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May 4, 2018

Secretary Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Gregory B. Jarvis Power Project (Hinckley Reservoir), FERC No. P-3211
Response to Comments Received on the Revised Study Plan

Dear Secretary Bose:

The New York Power Authority (Power Authority) filed its Revised Study Plan (RSP) for the Gregory B. Jarvis Power Project (Hinckley Reservoir) (P-3211) with the Federal Energy Regulatory Commission (FERC or the Commission) on April 11, 2018. Pursuant to the Integrated Licensing Process (ILP), timely comments on the RSP were submitted to the Commission by the U.S. Fish and Wildlife Service (USFWS), New York State Council of Trout Unlimited (Trout Unlimited), the Citizens for Hinckley, and the NY State Department of Environmental Conservation (NYSDEC). The Power Authority has reviewed these comments and provides the following clarifications or additional information. The purpose of this letter is to respond solely to new issues raised in the comment letters received. We respectfully request that the Commission refer to the Proposed Study Plan (PSP), filed December 12, 2017, and/or the RSP regarding issues raised in the comment letters, which were previously addressed by the Power Authority.

Clarifications and Additional Information:

- **Hinckley Reservoir Bathymetric Survey** – NYSDEC states in their comment letter that “the Federal Energy Regulatory Commission (FERC) and NYPA agree that the new survey will fill data gaps involving the physical characteristics of the reservoir and that there is a project nexus associated with the bathymetric study...” This statement is inaccurate as the Power Authority has clearly stated in past filings that there is no nexus between this study and Project operations. The Power Authority is conducting this study solely to fill a data gap requested by FERC (PSP Page 26, Section 3.1.6). This study will characterize a physical attribute of the reservoir, not investigate biological impacts of reservoir operations, which the Power Authority does not control.

Further, there seems to be a misunderstanding regarding the geographic scope for the bathymetric survey. The NYSDEC comments that the northeastern area of Hinckley Reservoir should be included and cites RSP Figure 3.5.1-1, which depicts the Area of Potential Effect (APE) approved by SHPO for cultural resources purposes and includes only

the reservoir area encompassing the dam, powerhouse, and Power Authority boat launch. The APE defines the area of Cultural Resources impacts. To clarify, the Power Authority proposed in the RSP to survey the entire surface area of Hinckley Reservoir as depicted on RSP Figure 2.1.7-1. As shown in the figure, the survey encompasses the entire extent of the Hinckley Reservoir, terminating at the upstream end where West Canada Creek enters the reservoir.

- **Water Quality Study** – In their comment letter, NYSDEC discusses the need for reservoir water quality sampling as a means of comparison to data collected in the tailrace. In the PSP and RSP, the Power Authority already addressed why it considers reservoir water quality sampling unnecessary. The NYSDEC further notes that “...at a minimum, two (2) years of data collection should be completed. This will allow for variables such as drought or low water level conditions to potentially be accounted for in the data set.” The Power Authority respectfully submits that it is premature to commit to two years of water quality data collection at this time. If the field conditions which occur throughout the 2018 monitoring period are representative, then a second year of water quality sampling is unnecessary. If anomalous conditions do persist in 2018, the Power Authority will discuss the appropriate response in preparation for second year field studies.
- **Effects of Peaking Operations on Water Level Fluctuations** – Various commenters discussed the boating season peaking analysis presented in Section 3.1.2 of the RSP. The Power Authority respectfully provides the following clarifications to the comments received regarding this analysis.

RSP Figures 3.1.2-1 and 3.1.2-2 present Hinckley Reservoir outflow and water surface elevation versus time for the period May 31, 2008 through June 6, 2008. This period was chosen as it represents the only period for which hourly data is available that met the criteria noted in the March 9, 2018 letter filed by the Citizens for Hinckley. A more thorough discussion as to why this period was chosen is presented in RSP Section 3.1.2. At first glance, the figures appear to show a daily dip in water surface elevation of approximately 1.5 inches or less that correspond to Jarvis peaking operations. However, upon further review of the underlying dataset, the Power Authority determined that the dip in water surface elevation shown in the graph does not represent an impact caused by Jarvis peaking operations, but instead represents issues associated with water level instrumentation placement.

Prior to 2014, the water level recorder was located in the immediate vicinity of the intake for the Jarvis units such that when a unit would come online, an insignificant, localized dip in water surface would occur at the water level recorder resulting in erroneous data readings for that time step. The insignificant dip in water level would only occur in the immediate vicinity of the unit and not throughout the reservoir. The U.S. Geological Survey (USGS) recognized this misplacement, and in 2014 installed a new water level recorder at a new location to eliminate this issue. As such, the apparent dip in water surface elevation shown in RSP Figure 3.1.2-1 and 3.2.1-2 reflects erroneous data points contained within the raw data used for the plots as opposed to actual Project impacts.¹

¹ It should be noted that review of the available data after the water level recorder was repositioned in 2014 yielded no periods that met the criteria noted in the March 2018 Citizens for Hinckley letter.

