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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x Docket Number

IN THE MATTER OF: : P-2685-000

BLENHIEM-GILBOA PUMPED STORAGE PROJECT :

- - - - -x

Gilboa Conesville Central School
132 Wyckoff
Gilboa, NY 12076

Tuesday, July 7, 2014

The above-entitled matter came on for Scoping Meeting,
pursuant to notice, at 6:05 p.m., Andrew Bernick FERC Moderator.

1 P R O C E E D I N G S

2 (6:05 p.m.)

3 MR. BERNICK: Hello, everybody. Can you hear me
4 well enough? I think the sound system in here is pretty
5 decent.

6 My name is Andy Bernick. I'm a wildlife
7 biologist at the Federal Energy Regulatory Commission in
8 Washington, D.C. and I'll be the project coordinator at FERC
9 for the Blenheim Gilboa Storage Project relicensing. We're
10 here tonight for the scoping meetings for the Blenheim
11 Gilboa Pump Storage Project, project number 2685.

12 And I'm here tonight with a colleague from FERC,
13 Emily Carter, who will be working the slides in the back of
14 the room. She's an environmental biologist at FERC and will
15 be working the recreation, cultural resources and land use
16 and the set of exceptions of our environmental review.

17 We also have three other members of the FERC team
18 who aren't unfortunately able to make it tonight due to a
19 plane cancellation. So that's John Mudre who will be
20 working on fisheries resources, Woohee Choi who is our
21 engineer, and Kenneth Yu who is the FERC attorney assigned
22 to the project.

23 So the purpose tonight is to invite your
24 participation in identifying the important issues associated
25 with relicensing the BG Project.

1 Also tonight we have a group from NYPA, Rob Daly
2 who is the licensing manager for NYPA who will be presenting
3 some information on their projects and how it functions, how
4 it generates electricity and I'll let him introduce the
5 group from NYPA when he gets up to speak.

6 Next slide.

7 I think everyone has signed in, but we have a
8 sign-in sheet in the back so that's so we have a sense of
9 who attended. If you can write your name and address on
10 there, that will give us a sense of who is here.

11 There's also, for those of you who would like to
12 speak, there's a speaker sign-in sheet. I see we have about
13 ten people or so signed up now. So there's plenty of room
14 if someone wants to make, you know, prepared remarks or
15 speak on any particular issue.

16 There are copies of the scoping document in the
17 back of the room as well. The document will be prepared
18 that lays out the project description and the issues to be
19 identified that are associated with the relicensing project.

20 That also gives a lot of information on how you
21 can submit your comments, the project schedule, how you can
22 keep informed as far as getting all the relevant filings,
23 and issuances during the licensing proceeding and some other
24 information there.

25 We also have a court reporter here, so I would

1 ask if you're going to speak, please state your name and
2 affiliation prior it making your comments. And tonight
3 we're going to ask that people speak from the podium when
4 you come up to give your comments because this is where the
5 recording device is. So unfortunately you won't be able to
6 make comments from the crowd.

7 Okay. Go to the next slide.

8 (Pause.)

9 MR. BERNICK: Okay. So NYPA will be following
10 the integrated licensing process or the ILP in preparing
11 their license application before the FERC. And this is a
12 simple diagram of the licensing processes for us. So it
13 starts with NYPA filing their notice of intent to file a
14 license application with FERC and also their preapplication
15 document and that's really where we get a sense of the
16 elements, the proposed elements of the project and also
17 resource issues associated with that.

18 We're in the scoping phase now and that involves
19 tonight's scoping meeting and another meeting on Wednesday
20 morning which we'll be holding in Cobleskill New York. And
21 after the meeting you'll have a chance tonight to make
22 comments. We'll also accept written comments until August
23 8th. And there's a few ways you can make those, by mail,
24 electronically, and I'll go through that a little bit later.
25 And at the end of that period we'll be issuing a second

1 scoping document based on comments you've made.

2 I know part of the comments that we will be
3 asking from you are any studies you feel should be -- that
4 NYPA should conduct as part of the relicensing process to
5 support their application. And I'll give you a little bit
6 more information on that as well a little later.

7 The next phase once we've settled that is the
8 study plan development phase. So NYPA will take the
9 comments that they've received and develop a proposed study
10 plan. You'll have a chance to comment on that. There's a
11 90-day comment period on that. And within 30 days of the
12 proposed study plan, they'll hold a public meeting to
13 discuss that study plan and talk about any issues that are
14 associated with that.

15 After that time they'll submit a revised study
16 plan and the Commission, at the end of this -- this will be
17 in by February 2015, the Commission will issue a study plan
18 determination letter that will lay out what studies we feel
19 are necessary for that.

20 After that, once we have a study plan in place,
21 NYPA will conduct their studies and develop their license
22 application. And this could take one or two years depending
23 on the number of study seasons that are determined to be
24 necessary. And the top box is what we call the pre-filing
25 case licensing. After they submit their license application

1 called a post-filing, so at that point our team at FERC will
2 take a look at the application. We'll determine whether
3 it's satisfactory as far as, it keeps all the information
4 needed to give our environmental analysis.

5 And we'll ask for additional information if
6 necessary. At the point where we feel it is ready to be
7 analyzed for an REA notice which is ready for environmental
8 analysis and at that time we'll ask for comments, terms and
9 conditions from the mandatory conditioning agencies like
10 Fish and Wildlife Service and New York state and any
11 intraventions at that time.

12 We'll also be working on a draft that will go up
13 to our environmental analysis and issue documents. And then
14 the final step is Commission issue a license order for the
15 project.

16 So this is a more detailed view of all the steps
17 in pre-filing, including some of the important dates. And
18 I'll just -- rather than go through this in detail, this is
19 -- the dates are all in the scoping document, the last two
20 pages. So you don't have to worry about copying some of
21 these down, this will show that it's a fairly driven
22 process. The important piece to highlight though are August
23 8th for comments and the scoping document and any submitted
24 requests and between September and December, that's when a
25 lot of the study plan comments will be taken in.

1 I'll take the next slide.

2 FERC has authority through the Federal Power Act
3 to issue licenses to non-federal hydropower projects and
4 that's amongst a number of other responsibilities we have as
5 far as licensing gas projects and market regulation and so
6 forth.

7 Since some of these projects or these projects
8 will have -- we're looking at environmental effects by NEPA
9 of the National Environment Policy Act to do the
10 environmental analysis to determine the effects of those
11 projects.

12 On the scoping document that we have in the back,
13 that was the existing project facilities. It gives a
14 preliminary list of the resources, as we found and studies
15 proposed by NYPA.

16 And at this point we're looking for your input on
17 identifying issues that we may not have included in this
18 preliminary list and also any studies you feel may be
19 necessary and any other information you might have and this
20 is some of the information you'd be looking for. Some
21 information to help define the geographic and temporal scope
22 of the analysis and identify significant environmental
23 issues. Any data you feel will help us describe in the
24 existing environment. As far as project and other
25 developmental activities on environment or socioeconomic

1 resources. Identify any federal, state, or local resource
2 plans and any future project proposals in the affected
3 resource area.

4 And also the documentation is to align the
5 resources or identify issues that should be excluded from
6 further analysis. And as mentioned, the comments -- your
7 comments can be given today or in written form by August
8 8th.

9 We also have the soon start to hear from you
10 tonight. If you have any comments on any studies that would
11 be necessary as a part of NYPA's preparation of their
12 application and if you do submit a written study request, it
13 should follow these seven criteria.

14 On the FERC website there's also a -- it goes
15 into a little bit more detail -- also in appendix A of the
16 scoping document as to what these seven criteria are. It
17 must identify seven tools and objectives, consider resource
18 management goals, consider the public interest, and existing
19 information -- important on the nexus project operation and
20 effects. The methodology proposed should be consistent with
21 accepted practice and field. And also consider the level of
22 effort and costs and why alternative studies will not
23 suffice.

24 Okay. I mentioned that the written comments are
25 due by August 8th. When you file your comments, you should

1 clearly identify the project name and the project number
2 that way we can track the comments that come in to get into
3 the appropriate record.

4 You can file them electronically and I'll talk
5 about how you can do that. Or you can send them in by mail.
6 The way you should address all your communications through
7 the Secretary of the Commission, Kimberly Bowes at FERC at
8 the address that's on the screen. That's also in the
9 scoping document. That way it gets to the Secretary into
10 the record. If you send it to me personally, there's a bit
11 of a rigamarole.

12 Okay. So comments, oral comments tonight will be
13 filed. We consider all of those that are made. And there
14 are a few methods you can submit written comments. On the
15 FERC website there are two ways you can send in your
16 comments electronically. One is the ecomment and this is
17 the way that you can submit just a little bit of your
18 information. It's your name, address, e-mail address, phone
19 number perhaps. And just so you submit a short comment if
20 you have one. That's text only and it's limited to 6,000
21 characters, so that doesn't leave a lot of room for comment.
22 But that's one quick way you can do it. You don't have to
23 register with the Commission or anything like that. If you
24 want to submit some longer comment, anything with images,
25 send us any say journal articles that you feel we should

1 have, any other reports you feel we should have to do our
2 environmental, you would need to register with the
3 Commission also through the website. This doesn't require a
4 lot of information, name, address, e-mail address, and then
5 you can efile. And I'll show you a screen shot of the
6 website so you know where you can go to get to that. And
7 you can also do it by good old-fashioned mail, just mail it
8 to the Secretary of the Commission. Make sure that you
9 mention the project meeting and the project number on the
10 first page of your filing.

11 As far as keeping you informed, there's a few
12 ways that you can get to all the documents that will be
13 coming in, there's a quite a few that come in for the
14 licensing process. And one way the Commission has an online
15 where all of the information, anything we issue, will be
16 stored. And you can go there, through our website, you can
17 type in the project number, a date range, and you can get to
18 all the information that way. Another easier way you can
19 get sort of alerts as filings come in is by if you register
20 with the Commission on the Commission website and you
21 subscribe to the project, you'll get everything
22 automatically. That's a good way to keep up, probably the
23 best way as far as that goes. You can also sign up to send
24 in a request to be part of the official mailing list. And
25 for that you'll get hard copies of some, but not all of the

1 documents that we are -- you won't necessarily get every
2 single document that's submitted for the record.

3 Okay. So this is the website. You go to
4 FERC.gov. The third line over is documents and filings.
5 This is how you get to ecomment, register, efilings and
6 subscription and the like. It's pretty simply. I have some
7 cards in the back of the room. You can give me a call if
8 you have any trouble with that, have any questions, there's
9 also a help line that you can call that's in this scoping
10 document on the website to get right to the tech folks.

11 So at this point Rob Daly, who is the licensing
12 manager for New York Power Authority, will give a
13 presentation about the project description.

14 MR. DALY: Thanks very much, Andy. As he said,
15 my name is Robert Daly. I'm with New York Power Authority.
16 I'm the licensing manager for the Blenheim Gilboa project.
17 With me tonight, I'm just going to do a very brief
18 introduction, we do have one our Power Authority employees
19 with us. Who will be supporting this process as well.
20 Among them, our regional manager, Len Hay, BG's operation
21 superintendant, Brian Sayes, and operations specialist, Mark
22 Oleg. The director of licensing, my boss, Mark Slade. A
23 licensing associate who is also going to handle the slides,
24 Terra Groom in the back. We also have Joe Leary and Mary
25 Refaro from our government outreach. And Sue Botson from

1 our legal department all here.

2 Go to the first slide here. Thank you.

3 Just a little very briefly, a little bit of a
4 history, just a couple of dates that are worth noting. In
5 1969 FERC issued the original license for Blenheim Gilboa
6 which we're here now still operating under. July '73
7 operations began and BG generated it's first power. The
8 same year Mine Kill State Park which is on NYPA property
9 opened. The following year the BG visitor center opened. A
10 few years later, Lansing Manor Museum opened and a
11 noteworthy date is in May 2010, they finished a four-year
12 life extension and modernization program which upgraded part
13 of the plant and I'll get to some of that in a little bit.

14 Just as a reference point where we are, here in
15 Schoharie County this is about 40 miles southwest of Albany
16 and the red line, right through here, is the project
17 boundary. And you see the lower and upper reservoir, the
18 boundary itself encompasses 2893 acres. And you can see
19 that at the bottom, the Gilboa dam which is not NYPA
20 property but rather the City of New York's.

21 This is a map that shows just briefly the
22 watershed of the Schoharie Creek. It identifies about 356
23 square miles that feed into the Schoharie Creek above or
24 upstream of the BG project and specifically more upstream of
25 the New York City Gilboa dam and Schoharie Reservoir.

1 These three lines -- these three triangles right
2 here, are USGS -- Geologic Service water -- excuse me --
3 water marks -- water level meters.

4 Next slide.

5 This shaded area right here, is a watershed of
6 sort of a sub watershed. It's about 40 square miles. It's
7 what lies between the Gilboa dam and the lower reservoir to
8 the BG project. So there's significantly less coming in
9 here as there is going into the Schoharie Reservoir.

10 Next slide.

11 This is just an aerial view of the project.
12 Again, the Schoharie Reservoir up here, Schoharie Creek
13 comes down through here and here is BG lower reservoir,
14 upper reservoir and the power house. And it just gives you
15 a nice view of the area.

16 Principal features of the BG project, again, as I
17 just said, the creek, lower reservoir, upper reservoir, the
18 dike which is U-shaped about two and a quarter miles long.
19 The upper reservoir power station, down here about 75
20 percent of it is actually under ground. The lower reservoir
21 of the dam right here. The spillway where the water comes
22 out, down through this area, Mine Kill State Park, Lansing
23 Manor.

24 I referenced the life extension and maintenance
25 program a few minutes ago. Back in 2010 the powerhouse

1 contains four 290-megawatt turbine generators for a maximum
2 capacity of 1160 megawatts, just to -- so everybody is on
3 the same page, a megawatt can generate enough power to light
4 up roughly 800 to 1,000 residences. Back in 2010 they
5 completed \$135 million project and the work refers to
6 powerhouses for turbines and prepared it for another 40 or
7 50 years.

8 The work was able to increase some maximum
9 generating capacity of the units. It improved efficiency,
10 it replace some end-of-life equipment and improved the
11 operating range creating greater opportunities to generate
12 cleaner energy for the state.

13 The upper reservoir operates between a minimum
14 level of 1955 elevation and 2003, the lower reservoir,
15 between age 60 and 900. There are generating capacities
16 when it generates about 12,800 cubic feet per second pumping
17 when it's not generated and pushing water up, about 10,200
18 cubic feet per second and the flow regime for the lower
19 reservoir is, I guess, memorialized in a 1975 agreement
20 which FERC approved which the Power Authority reached with
21 all of the local communities.

22 This is a bit of a diagram on how the project
23 works. BG is a pump storage project. And it's unlike other
24 hydro facilities in New York state. It doesn't generate its
25 own energy, rather it actually purchases energy from the

1 market. And, in fact, in the last few years BG has actually
2 been a net consumer of energy. It sort of acts like a large
3 battery. During times of low energy -- low energy demand,
4 the project's four turbines works as a pump to bring water
5 from the lower reservoir to the upper reservoir. When
6 called on by the New York ISO, independent system operator,
7 BG releases water from the upper reservoir. So just like
8 out of your sink down into the manifold into the pen stock
9 and through the four turbines generating electricity. The
10 power it can reach, as I mentioned earlier, about 1160
11 megawatts would be the maximum. When the upper reservoir is
12 full to capacity it can generate for about 12 hours. Once
13 it's done that, it would take nearly 15 hours to refill the
14 upper reservoir. So you can see there's a longer time
15 period there.

16 Some of the project benefits that BG provides to
17 the area, there is a wildlife management area on the
18 property that sort of stretches from right in front of
19 Lansing Manor and sort of southeast toward Mine Kill State
20 Park. There's a Wildlife Management task force which is
21 made up of the Power Authority of New York State Department
22 of Environmental Conservation, New York State Parks, SUNI
23 Coble Skill, Schoharie County Conservation Association. And
24 this group meets semi-annually and it's goal is to maintain
25 -- or excuse me enhance and perpetuate wildlife as well as

1 increase awareness and opportunities to interact with the
2 local environment.

3 Lansing Manor complex and the visitors center.
4 To date the BG visitor center has hosted over just about 2.1
5 million visitors since it opened. Lansing Manor since it
6 opened has hosted about 300,000 -- over 300,000 visitors
7 since 1977. The project also includes special programming
8 and exhibits, things you may be familiar with like the
9 wildlife festival or some of the car shows.

10 There are also constant level ponds which are a
11 feature in the upper reservoir in the northeast corner of it
12 and they were put in -- constructed to provide sort of a
13 permanent spawning and rearing habitat for fish.
14 Specifically the yellow perch, large-mouth bass, it gives
15 the fish a spot of refuge during water level fluctuations.

16 There's been a fish stocking program since 1977
17 both in the upper and lower reservoirs. And, of course the
18 reservoirs have there are access for fishing and boating and
19 support from Mine Kill State Park as well as from the Power
20 Authority through the BG project.

21 There's been annual payments in support of a
22 capital project support. The park, of course, offers
23 swimming, hiking, boating, some bow hunting, or excuse me,
24 not bow hunting, nature trails, sports fields, and some
25 special programming and now it's going to offer Frisbee golf

1 as well. I thought I saw John Low here too.

2 The next slide is really sort of a reiteration of
3 what I just said, but here we overlay the recreational
4 opportunities with the project onward. And what you can see
5 is, again, the redline being the project boundary,
6 recreational sites such as downstream fishing access.
7 Lansing Manor is at the green triangles. Mine Kill State
8 Park is right here. These are the trails, something that
9 actually have garnered several awards, recently state parks
10 received one as well for some of the trails. Archery
11 hunting in this pink area, throughout the area and of course
12 this is a safe zone, the brown shaded area.

13 And I guess the takeaway from this area, from
14 this slide really is exactly how much of the project
15 boundary is available for recreation opportunities.

16 A couple other important community benefits that
17 BG provides, it is a major employer in the area. It has
18 over 150 or approximately 150 employees with a payroll of
19 \$12 million. Many of these employees live directly here in
20 Schoharie County.

21 Tourism, as I mentioned earlier, the Blenheim
22 Gilboa, the Power Authority operates an admission free
23 visitors center in a restored 19th century barn on the
24 Lansing Manor complex. It has various attractions.

25 And certainly first responder support. Since

1 1989 the Power Authority has contributed nearly \$600,000 in
2 support of the local first responders.

3 Inside the preapplication document that Andy
4 referred to earlier, the Power Authority did some baseline
5 studies. And you see them here, the water quality study,
6 the rattlesnake emergent survey, aesthetics resources,
7 recreation facilities, and the land cover and use
8 assessment. All of these were performed to inform the
9 preapplication document that we've made available. All of
10 these studies individually can be reviewed and are available
11 on our website. That website -- you'll see it in a second
12 as well, if you want to see these studies directly.

13 Inside that same preapplication document we
14 propose three additional studies. Additional recreational
15 assessment, a cultural resource survey, and a
16 literature-based fish and entrainment study as well.

17 Andy mentioned earlier, the elibrary and signing
18 up through FERC and I would strongly recommend it. I would
19 also point you out to this web page as well, and you can
20 sign up for contacts from us meeting notices, when a
21 document is available, a study is made available we will
22 notify our mailing list. All you have to do is sign up
23 through here and contact us. The documents can all be found
24 here all the way from the Notice of Intent, the pad, the
25 meeting announcements, everything can be found right here.

1 Additionally, this slide show, this PowerPoint will
2 eventually be there as well. So if you want to go back and
3 take a look at exactly what was said, all of this will be
4 available. Essentially the public record from the Power
5 Authority will be available on this website.

6 That's all I have.

7 MR. BERNICK: Thanks Rob. At this point I would
8 like to quickly go through some of the resources sheets that
9 we identified in the scoping document. And we identified
10 issues in these resources areas. And I think I'll go
11 through -- these are on page 18 and 19 of the scoping
12 document. I'll go through them resource by resource. So
13 for geologic and soil resources the effects of
14 project-related recreation on the shoreline erosion within
15 the upper and lower reservoirs. For aquatic resources --
16 facilities and operation on water quality, typically the
17 water can turn to salt oxygen in project reservoirs. The
18 effects of fish entrainment and mortality associated with
19 the pump storage operations on fish populations in the
20 reservoirs. The adequacy of existing things for supporting
21 aquatic resources downstream of the project.

22 For terrestrial resources, it affects the project
23 operation maintenance and project-related recreation on
24 botanical resources and wildlife including certain species.
25 The effect of projects and reservoir fluctuations on

1 riparian wetland habitats and associated wildlife and
2 affects project operation and maintenance and recreation on
3 New York state listed wildlife species including timber
4 rattlesnake and bald eagle.

5 For threatened and endangered species, the effect
6 of the NYPA operation and recreation on federally listed
7 threatened and endangered species identified by the Fish and
8 Wildlife Service.

9 For recreational land use aesthetics, the
10 adequacy of public access and recreation to meet current and
11 future recreation demands, affects the project operation,
12 maintenance on recreational opportunities, and river access
13 within the project area, affects the project operation
14 maintenance on land use and aesthetic resources within the
15 area. For cultural resources, the effect of operation and
16 maintenance on properties that are included in or eligible
17 for listing in potentially eligible for inclusion in the the
18 national register of historic places.

19 Affects the project operation and maintenance on
20 any previously identified historic and archeological
21 resources.

22 And the effect for developmental resources, the
23 effects of any proposed or recommended protection,
24 mitigation and enhancement measures or PM&E measures as we
25 call it on the BG project economics.

1 Okay. So at this point I'd like to invite you to
2 make any comments that you have. We have a speaker list in
3 the back that we'll bring up to the front. And I'll ask you
4 to come up to the podium to make your remarks so that we can
5 get you on the transcript. And please state your name and
6 affiliation, if you have one. It can be self if you're
7 speaking for yourself so the court reporter can report it in
8 the transcript.

9 So we'll start with Gail Shaffer, Blenheim
10 resident.

11 MS. SHAFFER: Thank you. I am a indeed a
12 life-long resident of the town of Blenheim and my roots go
13 back here many generations to the first settlers who came
14 here in the pre-American Revolution era. So my roots are
15 very deep here. I have served in public service in several
16 capacities on behalf of my community also.

