

NEW YORK STATE COUNCIL OF TROUT UNLIMITED

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8 March 2017
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Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington DC 20426

Jarvis Power Project P-3211 Comments on Proposed Study Plan.

Dear Secretary Bose:

The New York State Council has reviewed the Proposed Study Plan for the Gregory B. Jarvis Project (FERC P-3211.) It is also in receipt and has similarly reviewed the comments provided by the US Fish and Wildlife Service Cortland office dated 6 March 2018.

It must be understood in any discussion of this project and its location on West Canada Creek that this stream is an exemplary trout stream, held in high esteem by anglers throughout New York and the East. The highest levels of water quality and stream protection are essential to protect this valuable resource.

Trout Unlimited has no reason to repeat the cogent and well-reasoned comments contained in the Fish and Wildlife Service's letter of 6 March, and indeed it endorses them in full. The Tailwater Water Quality Study is a reasonable request to obtain current data on this area of project operation.

The Council is, however, puzzled and dismayed by the Authority's reluctance to undertake the necessary studies that would benefit all users of Hinckley Reservoir and West Canada Creek. This is particularly egregious in the failure to appreciate the impacts that NYPA releases have on all aspects of the downstream ecosystem.

Fish are not particularly concerned, as best we know, about the arcane jurisdictional squabbles between NYPA and the New York State Canal Corporation. However, neither of these entities can escape their ultimate responsibilities for the operation of Hinckley Dam, its reservoir, and its outflows, with subsequent substantial downstream impacts. FERC must decide if Hinckley and the Canal Corporation require a license in order to properly conduct its business and that of the public. Hinckley provides many benefits to disparate downstream users. The fact that it is

not currently licensed is an anomaly that cries out for correction. Numerous precedents exist for requiring such, in both recent memory and close at hand. The 2002 relicensing of the E. J. West project (FERC P-2318) on Great Sacandaga Lake resulted in FERC requiring the Hudson River-Black River Regulating District to also license Conklingville Dam (FERC 12252.) This precedent to license dams that provide headwaters benefits to down stream operators is clear, and should be used again by FERC to settle the murky questions of authority and responsibility that swirl around essential elements of this relicensing. It is to be hoped the NYPA is equally desirous of the certainty of fact and law in this matter.

The New York State Council of Trout Unlimited appreciates the opportunity to provide these comments in this significant proceeding.

For the Council: William H. Wellman, Hydro Chair

CC: Service List

NYSCTU

FWS Cortland

DEC Watertown & Utica

NYPA White Plains

Document Content(s)

FERC P-3211 Comments.DOCX.....1-2