When the erroneous data is accounted for properly, it is clear that Jarvis peaking operations for the period shown had no impact on water levels within Hinckley Reservoir and that the gradual decrease in water level over the course of the week was the result of either a) naturally decreasing inflow, or b) release requirements associated with the Operating Diagram. The crux of the matter is that the impact of Jarvis peaking on Hinckley Reservoir elevations is so minor that it is difficult to identify in the record of a USGS-maintained water level recorder.

Finally, the USFWS notes in their comment letter that “although the [West Canada Creek] Project can, and sometimes does, peak when the Jarvis Project is not peaking, it is usually operated in tandem with the Jarvis Project when the Jarvis Project peaks.” This statement is inaccurate because, while it is true that the West Canada Creek Project typically peaks when the Jarvis Project peaks, it is not accurate that the West Canada Creek Project only “sometimes” peaks when the Jarvis Project does not peak. There is no evidence to support the claim that Jarvis peaking forces the West Canada Creek Project to begin peaking. The hydrologic pattern demonstrated in RSP Figures 3.3.2-2 and 3.3.2-3 reflects a representative hydrologic pattern on West Canada Creek.

- **Base Flow Study** –Various commenters provided additional comments regarding the request for the Power Authority to conduct a base flow study downstream of the West Canada Creek Project. In addition to the Power Authority’s previously stated positions regarding this study request in the PSP and RSP, additional information and clarifications are provided below.

In their comment letter, NYSDEC states that the base flow study conducted in the 1980s by Ichthyological Associates (IA) was conducted by the Power Authority during the initial licensing of the Jarvis Project. However, to respectfully clarify, the study was not part of the Jarvis Project initial licensing, but was conducted by the Niagara Mohawk Power Corporation (predecessor to Erie Boulevard Hydropower, L.P.) in support of the West Canada Creek relicensing proceeding, which occurred within a similar time frame as the initial Jarvis licensing. The results of the study were then used to determine the minimum flow requirements for the West Canada Creek and Jarvis Projects. More specifically, per the original Jarvis License Application (December 1981) (Page B-3, Section B.2.1.2), “minimum release criteria for the West Canada Creek system [i.e., Jarvis and the Prospect and Trenton Falls developments] were established in the 401 Certification for the Trenton Falls facility, the last generating station on West Canada Creek.”

In addition, NYSDEC cites the Natural Dam (P-2851) relicensing as an example of the type of base flow study they are looking for during this relicensing. This example is irrelevant as relates to the Jarvis Project. The Natural Dam base flow study was conducted in the bypass reach of the Natural Dam Project by the owners of the Natural Dam Project. It was not conducted downstream of another licensee’s hydroelectric project by the upstream hydroelectric project owner, as the stakeholders are requesting of the Power Authority at Jarvis. As the NYSDEC points out in their comment letter, the Power Authority has consistently maintained that impacts associated with instream flows downstream of the Prospect and Trenton Falls Developments would be analyzed in the relicensing of the West Canada Creek Project and do not have any nexus to Jarvis Project operations. The Power Authority has no issue with the Delphi study approach, but it is not the Power Authority that should be performing the study.

Regarding comments received from the USFWS pertaining to the Base Flow study, USFWS notes that this relicensing is unique in that the Jarvis Project minimum flow requirement is measured downstream of the West Canada Creek Project. As noted above, the history of this requirement is discussed in the original Jarvis License Application (Section E.2.3). One of the primary reasons why the minimum flow is measured downstream of the West Canada Creek Project at the Nine Mile Creek Feeder Dam is that this location is downstream of the NYSCC diversion. Releases from the Jarvis Project account for the required 160 cfs minimum flow plus whatever flow is being diverted to the Canal System. Once the Jarvis Project has released the required volume of water to the Prospect Pond (accounting for any additional diversion to the Canal System), it has fulfilled its minimum flow obligations. It is then the responsibility of the West Canada Creek Project to ensure that releases from the Prospect and Trenton Falls Developments are in compliance with the minimum flow requirements as measured at the Nine Mile Creek Feeder Dam.

Another reason the minimum flow is measured below the diversion into the Canal System is this is the first place below Jarvis that there is a free flowing unimpounded stream where a minimum flow would be meaningful.

- **Comparisons to other Projects** - Commenters continue to cite the Great Sacandaga Lake and Carry Falls projects in support of their requests that the Commission license the Hinckley Dam and Reservoir (which are already a part of the Jarvis Project). These cases involved settlement agreements. Moreover, the Great Sacandaga Lake licensing involved facilities that, unlike the Hinckley Dam and Reservoir, were not already included in a license. The Power Authority, therefore, disagrees that the other projects are informative here. All comments on the Commission's headwater benefits program are similarly irrelevant to the Commission's study plan determination.

If there are any questions regarding our response to comments received on the RSP, or the RSP itself, please direct them to the undersigned at (914) 287-3153 or cindy.brady@nypa.gov.

Sincerely,



Mark Slade
On behalf of Cindy Brady

Cindy Brady
Business Development Manager, Licensing

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission, I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 4th day of May, 2018.

/s/ Mealear Tauch
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