17 My intent tonight was to primarily focus on --
18 to provide some context to the relicensing procedure to
19 focus on the relationship that the Power Authority has with
20 the community. I'm realizing that there are some people
21 probably who can't get to the Wednesday hearing which I'm
22 also intending -- intending to attend. So I didn't intend
23 to be the first one on. I signed in because we came in
24 early. But I think I kind of like to defer to people who
25 are here who can't be there on Wednesday. And then if

1 necessary, I can give my testimony Wednesday.

2 But I do want to just briefly say that the
3 essence of my perspective that I want to lend to this is to
4 think about -- for FERC to consider, and I realize that some
5 of this will be outside of the sideline, off-line
6 agreements, as they refer to them.

7 When this project was built, and I recall my
8 father was the town supervisor of Blenheim at the time, it
9 was built before the era of any environmental impact
10 statement requirement. Those statutes were passed later.
11 So we feel very strongly there should be a full
12 comprehensive environmental impact statement this time
13 around. They were built before -- it was built before there
14 was extensive citizen participation in the process. I'm
15 very glad that we've had governmental reforms now that
16 require extensive citizen participation. And built before
17 there were any precedents for compensatory commitments of
18 resources on the part of the Power Authority to the host
19 community. I refer to them as the donor community, not the
20 host community. But the host/donor communities since then
21 in relicensing projects in Niagara and Saint Lawrence, there
22 have been agreements to give some compensation to those
23 communities for the sacrifice they've made.

24 In the case of the town of Blenheim, we lost a
25 third -- a third of our tax base. Gilboa lost a large

1 percentage, the Gilboa Conesville School District lost a
2 large percentage. To a lesser extent the county also lost
3 some percentage. Those host communities, the donor
4 communities, as I call them, really should be recognized so
5 that we've had basically the context of a very bad neighbor
6 for the first half century of this project. And we think
7 this is an opportunity now for the Power Authority to start
8 the next half century with a new license as a good neighbor
9 to turn over a new leaf, invest something to help these
10 people downstream who have sacrificed so much for this
11 project to generate this power for others and who have been
12 treated with very little respect and really a great deal of
13 arrogance and very few resources. They have given some very
14 small contributions over these 50 years to these
15 communities. I would be very appreciative if you could
16 provide us some details by Wednesday about the statement you
17 made about the data and how much \$580,000 to first
18 responders. The first responders to the project are the
19 Gilboa or I mean, Conesville fire and rescue and the
20 Blenheim fire department. Those are the two first
21 responders for the Power Authority. I would really like to
22 see the documentation of the \$580,000. I'm just totally
23 unaware of that. I know of some very minor, minor
24 contributions that have been made. But I'd like to see the
25 details on that.

1 And also I'd be curious to know, when you say
2 many of the employees are from Schoharie County, how many
3 those are. And also what towns. If any of them come from
4 the two host communities, I'd especially like to see some
5 documentation on that. But that's just for background.

6 But, thank you very much, our FERC colleagues for
7 coming up here. And I will be there Wednesday to give my
8 more detailed remarks. And I'm going to defer to those who
9 can't be there Wednesday. Thank you.

10 MR. BERNICK: Thank you, Gail.

11 (Applause.)

12 MR. BERNICK: So next on our list we have Richard
13 Nix, town of Fulton counselor and Schoharie Relicensing
14 Committee.

15 MR. NIX: Good evening. Richard Nix. I'm going
16 to speak on behalf of the Schoharie County Relicensing
17 Committee. And I am also a town councilman and a member of
18 DCC and I had worked at the Power Authority at the Blenheim
19 Gilboa project for 32 years as a technician. Okay.

20 One of the first items that we think is most
21 important is the safety aspect of the project and the dam.
22 The spillway for the dam, we wonder if it's designed
23 adequately or the highest possible flood that's capable.
24 Going over some preliminary data and the hydrology we were
25 really in question about that and we'd like to request that

1 a study be done to determine if the spillway is capable of
2 handling the possible maximum flood that we can get. We are
3 worried about breaching of the dam if it does ever over top.

4 Also, we would like to see an economic impact
5 study done by NYPA on the host communities and the county.
6 And then one other item is, BG when they -- we had our first
7 briefing here for how this was going to go, the county
8 supervisors asked at that time, because we were in the midst
9 of possibly losing a \$17 million federal grant for streambed
10 mitigation and risk restoration from the flood. And we had
11 requested from the Power Authority that they would aid us
12 with not losing that grant. And we kind of fell on deaf
13 ears. They wouldn't even say the were taking it back to
14 anybody. And afterwards, when rereading the license,
15 according to their operating license already, they're
16 supposed to be helping with stream siltation, erosion, soil
17 erosion and pollution resulting from operation and
18 maintenance and construction of the project. It's under
19 their flood erosion control plan and it's in the scoping
20 document on page 15. I don't see -- you know, it certainly
21 falls within the parameter of their license that they should
22 have stepped forward and helped us as the current license
23 states they should, and they didn't live up to that and
24 haven't lived up to that.

25 So I think right now I think that's what I would

1 just like to say. Leave it there for now.

2 MR. BERNICK: Thank you, Richard.

3 MR. NIX: Thank you.

4 (Applause.)

5 MR. BERNICK: Next we have Robert Mann, Jr.,
6 Blenheim resident.

7 MR. MANN: Thank you. As you said, my name is
8 Robert Mann. I was the town of Blenheim supervisor for the
9 last 20 years. In that timeframe I dealt with the Power
10 Authority on many different subject matters, but none has
11 been more frustrating than the disregard for our community
12 safety.

13 To this day there is no plausible plan to notify
14 and evacuate residents from the hamlet of north Blenheim in
15 the face of a catastrophic dam breach. New York Power
16 Authority chooses to deal with Schoharie County emergency
17 management office instead of local emergency officials and
18 Schoharie County has acknowledged that there's no adequate
19 notification plan in place.

20 The county utilizes a series of outdoor sirens
21 which are not designed to reach inhabitants in buildings,
22 automobiles, or other structures, the county also utilizes a
23 reverse 911 call system which has been notoriously faulty in
24 proving unreliable to make phone calls to residents in the
25 area. In addition, you may have noticed that there is no

1 local cell service in the hamlet of north Blenheim. And
2 adequate notification of an emergency is a requirement of
3 the New York Power Authority's operating license. It's in
4 their responsibility to ensure that an adequate plan is in
5 place. They have failed to take this effort seriously and
6 it is my contention that they stand today in violation of
7 their operating license in this regard.

8 They have been informed of the situation on
9 numerous occasions as has Schoharie County but no action has
10 been taken to correct the problem.

11 A second license issue that I would like to speak
12 to you about is the lack of flood control allowed under the
13 current license. In the past if a private individual or a
14 government agency requests adjustments in reservoir levels
15 out of concern for an upcoming heavy storm with potential
16 flooding, the New York Power Authority points to its license
17 and informs that they are required to let out waters coming
18 in. They informed that while they'd love to help us out,
19 there's nothing they can do because their license forbids
20 it.

21 However, they are quick to note that they held
22 back water during the Hurricane Irene event and released it
23 after the peak flow saving damage to homes and property.
24 The New York Power Authority should not be entitled to have
25 it both ways. They pick and choose when to hide behind

1 their license or violate it with no clear strategy or
2 communication. If a new license is approved, I would
3 encourage you to change the language to allow and prioritize
4 flood remediation. The New York Power Authority should be
5 required to develop a strategy in conjunction with state,
6 county and town of Blenheim emergency response personnel to
7 actively participate in flood prevention efforts.

8 It is interesting to note that the New York Power
9 Authority did take preventative measures during Hurricane
10 Sandy in response to Governor Cuomo's request that we should
11 not have to rely on political pressure to force the New York
12 Power Authority to use common sense. These issues deal
13 directly with the health and safety of the local residents
14 in the area, but they are also economic and general
15 communication issues that you need to be made aware of as
16 well.

17 The town of Blenheim bears a significant
18 financial burden by hosting the New York Power Authority
19 Blenheim Gilboa power project. The power project inhabits
20 over 2800 acres of property but is exempt from property
21 taxes. This exemption denies the residents and land owners
22 of the town of Blenheim from needed revenue and forces
23 everyone to pay more. For nearly 50 years the town of
24 Blenheim has beared (sic) this burden and it shows. The
25 town of Blenheim has one of the highest tax rates in

1 Schoharie County and yet offers the least amount of services
2 to its residents.

3 The town has the lowest salaries, the lowest
4 highway maintenance costs, and yet nearly the highest taxes.
5 The town of Blenheim does not even fund its volunteer fire
6 department forcing them to seek donations to support its
7 operations instead. This is the only fire department in
8 Schoharie County in this situation.

9 The New York Power Authority's workers travel our
10 roads. They require the town of Blenheim to provide medical
11 and fire coverage, but pay nothing in return. Instead these
12 costs are borne by local taxpayers forcing the poor to
13 subsidize the rich is unacceptable and should not be allowed
14 to continue.

15 Finally, we reach the general communication and
16 cooperation aspects of a relationship with the New York
17 Power Authority. For many years New York Power Authority
18 made donations to the local fire departments and rescue
19 squads for which we are much appreciative of. However, in
20 recent years, they've been much less of a good neighbor.

21 When Hurricane Irene struck, the town was
22 devastated. Our town municipal building was flooded, the
23 town highway equipment was destroyed, and we were in
24 desperate need of help. I reached out to the New York Power
25 Authority for some direct financial aid which was denied, we

1 also requested assistance in the way of equipment and
2 manpower which according to the New York state emergency
3 management office was available. But these efforts were
4 also heavily resisted by the New York Power Authority. It
5 wasn't until New York state was informed that the request
6 was denied that they finally came through with some
7 assistance.

8 While of course there is no requirement in their
9 license to provide assistance, their objections really
10 demonstrate the callousness of their management. Many of
11 their employees took vacation time to volunteer mucking out
12 houses and cleaning debris in town. They informed many of
13 us there that they were expressly forbidden from helping as
14 an organization. If they wanted to help, they needed to do
15 it on their own. Their actions were shameful in light of
16 what happened.

17 Unfortunately their refusal to be a good neighbor
18 doesn't stop there. The town of Blenheim entered into a
19 FEMA ES14 program shortly after the hurricane and
20 devastating flood. This program is designed to bring
21 residents together and plan for a long-term recovery. One
22 of the town's first required decisions was whether we should
23 consider moving government operations out of the valley to
24 higher ground to determine if something could be done to
25 alleviate flooding and prevent or mitigate future damage.

1 It seemed appropriate to have an engineering study performed
2 on the Schoharie Creek watershed to determine if anything
3 could be done. During this discussion and debate, it seemed
4 natural to check and see if New York Power Authority had
5 conducted a study prior to its construction that could be
6 used to help with our decision.

7 The Blenheim long-term recovery committee has
8 sent numerous requests to the New York Power Authority which
9 were eventually denied after more than a year of being
10 passed from department to department. This is important
11 because of NYPA's request for a simple environmental
12 assessment. Their constant stonewalling and refusals to
13 share information leave residents both appalled and
14 suspicious. We need a full environmental impact study, not
15 a quick gloss over.

16 In conclusion, based upon the New York Power
17 Authority's refusal to place residents' safety as a
18 priority, its willful disregard to its operating license,
19 the economic hardship its operations place on our community
20 and its refusal to cooperate in any meaningful way on even
21 the simplest requests, I encourage you to deny the license
22 renewal for the New York Power Authority to operate the
23 Blenheim Gilboa power project and dismantle the two dams
24 that threaten the safety of our residents.

25 Thank you.

1 (Applause.)

2 MR. BERNICK: Thank you, Robert. If you have a
3 written statement I'll pass that along to the court reporter
4 at the end. Thanks.

5 Renee Grabowski.

6 MS. GRABOWSKI: Hello, my name is Renee
7 Grabowski. I'm a Blenheim resident and also town board
8 member. Some of my comments may be repetitive, but I would
9 care that you please listen to them anyway.

10 We do hope that FERC will take this opportunity
11 to review and ask for modification to the operating plan of
12 the NYPA facility. Especially through lessons learned from
13 the record storm and flooding of 2011, NYPA's position is
14 that its dam is designed and operated as a dam that is not
15 to be a flood mitigation or control device. Whatever flows
16 in flows out.

17 It would be important to have that section of
18 their operating plan studied and changed to consider and
19 offer protection to those persons who live downstream and
20 those properties that are immediately and directly affected
21 by any release.

22 While it has been strongly argued that through
23 the Hurricane Irene storm where NYPA could not get their
24 gates to operate and open, when they finally got them
25 operational, thus lowering the water level behind their

1 earthen dam, which, if that had been breached, would have
2 been catastrophic.

3 Had their EAP allowed for early releases of
4 water, some of the devastation that occurred, like the
5 destruction of the Blenheim covered bridge may have been
6 prevented. It should be noted that NYPA stated it had to
7 activate their emergency action plan for the first time in
8 its history during the 2011 event. And this would also
9 point to the fact that that plan should be studied and
10 revised.

11 Another issue made even more obvious by the storm
12 is the need for cellular and Internet coverage in our area
13 and at the NYPA location. NYPA has been asked to assist the
14 county and the area in getting coverage. We understand that
15 NYPA has taken steps to get cellular and Internet to their
16 facility, but has done very little to bring these services
17 to the area in general. We feel this was done to satisfy
18 their own self interest and they have little regard for
19 their host towns and neighbors. This is also demonstrated
20 by their lack of notification to the town of Blenheim and
21 Schoharie emergency management office of their standard
22 releases, of construction projects or other work that occurs
23 at their facility.

24 Several years ago the town of Blenheim embarked
25 on preparing a comprehensive plan. Initially NYPA offered

1 support for this project. As we began the process we were
2 told that NYPA could no longer contribute any financial help
3 to our small town. We were, however, offered use of their
4 copier to print our survey, but we had to provide our own
5 paper. Again, as they say, we want to help, and they want
6 to be good neighbors, but there's no follow up. There's no
7 follow through.

8 It is my opinion that this facility does little
9 or nothing directly for the town of Blenheim. I would like
10 to be shown how this is incorrect and request a study
11 showing how they have aided the town that has lost a
12 substantial amount of real estate and real property taxes
13 due to this facility would and should be requested.

14 In addition I also ask that there be a full
15 impact study required and demand that it be done to verify
16 that this facility is in total compliance with the EPA.

17 Thank you.

18 (Applause.)

19 MR. BERNICK: Thank you, Renee.

20 Next we have Don Airey, Blenheim resident.

21 MR. AIREY: Good evening to all FERC
22 representatives, everyone here, and for you FERC folks,
23 welcome to Schoharie County.

24 My name is Don Airey and I'm a resident of the
25 town of Blenheim. I'm also a small business owner in

1 Schoharie County and I've served as chair of the Blenheim
2 Comprehensive Plan Committee, Chair of the FEMA-sponsored
3 ESF14, and a long-term community recovery committee
4 following the catastrophic flooding brought by Hurricane
5 Irene. I currently serve as a town liaison for the
6 reconstructed Blenheim bridge project. I also serve on the
7 Schoharie County Flood Committee NYPA Relicensing Special
8 Committee. All of these positions are strictly volunteer
9 endeavors.

10 My forthcoming comments are made as a Blenheim
11 resident and not as any committee member.

12 Before I address a portion of the environmental
13 issues that include socioeconomic impacts, please allow me
14 to provide a brief summary of NYPA's recent conduct as it
15 relates to the host communities and the county as a whole.

16 The NYPA Blenheim Gilboa pump storage project has
17 operated under its current FERC license for nearly 50 years.
18 During that half century of operation NYPA has proven to be
19 nothing short of a malevolent and uncaring neighbor to the
20 very host communities in which it resides and supposedly
21 serves. Communities in which it is sited not by invitation,
22 but instead through force and the use or threat of eminent
23 domain.

24 The legacy built by NYPA, by the NYPA BG project
25 have resulted in substantial environmental and socioeconomic

1 hardships, not only for the small close communities of
2 Blenheim and Gilboa, but also for the entire Schoharie
3 valley.

4 It should be duly noted that originally NYPA
5 sought to build a project far larger that would have
6 essentially put an end to the existence of the town of
7 Blenheim as we know it. Not unlike the New York City
8 Reservoir project that changed the town of Gilboa forever.

9 In reviewing NYPA's past half century of
10 operation and its interaction with the host communities, one
11 can arguably assert that NYPA has never given up its
12 intention of eliminating the town of Blenheim's existence
13 from project expansion.

14 Over it's five decades of operation, NYPA has
15 provided the host communities of Blenheim and Gilboa
16 virtually nothing in terms of any meaningful compensation
17 nor community support, not in taxes, not in payment in lieu
18 of taxes, and certainly not in support nor engagement with
19 the host communities. In fact, NYPA's past performance is
20 quite the contrary. NYPA has exhibited what has become an
21 adversarial relationship with the host communities and
22 county in which it is located. All the while being
23 completely aware of Blenheim's plight as a small, struggling
24 community, and one that three years ago was devastated by a
25 catastrophic five-year flooding event. A flooding even that

1 very well may have been exacerbated by the NYPA BG project.

2 So while Blenheim Gilboa and the entire community
3 struggled in flood recovery mode, Blenheim embarked on a
4 bold recovery plan sponsored by FEMA as part of their ESF14
5 initiative, and a plan itself.

6 Fifteen BLT CRC committee members volunteered
7 over 800 hours and six months of their time and with
8 community input produced a plan. Meanwhile, NYPA remained
9 silent except for organizing a well-publicized public
10 hearing at a local hotel facility and ordered that they
11 could present a PowerPoint presentation to illustrate they
12 were not responsible for any flooding downstream in spite of
13 multiple failures in procedure, some of which violated their
14 current FERC license.

15 NYPA even suggested they had reduced flooding all
16 the while maintaining they are not a flood control facility.
17 As usually NYPA was more concerned with their own public
18 relations image than the very communities in which they are
19 sited.

20 For NYPA, this is business as usual and is in
21 accordance with the authority modus operandi. However, I do
22 want to point out that many NYPA employees worked heroically
23 and at great risk to themselves during Hurricane Irene to
24 protect the residents downstream. The failures I described
25 are authority management systemic and cultural, not

1 individual or employee-driven.

2 And when the BLT CRC reached out to NYPA for
3 assistance and to potentially cooperate in attaining at
4 least some of the plan-identified goals, NYPA refused to
5 even meet -- even meet with the committee. Could that
6 refusal send any other message than what is intended and
7 what the reality of living with NYPA as a neighborhood
8 represents? I think I'll let all present this evening
9 arrive at your own conclusions on that issue.

10 Tomorrow many of you will escorted on a tour that
11 I am sure NYPA will be certain to use to illustrate all they
12 have done for the community. Please consider all you will
13 see is for NYPA's ongoing public relations agenda and not
14 for the benefit of the host communities. In fact, some of
15 the land and some of the buildings you will see were
16 acquired for the use or threat of eminent domain actions.

17 Also consider while taking this tour that NYPA
18 has paid no taxes to the host communities, nor have they
19 compensated the host communities for the threat their dams
20 pose. If a corporate entity occupied this land with the
21 infrastructure cited, there would be millions of dollars of
22 tax revenue realized annually by the host communities,
23 school districts, and Schoharie County.

24 Meanwhile, other businesses and residents pay
25 taxes or payments in lieu of taxes, but not NYPA.

1 I would like to list a multitude of NYPA failures
2 during its tenure here, limited time in consideration of the
3 subject matter of these scoping sessions dictate, I refrain.
4 Instead, please allow me to briefly outline several of the
5 environmental and socioeconomic measures I would ask FERC to
6 compel and require NYPA to engage upon, complete, and
7 deliver prior to any issuance of a new operating license for
8 another half century.

9 Included is a follow-up but certainly not in its
10 entirety, one, a full and comprehensive environmental impact
11 statement. A full EIS was not done during initial
12 construction of the project and such a project certainly
13 qualifies and in fact demands such a study.

14 While NYPA will undoubtedly lobby for a simple
15 environmental assessment or EA, I ask FERC to reject such a
16 noncomprehensive and careless approach. Instead, I ask FERC
17 to require NYPA to perform the full and proper EIS that a
18 project of this environmental and socioeconomic magnitude
19 impact and significance deserves.

20 Two, a full and comprehensive hydrology study to
21 identify changes in the Schoharie Creek and the surrounding
22 drainage basin to reflect on changes in precipitation
23 patterns and events since the project's inception some 50
24 years ago.

25 Further, I ask FERC to require NYPA to share the

1 results of such studies with host communities. Schoharie
2 County and the associated county agencies such as, but not
3 limited to Schoharie County soil and water district,
4 emergency management office, local flood plan
5 administrators, town boards, board of supervisors, et cetera
6 and to fully cooperate with such towns and agencies upon
7 request and not a foil and not be permitted to ignore such
8 requests as has been NYPA's standard operating procedure.

9 Three, conduct a full and comprehensive
10 engineering assessment to determine the condition, capacity,
11 and overall long-term safety of the upper and lower
12 reservoir dams that threaten downstream communities,
13 especially the town of Blenheim that sits at the tip of the
14 spear in terms of threat level. Such an engineering firm to
15 be selected by the host communities and the cost to be borne
16 by NYPA.

17 Four, provide for a real emergency action plan
18 study that fully engages and fully integrated the host
19 communities and Schoharie County and its interested
20 agencies.

21 Five, conduct a full and comprehensive flood
22 study of not just the Schoharie Creek, but instead of the
23 entire Schoharie valley and neighboring drainage basin area
24 and the real and potential negative impacts caused and
25 potentially caused by siting a project such as the BG

1 project in the middle of such an important and singular
2 regional drainage artery. This study should also include
3 major and minor tributaries that feed the Schoharie Creek
4 and the drainage basin as a whole.

5 Six, commit to a compensatory payment schedule to
6 Schoharie County, the affected school districts, but most
7 importantly to the host communities who have been burdened
8 with threats associated with this project, have lost
9 significant tax revenue and who have had their lands and
10 property confiscated through the treat of and use of eminent
11 domain.

