

June 1, 2020

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

RE: Gregory B. Jarvis, Hinckley Reservoir Project, FERC No. P-3211
Comments to the New York Power Authority's (NYPA) Draft Application for New License

Dear Secretary Bose:

Citizen's for Hinckley Lake has reviewed the New York Power Authority's (NYPA) Draft Application for New License. We continue to NOT be in support of the current operation of Hinckley Lake and we are not in support of a new license being issued to NYPA to continue operations as they currently are.

The 2012 Operating Diagram is outdated and does not take into consideration present hydrological conditions in the water shed. NYPA states on page 11 of its Draft License Application, Exhibit E – Environmental Report, that “In Comparison to the 1920 Operating Diagram, the 2012 Operating Diagram generally has a higher elevation associated with lower flows and less of a draw down in the early spring”. This is not what has been observed at the lake since the 2012 Operating Diagram's inception. We have consistently experienced below average water levels, especially in the spring/early summer leading to extreme low levels in later summer and early fall. In fact, we have seen some of the lowest levels on record during three of the last five spring seasons. The 2012 Operating Diagram draws the top 4-5 feet of water level down as quickly as possible creating many issues on shorelines, including stranded boats and docks, as well as negatively impacting habitat. The 1920 Operating Diagram never did that. This management also releases water that we can never get back and puts the lake at levels well below average throughout the summer months. We are again experience well below average levels for this spring, which seems to be a regular occurrence under the 2012 Operating Diagram.

The New York State Canal Corporation (NYSCC), a branch of NYPA, plays a major role in power production at Hinckley and the West Canada river system. While the NYSCC is owned and operated by NYPA, the NYSCC needs to be brought under license by FERC for the head water benefits it provide Brookfield's West Canada Creek Project (P-2701) and the water releases that provide NYPA's project. This will also ensure that NYPA/NYSCC are compensated by Brookfield.

While we are against the proposal of using current operations in a new license, we are not necessarily against peaking operations under certain conditions. Peaking when water levels are

higher, around 1218' and above, does not have as much of an impact on shorelines as when levels are lower. An inch or two of vertical water level drop equals to a foot or more of water level drop along a gradual pitched shoreline and flat, shallow areas. This needs to be more closely looked at as we move forward in the licensing process.

If Brookfield's West Canada Creek Project (P-2701) was not here, it can be assumed that Hinckley would be managed much more respectfully, similar to other human-controlled lakes in the region. There was a bad deal made many years ago that created the operating protocols for Hinckley which are no longer conducive to its uses today. The Mohawk Valley Water Authority (MVWA) has also worked itself into the situation over the years as well. These "agreements" contradict each other as the MVWA's "agreement" is that water levels must not drop below 1195'. Yet the "agreement" for Brookfield's project is that the 2012 Operating Diagram must be followed. But the 2012 Operating Diagram allows for the lake to drop below 1195'. These contradicting agreements continue to cause issues today. And as we have stated in our previous comments, there is an old common law standard that states "contracts contrary to public good are inherently invalid". These agreements are most definitely not in the best interest of the public.

A new license utilizing current operations of Hinckley Lake would be devastating for various reasons. There are most definitely better methods to manage the reservoir so that all the needs and interests of it are met, protected, and improved. Hydropower production has been the main abuser of the water way for too many years now. It is time to find a healthy balance for all. Issuing a new license utilizing current operations is not in the best interest of the public. Hinckley Lake should be managed using target water levels, keeping levels higher and steadier from May through Columbus Day weekend each year. We look forward to continue to work with FERC and all other parties as we move forward in this process.

Sincerely,

Blake Bellinger
Citizens for Hinckley Lake
www.citizensforhinckley.com

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