negative impacts that may arise from following (or deviating from) the Operating Diagram is beyond their control. And since recent governmental reorganization, the NYCC is a public corporation under the jurisdiction of NYPA.

However, the WCWA has several issues with the 2012 Operating Diagram. Some background is helpful:

a. The original 1920 Operating Diagram was developed as part of a legal agreement to settle a water rights dispute between New York State (NYCC) and Utica Gas and Electric, the hydropower company in existence at that time (Brookfield's predecessors). The operating diagram was developed to maximize hydropower production and canal operations.

b. Also associated with the construction of Hinckley Dam was the 1917 Agreement between the NYCC and MVWA's predecessor to secure a municipal water source for Utica. It is significant that the 1917 Agreement gave Utica rights to divert up to 75 cubic feet per second (cfs) from Hinckley contingent upon them constructing and maintaining a 6 billion gallon compensating reservoir to replace withdrawals when Hinckley inflow fell below 335 cfs. (The city eventually built the 1.2-billion-gallon Gray Reservoir on Hinckley Tributary Black Creek, but it was destroyed in 2002 over dam safety issues.)
c. The 2012 Operating diagram resulted from a lawsuit between MVWA and the NYCC. It made deviations from the diagram easier, sought to maintain a higher summertime water level, but vacated the requirement that MVWA provide compensating storage to draw upon during droughts. It was developed and adopted with no input from other resource agencies, from NYPA or Brookfield, or from the public or NGO's. There was no formal State Environmental Quality Review (SEQR) to assess environmental impacts of implementing the 2012 Operating diagram.

The WCWA requests the FERC require as part of the Jarvis (and later Brookfield) relicensing process, that a study be conducted to assess the environmental, economic, and societal impacts the 2012 Operating diagram. An overarching consideration is what, 100 years after its construction, the best use is of the water impounded by the Hinckley Dam. Some relevant points:

- The Erie Canal is no longer a vital part of the state's commercial transportation network. Its current value is its draw to recreational boaters and its economic benefits to the communities along its route. Despite its importance to tourism, recreational use of the Canal does not sustain Canal operations economically. Its place in New York's governmental hierarchy has been "passed around" from the NYS Department of Transportation, to the NYS Thruway Authority, and most recently, to NYPA. In developing a Hinckley Operating Diagram, the actual needs of the modern, recreation-oriented Erie Canal ought to be considered. For example, with a much-reduced frequency of lockages, does the canal need as much water from Hinckley as it did when commercial barge traffic was much more frequent? Additionally, how much water is "wasted" throughout the canal system's aging infrastructure and leaking locks that could otherwise be retained in Hinckley Reservoir?
- The importance of recreation and tourism to the local and regional economy may not have been considered as an important factor when the 2012 Operating diagram was developed. Could Hinckley Reservoir become a reliable recreational venue if the goals of the Operating diagram reflected the need for a higher, more stable summer elevation? Would the lower West Canada Creek support a healthier and more abundant sport fishery if flow rates were more fish-friendly and minimum flow targets were higher than 160 cfs?
- Regarding hydropower potential, the same amount of water would flow through the turbines, regardless of the Operating diagram. Obviously, the timing would be likely be different, and perhaps profitability would be affected. Any potential loss in profits should be weighed against economic gains of a more environment- and recreation-friendly water management scheme.

Riverside and reservoir home and business owners, other local residents and the many advocates of the West Canada Creek and Hinckley Reservoir have for many years been frozen out of providing input to the decisions made that govern the management of these treasured resources. A process to ensure a continuing dialogue that was called for by the Governor after the disastrous 2007 drought was never implemented. We have been frustrated by the lack of transparency of the principal water managers.

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We appreciate this opportunity afforded by FERC relicensing process to have input, and to be granted a formal venue for consideration of the concerns we have been voicing for years. We are encouraged by FERC's own mandate to consider other important values of the resource, and not just its hydropower potential, and we hope your evaluation is not hamstrung by defaulting to "making the best" out of the 2012 Operating diagram.

In closing, some of these issues have been presented in recent years at the Mohawk Watershed Alliance Symposium held annually in March at Union College in Schenectady, NY. I encourage FERC to include in the record these papers of relevance to issues surrounding management of Hinckley Reservoir, presented by affiliates of the West Canada Watershed Alliance. (They are available online.) They will give the FERC a more detailed perspective of the issues important to local residents, environmental advocates, sports fishermen, and recreationalists:

1. Montecalvo, Frank (2013) "The Competing Interests in the Waters of the West Canada Creek" *in* Proceedings from the Mohawk Watershed Symposium 2013 in Schenectady, New York, p 49-53. http://minerva.union.edu/garverj/mws/MWS_2013_Abstract_Volume.pdf
2. Zembrzuski, Thomas (2014) "A Century of West Canada Creek Water Management: The Case Against the Fragmented Approach" *in* Proceedings from the Mohawk Watershed Symposium 2013 in Schenectady, New York, p 50-55. http://minerva.union.edu/garverj/mws/2014/MWS_2014_Abstract_Volume_s.pdf

Sincerely,
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