12 Seven, commit to the provision of local power at
13 reduced rates or at no charge to Schoharie County and the
14 host communities regardless of whether said power is
15 generated by the BG project or other NYPA facilities which
16 use the BG project as a command and control facility for
17 other NYPA projects.

18 Eight, conduct an independent tax assessment by a
19 qualified and certified firm selected by the host
20 communities and county paid for by NYPA. This is critical
21 to the socioeconomic impact evaluation required by FERC.

22 Nine, conduct a thorough and independent license
23 review of the terms and conditions of the first operating
24 license provided by FERC to NYPA at the initial BG project
25 startup to ascertain if NYPA has complied with all license

1 requirements and statutory standards as agreed upon and
2 required.

3 Further, said review should also provide for
4 appropriate recommendations that enhance for a greater level
5 of community commitment in terms of socioeconomic support
6 and overall project safety as will be contained in the
7 issuance of any new license to NYPA via FERC.

8 Ten, conduct an independent and comprehensive
9 assessment regarding the project license term. A 50-year
10 license seems of excessively long duration especially
11 considering the past and ongoing adversarial relationship
12 between NYPA and the host communities and county and the
13 changing environmental and socioeconomic climates. There
14 are other studies, reviews and assessments that FERC should
15 consider requiring NYPA to perform, with time limits and
16 detailing of all. However, a written submission of such a
17 risk study as an assessment is forthcoming from both a
18 personal position as well as from the flood committee's
19 special NYPA relicensing committee later in this relicensing
20 process.

21 In conclusion, please allow me to reaffirm that
22 the town of Blenheim has not experienced a pleasant nor
23 cooperative nor supportive relationship with NYPA over the
24 past five decades of the BG project existence. Personally,
25 I again, confirm that NYPA even refused to meet with the

1 Blenheim long-term community recovery committee to share our
2 visions, goals, and spirit of cooperation. In fact, NYPA
3 was blatantly disinterested in discussing the 88-page
4 community volunteer and FEMA-sponsored recovery plan that I
5 again hold before you, the folks of Blenheim did on their
6 own with not a penny of NYPA money.

7 Now is the time for NYPA to engage with, not
8 ignore, its host communities. Now is the time for NYPA to
9 assist the people in the communities they are chartered to
10 serve, not threaten nor ignore them. The relicensing
11 process provides us all with a new opportunity, a new
12 beginning. But NYPA must be willing to be a responsible
13 partner, a caring and responsive partner, not an
14 authoritative juggernaut fixated on its own narrow agenda at
15 the cost of the region it is intended to serve.

16 NYPA must be willing to engage, listen, and
17 respond, respond reasonably, respond responsibly, sincerely,
18 professionally, and conscientiously. Up until now NYPA has
19 failed in that duty and this must change.

20 I ask FERC to facilitate such change and compel
21 NYPA to be directed as such. To lead that way as a federal
22 regulatory agency, the fate of the small town of Blenheim
23 depends upon it.

24 I ask FERC's assistance and I look to NYPA -- to
25 NYPA to comply with benevolence and sincere community

1 engagement. Together we can create a new understanding and
2 a new beginning. Blenheim is tiny, but we're sturdy. But
3 NYPA holds the key to Blenheim's long-term prosperous
4 future, or its slow deterioration.

5 I say to NYPA, choose the past path wisely. This
6 might be the last opportunity you may all have to build a
7 lasting and sincerely cooperative partnership where
8 partnership is important. Future generations will judge us
9 by our actions in this relicensing process. Have them judge
10 us as visionary stewards of this region and not as
11 uncooperative, combative enemies, the path and choice is
12 NYPA's and it always has been.

13 Thank you for your time.

14 (Applause.)

15 MR. BERNICK: Thank you, Don.

16 Now, just a quick time check, it's 7:15 at this
17 point. We have another seven speakers on the list. I was
18 wondering if there's anyone who didn't sign up on the
19 speaker list who would like to speak as well. You can just
20 raise your hand if so, or if you have any other questions
21 for us about the process. So just for the remaining
22 speakers, if you can keep your remarks to five minutes
23 please.

24 Alex Bartholomew for the Dam Concerned Citizens.

25 Thanks.

1 MR. BARTHOLOMEW: Thank you. My name is Alex
2 Bartholomew, as you said. And I am here on behalf of Dam
3 Concerned Citizens.

4 Many of you just might be wondering why my
5 father, Howard, isn't here. He's on a month-long fishing
6 trip and he's two weeks into it. He sent me in his stead
7 with some information.

8 I hopefully will be very short, and I just want
9 to speak and reiterate to the safety issues of the hydrology
10 of the system.

11 I looked up some data on rainfall from 1900 to
12 present. And from 1900 to 1968 which was the interval up
13 until the project was built, the average rainfall at Albany,
14 which is the closest reliable station was 33 -- roughly 33
15 inches on average with a high rainfall year of 45.2 and a
16 low rainfall year of 21.5 inches. That's total rainfall per
17 year.

18 Since then, from 1969 to 2014, the average
19 rainfall is 39.6 -- roughly 39.7 inches of rain. This is an
20 increase of six inches -- roughly six inches of rain per
21 year since BG has been built. And the high year was 53.6
22 and the low year was 28.9. So the point of the high and
23 lows is that the average year, the greatest high amount of
24 rain is up by eight inches from the average up until BG was
25 built. And perhaps more importantly that the average low

1 year was an increase of seen inches. So we've seen overall
2 a net increase in precipitation by about a half a foot since
3 BG was built.

4 Secondly, I looked a little bit into the average
5 stream flow at Prattsville with my data coming from the
6 USGS. Oh, just so you know, the data on the rainfall is
7 from the National Weather Service. And at Prattsville, from
8 1908 to 1968, the average annual flow was about 445 cubic
9 feet per second and from 1969 to 2013, the average annual
10 flow was 530 cubic feet. So this is an increase, on
11 average, of approximately 100 cubic feet per year since
12 1969.

13 So, you know, as some of the speakers have said
14 before, we would like to reiterate a call for increased
15 examination of the hydrology of the system and this just
16 preliminary data that I looked up last night suggests that
17 our precipitation and flow rates have gone up considerably
18 since BG was built and it calls into question the adequacy
19 of the release works that are currently in existence.

20 Thank you.

21 (Applause.)

22 MR. BERNICK: Thank you, Alex.

23 Next is Ann Mattice Strauch.

24 MS. MATTICE-STRAUCH: Mattice Strauch.

25 MR. BERNICK: Mattice Strauch.

1 MS. MATTICE-STRAUCH: Yes. Hello everyone. I am
2 a town board member in the town of Blenheim. I am sixth
3 generation on our family farm. And I'm also a volunteer
4 fire fighter for the town of Blenheim.

5 I don't know if you need me to reiterate all of
6 the great things people have said beforehand. I don't feel
7 as though I need to. I agree wholeheartedly with everything
8 that has been shared so far. I think my purpose here
9 tonight is to try to make you folks understand and feel the
10 pain that the residents have felt from the host communities,
11 particularly Blenheim for the last almost 50 years. And I
12 also think it's good for the people from the New York Power
13 Authority to hear this as well.

14 I looked up some data on -- I was reading in the
15 Blenheim history book about when the New York Power
16 Authority came to fruition in 1969. According to the
17 history book and I didn't write the statistics down, 51
18 parcels were taken or used, you know, different parcels were
19 used for the project and 22 of them were taken to court
20 which I took to mean 22 of them did not want to voluntarily
21 give up their land to NYPA, they were taken by eminent
22 domain.

23 I know for sure that Lansing Manor was taken by
24 eminent domain since Lansing was a former governor of New
25 York. And the person who was currently living there did not

1 want to give up their home and land. So NYPA did come in
2 and of course won in court.

3 The New York Power Authority poses a threat to
4 life and property. According to their operating license,
5 there is supposed to be adequate notification of emergencies
6 at the Power Authority or a dam breach to the people
7 downstream. They have turned this over to Schoharie County
8 to provide.

9 So, the Schoharie County has put up an outdoor
10 warning system, that's what the sirens are. If you're
11 outside, you can hear the siren. They didn't mean that when
12 they put them up. When they installed them, you could hear
13 them inside.

14 So there's a reverse 911 system which they run
15 tests on. It's never -- as far as I know -- and this data
16 might be old, it's never come back that 100 percent of the
17 reverse 911 calls has gone through. Meaning 60-some percent
18 are answered, or gone through. Also, what if you're
19 sleeping at night and you don't hear the phone ring. There
20 is just not any adequate notification of a dam breach
21 downstream, particularly in Blenheim. We only have minutes
22 to evacuate and something needs to be done to insure the
23 residents' safety.

24 During Hurricane Irene there was a malfunction of
25 their gates. They were not able to raise their gates when

1 they wanted to, to release water. So by the time they were
2 able to raise their gates, they had to raise them so fast
3 that it caused a surge of water downstream. I did not
4 witness this myself. I have spoken with people that have
5 seen -- it varies as you go through -- how many feet of
6 water surged through because of the gates being opened.

7 There is one person who is sitting in this room
8 right now that was actually almost caught in that surge. He
9 was driving up through town evacuating and the surge water
10 came and picked up his truck and he could feel his wheels
11 weren't all the way on the road, but thankfully he was able
12 to make it to dry land and he and his wife were able to
13 escape from the flood.

14 Also at that time, and I hate to say this, but
15 the timing coincides almost exactly when the Blenheim bridge
16 was lost. It was the longest, single-span wooden covered
17 bridge in the world, and a national historic landmark. And
18 we had a resident take a picture of the bridge and then he
19 turned around and walked away and by the time he looked --
20 he heard something and he looked back and the bridge -- the
21 roof of it was on the Route 30 highway DOT bridge. And the
22 timing coincides with the gates being raised at the Power
23 Authority according to the January 2012, presentation that
24 they did on the Schoharie.

25 I would also like to point out, as a resident, I

1 am sometimes appalled at the money that they -- I feel they
2 squander on public events, public relations. For one of
3 their anniversaries they had a fireworks display and I love
4 fireworks, but all I could think about was how much money
5 was that? The town of Blenheim is using a shed that the
6 Power Authority provided to them after our town highway
7 garage collapsed -- the roof collapsed and we couldn't
8 afford a new highway garage. So the Power Authority brought
9 down a building for us to use until we were able to afford a
10 new highway garage of our own. We've never been able to
11 afford a new highway garage and that uninsulated shed is
12 still our highway department's building that our highway
13 guys have to work in all winter. And we pour the money out
14 through the siding, through the roof because there's no
15 insulation. And I feel we're lucky it hasn't fallen down
16 again.

17 Of those 2800 acres, we haven't received any
18 taxes -- any tax money for the last almost 50 years. And
19 I'm sure NYPA will point out the benefits that they have
20 given to the community. Mine Kill State Park is a wonderful
21 facility. You do have to pay to go in. I mean, you have to
22 pay to park, you have to pay to use the pool. They provide
23 free lessons to the community.

24 The school districts around the area also send
25 their students to their first swimming lessons during the

1 summer. The town of Blenheim decided years ago, I think I
2 was in high school, decided that they couldn't afford to
3 send their children to Gilboa School for the swimming
4 lessons, so they cut it from their budget. So one of the
5 host communities does not send their children to Mine Kill
6 State Park for swimming lessons. I have taken my children
7 there over the years and they do let you in for free after
8 three o'clock on the days that there is swimming, and then
9 the lessons are free, but you have to pay to go in the pool.

10 Currently my children are going to Stanford where
11 they receive breakfast, lunch, swimming, and tennis lessons
12 for \$30 for the month total. So, again, I'm from a host
13 community and my children are going to an entirely different
14 community for services.

15 Of the 150 jobs or so that the New York Power
16 Authority provides, as far as I know, no one from Blenheim
17 works in the power plant. They have in the past, but
18 currently, as far as I know, no one does. So I would love
19 to see the employment information as Gail Shaffer has
20 requested. I know of one person who works at Lansing Manor
21 which I think might have been hired by Schoharie County
22 historical society and one person at Mine Kill State Park.

23 So they are not a big provider of jobs for the
24 town of Blenheim. And I hope they don't try to tell you
25 that's because no one is qualified because I also know that

1 is not true.

2 The Power Authority did provide the town of
3 Blenheim with one of their trucks. They loaned it to us for
4 use several years ago before I was on the town board and
5 they required an extra insurance policy above and beyond our
6 normal insurance. So they lent us a truck, we had to spend
7 more money on insurance.

8 We have put, and this is anecdotal from our
9 current highway superintendant, he felt we have put \$50,000
10 in repairs into the truck and we are getting ready to put
11 another \$14,000 in it for a new motor. But he said we've
12 replaced everything on the truck, so we should be good for a
13 while.

14 As a member of the volunteer fire department, my
15 father was a charter member of the Blenheim Hose Company and
16 I'm a member as a little girl, a young woman, that my father
17 didn't want to upset the Power Authority because they had
18 been giving -- they started giving the volunteer fire
19 departments and rescue squads throughout the county \$1,000 a
20 year. And being from Blenheim we don't ask -- we don't --
21 we are not tax supported, so he really wanted that \$1,000 a
22 year, so he wanted to make sure that, you know, we served
23 the Power Authority well. And to me that's just appalling
24 that, you know, we had to -- and we do, we want to provide
25 good service and we have had practices up at Lansing Manor.

1 They have a dry hydrant and it's I think one of the -- it's
2 either the only one in Blenheim or one of two in Blenheim
3 that we have. So we practice on that.

4 Lately our membership has been declining and we
5 need members just like all the volunteer around. The
6 training requirements are difficult, especially for young
7 families with children at home.

8 So the Power Authority did raise their donations
9 up to \$2,000 a year and then I don't remember if they raised
10 it to three or if they jumped it all the way up to 4,000,
11 but it is now -- they have now cut it out and you have to
12 apply with -- you have to write a grant and ask them for
13 money.

14 Of the 580,000 they said that they have given to
15 emergency responders around throughout the years, I know we
16 received our \$1,000 a year and then as they bumped it up, we
17 received those every year. The most significant money we
18 have ever received was the last grant we received after the
19 flood for 12, 14,000 that we had to apply for, for a UTD and
20 generators to replace that had been lost in the flood.

21 We bought a new -- "a new" -- a new used pumper
22 tanker several years ago for \$40,000. That's all our fire
23 department could afford. We really could use a tanker
24 truck. Because around here we don't have fire hydrants
25 everywhere and water is a problem when you get to a fire.

1 The engine might have 1,500 gallons on it and once that is
2 out, you're out of water until mutual aid arrives. So I
3 would really implore that you take -- that the Power
4 Authority be made to take a look at the emergency services
5 and what they are in need of throughout the county,
6 especially the host communities.

7 I am hopeful that if the relicensing is kept to
8 50 years, that my children are not going to be standing up
9 here trying to make you feel their pain the way that I am.
10 So, I also request that an economic impact study be done, a
11 hydrology study, and also an EIS, environmental impact
12 statement as well.

13 So, I guess that's it. I would, of course, I
14 mean, if you had questions or anybody had questions
15 afterwards, I probably won't be here because I have to get
16 home to my kids, but my information is over there if anybody
17 had any questions for me.

18 (Applause.)

19 MR. BERNICK: Thank you. Joanne Noone.

20 MS. NOONE: Yes. My name is Joanne Noone, I live
21 in Conesville. I'm a resident there. I first want to start
22 by saying that I feel that there is definitely an imperative
23 need for a full-scale environmental impact study and an
24 economic impact study.

25 Considering the magnitude of the flooding that

1 we've experienced in this county and knowing what our risks
2 are at present, we do need to address every one of our
3 vulnerabilities. Lots of them really appeared during that
4 flood that we now need to send forward into the future with
5 not just consideration but also with solutions.

6 As a Conesville resident, I certainly realize how
7 bureaucratic presence dictate your life and places
8 restrictions and regulations on the communities there that
9 they are included in. These are often imparted with little
10 regard to the lives and the property of the people that live
11 there. And I do want to point out, you did a PowerPoint
12 study, not one part of it mentioned the people that live in
13 the community. I head about eagles, I heard about water
14 quality, and unfortunately that seems to be reiterated by
15 every bureaucratic agency that is impacting our lives from
16 the DC to the DP and also now to the Power Authority.

17 As we go forward in this process, we must assure
18 that all considerations are made solely to me because of the
19 time span and the longevity that this agreement is going to
20 place on the future of these communities.

21 So I won't speak long and I'm pretty much done,
22 but I do want to answer, from my point of view, what I've
23 seen the Power Authority spend money on in my community.
24 There's two -- well, now one, because the one outside the
25 school has just been removed for some reason -- but we have

1 had literally LED signs that tell us to volunteer at our
2 fire department, what the daily temperature is, but none of
3 that is going to do anything for us for the future.

4 PARTICIPANT: They did not pay for that sign.
5 Okay.

6 MS. NOONE: So that's how that goes. It was
7 touted as a Power Authority grant, that's what the rumor is,
8 that's what I know.

9 PARTICIPANT: Not true.

10 MS. NOONE: Do you want to speak? Yes?

11 PARTICIPANT: I just want to tell you, you're
12 wrong.

13 MS. NOONE: Well, your fire department said it.
14 Where did it come from, Bud? Where did the money come from?
15 Where did the money come from? And is the superintendant of
16 school here. I don't need to know, I know what the rumors
17 are. So then basically nothing has come to our fire
18 department from the Power Authority. That's what you just
19 said. Thank you. And I'm done.

20 (Applause.)

21 MR. BERNICK: I just want to make sure that
22 understand what we're looking for in your feedback on things
23 that will help us understand the issues regarding this
24 projects relicensing. And I understand that there's a lot
25 of concern about what's true the past few years in terms of

1 storms and if we could keep our comments to be focused on
2 the resource issues at hand. I appreciate your thoughts and
3 I'm understanding from a lot of the comments that are given
4 are for a socioeconomic resources section as well. That's
5 something that we've omitted from the list of issues to
6 consider in our final review -- and we'll look into that.

7 The next speaker we have is Shawn Smith.

8 (No response.)

9 MR. SMITH: Thank you. He said my name is Sean
10 Smith and I'm the town supervisor of Blenheim. A lot of
11 what I want to talk about has already been mentioned before,
12 but a few points I want to reiterate and I'll try to keep my
13 comments short because I know you're strapped for time
14 there.

15 As has been said before, there was like about a
16 third of our tax base was taken and is off the tax roles and
17 everything in the town of Blenheim. And my predecessor Bob
18 Mann who I have a lot of respect for, has told you the
19 problems. He's done the best he could, a great job, I
20 think, in trying to balance the budget. But it's just
21 impossible really to balance a budget with a third of your
22 tax base missing. Especially in these times, towns that
23 aren't missing a third of their tax base can't balance their
24 budget. So when you take that away, I mean, it's almost
25 impossible.

1 And then if you go on top of that, not only did
2 we lose a third of the tax base, but we're also tasked with
3 providing the Power Authority with all their benefits and
4 their resources.

5 One of our board members was here earlier talking
6 about our highway garage how it's in disrepair and it's just
7 a shed, uninsulated, doesn't have anything, and that's the
8 same highway garage and people that provide all the benefits
9 for the Power Authority. They have to plow the roads for
10 the Power Authority, take care of all the roads.

11 And you heard about the first responders. Again,
12 not only did we lose a third of our tax base, but then we
13 have to provide first responder services to the Power
14 Authority. And I'll add in there also like emergency
15 medical services and stuff. We don't have our own in
16 Blenheim, but we pay -- we contract with another town,
17 Nevack, and our share of what we have to pay for that again
18 goes to provide the Power Authority with all their benefits.

19 And I know again you said that you might consider
20 having some sort of socioeconomic thing added to your plan
21 as far as FERC, and I'm asking or really begging you on
22 behalf of our town that you would consider that and look
23 into the actual effects that it causes to our town.

24 And the next point that I want to hit on and the
25 one thing I think some other people talked about was the

1 flooding events that occurred. And although you say that
2 might not be totally related to the Power Authority and what
3 happened there, I don't know if you're aware of, we're in a
4 lawsuit with the Power Authority for all the damage that
5 they caused to our town property as a result of like, Anne
6 Mattice said, the surge that they opened up. And I don't
7 want to get into the details about that, because like I say,
8 it's still in litigation. But there was substantial
9 catastrophic damage that was done to our town property, to
10 our residents. We lost -- not only did they take a third of
11 our tax base for the project, but then because of all the
12 damage they caused during the flood, we lost all kinds of
13 other property that will never be built on again. So we
14 lost more tax base there as a result of that.

15 And, you know, with somebody that operates inside
16 of your community, you know, if you have another town, and
17 other town supervisors, something, if somebody has a
18 mistake, we all know that mistakes or some things can go
19 wrong, and you can try to work together to maybe rectify the
20 problem. But not with these guys. We've had meetings and
21 were nice enough -- I think Joe Leary was here somewhere --
22 to sit down and talk with us about, you know, what he could
23 do to try to help us out, compensate us for some of the
24 losses. It was nice he spent a lot of time talking with Don
25 and I. Then at the end he said, sorry, guys, you know, we

1 can't help you.

2 And that's important for two reasons here too
3 because one you have to understand that the people that live
4 all the way down the Schoharie valley, my town and Fulton
5 and all the way on down, they live in almost a constant fear
6 of flooding events, not knowing what the Power Authority is
7 going to do, whether or not they're going to open their dams
8 or if their safety plan is going to work. And as part of
9 their license -- I know I heard Bob Mann say earlier that
10 they should be denied a license. If they have to continue
11 to operate the way they are, then I would agree with that.
12 I think they should be denied a license unless they can
13 change around so that they're willing to take into
14 consideration our people, the life and property of all the
15 people that live along the Schoharie Creek and not view us
16 as some sort of an impediment to progress.

17 And along those same lines, but following up,
18 they say -- when I've talked to them before, they say, you
19 have to realize we're not a flood control facility. And the
20 problem with that is, maybe they're not because their
21 license says, and I don't know the details. If you guys
22 prohibit them from controlling floods, but I mean, that's
23 totally illogical in my opinion. If you guys are there, the
24 Power Authority is there, they have the ability to control
25 floods, they can, you know, stop a flood that would maybe

1 not ruin any houses there, that they're somehow prohibited
2 from doing that in their license I think is illogical and
3 shouldn't be allowed if they are granted a new license.

