

Jarvis Project (P-3211-009)

To Whom It May Concern:

In the original FERC issuing license to NYPA for power production at Hinckley Reservoir dam in 1982 it states, "The rate of seasonal reservoir water fluctuation would be moderated..." It is very evident that this never occurred as the concerns and issues for Hinckley Lake have continued to grow exponentially since then. This proves that we need something concrete in the new FERC license for NYPA in which a new operating diagram be implemented for the next 40 years that equally benefits all involved.

All of the concerns and issues point directly to the current 2012 Operating Diagram and its predecessor, the 1920 Operating Diagram. As I stated at the scoping meetings, the 1920 operating diagram was bad, the 2012 operating diagram has proven to be even worst. When the 2012 Operating Diagram was created and implemented in 2013, it caught many of us by surprise as we had no say in it and it was created behind closed doors due to the fact that we, as citizens, did not have millions of dollars to have our say in court. Yet, we have been the most impacted by it due to its negative impacts on the fisheries, the local economy, and recreation, as well as other areas. I continue to question how decisions can be made involving power production without FERC being involved. The current FERC licenses for both NYPA's Jarvis dam and for Brookfield Power dams' down below Jarvis both state the 1920 Operating Diagram would be used. That is not the case anymore.

During the scoping meetings, NYPA referred to the operating diagram as the Canal Corporations' and that NYPA simply releases the water the Canal Corporation tells them to release each day based on the current operating diagram. While that may be true, it is also a fact that NYPA is at Hinckley now and the Canal Corporation is a subsidy of NYPA, as they now own the Canal Corporation. They are one company now as they work closely together on all projects. NYPA creates the Canal Corporation's budget each year and oversees the implementation of it. It is very possible that NYPA and the Canal Corporation can create a new operating diagram that will positively benefit all involved. We are suggesting an operating diagram that has target levels of between 1220'-1225' from May through Columbus Day weekend each year, when conditions allow. Our hope is that FERC will not give out a new license until a new operating diagram be put in place. With a new operating diagram it would allow NYPA to produce more consistent power and help solve many of the other concerns and issues that have been brought up in the scoping meetings and through the comment period. We need a new operating diagram placed in the new NYPA license to guarantee it will not change for at least the next 40 years.

The legal contract between the Canal Corporation and the down stream dam owner, Brookfield Power, that gives Brookfield Power the right to receive monetary compensation from the up-stream dam owners (Canal Corp./NYPA) if the operating diagram is deviated from at all, is absurd. It seems as though Brookfield Power

should be compensating the up-stream dam operators/owners because if it were not for the dam at Hinckley, Brookfield Power would not be making the consistent power as they have over the last many years. Even during the driest of times, Brookfield Power is still demanding water or money. This is incredibly greedy and has put Hinckley Lake into an even worse situation since Brookfield's arrival in 2000.

Study Requests

1 - I would like to request a study be done on the impact of the fisheries from the fluctuating water levels. Many users of the lake have observed over the years where fish have been stuck in shallow areas in which they are trapped due to the rapid lowering of the water, obviously killing off those fish. Also, it has been speculated that the fisheries have lost many years of reproduction due to the rapid lowering of the water level.

2 - I would also like to request a study be done on the recreational opportunities for Hinckley and the impacts the fluctuating water levels have on it. The NYPA boat launch is adequate yet comes up short in many ways compared to other boat launches in the upstate N.Y. area. Also, the two public boat launches (NYPA & Trails End) on Hinckley are often filled to capacity on days when the water level is at a good level and the weather is prime for recreation on the lake. It is my understanding that in the late 1980's/early 1990's NYPA and the NYSDEC were in discussions of adding a boat launch at the state park at Hinckley. This state park is under utilized and definitely does not reach its maximum potential. At one time the state park was supposed to have campsites and a boat launch to go along with the beautiful beach that is currently there. But the campsites and boat launch have never come to fruition.

3 - I would also like to request a study be done on the local economy that surrounds the lake. It is quite obvious that local businesses that are in close proximity of the lake are negatively impacted when people are unable to recreate at Hinckley due to the unpredictable water levels. We have also seen restaurants/bars close down over the years, a couple of which were directly on the lake. There is the possibility of establishments re-opening and current business flourishing much more so than they currently do with a more respectful water level management plan. The stabilizing of property values on the lake is also an important aspect of the local economy and are negatively impacted by the fluctuating water levels.

In summary, a change in the operating diagram to a target level operation is very much the answer to solving many of the issues and concerns that have been brought to FERC. Since NYPA now owns the Canal Corporation, this change is very

much reasonable to demand. I, as well as many others, suggest to FERC that they do not relicense the Jarvis dam until a new operating diagram that benefits all involved is created. We would need this new operating diagram placed in the new Jarvis license so that it would guarantee it could not be changed for the next 40 years. We continue to hope that FERC will support us and we will see a new and improved Hinckley Lake in which generations to come will enjoy and the fisheries and wildlife will prosper. That is our sincere hope. Thank you for your time and consideration with this very important situation. Please feel free to contact me at anytime if you would like to discuss anything further.

Sincerely,

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Document Content(s)

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