

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
June 1, 2020

OFFICE OF ENERGY PROJECTS

Project No. 3211-009 – New York
Hinckley (Gregory B. Jarvis) Hydroelectric Project
Power Authority of the State of New York

VIA Electronic Mail

Ms. Cindy Brady,
Licensing Manager
Power Authority of the State of New York
Cindy.Brady@NYPA.gov

Reference: Comments on Draft License Application

Dear Ms. Brady:

Pursuant to 18 CFR § 5.16(c), this letter contains Commission staff's comments on the Power Authority of the State of New York's (Power Authority's) March 3, 2020 draft license application for the Hinckley (Gregory B. Jarvis) Hydroelectric Project. Our specific comments on the application are outlined in Appendix A. Please incorporate your response to comments on the draft license application (DLA) in the final license application (FLA). We may request additional information at a later time regarding this project.

In the DLA cover letter, the Power Authority requests a waiver of the requirement that Exhibit F contain a supporting design report (SDR), pursuant to sections 4.51(g) and 4.41(g)(3) of the Commission's regulations. The Power Authority states that the project is already subject to the Commission's Part 12 Dam Safety regulations and the Power Authority submitted its Seventh Independent Consultant's Safety Inspection Report, including a Supporting Technical Information Document, to the Commission on January 2, 2019.

While we understand that your project is subject to the Commission's Part 12 requirements on an on-going basis, relicensing is a once every 30- to 50-year opportunity for a comprehensive review of a project. As such, we believe there is a benefit to having as much of the project's relicensing information consolidated within the relicense application as possible. Therefore, your request is denied and an SDR must be filed as part of the FLA for the project.

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If you have any questions, please contact Emily Carter at (202) 502-6512, or via e-mail at emily.carter@ferc.gov.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

Attachment: Appendix A – Comments on the Draft License Application

APPENDIX A

Comments on the Draft License Application

General

1. Throughout your filings, you refer to the project as the Gregory B. Jarvis Hydroelectric Project. We note, however, that the August 12, 1982 Order Issuing License (Major) identifies the official project name as the Hinckley Hydroelectric Project and there is no documentation with the Commission to officially change the name of the project. While the Commission has referred to the Hinckley (Gregory B. Jarvis) Hydroelectric Project (Jarvis Project) throughout this proceeding, the official name remains the Hinckley Hydroelectric Project. If the Power Authority of the State of New York (Power Authority) seeks to officially change the name of the project, please include that request when filing the final license application (FLA).

Initial Statement

2. On page 3 of the Initial Statement, you state that you are seeking concurrence from the New York State Department of State (New York DOS) that relicensing of the Jarvis Project will not affect resources within the designated coastal zone of the State of New York. Please provide all correspondence regarding this request in the FLA, including the date on which you requested concurrence from New York DOS.

Exhibit E

Geologic and Soil Resources

3. Based on comments received during public scoping, Commission staff's Scoping Document 2 for the Jarvis Project indicates that staff's analysis will evaluate the effects of project operation on groundwater and wells within the project boundary. In its March 8, 2018 comments on the Proposed Study Plan (PSP), staff requested that the Power Authority provide information on any wells in the vicinity of Hinckley reservoir that have ceased functioning (including the location, well depth, and date the well stopped functioning), through contact with private well owners identified in New York State Department of Environmental Conservation's (New York DEC's) dataset or other information sources.

While section 4.3.1.6 of Exhibit E (*Groundwater and Wells*) provides the location of residential wells near the project and information on a 1998 low-water year that affected wells near the project, no information requested by staff in its comments on the PSP was provided. So that staff has sufficient information to describe the existing condition and status of residential wells in the vicinity of Hinckley reservoir, please include the information staff requested in its PSP comments. Also, please confirm that the data

source for the well information provided on Figure 4.3.1.6-1 in Exhibit E is New York DEC's well data.¹

Aquatic Resources

4. Section 4.5.1.8 of Exhibit E (*Fish Entrainment and Turbine Passage Survival*) summarizes information from the Power Authority's Assessment of Fish Entrainment and Turbine Survival Report (Survival Report), filed on October 30, 2019. However, pages 63 and 64 of that report state the blade strike model for Francis turbines was used to predict turbine survival at the project. The project has horizontal Kaplan units, not Francis turbines. Therefore, please explain this discrepancy and confirm which blade strike model (Francis or Kaplan) was used to generate the turbine survival estimates provided in Table 6.3-1 of the Survival Report.

Terrestrial Resources and Threatened and Endangered Species

5. Section 4.8 of Exhibit E (*Rare, Threatened, and Endangered Species*) states that the U.S. Fish and Wildlife Service's Information, Planning, & Consultation System (IPaC) database indicates that there are no known federally listed species identified within the project area, but that the New York State-listed threatened bald eagle uses waters within the project vicinity, and that the common loon (a Special Concern species in New York) has been observed in Hinckley reservoir through 2018, but that no breeding activity has been confirmed.

So that staff has sufficient information to conduct its analysis of project effects on state and federally listed species, please provide in the FLA any information, through consultation with New York DEC, on bald eagle nesting activity at or near Hinckley reservoir. Also, please provide the most current data on common loon presence and breeding status within the reservoir from the Annual Loon Census or other relevant datasets.²

Recreation, Land Use, and Aesthetic Resources

6. Page 157 of Exhibit E states that recreational lands within the project area support various recreational activities, including hunting. On pages 20 and 21 of the Recreation and Public Access Study report (Recreation Study Report), filed on May 8, 2019, Adirondack Foothills Rotary Club and Citizens for Hinckley Lake indicate that goose and duck hunting are popular fall activities on Hinckley reservoir; however, neither the Recreation Study Report, nor the DLA provide any detail on where the hunting occurs or how popular it is. So that staff can adequately describe existing waterfowl hunting within

¹ <http://www.dec.ny.gov/pubs/103459.html>

² <https://adirondackatlas.org/adkloon/>

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the project boundary, and its effects on recreation and terrestrial resources at the project, please provide the following in the FLA (to the extent that such information is available): (1) the locations of sites within the project boundary that are commonly used by waterfowl hunters; (2) whether permanent or seasonal duck blind structures are permitted for use within Hinckley reservoir or its shoreline, or if all waterfowl hunting is done by boat; and (3) any available estimates of waterfowl harvest from Hinckley reservoir, through consultation with New York DEC.

7. On page 158 of Exhibit E, you describe the Power Authority Boat Launch, stating it extends 200 feet into the reservoir. On page ii of the May 8, 2019 Recreation Study Report, the Power Authority states that it “has plans in place to extend the boat launch and make it accessible over a greater range of water levels. The boat launch currently operates down to elevation 1213 and the maintenance improvements will allow it to operate down to elevation 1208.” In the FLA, please clarify whether that extension has occurred.

Exhibit G

8. Section 4.39(a) of the Commission’s regulations requires that Exhibit G drawings must be stamped by a registered land surveyor. When filing the Exhibit G drawings with the FLA, please ensure all drawings are stamped by a registered land surveyor.

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