4 And I know I'm also a part of the -- as town
5 supervisor as part of the relicensing committee and Richard
6 Mix spoke earlier about how the Board of Supervisors made
7 some requests of the Power Authority to try to help them a
8 little bit so we didn't lose like a \$17 million grant that
9 he said. And Dick's words were that that request fell on
10 deaf ears. And every request, I think, has fallen on deaf
11 ears, whether it come from the town of Blenheim, from
12 myself, when I first got elected and took over I made
13 several requests, some simple that wouldn't even cost any
14 money, whether they would use our post office in our town.

15 I don't know if you're familiar with all the
16 problems with the post office, but ours is only open now for
17 two or three hours a day because they're just under the
18 threshold to be open full-time. And the Power Authority
19 with all their outgoing mail, if they would use it being
20 that they're in Blenheim if they would use the Blenheim post
21 office for their outgoing mail, we could maintain our post
22 office, which is one of the last things our small community
23 has. And two or three people have asked about that. I know
24 Joe Leary, Mr. Hayden and they said, oh, we'll look into it
25 and I haven't heard back from them. Or they said, well, you

1 know, if the post office can't survive, that's too bad.

2 So, you know, I'd encourage you guys, and I don't
3 know if it's necessarily outside of FERC, but we're kind of
4 looking to you for help because we're a small community and
5 we do the best we can. But we're looking to you guys for
6 help to try to have them build some sort of a partnership or
7 at least acknowledge the existence of the host community
8 here.

9 Thank you.

10 (Applause.)

11 MR. BERNICK: Thank you, Sean.

12 It looks like Gene Milone. Do I have the last
13 name right?

14 MR. MILONE: Yes.

15 MR. BERNICK: Thank you.

16 MR. MILONE: Yes, my name is Gene Milone. I'm a
17 supervisor from the town of Schoharie. And basically what's
18 left to be said? It's not often that I've had the
19 opportunity to agree with Mr. Mann.

20 (Laughter.)

21 MR. MILONE: Your presentation was eloquent.
22 Don, the same to you. You pretty much covered a lot of what
23 I had intended to speak about. And incidentally I am a
24 member of the relicensing committee and to the best of my
25 knowledge those of us that comprise that committee have

1 never been through this process before. But that doesn't
2 mean that we don't know how to negotiate.

3 And no one has to give definition to the
4 destruction caused by Hurricane Irene. For anyone that's
5 not aware of it, the entire village of Schoharie was
6 completely decimated. And there are an abundance of issues
7 which must be discussed over the course of the relicensing
8 procedure. In my opinion, one of the most important is
9 flood control, something which NYPA has refused
10 participating in. If we look at the cooperative effort
11 which took place in anticipation of Hurricane Sandy, it only
12 proves that we can collectively protect our risks. So I
13 look forward to the upcoming negotiations with meaningful
14 dialogue concerning NYPA's presence in our communities. And
15 quite honestly, I think that it's safe to say that NYPA has
16 been living in denial on this cooperative effort as far as
17 flood control is concerned and it's time to take a new
18 approach.

19 Thank you very much.

20 (Applause.)

21 MR. BERNICK: Thank you. Next is Tony Van Glad.

22 MR. VAN GLAD: Good evening everyone. My name is
23 Tony Van Glad and I'm the supervisor from the town of Gilboa
24 and currently the chairman of the board of supervisors for
25 Schoharie County. I'm going to bring up two points,

1 Schoharie County issues, as well as my town's issues. And I
2 do have one question for FERC.

3 I came a little late because we finished up a
4 board meeting. Tonight it's verbal of our concerns. If we
5 have thoughts within the next month after this week, we'll
6 be able to write other concerns.

7 MR. BERNICK: Yeah, you can submit written
8 comments through August 8th, as part of -- so that's
9 comments on the scoping document that we've issued, NYPA's
10 preapplication document and the study requests.

11 MR. VAN GLAD: Are those requests going to be
12 public?

13 MR. BERNICK: Yeah, it will be all in the public
14 record. Yes.

15 MR. VAN GLAD: Okay. All right. Well, I'll
16 start my little speech.

17 MS. Carter: I just want to say that when they
18 talk about the -- and that was some of the reasons that
19 everything has to go through the Secretary of the Commission
20 is because then everything is in the public record and
21 everything that is part of this process -- the entire
22 process is all in the record --

23 MR. VAN GLAD: Okay. Thank you. First of all I
24 would like to echo Bob Mann's thoughts as well as Don
25 Airey's. I think Don laid out the -- was it ten points,

1 Don?

2 MR. AIREY: Ten tonight.

3 MR. VAN GLAD: Ten tonight. Yeah. I think Don's
4 ten points should be seriously looked at and Bob's little
5 spiel there was right on. Him and I served on the flood
6 committee for ten years together. And we covered a lot of
7 issues which NYPA had affected our county and through the
8 Schoharie Creek. So I think with those documents that those
9 gentlemen handed in, I think they should be strongly looked
10 at.

11 Speaking on the county side, I think -- and we've
12 kicked it around a little bit in that licensing committee,
13 maybe a 30-year license because things change quickly. I
14 mean, just in the past 10, 15 years, look how quick
15 computers and these little objects here, cell phones, you
16 could almost pretty much stand anywhere, if you've got cell
17 service --

18 (Laughter.)

19 MR. VAN GLAD: -- and communicate. So I think a
20 30-year license would be appropriate. Look at how things
21 have changed. You never know, electricity could be outdated
22 by then. Sorry guys. Who knows.

23 (Laughter.)

24 MR. VAN GLAD: Anyway, also I think another thing
25 that should be looked at and it's been covered several times

1 is an operating plan of not just holding -- releasing water
2 as it comes in, I think there should be some sort of flood
3 control for the Schoharie Creek so that we don't have any
4 kind of damaging storms that could affect people down
5 through the creek.

6 What I would like to see also on the county side
7 is a study of the Schoharie Creek and the water flows and
8 the different gravel bars that have occurred over the past
9 50 years since the Power Authority has been in operation.
10 I'm sure gravel bars have affected how the stream flows and
11 has eroded farmland and other precious roads and stuff like
12 that. That should be looked at. I think that's where I'm
13 going to end for covering some county stuff. Again, I'll
14 refer back to my colleagues earlier on their points.

15 On the town side, I'd like to see a study of the
16 road systems within a 15 mile radius of the power plant.
17 There's always heavy equipment that goes back and forth to
18 the power plant. And our roads are in deplorable shape and
19 it sure would be nice to have them fixed so I'm not
20 replacing shocks, which I normally don't do.

21 Another thing I would like to suggest, and I know
22 it's been touched on a lot, first responders, I mean, that's
23 a pretty big plant over there with some energy and
24 electricity. It's fairly dangerous. I'd like to see a
25 study on a separate building with a fire department and some

1 EMTs in position on full-time duty, keeping that fire
2 department/EMT system going so that if they have a disaster
3 they'll have some staff that's on call as well as can
4 service their needs, and also service our communities'
5 needs. And I would like to see that facility outside of the
6 power plant so that if volunteers want to help these
7 full-time folks that could happen also because communication
8 is always a great thing.

9 And last, but not least, taxes, taxes, taxes, and
10 more taxes. I think my colleagues stressed it earlier. We
11 have to find out how much land -- we know how much land that
12 they use for their project, as well as the transmission
13 systems, there's a lot of land that's used in the
14 transmission systems, by an acre wide and miles long. I
15 think that should be looked into on actually how many taxes
16 my town, as well as the town of Blenheim and the county is
17 losing for that income.

18 So that's all I have to say and thank you for
19 hearing me.

20 (Appause.)

21 MR. BERNICK: Thank you, Tony. The last speaker
22 we have on the list is Jim Buzon.

23 MR. BUZON: Yes, as stated, my name is Jim Buzon.
24 I'm a supervisor for the town of Middleburgh. I'm also
25 chairman of the flood committee and of the relicensing

1 committee as well.

2 One thing that I just came across at our county
3 board meeting as I was sitting there listening to some
4 concerns is basically the National Association of Counties
5 their June 30th newspaper that they put out. They had a
6 really nice little article in here, with a survey that was
7 done. Basically it says 12 percent of our counties face
8 very high natural disaster risks that if you look at where
9 we're located here, they have us in a high risk category.
10 And these risks basically are attributed to earthquakes,
11 tornados, and hurricanes. And I can't think of two things,
12 okay, that could affect the earth and dam more than
13 basically a hurricane and an earthquake. It seems something
14 we really should take a look at. And that's why it -- and
15 actually they left out flood in here. And the reason they
16 left out flood is because they didn't have the data on that
17 when they were doing this for the entire country. All
18 right.

19 So I would say that if they went back and put
20 floods in here, it would probably bring us into a very high
21 natural disasters. And this wasn't done by some special
22 interest group here in the county or New York state or
23 anywhere, this was done on a national level and that's where
24 it's okay.

25 So I would like a study to be done basically of

1 the dam, an engineering study to see basically what type of
2 an earthquake could it sustain, okay, and basically as far
3 as that also too, the amount of rainfall that's coming in.
4 Are those gates merely good enough for the flow that we're
5 going to be having?

6 The thing that I wanted to mention too is, other
7 people have mentioned the increase in precipitation that
8 we're having. Well, that's true, our precipitation has gone
9 up quite a bit. Well, since 1969, I often wonder too, with
10 the amount of ski slopes and trails that have been opened in
11 the Catskills, with the amount of paving that's taken place
12 of people's driveways, with the amount of ditching that's
13 taken place, the amount of paving that's taken place on
14 different roads, and the development that's taken place with
15 houses, supporting groups that don't absorb water, okay,
16 just what our runoff is compared to that. I mean, we may
17 have seen a 20 percent increase in precipitation, but I
18 think as far as our runoff goes, it's even higher than that
19 of what's leaching. So definitely there has to be a full
20 environmental impact study done on this area.

21 I also would like to see too a breakdown -- I
22 know a very impressive \$580,000 that was given, but I'd like
23 to see a breakdown per year basically of what the Power
24 Authority actually has contributed basically to the first
25 responders. Because if I'm sitting back there doing some

1 quick math, it looks to me that if you take \$580,000 and
2 divide it by 25 years, which is basically when they've been
3 been keeping records, since 1989 which they had on here,
4 basically it looks like about \$23,000 a year. And if you
5 spread that out to the first responders, and also take into
6 account that in the last few years because of Hurricane
7 Irene, they've actually donated even more, okay, I'll bet
8 you, tell you the truth, what they've been giving to the
9 county and to the first responders, doesn't equate much more
10 than maybe a couple of packs to each one of them.

11 Yeah, 580,000 sounds very impressive, but it's
12 really just a drop in the bucket.

13 Back to Hurricane Irene, basically when the gates
14 -- when the power failed there, basically, they were
15 releasing about 40,000 cubic feet per second. Okay.
16 According to their flow rates, which a flow sheet that they
17 gave out at a Best Western meeting that they had in 2011 --
18 December 2011, in 40 minutes they went to 110,000 cubic feet
19 per second that they were releasing according to their flow
20 rates. There were, I don't know how many -- I can tell you,
21 at least ten people that I know of, that were caught in this
22 that had this flow rate been natural, okay, people could
23 have seen the rise in the water that was coming through.
24 Okay. As it was, I know of one farmer in Middleburgh who
25 his son and himself were actually trapped in the second

1 floor of their barn, the water got to within four feet of
2 them. Okay. His wife was by herself trapped in the second
3 story of her house. Okay.

4 I know of another farm where the woman was
5 trapped in her house also, could not get out. They couldn't
6 even get a boat to her, the water was so swift coming down
7 through there. And across the road from them, both the
8 husband and wife were trapped in the second story of their
9 house. Okay.

10 In 1996, the flood that we had, the town of
11 Middleburgh had one FEMA buyout. Okay. In 2014 we just
12 finished closing on the ninth FEMA buyout in our town. That
13 doesn't include the village, that's outside of the village,
14 okay. We still have about ten places in the town that have
15 not -- nobody has moved back into. And they did not apply
16 for FEMA buyout and I don't know what they're going to do
17 with them because the mold in the houses now is at such a
18 point where you're not going to get rid of it. They might
19 as well be torn down.

20 This is a tax base that was lost completely.
21 Okay. Not to mention that we lost our only grocery store
22 that serviced both the town of Middleburgh, the town of
23 Schoharie, the town of Fulton, a lot of the town of
24 Blenheim, the town of Broome, part of the town of
25 Rencerville, and Wright, and Burn. Okay. Many of our

1 residents now are traveling anywheres from 25 to almost 60
2 miles roundtrip to get their groceries. Okay.

3 I know at different times we talk to NYPA and
4 they say, well, that's not our problem. We didn't cause
5 that, okay. Well, let me just go back to that increase in
6 the level of flow that they had. Okay. If you take a look
7 at that and you consider the fact that actually they have a
8 capability of pumping 13,000 cubic feet per second to their
9 upper reservoir, had they had that upper reservoir lowered
10 at the time instead of almost full, five feet from being
11 full, okay, and which actually they had actually pumped that
12 reservoir, if I'm not wrong, they had pumped early up there,
13 okay, which was against their license, okay, they could have
14 actually been taking 13,000 cubic feet per second pumping up
15 there during the peak of that flood. Okay. And at that
16 point they could have probably lowered that water by inches.
17 Okay. Well, that doesn't sound like much, but consider we
18 only had about eight inches of water on our gymnasium floor
19 in our school in Middleburgh and which basically we lost
20 probably \$100,000 that we couldn't recoup on that. Okay.
21 And overtime the fact that we had about 10 inches of water
22 in our library in Middleburgh and which basically we lost
23 about \$100,000 there that they couldn't recoup, okay.
24 That's significant to a community to lose \$200,000 worth of
25 buildings, basically.

1 And not only that, it totally got into the first
2 floor of our school. Okay. And we lost a lot of our
3 valuable records because of that. Okay.

4 The other thing I wanted to bring out too is I
5 feel that NYPA should also take a look at our Schoharie
6 valley transportation. We have been a good neighbor for
7 them. In fact, we just started, basically, a bus route back
8 up here to the NYPA plant and providing for basically their
9 workers to come back and forth. Okay. We're able to do
10 that this year because basically our person in charge,
11 Christine, who was able to get a grant to help out with
12 that, to defray the costs. Once that grant is gone though,
13 Schoharie County bears the burden of that. All right. So
14 one thing that they might want to do is take a look at maybe
15 helping to subsidize that route. It's not actually just for
16 the county, it's for their own workers to come up here.

17 And then the last thing that I want to say, I've
18 had quite a few things, but actually I'll save them for
19 Wednesday, okay. Is that, yes, we had a lawsuit against
20 NYPA. And as far as the county goes, the town of
21 Middleburgh, the Village of Middleburgh, the school district
22 of Middleburgh, the town of Schoharie, the Village of
23 Schoharie, the town of Esperance, basically had to drop it.
24 And why? Because we don't have the funds that NYPA has to
25 throw at it. Okay.

1 So our residents basically go away with empty
2 pockets, okay. They go away with not being able to see
3 basic services, some services restored, and so on, because
4 of this. All right. Yet, when we ask NYPA for some help on
5 small matters, basically they say it can't be done. All
6 right. Yet, they have basically millions of dollars to
7 throw into the lawsuit.

8 Thank you very much.

9 (Applause.)

10 MR. BERNICK: Thank you, Jim.

11 Yes. Would you like to speak?

12 MR. FEDERICE: Yes, I would. Thank you.

13 MR. BERNICK: Do we have anyone else who would
14 like to make any comments? It's going on eight o'clock.

15 PARTICIPANT: Time is of the essence.

16 MR. BERNICK: Time is of the essence, yes.

17 MR. FEDERICE: Well, I'll be mercifully brief.

18 MR. BERNICK: And can you please state your name
19 and affiliation?

20 MR. FEDERICE: I'm Bill Federice and I'm the
21 supervisor for the town of Conesville. And I'm not going to
22 come up here to repeat what we heard, some very compelling
23 reasons that we need to reexamine this whole relationship
24 that we have with the Power Authority. I've seen some
25 changes over the last couple of years. I've been dealing

1 with them for about seven years now in a different capacity
2 as the treasurer for the fire department in Conesville. I'm
3 no longer the treasurer, but I can still remember that we
4 had a fairly good working relationship. But, you know, Jim
5 had just mentioned that if you look at the numbers since
6 1989 what they've donated to the local first responders, and
7 it really is peanuts, if you think about it. They get so
8 much for so little from these first responders. It's
9 averaging about \$2 or 3,000 a year as Jim had said before
10 because it's spread out over several communities, not just
11 Blenheim or Conesville, or anybody else. There's a number
12 of communities. And I'm not saying that's a bad thing, but
13 just show a number, oh, we gave -- what was it? \$890,000
14 or something like that since 1989. It's really not a heck
15 of a lot of money. It's usually \$2,000 a year and it wasn't
16 that hard to get it in the beginning. But now you have to
17 beg and plead, and I think it was in 2012 after the
18 Hurricane Irene there was a big blitz, I call it a PR blitz.
19 And we took the money and Conesville received in the
20 neighborhood of \$50,000 for much-needed equipment. The sign
21 something else that we talked about before from another
22 place.

23 But since that time, I don't know what happened,
24 and it jus seems you can't even get anybody on the phone
25 anymore to return a phone call. In my capacity as

1 supervisor I've made a couple of calls, they don't return
2 your call. Or it takes three or four calls and you get a
3 very curt, short answer. So I'm certainly not an advocate
4 for the Power Authority, and I am thankful for what they've
5 given our communities and our local responders, but they get
6 so much for so little. They don't pay taxes. And they --
7 and I don't want to get into people's mindsets, but they
8 think for \$2,000 a year they can buy us. Come on. And
9 basically that's all I have to say. Thank you.

10 (Applause.)

11 MR. SKOWFOE: Bill Skowfoe, supervisor of Town of
12 Fulton. I sit on the county board. Jimmy, I wasn't going
13 to speak because everybody pretty much said everything that
14 needs to be said. But Jimmy brought a point to mind. The
15 town of Fulton was one that was also in that lawsuit and it
16 was basically, and correct me if I'm wrong, Tony, it was
17 said that they wouldn't come to the meeting in front of the
18 board if we didn't relinquish the lawsuit. Am I correct in
19 that Tony?

20 MR. VAN GLAD: Yes.

21 MR. SKOWFOE: And that's basically like a threat
22 and that's something that shouldn't have happened to our
23 county board or to the individual towns that was involved in
24 it. And we reached out and what we had asked for when they
25 consent to meet with us, we reached out and asked for them

1 to give us a commitment that they would continue to give to
2 the rescue and fire departments on an annual basis without
3 having to fill out for the grant funding and we asked for
4 help on the stream project that we have going now because we
5 have a shortfall that bothers the county big time and it's
6 going to hurt every resident in it because we're going to
7 end up jumping the taxes and that was what came of our
8 meeting tonight. We're going to have to override the 2
9 percent cap any way you look at it.

10 And the other point Dick made a good point with
11 the stream as part of their license that they have now, that
12 they should have stepped forward and helped us with the
13 funding on this project. Maybe it all isn't in line with
14 the mainstream, but it's all part of the soil and fixing the
15 problems that we have. And that's basically all I have to
16 say. They could have stepped up to the plate and been a
17 good neighbor rather than hold a threat to us.

18 (Applause.)

19 MR. BERNICK: Thank you, Phil. At this time does
20 anyone else have any further comments or questions for us?

21 MS. SHAFFER: Just a question about Wednesday.
22 That starts at 9 a.m.; right?

23 MR. BERNICK: Yes.

24 MS. SHAFFER: Individuals can testify as well as

25 --

1 MR. BERNICK: Yes, it's the same as this meeting.
2 So Wednesday at the Best Western Inn in Cobleskill, 9 a.m.
3 in the conference room. We'll have a morning scoping
4 meeting by members of resource agencies, New York State DEC,
5 Fish and Wildlife Service and so forth.

6 MR. SKOWFOE: Is that going to be timeframe or
7 time is of the essence, or are you going to take all the
8 time that the people need to respond?

9 MR. BERNICK: The same time as for the meeting,
10 it's about two hours. If more people show up, and there's
11 more time needed for comments, we can go a little over that.

12 MR. SKOWFOE: Because this is an important issue
13 to the people in this county. And if it takes two hours, it
14 takes four hours, that's what you need to give them.

15 MR. BERNICK: Understood. Yes.

16 MR. VAN GLAD: And are you going to be taking a
17 tour tomorrow of the power project?

18 MR. BERNICK: It's tomorrow it's the
19 environmental part of the BG project. It begins at 9 a.m.
20 in the -- that was something that we -- by June 30th. So if
21 there's anyone who wasn't able to meet that date, please
22 speak to us afterwards and I'll give a chance to get that
23 take care of.

24 MR. SKOWFOE: Thank you.

25 MR. BERNICK: Okay. So if there's nothing

1 further we'll go over some important dates coming up. The
2 comments on the preapplication document, the NYPA files, on
3 our scoping document and also on the scoping request that
4 FERC, you know, in your comments tonight if any people have
5 questions about the comments that were raised, please make
6 sure that when you file those with the Commission that you
7 follow the seven criteria that we mentioned before and that
8 are in Appendix A in the scoping document. And if you have
9 any questions about that, I have some cards in the back
10 table. My name is Andy Bernick, feel free to give me a call
11 for clarification.

12 The site plan meetings are scheduled to be held
13 by the 22nd of October. Although they most likely will be
14 held before that date, not to mention that there's a
15 conflict with that particular date, as long as it happens
16 within that 30-day period. Revised study plans to January
17 20th, and FERC issues a study plan determination on February
18 19th.

19 And with that, if there are no further comments,
20 questions, it's 8:07 and we'll adjourn the meeting tonight.
21 Thank you very much for coming to give us your comments.

22 (Whereupon, at 8:07 p.m., the meeting was
23 concluded.)

24

25



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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x Docket Number
IN THE MATTER OF: : P-2685-000
BLENHIEM-GILBOA PUMPED STORAGE PROJECT :
- - - - -x

Gilboa Conesville Central School
132 Wyckoff
Gilboa, NY 12076

Tuesday, July 7, 2014

The above-entitled matter came on for Scoping Meeting,
pursuant to notice, at 6:05 p.m., Andrew Bernick FERC
Moderator.

1 P R O C E E D I N G S

2 (6:05 p.m.)

3 MR. BERNICK: Hello, everybody. Can you hear me
4 well enough? I think the sound system in here is pretty
5 decent.

6 My name is Andy Bernick. I'm a wildlife
7 biologist at the Federal Energy Regulatory Commission in
8 Washington, D.C. and I'll be the project coordinator at
9 for the Blenheim Gilboa Storage Project relicensing. We're
10 here tonight for the scoping meetings for the Blenheim
11 Gilboa Pump Storage Project, project number 2685.

FERC

12 And I'm here tonight with a colleague from FERC,
13 Emily Carter, who will be working the slides in the back of
14 the room. She's an environmental biologist at FERC and
15 be working the recreation, cultural resources and land use
16 and the set of exceptions of our environmental review.

will

17 We also have three other members of the FERC
18 who aren't unfortunately able to make it tonight due to a
19 plane cancellation. So that's John Mudre who will be
20 working on fisheries resources, Woohee Choi who is our
21 engineer, and Kenneth Yu who is the FERC attorney assigned
22 to the project.

team

23 So the purpose tonight is to invite your

24 participation in identifying the important issues
associated

25 with relicensing the BG Project.

1 Also tonight we have a group from NYPA, Rob Daly
2 who is the licensing manager for NYPA who will be
presenting
3 some information on their projects and how it functions,
how
4 it generates electricity and I'll let him introduce the
5 group from NYPA when he gets up to speak.

6 Next slide.

7 I think everyone has signed in, but we have a
8 sign-in sheet in the back so that's so we have a sense of
9 who attended. If you can write your name and address on
10 there, that will give us a sense of who is here.

11 There's also, for those of you who would like to
12 speak, there's a speaker sign-in sheet. I see we have
about
13 ten people or so signed up now. So there's plenty of room
14 if someone wants to make, you know, prepared remarks or
15 speak on any particular issue.

16 There are copies of the scoping document in the
17 back of the room as well. The document will be prepared
18 that lays out the project description and the issues to be
19 identified that are associated with the relicensing
project.

20 That also gives a lot of information on how you
21 can submit your comments, the project schedule, how you can
22 keep informed as far as getting all the relevant filings,
23 and issuances during the licensing proceeding and some
other

24 information there.

25 We also have a court reporter here, so I would

1 ask if you're going to speak, please state your name and
2 affiliation prior to making your comments. And tonight
3 we're going to ask that people speak from the podium when
4 you come up to give your comments because this is where the
5 recording device is. So unfortunately you won't be able to
6 make comments from the crowd.

7 Okay. Go to the next slide.

8 (Pause.)

9 MR. BERNICK: Okay. So NYPA will be following
10 the integrated licensing process or the ILP in preparing
11 their license application before the FERC. And this is a
12 simple diagram of the licensing processes for us. So it
13 starts with NYPA filing their notice of intent to file a
14 license application with FERC and also their preapplication
15 document and that's really where we get a sense of the
16 elements, the proposed elements of the project and also
17 resource issues associated with that.

18 We're in the scoping phase now and that involves
19 tonight's scoping meeting and another meeting on Wednesday
20 morning which we'll be holding in Cobleskill New York. And
21 after the meeting you'll have a chance tonight to make
22 comments. We'll also accept written comments until August
23 8th. And there's a few ways you can make those, by mail,
24 electronically, and I'll go through that a little bit
later.

25 And at the end of that period we'll be issuing a second

1 scoping document based on comments you've made.

2 I know part of the comments that we will be
3 asking from you are any studies you feel should be -- that
4 NYPA should conduct as part of the relicensing process to
5 support their application. And I'll give you a little bit
6 more information on that as well a little later.

7 The next phase once we've settled that is the
8 study plan development phase. So NYPA will take the
9 comments that they've received and develop a proposed study
10 plan. You'll have a chance to comment on that. There's a
11 90-day comment period on that. And within 30 days of the
12 proposed study plan, they'll hold a public meeting to
13 discuss that study plan and talk about any issues that are
14 associated with that.

15 After that time they'll submit a revised study
16 plan and the Commission, at the end of this -- this will be
17 in by February 2015, the Commission will issue a study plan
18 determination letter that will lay out what studies we feel
19 are necessary for that.

20 After that, once we have a study plan in place,
21 NYPA will conduct their studies and develop their license
22 application. And this could take one or two years
depending
23 on the number of study seasons that are determined to be
24 necessary. And the top box is what we call the prefiling

25 case licensing. After they submit their license
application

will 1 called a post-filing, so at that point our team at FERC
2 take a look at the application. We'll determine whether
3 it's satisfactory as far as, it keeps all the information
4 needed to give our environmental analysis.

5 And we'll ask for additional information if
6 necessary. At the point where we feel it is ready to be
7 analyzed for an REA notice which is ready for environmental
8 analysis and at that time we'll ask for comments, terms and
9 conditions from the mandatory conditioning agencies like
10 Fish and Wildlife Service and New York state and any
11 intraventions at that time.

12 We'll also be working on a draft that will go up
13 to our environmental analysis and issue documents. And
then 14 the final step is Commission issue a license order for the
15 project.

16 So this is a more detailed view of all the steps
17 in prefiling, including some of the important dates. And
18 I'll just -- rather than go through this in detail, this is
19 -- the dates are all in the scoping document, the last two
20 pages. So you don't have to worry about copying some of
21 these down, this will show that it's a fairly driven
22 process. The important piece to highlight though are

August 23 8th for comments and the scoping document and any submitted
24 requests and between September and December, that's when a

25 lot of the study plan comments will be taken in.

1 I'll take the next slide.

2 FERC has authority through the Federal Power Act
3 to issue licenses to non-federal hydropower projects and
4 that's amongst a number of other responsibilities we have
5 far as licensing gas projects and market regulation and so
6 forth.

as

7 Since some or these projects or these projects
8 will have -- we're looking at environmental effects by NEPA
9 of the National Environment Policy Act to do the
10 environmental analysis to determine the effects of those
11 projects.

back,

12 On the scoping document that we have in the
13 that was the existing project facilities. It gives a
14 preliminary list of the resources, as we found and studies
15 proposed by NYPA.

on

16 And at this point we're looking for your input
17 identifying issues that we may not have included in this
18 preliminary list and also any studies you feel may be
19 necessary and any other information you might have and this
20 is some of the information you'd be looking for. Some
21 information to help define the geographic and temporal
22 of the analysis and identify significant environmental
23 issues. Any data you feel will help us describe in the

scope

24 existing environment. As far as project and other
25 developmental activities on environment or socioeconomic

1 resources. Identify any federal, state, or local resource
2 plans and any future project proposals in the affected
3 resource area.

4 And also the documentation is to align the
5 resources or identify issues that should be excluded from
6 further analysis. And as mentioned, the comments -- your
7 comments can be given today or in written form by August
8 8th.

9 We also have the soon start to hear from you
10 tonight. If you have any comments on any studies that
would
11 be necessary as a part of NYPA's preparation of their
12 application and if you do submit a written study request,
it
13 should follow these seven criteria.

14 On the FERC website there's also a -- it goes
15 into a little bit more detail -- also in appendix A of the
16 scoping document as to what these seven criteria are. It
17 must identify seven tools and objectives, consider resource
18 management goals, consider the public interest, and
existing
19 information -- important on the nexus project operation and
20 effects. The methodology proposed should be consistent
with
21 accepted practice and field. And also consider the level
of
22 effort and costs and why alternative studies will not
23 suffice.

24 Okay. I mentioned that the written comments are
25 due by August 8th. When you file your comments, you should

1 clearly identify the project name and the project number
2 that way we can track the comments that come in to get into
3 the appropriate record.

4 You can file them electronically and I'll talk
5 about how you can do that. Or you can send them in by
mail.

6 The way you should address all your communications through
7 the Secretary of the Commission, Kimberly Bowes at FERC at
8 the address that's on the screen. That's also in the
9 scoping document. That way it gets to the Secretary into
10 the record. If you send it to me personally, there's a bit
11 of a rigamarole.

12 Okay. So comments, oral comments tonight will
be
13 filed. We consider all of those that are made. And there
14 are a few methods you can submit written comments. On the
15 FERC website there are two ways you can send in your
16 comments electronically. One is the ecomment and this is
17 the way that you can submit just a little bit of your
18 information. It's your name, address, e-mail address,

phone

19 number perhaps. And just so you submit a short comment if
20 you have one. That's text only and it's limited to 6,000
21 characters, so that doesn't leave a lot of room for
comment.

22 But that's one quick way you can do it. You don't have to
23 register with the Commission or anything like that. If you

24 want to submit some longer comment, anything with images,
25 send us any say journal articles that you feel we should

1 have, any other reports you feel we should have to do our
2 environmental, you would need to register with the
3 Commission also through the website. This doesn't require
4 lot of information, name, address, e-mail address, and then
5 you can efile. And I'll show you a screen shot of the
6 website so you know where you can go to get to that. And
7 you can also do it by good old-fashioned mail, just mail it
8 to the Secretary of the Commission. Make sure that you
9 mention the project meeting and the project number on the
10 first page of your filing.

11 As far as keeping you informed, there's a few
12 ways that you can get to all the documents that will be
13 coming in, there's a quite a few that come in for the
14 licensing process. And one way the Commission has an
15 where all of the information, anything we issue, will be
16 stored. And you can go there, through our website, you can
17 type in the project number, a date range, and you can get
18 all the information that way. Another easier way you can
19 get sort of alerts as filings come in is by if you register
20 with the Commission on the Commission website and you
21 subscribe to the project, you'll get everything
22 automatically. That's a good way to keep up, probably the
23 best way as far as that goes. You can also sign up to send
24 in a request to be part of the official mailing list. And

a

online

to

25 for that you'll get hard copies of some, but not all of the

1 documents that we are -- you won't necessarily get every
2 single document that's submitted for the record.

3 Okay. So this is the website. You go to
4 FERC.gov. The third line over is documents and filings.
5 This is how you get to ecomment, register, efilings and
6 subscription and the like. It's pretty simply. I have

some

7 cards in the back of the room. You can give me a call if
8 you have any trouble with that, have any questions, there's
9 also a help line that you can call that's in this scoping
10 document on the website to get right to the tech folks.

11 So at this point Rob Daly, who is the licensing
12 manager for New York Power Authority, will give a
13 presentation about the project description.

14 MR. DALY: Thanks very much, Andy. As he said,
15 my name is Robert Daly. I'm with New York Power Authority.
16 I'm the licensing manager for the Blenheim Gilboa project.
17 With me tonight, I'm just going to do a very brief
18 introduction, we do have one our Power Authority employees
19 with us. Who will be supporting this process as well.

20 Among them, our regional manager, Len Hay, BG's operation
21 superintendant, Brian Sayes, and operations specialist,

Mark

22 Oleg. The director of licensing, my boss, Mark Slade. A
23 licensing associate who is also going to handle the slides,
24 Terra Groom in the back. We also have Joe Leary and Mary

25 Refaro from our government outreach. And Sue Botson from

1 our legal department all here.

2 Go to the first slide here. Thank you.

3 Just a little very briefly, a little bit of a
4 history, just a couple of dates that are worth noting. In
5 1969 FERC issued the original license for Blenheim Gilboa
6 which we're here now still operating under. July '73
7 operations began and BG generated it's first power. The
8 same year Mine Kill State Park which is on NYPA property
9 opened. The following year the BG visitor center opened.

A

10 few years later, Lansing Manor Museum opened and a
11 noteworthy date is in May 2010, they finished a four-year
12 life extension and modernization program which upgraded
13 of the plant and I'll get to some of that in a little bit.

part

14 Just as a reference point where we are, here in
15 Schoharie County this is about 40 miles southwest of Albany
16 and the red line, right through here, is the project
17 boundary. And you see the lower and upper reservoir, the
18 boundary itself encompasses 2893 acres. And you can see
19 that at the bottom, the Gilboa dam which is not NYPA
20 property but rather the City of New York's.

21 This is a map that shows just briefly the
22 watershed of the Schoharie Creek. It identifies about 356
23 square miles that feed into the Schoharie Creek above or
24 upstream of the BG project and specifically more upstream

of

25 the New York City Gilboa dam and Schoharie Reservoir.

1 These three lines -- these three triangles right
2 here, are USGS -- Geologic Service water -- excuse me --
3 water marks -- water level meters.

4 Next slide.

5 This shaded area right here, is a watershed of
6 sort of a sub watershed. It's about 40 square miles. It's
7 what lies between the Gilboa dam and the lower reservoir to
8 the BG project. So there's significantly less coming in
9 here as there is going into the Schoharie Reservoir.

10 Next slide.

11 This is just an aerial view of the project.
12 Again, the Schoharie Reservoir up here, Schoharie Creek
13 comes down through here and here is BG lower reservoir,
14 upper reservoir and the power house. And it just gives you
15 a nice view of the area.

16 Principal features of the BG project, again, as

I

17 just said, the creek, lower reservoir, upper reservoir, the
18 dike which is U-shaped about two and a quarter miles long.
19 The upper reservoir power station, down here about 75
20 percent of it is actually under ground. The lower

reservoir

21 of the dam right here. The spillway where the water comes
22 out, down through this area, Mine Kill State Park, Lansing
23 Manor.

24 I referenced the life extension and maintenance

25 program a few minutes ago. Back in 2010 the powerhouse

1 contains four 290-megawatt turbine generators for a maximum
2 capacity of 1160 megawatts, just to -- so everybody is on
3 the same page, a megawatt can generate enough power to
light
4 up roughly 800 to 1,000 residences. Back in 2010 they
5 completed \$135 million project and the work refers to
6 powerhouses for turbines and prepared it for another 40 or
7 50 years.

8 The work was able to increase some maximum
9 generating capacity of the units. It improved efficiency,
10 it replace some end-of-life equipment and improved the
11 operating range creating greater opportunities to generate
12 cleaner energy for the state.

13 The upper reservoir operates between a minimum
14 level of 1955 elevation and 2003, the lower reservoir,
15 between age 60 and 900. There are generating capacities
16 when it generates about 12,800 cubic feet per second
pumping
17 when it's not generated and pushing water up, about 10,200
18 cubic feet per second and the flow regime for the lower
19 reservoir is, I guess, memorialized in a 1975 agreement
20 which FERC approved which the Power Authority reached with
21 all of the local communities.

22 This is a bit of a diagram on how the project
23 works. BG is a pump storage project. And it's unlike
other

its 24 hydro facilities in New York state. It doesn't generate
25 own energy, rather it actually purchases energy from the

1 market. And, in fact, in the last few years BG has
actually
2 been a net consumer of energy. It sort of acts like a
large
3 battery. During times of low energy -- low energy demand,
4 the project's four turbines works as a pump to bring water
5 from the lower reservoir to the upper reservoir. When
6 called on by the New York ISO, independent system operator,
7 BG releases water from the upper reservoir. So just like
8 out of your sink down into the manifold into the pen stock
9 and through the four turbines generating electricity. The
10 power it can reach, as I mentioned earlier, about 1160
11 megawatts would be the maximum. When the upper reservoir
is
12 full to capacity it can generate for about 12 hours. Once
13 it's done that, it would take nearly 15 hours to refill the
14 upper reservoir. So you can see there's a longer time
15 period there.

16 Some of the project benefits that BG provides to
17 the area, there is a wildlife management area on the
18 property that sort of stretches from right in front of
19 Lansing Manor and sort of southeast toward Mine Kill State
20 Park. There's a Wildlife Management task force which is
21 made up of the Power Authority of New York State Department
22 of Environmental Conservation, New York State Parks, SUNI
23 Coble Skill, Schoharie County Conservation Association.

And

24 this group meets semi-annually and it's goal is to maintain
25 -- or excuse me enhance and perpetuate wildlife as well as

1 increase awareness and opportunities to interact with the
2 local environment.

3 Lansing Manor complex and the visitors center.

2.1

4 To date the BG visitor center has hosted over just about

5 million visitors since it opened. Lansing Manor since it

6 opened has hosted about 300,000 -- over 300,000 visitors

7 since 1977. The project also includes special programming

8 and exhibits, things you may be familiar with like the

9 wildlife festival or some of the car shows.

10 There are also constant level ponds which are a

it

11 feature in the upper reservoir in the northeast corner of

12 and they were put in -- constructed to provide sort of a

13 permanent spawning and rearing habitat for fish.

14 Specifically the yellow perch, large-mouth bass, it gives

15 the fish a spot of refuge during water level fluctuations.

16 There's been a fish stocking program since 1977

17 both in the upper and lower reservoirs. And, of course the

and

18 reservoirs have there are access for fishing and boating

19 support from Mine Kill State Park as well as from the Power

20 Authority through the BG project.

21 There's been annual payments in support of a

22 capital project support. The park, of course, offers

23 swimming, hiking, boating, some bow hunting, or excuse me,

24 not bow hunting, nature trails, sports fields, and some

25 special programming and now it's going to offer Frisbee
golf

1 as well. I thought I saw John Low here too.

of

2 The next slide is really sort of a reiteration
3 what I just said, but here we overlay the recreational
4 opportunities with the project onward. And what you can see
5 is, again, the redline being the project boundary,
6 recreational sites such as downstream fishing access.
7 Lansing Manor is at the green triangles. Mine Kill State
8 Park is right here. These are the trails, something that
9 actually have garnered several awards, recently state parks
10 received one as well for some of the trails. Archery
11 hunting in this pink area, throughout the area and of
course
12 this is a safe zone, the brown shaded area.

13 And I guess the takeaway from this area, from
14 this slide really is exactly how much of the project
15 boundary is available for recreation opportunities.

16 A couple other important community benefits that
17 BG provides, it is a major employer in the area. It has
18 over 150 or approximately 150 employees with a payroll of
19 \$12 million. Many of these employees live directly here in
20 Schoharie County.

21 Tourism, as I mentioned earlier, the Blenheim
22 Gilboa, the Power Authority operates an admission free
23 visitors center in a restored 19th century barn on the
24 Lansing Manor complex. It has various attractions.

25

And certainly first responder support. Since

1 1989 the Power Authority has contributed nearly \$600,000 in
2 support of the local first responders.

3 Inside the preapplication document that Andy
4 referred to earlier, the Power Authority did some baseline
5 studies. And you see them here, the water quality study,
6 the rattlesnake emergent survey, aesthetics resources,
7 recreation facilities, and the land cover and use
8 assessment. All of these were performed to inform the
9 preapplication document that we've made available. All of
10 these studies individually can be reviewed and are
available
11 on our website. That website -- you'll see it in a second
12 as well, if you want to see these studies directly.

13 Inside that same preapplication document we
14 propose three additional studies. Additional recreational
15 assessment, a cultural resource survey, and a
16 literature-based fish and entrainment study as well.

17 Andy mentioned earlier, the eLibrary and signing
18 up through FERC and I would strongly recommend it. I would
19 also point you out to this web page as well, and you can
20 sign up for contacts from us meeting notices, when a
21 document is available, a study is made available we will
22 notify our mailing list. All you have to do is sign up
23 through here and contact us. The documents can all be
found
24 here all the way from the Notice of Intent, the pad, the

25 meeting announcements, everything can be found right here.

1 Additionally, this slide show, this PowerPoint will
2 eventually be there as well. So if you want to go back and
3 take a look at exactly what was said, all of this will be
4 available. Essentially the public record from the Power
5 Authority will be available on this website.

6 That's all I have.

7 MR. BERNICK: Thanks Rob. At this point I would
8 like to quickly go through some of the resources sheets
that
9 we identified in the scoping document. And we identified
10 issues in these resources areas. And I think I'll go
11 through -- these are on page 18 and 19 of the scoping
12 document. I'll go through them resource by resource. So
13 for geologic and soil resources the effects of
14 project-related recreation on the shoreline erosion within
15 the upper and lower reservoirs. For aquatic resources --
16 facilities and operation on water quality, typically the
17 water can turn to salt oxygen in project reservoirs. The
18 effects of fish entrainment and mortality associated with
19 the pump storage operations on fish populations in the
20 reservoirs. The adequacy of existing things for supporting
21 aquatic resources downstream of the project.

22 For terrestrial resources, it affects the
project
23 operation maintenance and project-related recreation on
24 botanical resources and wildlife including certain species.

25 The effect of projects and reservoir fluctuations on

1 riparian wetland habitats and associated wildlife and
2 affects project operation and maintenance and recreation on
3 New York state listed wildlife species including timber
4 rattlesnake and bald eagle.

effect
5 For threatened and endangered species, the
6 of the NYPA operation and recreation on federally listed
and
7 threatened and endangered species identified by the Fish
8 Wildlife Service.

9 For recreational land use aesthetics, the
and
10 adequacy of public access and recreation to meet current
11 future recreation demands, affects the project operation,
12 maintenance on recreational opportunities, and river access
13 within the project area, affects the project operation
14 maintenance on land use and aesthetic resources within the
15 area. For cultural resources, the effect of operation and
16 maintenance on properties that are included in or eligible
the
17 for listing in potentially eligible for inclusion in the
18 national register of historic places.

19 Affects the project operation and maintenance on
20 any previously identified historic and archeological
21 resources.

22 And the effect for developmental resources, the
23 effects of any proposed or recommended protection,

24 mitigation and enhancement measures or PM&E measures as we
25 call it on the BG project economics.

1 Okay. So at this point I'd like to invite you
to
2 make any comments that you have. We have a speaker list in
3 the back that we'll bring up to the front. And I'll ask
you
4 to come up to the podium to make your remarks so that we
can
5 get you on the transcript. And please state your name and
6 affiliation, if you have one. It can be self if you're
7 speaking for yourself so the court reporter can report it
in
8 the transcript.

9 So we'll start with Gail Shaffer, Blenheim
10 resident.

11 MS. SHAFFER: Thank you. I am a indeed a
12 life-long resident of the town of Blenheim and my roots go
13 back here many generations to the first settlers who came
14 here in the pre-American Revolution era. So my roots are
15 very deep here. I have served in public service in several
16 capacities on behalf of my community also.

17 My intent tonight was to primarily focus on --
18 to provide some context to the relicensing procedure to
19 focus on the relationship that the Power Authority has with
20 the community. I'm realizing that there are some people
21 probably who can't get to the Wednesday hearing which I'm
22 also intending -- intending to attend. So I didn't intend
23 to be the first one on. I signed in because we came in

24 early. But I think I kind of like to defer to people who
25 are here who can't be there on Wednesday. And then if

1 necessary, I can give my testimony Wednesday.

2 But I do want to just briefly say that the
3 essence of my perspective that I want to lend to this is to
4 think about -- for FERC to consider, and I realize that
5 of this will be outside of the sideline, off-line
6 agreements, as they refer to them.

some

7 When this project was built, and I recall my
8 father was the town supervisor of Blenheim at the time, it
9 was built before the era of any environmental impact
10 statement requirement. Those statutes were passed later.
11 So we feel very strongly there should be a full
12 comprehensive environmental impact statement this time
13 around. They were built before -- it was built before
14 was extensive citizen participation in the process. I'm
15 very glad that we've had governmental reforms now that
16 require extensive citizen participation. And built before
17 there were any precedents for compensatory commitments of
18 resources on the part of the Power Authority to the host
19 community. I refer to them as the donor community, not the
20 host community. But the host/donor communities since then
21 in relicensing projects in Niagara and Saint Lawrence,
22 have been agreements to give some compensation to those
23 communities for the sacrifice they've made.

there

there

24 In the case of the town of Blenheim, we lost a

25 third -- a third of our tax base. Gilboa lost a large

1 percentage, the Gilboa Conesville School District lost a
2 large percentage. To a lesser extent the county also lost
3 some percentage. Those host communities, the donor
4 communities, as I call them, really should be recognized so
5 that we've had basically the context of a very bad neighbor
6 for the first half century of this project. And we think
7 this is an opportunity now for the Power Authority to start
8 the next half century with a new license as a good neighbor
9 to turn over a new leaf, invest something to help these
10 people downstream who have sacrificed so much for this
11 project to generate this power for others and who have been
12 treated with very little respect and really a great deal of
13 arrogance and very few resources. They have given some
very
14 small contributions over these 50 years to these
15 communities. I would be very appreciative if you could
16 provide us some details by Wednesday about the statement
you
17 made about the data and how much \$580,000 to first
18 responders. The first responders to the project are the
19 Gilboa or I mean, Conesville fire and rescue and the
20 Blenheim fire department. Those are the two first
21 responders for the Power Authority. I would really like to
22 see the documentation of the \$580,000. I'm just totally
23 unaware of that. I know of some very minor, minor
24 contributions that have been made. But I'd like to see the

25 details on that.

1 And also I'd be curious to know, when you say
2 many of the employees are from Schoharie County, how many
3 those are. And also what towns. If any of them come from
4 the two host communities, I'd especially like to see some
5 documentation on that. But that's just for background.

for

6 But, thank you very much, our FERC colleagues
7 coming up here. And I will be there Wednesday to give my
8 more detailed remarks. And I'm going to defer to those who
9 can't be there Wednesday. Thank you.

10 MR. BERNICK: Thank you, Gail.

11 (Applause.)

Richard

12 MR. BERNICK: So next on our list we have

13 Nix, town of Fulton counselor and Schoharie Relicensing
14 Committee.

15 MR. NIX: Good evening. Richard Nix. I'm going
16 to speak on behalf of the Schoharie County Relicensing
17 Committee. And I am also a town councilman and a member of
18 DCC and I had worked at the Power Authority at the Blenheim
19 Gilboa project for 32 years as a technician. Okay.

20 One of the first items that we think is most
21 important is the safety aspect of the project and the dam.
22 The spillway for the dam, we wonder if it's designed
23 adequately or the highest possible flood that's capable.
24 Going over some preliminary data and the hydrology we were

25 really in question about that and we'd like to request that

1 a study be done to determine if the spillway is capable of
2 handling the possible maximum flood that we can get. We
are
3 worried about breaching of the dam if it does ever over
top.

4 Also, we would like to see an economic impact
5 study done by NYPA on the host communities and the county.
6 And then one other item is, BG when they -- we had our
first
7 briefing here for how this was going to go, the county
8 supervisors asked at that time, because we were in the
midst
9 of possibly losing a \$17 million federal grant for
streambed
10 mitigation and risk restoration from the flood. And we had
11 requested from the Power Authority that they would aid us
12 with not losing that grant. And we kind of fell on deaf
13 ears. They wouldn't even say they were taking it back to
14 anybody. And afterwards, when rereading the license,
15 according to their operating license already, they're
16 supposed to be helping with stream siltation, erosion, soil
17 erosion and pollution resulting from operation and
18 maintenance and construction of the project. It's under
19 their flood erosion control plan and it's in the scoping
20 document on page 15. I don't see -- you know, it certainly
21 falls within the parameter of their license that they
should
22 have stepped forward and helped us as the current license

23 states they should, and they didn't live up to that and
24 haven't lived up to that.

25 So I think right now I think that's what I would

1 just like to say. Leave it there for now.

2 MR. BERNICK: Thank you, Richard.

3 MR. NIX: Thank you.

4 (Applause.)

5 MR. BERNICK: Next we have Robert Mann, Jr.,
6 Blenheim resident.

7 MR. MANN: Thank you. As you said, my name is
8 Robert Mann. I was the town of Blenheim supervisor for the
9 last 20 years. In that timeframe I dealt with the Power
10 Authority on many different subject matters, but none has
11 been more frustrating than the disregard for our community
12 safety.

13 To this day there is no plausible plan to notify
14 and evacuate residents from the hamlet of north Blenheim in
15 the face of a catastrophic dam breach. New York Power
16 Authority chooses to deal with Schoharie County emergency
17 management office instead of local emergency officials and
18 Schoharie County has acknowledged that there's no adequate
19 notification plan in place.

20 The county utilizes a series of outdoor sirens
21 which are not designed to reach inhabitants in buildings,
22 automobiles, or other structures, the county also utilizes
23 reverse 911 call system which has been notoriously faulty
24 proving unreliable to make phone calls to residents in the

a
in

25 area. In addition, you may have noticed that there is no

1 local cell service in the hamlet of north Blenheim. And
2 adequate notification of an emergency is a requirement of
3 the New York Power Authority's operating license. It's in
4 their responsibility to ensure that an adequate plan is in
5 place. They have failed to take this effort seriously and
6 it is my contention that they stand today in violation of
7 their operating license in this regard.

8 They have been informed of the situation on
9 numerous occasions as has Schoharie County but no action
has
10 been taken to correct the problem.

11 A second license issue that I would like to
speak
12 to you about is the lack of flood control allowed under the
13 current license. In the past if a private individual or a
14 government agency requests adjustments in reservoir levels
15 out of concern for an upcoming heavy storm with potential
16 flooding, the New York Power Authority points to its
license
17 and informs that they are required to let out waters coming
18 in. They informed that while they'd love to help us out,
19 there's nothing they can do because their license forbids
20 it.

21 However, they are quick to note that they held
22 back water during the Hurricane Irene event and released it
23 after the peak flow saving damage to homes and property.
24 The New York Power Authority should not be entitled to have

25 it both ways. They pick and choose when to hide behind

1 their license or violate it with no clear strategy or
2 communication. If a new license is approved, I would
3 encourage you to change the language to allow and
prioritize
4 flood remediation. The New York Power Authority should be
5 required to develop a strategy in conjunction with state,
6 county and town of Blenheim emergency response personnel to
7 actively participate in flood prevention efforts.

8 It is interesting to note that the New York
Power
9 Authority did take preventative measures during Hurricane
10 Sandy in response to Governor Cuomo's request that we
should
11 not have to rely on political pressure to force the New
York
12 Power Authority to use common sense. These issues deal
13 directly with the health and safety of the local residents
14 in the area, but they are also economic and general
15 communication issues that you need to be made aware of as
16 well.

17 The town of Blenheim bears a significant
18 financial burden by hosting the New York Power Authority
19 Blenheim Gilboa power project. The power project inhabits
20 over 2800 acres of property but is exempt from property
21 taxes. This exemption denies the residents and land owners
22 of the town of Blenheim from needed revenue and forces
23 everyone to pay more. For nearly 50 years the town of

24 Blenheim has beared (sic) this burden and it shows. The
25 town of Blenheim has one of the highest tax rates in

1 Schoharie County and yet offers the least amount of
services
2 to its residents.

3 The town has the lowest salaries, the lowest
4 highway maintenance costs, and yet nearly the highest
taxes.

5 The town of Blenheim does not even fund its volunteer fire
6 department forcing them to seek donations to support its
7 operations instead. This is the only fire department in
8 Schoharie County in this situation.

9 The New York Power Authority's workers travel
our
10 roads. They require the town of Blenheim to provide
medical
11 and fire coverage, but pay nothing in return. Instead
these
12 costs are borne by local taxpayers forcing the poor to
13 subsidize the rich is unacceptable and should not be
allowed
14 to continue.

15 Finally, we reach the general communication and
16 cooperation aspects of a relationship with the New York
17 Power Authority. For many years New York Power Authority
18 made donations to the local fire departments and rescue
19 squads for which we are much appreciative of. However, in
20 recent years, they've been much less of a good neighbor.

21 When Hurricane Irene struck, the town was
22 devastated. Our town municipal building was flooded, the

23 town highway equipment was destroyed, and we were in
24 desperate need of help. I reached out to the New York
Power Authority for some direct financial aid which was denied,
we

1 also requested assistance in the way of equipment and
2 manpower which according to the New York state emergency
3 management office was available. But these efforts were
4 also heavily resisted by the New York Power Authority. It
5 wasn't until New York state was informed that the request
6 was denied that they finally came through with some
7 assistance.

8 While of course there is no requirement in their
9 license to provide assistance, their objections really
10 demonstrate the callousness of their management. Many of
11 their employees took vacation time to volunteer mucking out
12 houses and cleaning debris in town. They informed many of
13 us there that they were expressly forbidden from helping as
14 an organization. If they wanted to help, they needed to do
15 it on their own. Their actions were shameful in light of
16 what happened.

neighbor
17 Unfortunately their refusal to be a good
18 doesn't stop there. The town of Blenheim entered into a
19 FEMA ES14 program shortly after the hurricane and
20 devastating flood. This program is designed to bring
21 residents together and plan for a long-term recovery. One
22 of the town's first required decisions was whether we
should
23 consider moving government operations out of the valley to
24 higher ground to determine if something could be done to

25 alleviate flooding and prevent or mitigate future damage.

1 It seemed appropriate to have an engineering study
performed
2 on the Schoharie Creek watershed to determine if anything
3 could be done. During this discussion and debate, it
seemed
4 natural to check and see if New York Power Authority had
5 conducted a study prior to its construction that could be
6 used to help with our decision.

7 The Blenheim long-term recovery committee has
8 sent numerous requests to the New York Power Authority
which
9 were eventually denied after more than a year of being
10 passed from department to department. This is important
11 because of NYPA's request for a simple environmental
12 assessment. Their constant stonewalling and refusals to
13 share information leave residents both appalled and
14 suspicious. We need a full environmental impact study, not
15 a quick gloss over.

16 In conclusion, based upon the New York Power
17 Authority's refusal to place residents' safety as a
18 priority, its willful disregard to its operating license,
19 the economic hardship its operations place on our community
20 and its refusal to cooperate in any meaningful way on even
21 the simplest requests, I encourage you to deny the license
22 renewal for the New York Power Authority to operate the
23 Blenheim Gilboa power project and dismantle the two dams
24 that threaten the safety of our residents.

25

Thank you.

1 (Applause.)

2 MR. BERNICK: Thank you, Robert. If you have a
3 written statement I'll pass that along to the court
reporter
4 at the end. Thanks.

5 Renee Grabowski.

6 MS. GRABOWSKI: Hello, my name is Renee
7 Grabowski. I'm a Blenheim resident and also town board
8 member. Some of my comments may be repetitive, but I would
9 care that you please listen to them anyway.

10 We do hope that FERC will take this opportunity
11 to review and ask for modification to the operating plan of
12 the NYPA facility. Especially through lessons learned from
13 the record storm and flooding of 2011, NYPA's position is
14 that its dam is designed and operated as a dam that is not
15 to be a flood mitigation or control device. Whatever flows
16 in flows out.

17 It would be important to have that section of
18 their operating plan studied and changed to consider and
19 offer protection to those persons who live downstream and
20 those properties that are immediately and directly affected
21 by any release.

22 While it has been strongly argued that through
23 the Hurricane Irene storm where NYPA could not get their
24 gates to operate and open, when they finally got them
25 operational, thus lowering the water level behind their

1 earthen dam, which, if that had been breached, would have
2 been catastrophic.

3 Had their EAP allowed for early releases of
4 water, some of the devastation that occurred, like the
5 destruction of the Blenheim covered bridge may have been
6 prevented. It should be noted that NYPA stated it had to
7 activate their emergency action plan for the first time in
8 its history during the 2011 event. And this would also
9 point to the fact that that plan should be studied and
10 revised.

11 Another issue made even more obvious by the
storm
12 is the need for cellular and Internet coverage in our area
13 and at the NYPA location. NYPA has been asked to assist
the
14 county and the area in getting coverage. We understand
that
15 NYPA has taken steps to get cellular and Internet to their
16 facility, but has done very little to bring these services
17 to the area in general. We feel this was done to satisfy
18 their own self interest and they have little regard for
19 their host towns and neighbors. This is also demonstrated
20 by their lack of notification to the town of Blenheim and
21 Schoharie emergency management office of their standard
22 releases, of construction projects or other work that
occurs
23 at their facility.

24 Several years ago the town of Blenheim embarked
25 on preparing a comprehensive plan. Initially NYPA offered

help

1 support for this project. As we began the process we were
2 told that NYPA could no longer contribute any financial
3 to our small town. We were, however, offered use of their
4 copier to print our survey, but we had to provide our own
5 paper. Again, as they say, we want to help, and they want
6 to be good neighbors, but there's no follow up. There's no
7 follow through.

8 It is my opinion that this facility does little
9 or nothing directly for the town of Blenheim. I would like
10 to be shown how this is incorrect and request a study
11 showing how they have aided the town that has lost a
12 substantial amount of real estate and real property taxes
13 due to this facility would and should be requested.

14 In addition I also ask that there be a full
15 impact study required and demand that it be done to verify
16 that this facility is in total compliance with the EPA.

17 Thank you.

18 (Applause.)

19 MR. BERNICK: Thank you, Renee.

20 Next we have Don Airey, Blenheim resident.

21 MR. AIREY: Good evening to all FERC
22 representatives, everyone here, and for you FERC folks,
23 welcome to Schoharie County.

24 My name is Don Airey and I'm a resident of the
25 town of Blenheim. I'm also a small business owner in

1 Schoharie County and I've served as chair of the Blenheim
2 Comprehensive Plan Committee, Chair of the FEMA-sponsored
3 ESF14, and a long-term community recovery committee
4 following the catastrophic flooding brought by Hurricane
5 Irene. I currently serve as a town liaison for the
6 reconstructed Blenheim bridge project. I also serve on the
7 Schoharie County Flood Committee NYPA Relicensing Special
8 Committee. All of these positions are strictly volunteer
9 endeavors.

10 My forthcoming comments are made as a Blenheim
11 resident and not as any committee member.

12 Before I address a portion of the environmental
13 issues that include socioeconomic impacts, please allow me
14 to provide a brief summary of NYPA's recent conduct as it
15 relates to the host communities and the county as a whole.

16 The NYPA Blenheim Gilboa pump storage project
has
17 operated under its current FERC license for nearly 50
years.
18 During that half century of operation NYPA has proven to be
19 nothing short of a malevolent and uncaring neighbor to the
20 very host communities in which it resides and supposedly
21 serves. Communities in which it is sited not by
invitation,
22 but instead through force and the use or threat of eminent
23 domain.

24 The legacy built by NYPA, by the NYPA BG project

25 have resulted in substantial environmental and socioeconomic

1 hardships, not only for the small close communities of
2 Blenheim and Gilboa, but also for the entire Schoharie
3 valley.

4 It should be duly noted that originally NYPA
5 sought to build a project far larger that would have
6 essentially put an end to the existence of the town of
7 Blenheim as we know it. Not unlike the New York City
8 Reservoir project that changed the town of Gilboa forever.

9 In reviewing NYPA's past half century of
10 operation and its interaction with the host communities,

one

11 can arguably assert that NYPA has never given up its
12 intention of eliminating the town of Blenheim's existence
13 from project expansion.

14 Over it's five decades of operation, NYPA has
15 provided the host communities of Blenheim and Gilboa
16 virtually nothing in terms of any meaningful compensation
17 nor community support, not in taxes, not in payment in lieu
18 of taxes, and certainly not in support nor engagement with
19 the host communities. In fact, NYPA's past performance is
20 quite the contrary. NYPA has exhibited what has become an
21 adversarial relationship with the host communities and
22 county in which it is located. All the while being
23 completely aware of Blenheim's plight as a small,
struggling
24 community, and one that three years ago was devastated by a

that 25 catastrophic five-year flooding event. A flooding even

1 very well may have been exacerbated by the NYPA BG project.

2 So while Blenheim Gilboa and the entire
community
3 struggled in flood recovery mode, Blenheim embarked on a
4 bold recovery plan sponsored by FEMA as part of their ESF14
5 initiative, and a plan itself.

6 Fifteen BLT CRC committee members volunteered
7 over 800 hours and six months of their time and with
8 community input produced a plan. Meanwhile, NYPA remained
9 silent except for organizing a well-publicized public
10 hearing at a local hotel facility and ordered that they
11 could present a PowerPoint presentation to illustrate they
12 were not responsible for any flooding downstream in spite
of
13 multiple failures in procedure, some of which violated
their
14 current FERC license.

15 NYPA even suggested they had reduced flooding
all
16 the while maintaining they are not a flood control
facility.

17 As usually NYPA was more concerned with their own public
18 relations image than the very communities in which they are
19 sited.

20 For NYPA, this is business as usual and is in
21 accordance with the authority modus operandi. However, I
do

22 want to point out that many NYPA employees worked
heroically

23 and at great risk to themselves during Hurricane Irene to
24 protect the residents downstream. The failures I described
25 are authority management systemic and cultural, not

1 individual or employee-driven.

2 And when the BLT CRC reached out to NYPA for
3 assistance and to potentially cooperate in attaining at
4 least some of the plan-identified goals, NYPA refused to
5 even meet -- even meet with the committee. Could that
6 refusal send any other message than what is intended and
7 what the reality of living with NYPA as a neighborhood
8 represents? I think I'll let all present this evening
9 arrive at your own conclusions on that issue.

10 Tomorrow many of you will escorted on a tour
that
11 I am sure NYPA will be certain to use to illustrate all
they
12 have done for the community. Please consider all you will
13 see is for NYPA's ongoing public relations agenda and not
14 for the benefit of the host communities. In fact, some of
15 the land and some of the buildings you will see were
16 acquired for the use or threat of eminent domain actions.

17 Also consider while taking this tour that NYPA
18 has paid no taxes to the host communities, nor have they
19 compensated the host communities for the threat their dams
20 pose. If a corporate entity occupied this land with the
21 infrastructure cited, there would be millions of dollars of
22 tax revenue realized annually by the host communities,
23 school districts, and Schoharie County.

24 Meanwhile, other businesses and residents pay

25 taxes or payments in lieu of taxes, but not NYPA.

1 I would like to list a multitude of NYPA
failures
2 during its tenure here, limited time in consideration of
the
3 subject matter of these scoping sessions dictate, I
refrain.
4 Instead, please allow me to briefly outline several of the
5 environmental and socioeconomic measures I would ask FERC
to
6 compel and require NYPA to engage upon, complete, and
7 deliver prior to any issuance of a new operating license
for
8 another half century.

9 Included is a follow-up but certainly not in its
10 entirety, one, a full and comprehensive environmental
impact
11 statement. A full EIS was not done during initial
12 construction of the project and such a project certainly
13 qualifies and in fact demands such a study.

14 While NYPA will undoubtedly lobby for a simple
15 environmental assessment or EA, I ask FERC to reject such a
16 noncomprehensive and careless approach. Instead, I ask
FERC
17 to require NYPA to perform the full and proper EIS that a
18 project of this environmental and socioeconomic magnitude
19 impact and significance deserves.

20 Two, a full and comprehensive hydrology study to
21 identify changes in the Schoharie Creek and the surrounding
22 drainage basin to reflect on changes in precipitation

23 patterns and events since the project's inception some 50
24 years ago.

25 Further, I ask FERC to require NYPA to share the

1 results of such studies with host communities. Schoharie
2 County and the associated county agencies such as, but not
3 limited to Schoharie County soil and water district,
4 emergency management office, local flood plan
5 administrators, town boards, board of supervisors, et
cetera
6 and to fully cooperate with such towns and agencies upon
7 request and not a foil and not be permitted to ignore such
8 requests as has been NYPA's standard operating procedure.

9 Three, conduct a full and comprehensive
10 engineering assessment to determine the condition,
capacity,
11 and overall long-term safety of the upper and lower
12 reservoir dams that threaten downstream communities,
13 especially the town of Blenheim that sits at the tip of the
14 spear in terms of threat level. Such an engineering firm
to
15 be selected by the host communities and the cost to be
borne
16 by NYPA.

17 Four, provide for a real emergency action plan
18 study that fully engages and fully integrated the host
19 communities and Schoharie County and its interested
20 agencies.

21 Five, conduct a full and comprehensive flood
22 study of not just the Schoharie Creek, but instead of the
23 entire Schoharie valley and neighboring drainage basin area

24 and the real and potential negative impacts caused and
25 potentially caused by siting a project such as the BG

1 project in the middle of such an important and singular
2 regional drainage artery. This study should also include
3 major and minor tributaries that feed the Schoharie Creek
4 and the drainage basin as a whole.

5 Six, commit to a compensatory payment schedule
to
6 Schoharie County, the affected school districts, but most
7 importantly to the host communities who have been burdened
8 with threats associated with this project, have lost
9 significant tax revenue and who have had their lands and
10 property confiscated through the treat of and use of
eminent
11 domain.

12 Seven, commit to the provision of local power at
13 reduced rates or at no charge to Schoharie County and the
14 host communities regardless of whether said power is
15 generated by the BG project or other NYPA facilities which
16 use the BG project as a command and control facility for
17 other NYPA projects.

18 Eight, conduct an independent tax assessment by
a
19 qualified and certified firm selected by the host
20 communities and county paid for by NYPA. This is critical
21 to the socioeconomic impact evaluation required by FERC.

22 Nine, conduct a thorough and independent license
23 review of the terms and conditions of the first operating
24 license provided by FERC to NYPA at the initial BG project

25 startup to ascertain if NYPA has complied with all license

1 requirements and statutory standards as agreed upon and
2 required.

3 Further, said review should also provide for
4 appropriate recommendations that enhance for a greater
level
5 of community commitment in terms of socioeconomic support
6 and overall project safety as will be contained in the
7 issuance of any new license to NYPA via FERC.

8 Ten, conduct an independent and comprehensive
9 assessment regarding the project license term. A 50-year
10 license seems of excessively long duration especially
11 considering the past and ongoing adversarial relationship
12 between NYPA and the host communities and county and the
13 changing environmental and socioeconomic climates. There
14 are other studies, reviews and assessments that FERC should
15 consider requiring NYPA to perform, with time limits and
16 detailing of all. However, a written submission of such a
17 risk study as an assessment is forthcoming from both a
18 personal position as well as from the flood committee's
19 special NYPA relicensing committee later in this
relicensing
20 process.

21 In conclusion, please allow me to reaffirm that
22 the town of Blenheim has not experienced a pleasant nor
23 cooperative nor supportive relationship with NYPA over the
24 past five decades of the BG project existence. Personally,

25 I again, confirm that NYPA even refused to meet with the

our
1 Blenheim long-term community recovery committee to share
2 visions, goals, and spirit of cooperation. In fact, NYPA
3 was blatantly disinterested in discussing the 88-page
4 community volunteer and FEMA-sponsored recovery plan that I
5 again hold before you, the folks of Blenheim did on their
6 own with not a penny of NYPA money.

7 Now is the time for NYPA to engage with, not
8 ignore, its host communities. Now is the time for NYPA to
9 assist the people in the communities they are chartered to
10 serve, not threaten nor ignore them. The relicensing
11 process provides us all with a new opportunity, a new
12 beginning. But NYPA must be willing to be a responsible
13 partner, a caring and responsive partner, not an
14 authoritative juggernaut fixated on its own narrow agenda at
15 the cost of the region it is intended to serve.

16 NYPA must be willing to engage, listen, and
17 respond, respond reasonably, respond responsibly,
sincerely,
18 professionally, and conscientiously. Up until now NYPA has
19 failed in that duty and this must change.

20 I ask FERC to facilitate such change and compel
21 NYPA to be directed as such. To lead that way as a federal
22 regulatory agency, the fate of the small town of Blenheim
23 depends upon it.

24 I ask FERC's assistance and I look to NYPA -- to

25 NYPA to comply with benevolence and sincere community

1 engagement. Together we can create a new understanding and
2 a new beginning. Blenheim is tiny, but we're sturdy. But
3 NYPA holds the key to Blenheim's long-term prosperous
4 future, or its slow deterioration.

This

5 I say to NYPA, choose the past path wisely.
6 might be the last opportunity you may all have to build a
7 lasting and sincerely cooperative partnership where
8 partnership is important. Future generations will judge us
9 by our actions in this relicensing process. Have them
judge
10 us as visionary stewards of this region and not as
11 uncooperative, combative enemies, the path and choice is
12 NYPA's and it always has been.

13 Thank you for your time.

14 (Applause.)

15 MR. BERNICK: Thank you, Don.

16 Now, just a quick time check, it's 7:15 at this
17 point. We have another seven speakers on the list. I was
18 wondering if there's anyone who didn't sign up on the
19 speaker list who would like to speak as well. You can just
20 raise your hand if so, or if you have any other questions
21 for us about the process. So just for the remaining
22 speakers, if you can keep your remarks to five minutes
23 please.

24 Alex Bartholomew for the Dam Concerned Citizens.

25 Thanks.

1 MR. BARTHOLOMEW: Thank you. My name is Alex
2 Bartholomew, as you said. And I am here on behalf of Dam
3 Concerned Citizens.

4 Many of you just might be wondering why my
5 father, Howard, isn't here. He's on a month-long fishing
6 trip and he's two weeks into it. He sent me in his stead
7 with some information.

8 I hopefully will be very short, and I just want
9 to speak and reiterate to the safety issues of the
hydrology
10 of the system.

11 I looked up some data on rainfall from 1900 to
12 present. And from 1900 to 1968 which was the interval up
13 until the project was built, the average rainfall at
Albany,
14 which is the closest reliable station was 33 -- roughly 33
15 inches on average with a high rainfall year of 45.2 and a
16 low rainfall year of 21.5 inches. That's total rainfall
per
17 year.

18 Since then, from 1969 to 2014, the average
19 rainfall is 39.6 -- roughly 39.7 inches of rain. This is
an
20 increase of six inches -- roughly six inches of rain per
21 year since BG has been built. And the high year was 53.6
22 and the low year was 28.9. So the point of the high and
23 lows is that the average year, the greatest high amount of

24 rain is up by eight inches from the average up until BG was
25 built. And perhaps more importantly that the average low

1 year was an increase of seen inches. So we've seen overall
2 a net increase in precipitation by about a half a foot
since
3 BG was built.

4 Secondly, I looked a little bit into the average
5 stream flow at Prattsville with my data coming from the
6 USGS. Oh, just so you know, the data on the rainfall is
7 from the National Weather Service. And at Prattsville,
from
8 1908 to 1968, the average annual flow was about 445 cubic
9 feet per second and from 1969 to 2013, the average annual
10 flow was 530 cubic feet. So this is an increase, on
11 average, of approximately 100 cubic feet per year since
12 1969.

13 So, you know, as some of the speakers have said
14 before, we would like to reiterate a call for increased
15 examination of the hydrology of the system and this just
16 preliminary data that I looked up last night suggests that
17 our precipitation and flow rates have gone up considerably
18 since BG was built and it calls into question the adequacy
19 of the release works that are currently in existence.

20 Thank you.

21 (Applause.)

22 MR. BERNICK: Thank you, Alex.

23 Next is Ann Mattice Strauch.

24 MS. MATTICE-STRAUCH: Mattice Strauch.

25

MR. BERNICK: Mattice Strauch.

1 MS. MATTICE-STRAUCH: Yes. Hello everyone. I
am
2 a town board member in the town of Blenheim. I am sixth
3 generation on our family farm. And I'm also a volunteer
4 fire fighter for the town of Blenheim.

5 I don't know if you need me to reiterate all of
6 the great things people have said beforehand. I don't feel
7 as though I need to. I agree wholeheartedly with
everything
8 that has been shared so far. I think my purpose here
9 tonight is to try to make you folks understand and feel the
10 pain that the residents have felt from the host
communities,
11 particularly Blenheim for the last almost 50 years. And I
12 also think it's good for the people from the New York Power
13 Authority to hear this as well.

14 I looked up some data on -- I was reading in the
15 Blenheim history book about when the New York Power
16 Authority came to fruition in 1969. According to the
17 history book and I didn't write the statistics down, 51
18 parcels were taken or used, you know, different parcels
were
19 used for the project and 22 of them were taken to court
20 which I took to mean 22 of them did not want to voluntarily
21 give up their land to NYPA, they were taken by eminent
22 domain.

23 I know for sure that Lansing Manor was taken by

24 eminent domain since Lansing was a former governor of New
25 York. And the person who was currently living there did
not

1 want to give up their home and land. So NYPA did come in
2 and of course won in court.

3 The New York Power Authority poses a threat to
4 life and property. According to their operating license,
5 there is supposed to be adequate notification of
emergencies
6 at the Power Authority or a dam breach to the people
7 downstream. They have turned this over to Schoharie County
8 to provide.

9 So, the Schoharie County has put up an outdoor
10 warning system, that's what the sirens are. If you're
11 outside, you can hear the siren. They didn't mean that
when
12 they put them up. When they installed them, you could hear
13 them inside.

14 So there's a reverse 911 system which they run
15 tests on. It's never -- as far as I know -- and this data
16 might be old, it's never come back that 100 percent of the
17 reverse 911 calls has gone through. Meaning 60-some
percent
18 are answered, or gone through. Also, what if you're
19 sleeping at night and you don't hear the phone ring. There
20 is just not any adequate notification of a dam breach
21 downstream, particularly in Blenheim. We only have minutes
22 to evacuate and something needs to be done to insure the
23 residents' safety.

of 24 During Hurricane Irene there was a malfunction
25 their gates. They were not able to raise their gates when

1 they wanted to, to release water. So by the time they were
2 able to raise their gates, they had to raise them so fast
3 that it caused a surge of water downstream. I did not
4 witness this myself. I have spoken with people that have
5 seen -- it varies as you go through -- how many feet of
6 water surged through because of the gates being opened.

7 There is one person who is sitting in this room
8 right now that was actually almost caught in that surge.

He

9 was driving up through town evacuating and the surge water
10 came and picked up his truck and he could feel his wheels
11 weren't all the way on the road, but thankfully he was able
12 to make it to dry land and he and his wife were able to
13 escape from the flood.

14 Also at that time, and I hate to say this, but
15 the timing coincides almost exactly when the Blenheim
bridge
16 was lost. It was the longest, single-span wooden covered
17 bridge in the world, and a national historic landmark. And
18 we had a resident take a picture of the bridge and then he
19 turned around and walked away and by the time he looked --
20 he heard something and he looked back and the bridge -- the
21 roof of it was on the Route 30 highway DOT bridge. And the
22 timing coincides with the gates being raised at the Power
23 Authority according to the January 2012, presentation that
24 they did on the Schoharie.

25

I would also like to point out, as a resident, I

1 am sometimes appalled at the money that they -- I feel they
2 squander on public events, public relations. For one of
3 their anniversaries they had a fireworks display and I love
4 fireworks, but all I could think about was how much money
5 was that? The town of Blenheim is using a shed that the
6 Power Authority provided to them after our town highway
7 garage collapsed -- the roof collapsed and we couldn't
8 afford a new highway garage. So the Power Authority
brought
9 down a building for us to use until we were able to afford
a
10 new highway garage of our own. We've never been able to
11 afford a new highway garage and that uninsulated shed is
12 still our highway department's building that our highway
13 guys have to work in all winter. And we pour the money out
14 through the siding, through the roof because there's no
15 insulation. And I feel we're lucky it hasn't fallen down
16 again.

17 Of those 2800 acres, we haven't received any
18 taxes -- any tax money for the last almost 50 years. And
19 I'm sure NYPA will point out the benefits that they have
20 given to the community. Mine Kill State Park is a
wonderful
21 facility. You do have to pay to go in. I mean, you have
to
22 pay to park, you have to pay to use the pool. They provide
23 free lessons to the community.

24 The school districts around the area also send
25 their students to their first swimming lessons during the

1 summer. The town of Blenheim decided years ago, I think I
2 was in high school, decided that they couldn't afford to
3 send their children to Gilboa School for the swimming
4 lessons, so they cut it from their budget. So one of the
5 host communities does not send their children to Mine Kill
6 State Park for swimming lessons. I have taken my children
7 there over the years and they do let you in for free after
8 three o'clock on the days that there is swimming, and then
9 the lessons are free, but you have to pay to go in the
pool.

10 Currently my children are going to Stanford
where
11 they receive breakfast, lunch, swimming, and tennis lessons
12 for \$30 for the month total. So, again, I'm from a host
13 community and my children are going to an entirely
different
14 community for services.

15 Of the 150 jobs or so that the New York Power
16 Authority provides, as far as I know, no one from Blenheim
17 works in the power plant. They have in the past, but
18 currently, as far as I know, no one does. So I would love
19 to see the employment information as Gail Shaffer has
20 requested. I know of one person who works at Lansing Manor
21 which I think might have been hired by Schoharie County
22 historical society and one person at Mine Kill State Park.

23 So they are not a big provider of jobs for the
24 town of Blenheim. And I hope they don't try to tell you

25 that's because no one is qualified because I also know that

1 is not true.

2 The Power Authority did provide the town of
3 Blenheim with one of their trucks. They loaned it to us
for
4 use several years ago before I was on the town board and
5 they required an extra insurance policy above and beyond
our
6 normal insurance. So they lent us a truck, we had to spend
7 more money on insurance.

8 We have put, and this is anecdotal from our
9 current highway superintendant, he felt we have put \$50,000
10 in repairs into the truck and we are getting ready to put
11 another \$14,000 in it for a new motor. But he said we've
12 replaced everything on the truck, so we should be good for
a
13 while.

14 As a member of the volunteer fire department, my
15 father was a charter member of the Blenheim Hose Company
and
16 I'm a member as a little girl, a young woman, that my
father
17 didn't want to upset the Power Authority because they had
18 been giving -- they started giving the volunteer fire
19 departments and rescue squads throughout the county \$1,000
a
20 year. And being from Blenheim we don't ask -- we don't --
21 we are not tax supported, so he really wanted that \$1,000 a
22 year, so he wanted to make sure that, you know, we served

23 the Power Authority well. And to me that's just appalling
24 that, you know, we had to -- and we do, we want to provide
25 good service and we have had practices up at Lansing Manor.

1 They have a dry hydrant and it's I think one of the -- it's
2 either the only one in Blenheim or one of two in Blenheim
3 that we have. So we practice on that.

4 Lately our membership has been declining and we
5 need members just like all the volunteer around. The
6 training requirements are difficult, especially for young
7 families with children at home.

8 So the Power Authority did raise their donations
9 raised up to \$2,000 a year and then I don't remember if they
10 it to three or if they jumped it all the way up to 4,000,
11 but it is now -- they have now cut it out and you have to
12 apply with -- you have to write a grant and ask them for
13 money.

14 Of the 580,000 they said that they have given to
15 emergency responders around throughout the years, I know we
16 we received our \$1,000 a year and then as they bumped it up,
17 received those every year. The most significant money we
18 have ever received was the last grant we received after the
19 and flood for 12, 14,000 that we had to apply for, for a UTD
20 generators to replace that had been lost in the flood.

21 We bought a new -- "a new" -- a new used pumper
22 tanker several years ago for \$40,000. That's all our fire
23 department could afford. We really could use a tanker
24 truck. Because around here we don't have fire hydrants

25 everywhere and water is a problem when you get to a fire.

1 The engine might have 1,500 gallons on it and once that is
2 out, you're out of water until mutual aid arrives. So I
3 would really implore that you take -- that the Power
4 Authority be made to take a look at the emergency services
5 and what they are in need of throughout the county,
6 especially the host communities.

7 I am hopeful that if the relicensing is kept to
8 50 years, that my children are not going to be standing up
9 here trying to make you feel their pain the way that I am.
10 So, I also request that an economic impact study be done, a
11 hydrology study, and also an EIS, environmental impact
12 statement as well.

13 So, I guess that's it. I would, of course, I
14 mean, if you had questions or anybody had questions
15 afterwards, I probably won't be here because I have to get
16 home to my kids, but my information is over there if
anybody
17 had any questions for me.

18 (Applause.)

19 MR. BERNICK: Thank you. Joanne Noone.

20 MS. NOONE: Yes. My name is Joanne Noone, I
live
21 in Conesville. I'm a resident there. I first want to
start
22 by saying that I feel that there is definitely an
imperative
23 need for a full-scale environmental impact study and an

24 economic impact study.

25 Considering the magnitude of the flooding that

1 we've experienced in this county and knowing what our risks
2 are at present, we do need to address every one of our
3 vulnerabilities. Lots of them really appeared during that
4 flood that we now need to send forward into the future with
5 not just consideration but also with solutions.

how

6 As a Conesville resident, I certainly realize
7 bureaucratic presence dictate your life and places
8 restrictions and regulations on the communities there that
9 they are included in. These are often imparted with little
10 regard to the lives and the property of the people that
live
11 there. And I do want to point out, you did a PowerPoint
12 study, not one part of it mentioned the people that live in
13 the community. I heard about eagles, I heard about water
14 quality, and unfortunately that seems to be reiterated by
15 every bureaucratic agency that is impacting our lives from
16 the DC to the DP and also now to the Power Authority.

the

17 As we go forward in this process, we must assure
18 that all considerations are made solely to me because of
19 time span and the longevity that this agreement is going to
20 place on the future of these communities.

21 So I won't speak long and I'm pretty much done,
22 but I do want to answer, from my point of view, what I've
23 seen the Power Authority spend money on in my community.
24 There's two -- well, now one, because the one outside the

25 school has just been removed for some reason -- but we have

1 had literally LED signs that tell us to volunteer at our
2 fire department, what the daily temperature is, but none of
3 that is going to do anything for us for the future.

4 PARTICIPANT: They did not pay for that sign.
5 Okay.

6 MS. NOONE: So that's how that goes. It was
7 touted as a Power Authority grant, that's what the rumor
is,
8 that's what I know.

9 PARTICIPANT: Not true.

10 MS. NOONE: Do you want to speak? Yes?

11 PARTICIPANT: I just want to tell you, you're
12 wrong.

13 MS. NOONE: Well, your fire department said it.
14 Where did it come from, Bud? Where did the money come
from?
15 Where did the money come from? And is the superintendant
of
16 school here. I don't need to know, I know what the rumors
17 are. So then basically nothing has come to our fire
18 department from the Power Authority. That's what you just
19 said. Thank you. And I'm done.

20 (Applause.)

21 MR. BERNICK: I just want to make sure that
22 understand what we're looking for in your feedback on
things
23 that will help us understand the issues regarding this

24 projects relicensing. And I understand that there's a lot
25 of concern about what's true the past few years in terms of

1 storms and if we could keep our comments to be focused on
2 the resource issues at hand. I appreciate your thoughts
and

3 I'm understanding from a lot of the comments that are given
4 are for a socioeconomic resources section as well. That's
5 something that we've omitted from the list of issues to
6 consider in our final review -- and we'll look into that.

7 The next speaker we have is Shawn Smith.

8 (No response.)

9 MR. SMITH: Thank you. He said my name is Sean
10 Smith and I'm the town supervisor of Blenheim. A lot of
11 what I want to talk about has already been mentioned
before,
12 but a few points I want to reiterate and I'll try to keep
my
13 comments short because I know you're strapped for time
14 there.

15 As has been said before, there was like about a
16 third of our tax base was taken and is off the tax roles
and
17 everything in the town of Blenheim. And my predecessor Bob
18 Mann who I have a lot of respect for, has told you the
19 problems. He's done the best he could, a great job, I
20 think, in trying to balance the budget. But it's just
21 impossible really to balance a budget with a third of your
22 tax base missing. Especially in these times, towns that
23 aren't missing a third of their tax base can't balance
their

24 budget. So when you take that away, I mean, it's almost
25 impossible.

1 And then if you go on top of that, not only did
2 we lose a third of the tax base, but we're also tasked with
3 providing the Power Authority with all their benefits and
4 their resources.

5 One of our board members was here earlier
talking
6 about our highway garage how it's in disrepair and it's
just
7 a shed, uninsulated, doesn't have anything, and that's the
8 same highway garage and people that provide all the
benefits
9 for the Power Authority. They have to plow the roads for
10 the Power Authority, take care of all the roads.

11 And you heard about the first responders.
Again,
12 not only did we lose a third of our tax base, but then we
13 have to provide first responder services to the Power
14 Authority. And I'll add in there also like emergency
15 medical services and stuff. We don't have our own in
16 Blenheim, but we pay -- we contract with another town,
17 Nevack, and our share of what we have to pay for that again
18 goes to provide the Power Authority with all their
benefits.

19 And I know again you said that you might
consider
20 having some sort of socioeconomic thing added to your plan
21 as far as FERC, and I'm asking or really begging you on
22 behalf of our town that you would consider that and look

23 into the actual effects that it causes to our town.

24 And the next point that I want to hit on and the

25 one thing I think some other people talked about was the

1 flooding events that occurred. And although you say that
2 might not be totally related to the Power Authority and
what
3 happened there, I don't know if you're aware of, we're in a
4 lawsuit with the Power Authority for all the damage that
5 they caused to our town property as a result of like, Anne
6 Mattice said, the surge that they opened up. And I don't
7 want to get into the details about that, because like I
say,
8 it's still in litigation. But there was substantial
9 catastrophic damage that was done to our town property, to
10 our residents. We lost -- not only did they take a third
of
11 our tax base for the project, but then because of all the
12 damage they caused during the flood, we lost all kinds of
13 other property that will never be built on again. So we
14 lost more tax base there as a result of that.

15 And, you know, with somebody that operates
inside
16 of your community, you know, if you have another town, and
17 other town supervisors, something, if somebody has a
18 mistake, we all know that mistakes or some things can go
19 wrong, and you can try to work together to maybe rectify
the
20 problem. But not with these guys. We've had meetings and
21 were nice enough -- I think Joe Leary was here somewhere --
22 to sit down and talk with us about, you know, what he could
23 do to try to help us out, compensate us for some of the

Don 24 losses. It was nice he spent a lot of time talking with
25 and I. Then at the end he said, sorry, guys, you know, we

1 can't help you.

2 And that's important for two reasons here too

live 3 because one you have to understand that the people that

4 all the way down the Schoharie valley, my town and Fulton

fear 5 and all the way on down, they live in almost a constant

6 of flooding events, not knowing what the Power Authority is

dams 7 going to do, whether or not they're going to open their

8 or if their safety plan is going to work. And as part of

9 their license -- I know I heard Bob Mann say earlier that

10 they should be denied a license. If they have to continue

11 to operate the way they are, then I would agree with that.

12 I think they should be denied a license unless they can

13 change around so that they're willing to take into

14 consideration our people, the life and property of all the

15 people that live along the Schoharie Creek and not view us

16 as some sort of an impediment to progress.

17 And along those same lines, but following up,

18 they say -- when I've talked to them before, they say, you

the 19 have to realize we're not a flood control facility. And

20 problem with that is, maybe they're not because their

21 license says, and I don't know the details. If you guys

22 prohibit them from controlling floods, but I mean, that's

the 23 totally illogical in my opinion. If you guys are there,

24 Power Authority is there, they have the ability to control
25 floods, they can, you know, stop a flood that would maybe

1 not ruin any houses there, that they're somehow prohibited
2 from doing that in their license I think is illogical and
3 shouldn't be allowed if they are granted a new license.

4 And I know I'm also a part of the -- as town
5 supervisor as part of the relicensing committee and Richard
6 Mix spoke earlier about how the Board of Supervisors made
7 some requests of the Power Authority to try to help them a
8 little bit so we didn't lose like a \$17 million grant that
9 he said. And Dick's words were that that request fell on
10 deaf ears. And every request, I think, has fallen on deaf
11 ears, whether it come from the town of Blenheim, from
12 myself, when I first got elected and took over I made
13 several requests, some simple that wouldn't even cost any
14 money, whether they would use our post office in our town.

15 I don't know if you're familiar with all the
16 problems with the post office, but ours is only open now
for
17 two or three hours a day because they're just under the
18 threshold to be open full-time. And the Power Authority
19 with all their outgoing mail, if they would use it being
20 that they're in Blenheim if they would use the Blenheim
post
21 office for their outgoing mail, we could maintain our post
22 office, which is one of the last things our small community
23 has. And two or three people have asked about that. I
know
24 Joe Leary, Mr. Hayden and they said, oh, we'll look into it

25 and I haven't heard back from them. Or they said, well,
you

1 know, if the post office can't survive, that's too bad.

2 So, you know, I'd encourage you guys, and I
don't

3 know if it's necessarily outside of FERC, but we're kind of
4 looking to you for help because we're a small community and
5 we do the best we can. But we're looking to you guys for
6 help to try to have them build some sort of a partnership

or

7 at least acknowledge the existence of the host community
8 here.

9 Thank you.

10 (Applause.)

11 MR. BERNICK: Thank you, Sean.

12 It looks like Gene Milone. Do I have the last
13 name right?

14 MR. MILONE: Yes.

15 MR. BERNICK: Thank you.

16 MR. MILONE: Yes, my name is Gene Milone. I'm a
17 supervisor from the town of Schoharie. And basically

what's

18 left to be said? It's not often that I've had the
19 opportunity to agree with Mr. Mann.

20 (Laughter.)

21 MR. MILONE: Your presentation was eloquent.

22 Don, the same to you. You pretty much covered a lot of
what

23 I had intended to speak about. And incidentally I am a

24 member of the relicensing committee and to the best of my
25 knowledge those of us that comprise that committee have

1 never been through this process before. But that doesn't
2 mean that we don't know how to negotiate.

3 And no one has to give definition to the
4 destruction caused by Hurricane Irene. For anyone that's
5 not aware of it, the entire village of Schoharie was
6 completely decimated. And there are an abundance of issues
7 which must be discussed over the course of the relicensing
8 procedure. In my opinion, one of the most important is
9 flood control, something which NYPA has refused
10 participating in. If we look at the cooperative effort
11 which took place in anticipation of Hurricane Sandy, it
12 proves that we can collectively protect our risks. So I
13 look forward to the upcoming negotiations with meaningful
14 dialogue concerning NYPA's presence in our communities.

only

And

15 quite honestly, I think that it's safe to say that NYPA has
16 been living in denial on this cooperative effort as far as
17 flood control is concerned and it's time to take a new
18 approach.

19 Thank you very much.

20 (Applause.)

21 MR. BERNICK: Thank you. Next is Tony Van Glad.

22 MR. VAN GLAD: Good evening everyone. My name

is

23 Tony Van Glad and I'm the supervisor from the town of
Gilboa

24 and currently the chairman of the board of supervisors for
25 Schoharie County. I'm going to bring up two points,

I

1 Schoharie County issues, as well as my town's issues. And
2 do have one question for FERC.

3 I came a little late because we finished up a
4 board meeting. Tonight it's verbal of our concerns. If we
5 have thoughts within the next month after this week, we'll
6 be able to write other concerns.

7 MR. BERNICK: Yeah, you can submit written
8 comments through August 8th, as part of -- so that's
9 comments on the scoping document that we've issued, NYPA's
10 preapplication document and the study requests.

11 MR. VAN GLAD: Are those requests going to be
12 public?

13 MR. BERNICK: Yeah, it will be all in the public
14 record. Yes.

15 MR. VAN GLAD: Okay. All right. Well, I'll
16 start my little speech.

17 MS. Carter: I just want to say that when they
18 talk about the -- and that was some of the reasons that
19 everything has to go through the Secretary of the
Commission
20 is because then everything is in the public record and
21 everything that is part of this process -- the entire
22 process is all in the record --

23 MR. VAN GLAD: Okay. Thank you. First of all I
24 would like to echo Bob Mann's thoughts as well as Don

25 Airey's. I think Don laid out the -- was it ten points,

1 Don?

2 MR. AIREY: Ten tonight.

3 MR. VAN GLAD: Ten tonight. Yeah. I think
Don's

4 ten points should be seriously looked at and Bob's little
5 spiel there was right on. Him and I served on the flood
6 committee for ten years together. And we covered a lot of
7 issues which NYPA had affected our county and through the
8 Schoharie Creek. So I think with those documents that

those

9 gentlemen handed in, I think they should be strongly looked
10 at.

11 Speaking on the county side, I think -- and
we've

12 kicked it around a little bit in that licensing committee,
13 maybe a 30-year license because things change quickly. I
14 mean, just in the past 10, 15 years, look how quick
15 computers and these little objects here, cell phones, you
16 could almost pretty much stand anywhere, if you've got cell
17 service --

18 (Laughter.)

19 MR. VAN GLAD: -- and communicate. So I think a
20 30-year license would be appropriate. Look at how things
21 have changed. You never know, electricity could be
outdated

22 by then. Sorry guys. Who knows.

23 (Laughter.)

24 MR. VAN GLAD: Anyway, also I think another
thing
25 that should be looked at and it's been covered several
times

1 is an operating plan of not just holding -- releasing water
2 as it comes in, I think there should be some sort of flood
3 control for the Schoharie Creek so that we don't have any
4 kind of damaging storms that could affect people down
5 through the creek.

6 What I would like to see also on the county side
7 is a study of the Schoharie Creek and the water flows and
8 the different gravel bars that have occurred over the past
9 50 years since the Power Authority has been in operation.
10 I'm sure gravel bars have affected how the stream flows and
11 has eroded farmland and other precious roads and stuff like
12 that. That should be looked at. I think that's where I'm
13 going to end for covering some county stuff. Again, I'll
14 refer back to my colleagues earlier on their points.

15 On the town side, I'd like to see a study of the
16 road systems within a 15 mile radius of the power plant.
17 There's always heavy equipment that goes back and forth to
18 the power plant. And our roads are in deplorable shape and
19 it sure would be nice to have them fixed so I'm not
20 replacing shocks, which I normally don't do.

21 Another thing I would like to suggest, and I
know
22 it's been touched on a lot, first responders, I mean,
that's
23 a pretty big plant over there with some energy and
24 electricity. It's fairly dangerous. I'd like to see a

25 study on a separate building with a fire department and
some

1 EMTs in position on full-time duty, keeping that fire
2 department/EMT system going so that if they have a disaster
3 they'll have some staff that's on call as well as can
4 service their needs, and also service our communities'
5 needs. And I would like to see that facility outside of
the
6 power plant so that if volunteers want to help these
7 full-time folks that could happen also because
communication
8 is always a great thing.

9 And last, but not least, taxes, taxes, taxes,
and
10 more taxes. I think my colleagues stressed it earlier. We
11 have to find out how much land -- we know how much land
that
12 they use for their project, as well as the transmission
13 systems, there's a lot of land that's used in the
14 transmission systems, by an acre wide and miles long. I
15 think that should be looked into on actually how many taxes
16 my town, as well as the town of Blenheim and the county is
17 losing for that income.

18 So that's all I have to say and thank you for
19 hearing me.

20 (Applause.)

21 MR. BERNICK: Thank you, Tony. The last speaker
22 we have on the list is Jim Buzon.

23 MR. BUZON: Yes, as stated, my name is Jim
Buzon.

24 I'm a supervisor for the town of Middleburgh. I'm also
25 chairman of the flood committee and of the relicensing

1 committee as well.

2 One thing that I just came across at our county
3 board meeting as I was sitting there listening to some
4 concerns is basically the National Association of Counties
5 their June 30th newspaper that they put out. They had a
6 really nice little article in here, with a survey that was
7 done. Basically it says 12 percent of our counties face
8 very high natural disaster risks that if you look at where
9 we're located here, they have us in a high risk category.
10 And these risks basically are attributed to earthquakes,
11 tornados, and hurricanes. And I can't think of two things,
12 okay, that could affect the earth and dam more than
13 basically a hurricane and an earthquake. It seems
something
14 we really should take a look at. And that's why it -- and
15 actually they left out flood in here. And the reason they
16 left out flood is because they didn't have the data on that
17 when they were doing this for the entire country. All
18 right.

19 So I would say that if they went back and put
20 floods in here, it would probably bring us into a very high
21 natural disasters. And this wasn't done by some special
22 interest group here in the county or New York state or
23 anywhere, this was done on a national level and that's
where
24 it's okay.

25

So I would like a study to be done basically of

1 the dam, an engineering study to see basically what type of
2 an earthquake could it sustain, okay, and basically as far
3 as that also too, the amount of rainfall that's coming in.
4 Are those gates merely good enough for the flow that we're
5 going to be having?

6 The thing that I wanted to mention too is, other
7 people have mentioned the increase in precipitation that
8 we're having. Well, that's true, our precipitation has
gone
9 up quite a bit. Well, since 1969, I often wonder too, with
10 the amount of ski slopes and trails that have been opened
in
11 the Catskills, with the amount of paving that's taken place
12 of people's driveways, with the amount of ditching that's
13 taken place, the amount of paving that's taken place on
14 different roads, and the development that's taken place
with
15 houses, supporting groups that don't absorb water, okay,
16 just what our runoff is compared to that. I mean, we may
17 have seen a 20 percent increase in precipitation, but I
18 think as far as our runoff goes, it's even higher than that
19 of what's leaching. So definitely there has to be a full
20 environmental impact study done on this area.

21 I also would like to see too a breakdown -- I
22 know a very impressive \$580,000 that was given, but I'd
like
23 to see a breakdown per year basically of what the Power

24 Authority actually has contributed basically to the first
25 responders. Because if I'm sitting back there doing some

1 quick math, it looks to me that if you take \$580,000 and
2 divide it by 25 years, which is basically when they've been
3 been keeping records, since 1989 which they had on here,
4 basically it looks like about \$23,000 a year. And if you
5 spread that out to the first responders, and also take into
6 account that in the last few years because of Hurricane
7 Irene, they've actually donated even more, okay, I'll bet
8 you, tell you the truth, what they've been giving to the
9 county and to the first responders, doesn't equate much
10 than maybe a couple of packs to each one of them.

more

11 Yeah, 580,000 sounds very impressive, but it's
12 really just a drop in the bucket.

gates

13 Back to Hurricane Irene, basically when the
14 -- when the power failed there, basically, they were
15 releasing about 40,000 cubic feet per second. Okay.
16 According to their flow rates, which a flow sheet that they
17 gave out at a Best Western meeting that they had in 2011 --
18 December 2011, in 40 minutes they went to 110,000 cubic
19 per second that they were releasing according to their flow
20 rates. There were, I don't know how many -- I can tell
21 at least ten people that I know of, that were caught in
22 that had this flow rate been natural, okay, people could
23 have seen the rise in the water that was coming through.

feet

you,

this

24 Okay. As it was, I know of one farmer in Middleburgh who
25 his son and himself were actually trapped in the second

1 floor of their barn, the water got to within four feet of
2 them. Okay. His wife was by herself trapped in the second
3 story of her house. Okay.

4 I know of another farm where the woman was
5 trapped in her house also, could not get out. They
couldn't
6 even get a boat to her, the water was so swift coming down
7 through there. And across the road from them, both the
8 husband and wife were trapped in the second story of their
9 house. Okay.

10 In 1996, the flood that we had, the town of
11 Middleburgh had one FEMA buyout. Okay. In 2014 we just
12 finished closing on the ninth FEMA buyout in our town.
That
13 doesn't include the village, that's outside of the village,
14 okay. We still have about ten places in the town that have
15 not -- nobody has moved back into. And they did not apply
16 for FEMA buyout and I don't know what they're going to do
17 with them because the mold in the houses now is at such a
18 point where you're not going to get rid of it. They might
19 as well be torn down.

20 This is a tax base that was lost completely.
21 Okay. Not to mention that we lost our only grocery store
22 that serviced both the town of Middleburgh, the town of
23 Schoharie, the town of Fulton, a lot of the town of
24 Blenheim, the town of Broome, part of the town of

25 Rencerville, and Wright, and Burn. Okay. Many of our

1 residents now are traveling anywhere from 25 to almost 60
2 miles roundtrip to get their groceries. Okay.

3 I know at different times we talk to NYPA and
4 they say, well, that's not our problem. We didn't cause
5 that, okay. Well, let me just go back to that increase in
6 the level of flow that they had. Okay. If you take a look
7 at that and you consider the fact that actually they have a
8 capability of pumping 13,000 cubic feet per second to their
9 upper reservoir, had they had that upper reservoir lowered
10 at the time instead of almost full, five feet from being
11 full, okay, and which actually they had actually pumped
that
12 reservoir, if I'm not wrong, they had pumped early up
there,
13 okay, which was against their license, okay, they could
have
14 actually been taking 13,000 cubic feet per second pumping
up
15 there during the peak of that flood. Okay. And at that
16 point they could have probably lowered that water by
inches.

17 Okay. Well, that doesn't sound like much, but consider we
18 only had about eight inches of water on our gymnasium floor
19 in our school in Middleburgh and which basically we lost
20 probably \$100,000 that we couldn't recoup on that. Okay.
21 And overtime the fact that we had about 10 inches of water
22 in our library in Middleburgh and which basically we lost
23 about \$100,000 there that they couldn't recoup, okay.

24 That's significant to a community to lose \$200,000 worth of
25 buildings, basically.

1 And not only that, it totally got into the first
2 floor of our school. Okay. And we lost a lot of our
3 valuable records because of that. Okay.

4 The other thing I wanted to bring out too is I
5 feel that NYPA should also take a look at our Schoharie
6 valley transportation. We have been a good neighbor for
7 them. In fact, we just started, basically, a bus route
8 up here to the NYPA plant and providing for basically their
9 workers to come back and forth. Okay. We're able to do
10 that this year because basically our person in charge,
11 Christine, who was able to get a grant to help out with
12 that, to defray the costs. Once that grant is gone though,
13 Schoharie County bears the burden of that. All right. So
14 one thing that they might want to do is take a look at

back

maybe

for

15 helping to subsidize that route. It's not actually just
16 the county, it's for their own workers to come up here.

17 And then the last thing that I want to say, I've
18 had quite a few things, but actually I'll save them for
19 Wednesday, okay. Is that, yes, we had a lawsuit against
20 NYPA. And as far as the county goes, the town of
21 Middleburgh, the Village of Middleburgh, the school
22 of Middleburgh, the town of Schoharie, the Village of
23 Schoharie, the town of Esperance, basically had to drop it.

district

24 And why? Because we don't have the funds that NYPA has to
25 throw at it. Okay.

1 So our residents basically go away with empty
2 pockets, okay. They go away with not being able to see
3 basic services, some services restored, and so on, because
4 of this. All right. Yet, when we ask NYPA for some help
5 small matters, basically they say it can't be done. All
6 right. Yet, they have basically millions of dollars to
7 throw into the lawsuit.

8 Thank you very much.

9 (Applause.)

10 MR. BERNICK: Thank you, Jim.

11 Yes. Would you like to speak?

12 MR. FEDERICE: Yes, I would. Thank you.

13 MR. BERNICK: Do we have anyone else who would
14 like to make any comments? It's going on eight o'clock.

15 PARTICIPANT: Time is of the essence.

16 MR. BERNICK: Time is of the essence, yes.

17 MR. FEDERICE: Well, I'll be mercifully brief.

18 MR. BERNICK: And can you please state your name
19 and affiliation?

20 MR. FEDERICE: I'm Bill Federice and I'm the
21 supervisor for the town of Conesville. And I'm not going
22 come up here to repeat what we heard, some very compelling
23 reasons that we need to reexamine this whole relationship
24 that we have with the Power Authority. I've seen some

on

to

25 changes over the last couple of years. I've been dealing

1 with them for about seven years now in a different capacity
2 as the treasurer for the fire department in Conesville.
I'm
3 no longer the treasurer, but I can still remember that we
4 had a fairly good working relationship. But, you know, Jim
5 had just mentioned that if you look at the numbers since
6 1989 what they've donated to the local first responders,
and
7 it really is peanuts, if you think about it. They get so
8 much for so little from these first responders. It's
9 averaging about \$2 or 3,000 a year as Jim had said before
10 because it's spread out over several communities, not just
11 Blenheim or Conesville, or anybody else. There's a number
12 of communities. And I'm not saying that's a bad thing, but
13 just show a number, oh, we gave -- what was it? \$890,000
14 or something like that since 1989. It's really not a heck
15 of a lot of money. It's usually \$2,000 a year and it
wasn't
16 that hard to get it in the beginning. But now you have to
17 beg and plead, and I think it was in 2012 after the
18 Hurricane Irene there was a big blitz, I call it a PR
blitz.
19 And we took the money and Conesville received in the
20 neighborhood of \$50,000 for much-needed equipment. The
sign
21 something else that we talked about before from another
22 place.

23 But since that time, I don't know what happened,

24 and it jus seems you can't even get anybody on the phone
25 anymore to return a phone call. In my capacity as

1 supervisor I've made a couple of calls, they don't return
2 your call. Or it takes three or four calls and you get a
3 very curt, short answer. So I'm certainly not an advocate
4 for the Power Authority, and I am thankful for what they've
5 given our communities and our local responders, but they
6 so much for so little. They don't pay taxes. And they --
7 and I don't want to get into people's mindsets, but they
8 think for \$2,000 a year they can buy us. Come on. And
9 basically that's all I have to say. Thank you.

10 (Applause.)

11 MR. SKOWFOE: Bill Skowfoe, supervisor of Town
12 Fulton. I sit on the county board. Jimmy, I wasn't going
13 to speak because everybody pretty much said everything that
14 needs to be said. But Jimmy brought a point to mind. The
15 town of Fulton was one that was also in that lawsuit and it
16 was basically, and correct me if I'm wrong, Tony, it was
17 said that they wouldn't come to the meeting in front of the
18 board if we didn't relinquish the lawsuit. Am I correct in
19 that Tony?

20 MR. VAN GLAD: Yes.

21 MR. SKOWFOE: And that's basically like a threat
22 and that's something that shouldn't have happened to our
23 county board or to the individual towns that was involved
24 in it. And we reached out and what we had asked for when they

25 consent to meet with us, we reached out and asked for them

1 to give us a commitment that they would continue to give to
2 the rescue and fire departments on an annual basis without
3 having to fill out for the grant funding and we asked for
4 help on the stream project that we have going now because
we
5 have a shortfall that bothers the county big time and it's
6 going to hurt every resident in it because we're going to
7 end up jumping the taxes and that was what came of our
8 meeting tonight. We're going to have to override the 2
9 percent cap any way you look at it.

10 And the other point Dick made a good point with
11 the stream as part of their license that they have now,
that
12 they should have stepped forward and helped us with the
13 funding on this project. Maybe it all isn't in line with
14 the mainstream, but it's all part of the soil and fixing
the
15 problems that we have. And that's basically all I have to
16 say. They could have stepped up to the plate and been a
17 good neighbor rather than hold a threat to us.

18 (Applause.)

19 MR. BERNICK: Thank you, Phil. At this time
does
20 anyone else have any further comments or questions for us?

21 MS. SHAFFER: Just a question about Wednesday.
22 That starts at 9 a.m.; right?

23 MR. BERNICK: Yes.

24 MS. SHAFFER: Individuals can testify as well as

25 --

1 MR. BERNICK: Yes, it's the same as this
meeting.

2 So Wednesday at the Best Western Inn in Cobleskill, 9 a.m.
3 in the conference room. We'll have a morning scoping
4 meeting by members of resource agencies, New York State
DEC,
5 Fish and Wildlife Service and so forth.

6 MR. SKOWFOE: Is that going to be timeframe or
7 time is of the essence, or are you going to take all the
8 time that the people need to respond?

9 MR. BERNICK: The same time as for the meeting,
10 it's about two hours. If more people show up, and there's
11 more time needed for comments, we can go a little over
that.

12 MR. SKOWFOE: Because this is an important issue
13 to the people in this county. And if it takes two hours,
it
14 takes four hours, that's what you need to give them.

15 MR. BERNICK: Understood. Yes.

16 MR. VAN GLAD: And are you going to be taking a
17 tour tomorrow of the power project?

18 MR. BERNICK: It's tomorrow it's the
19 environmental part of the BG project. It begins at 9 a.m.
20 in the -- that was something that we -- by June 30th. So
if
21 there's anyone who wasn't able to meet that date, please
22 speak to us afterwards and I'll give a chance to get that
23 take care of.

24 MR. SKOWFOE: Thank you.

25 MR. BERNICK: Okay. So if there's nothing

1 further we'll go over some important dates coming up. The
2 comments on the preapplication document, the NYPA files, on
3 our scoping document and also on the scoping request that
4 FERC, you know, in your comments tonight if any people have
5 questions about the comments that were raised, please make
6 sure that when you file those with the Commission that you
7 follow the seven criteria that we mentioned before and that
8 are in Appendix A in the scoping document. And if you have
9 any questions about that, I have some cards in the back
10 table. My name is Andy Bernick, feel free to give me a
call
11 for clarification.

12 The site plan meetings are scheduled to be held
13 by the 22nd of October. Although they most likely will be
14 held before that date, not to mention that there's a
15 conflict with that particular date, as long as it happens
16 within that 30-day period. Revised study plans to January
17 20th, and FERC issues a study plan determination on
February
18 19th.

19 And with that, if there are no further comments,
20 questions, it's 8:07 and we'll adjourn the meeting tonight.
21 Thank you very much for coming to give us your comments.

22 (Whereupon, at 8:07 p.m., the meeting was
23 concluded.)

24

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