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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

Best Western Inn
121 Burgin Drive
Cobleskill, NY 12043

Wednesday, July 9, 2014

The above-entitled matter came on for Scoping Meeting,
pursuant to notice, at 9:05 a.m., Andrew Bernick FERC Moderator.

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

2 (9:05 a.m.)

3 MR. BERNICK: Hi, everyone. We'll get started in
4 a few minutes here. I just wanted to ask you, if you
5 haven't had a chance to sign in or sign in on the speaker
6 form, they're in the back there.

7 (Pause.)

8 MR. BERNICK: Hi everyone, I think we're going to
9 get started now, it's about 9:05.

10 So, welcome. We're from the Federal Energy
11 Regulatory Commission and welcome to the Blenheim Gilboa
12 Pump Storage Project, number 2685 scoping meeting. Thanks
13 for being here this morning.

14 Our purpose is to invite your participation in
15 identifying important issues associated with the relicensing
16 of the BG project.

17 My name is Andy Bernick, I'm a wildlife biologist
18 the Federal Energy Regulatory Commission or FERC. I work in
19 the Division of Hydropower Licensing. I'll also be the
20 project coordinator for the BG relicensing at FERC as well.

21 I'm here with a few of my colleagues from FERC
22 who will also be on the BG relicensing team and I'll let
23 them introduce themselves.

24 MS. CARTER: Hi. I'm Emily Carter. I'm an
25 environment biologist at the Commission and I'll be looking

1 at the recreation land use, aesthetics, and cultural
2 resources associated with this project.

3 MR. CHOI: My name is Woohee Choi. I'm an
4 environment engineer division with hydropower licensing and
5 also with hydrodynamic branch. I'm in charge of the water
6 resources stuff and then economic analysis.

7 MR. YU: My name is Kenneth Yu. I'm a lawyer
8 with the Commission and I provide legal support for the
9 staff.

10 MR. MUDRE: My name is John Mudre and I am a
11 fishery scientist and I'll be dealing with the aquatic
12 resource issues that we'll be looking at over the course of
13 the relicensing.

14 MR. BERNICK: Thanks. We also have here Robert
15 Daly who is the licensing manager for New York Power
16 Authority for the Blenheim Gilboa project and he'll be
17 presenting a little bit later, a description of the project.

18 So we'll go through a few little introductory
19 items then I'll do an overview of the FERC licensing
20 process, that NYPA will be using for the relicensing. Go
21 over the purpose for scoping, the process for commenting,
22 and requesting additional info and studies during scoping,
23 how you can submit your comments and keep informed on
24 project developments. Then we'll give the project overview
25 and then we'll open it up for comments from you.

1 And at the end we'll wrap up and review the
2 important dates and ask for any addition comments or
3 questions.

4 Again, there's a sign-in sheet in the back so we
5 can get a sense of who is here tonight -- I mean, this
6 morning, and also a speaker sign-in. If you're interested
7 in making any comments, please put your name on that.

8 We also have copies of the scoping document, if
9 you don't have a copy already. I will be referring to it a
10 little bit here and there through the presentation.

11 We also have a court reporter here and I would
12 ask that you -- before you speak -- if you could state your
13 name and affiliation so that he can get you on the record
14 and attribute your comments to you.

15 So this is FERC's integrated licensing process.
16 This the process that NYPA will be following and FERC staff
17 will be following for the relicensing. And it starts with
18 the filing of a notice of intent or NOI in a preapplication
19 document. NYPA filed that on April 10th of this year. And
20 the preapplication document lays out essentially what we
21 know about the project, project details, their proposal, and
22 the potential for project effects.

23 The second phase is scoping, we're in that now
24 and that involves these scoping meetings and the site visit
25 that we held yesterday, and also a period where you can

1 submit written comments. The deadline for that is August
2 8th. And that would be comments on our scoping document,
3 NYPA's preapplication document, and also any written
4 requests of any studies that you might feel are necessary
5 for NYPA to conduct to support their license application.

6 After that we move on to the study plan
7 development phase and for that NYPA will produce a proposed
8 study plan that includes the studies that they would conduct
9 during for licensing. There will be a study plan meeting
10 that will be held towards the end of October most likely.
11 That's a chance where everyone can come and comment on that
12 proposed study plan. After that period NYPA will produce a
13 revised study plan and then the Commission will issue a
14 study plan determination letter. What we find are the
15 important studies to be included for the licensing.

16 And after we have a study plan NYPA will conduct
17 either one or two years of studies depending on what's
18 determined to be necessary to support the analysis and the
19 complexity of the issue and so forth and develop their
20 license application. So that's what we call the first four
21 blocks or the top four blocks are what we call the pre-filing
22 phase.

23 And then the post-filing, that's after NYPA files
24 its license application, FERC staff will go through -- this
25 team here -- will go through the application and determine

1 whether we have enough information in there to conduct our
2 analysis and ask for additional information if necessary.
3 And once it's at a point where we can do our analysis, we'll
4 issue an REA notice or ready for environmental analysis
5 notice. In that we will ask for comments, terms and
6 conditions from the mandatory conditioning agencies and any
7 motions to intervene in the process.

8 Then we will develop the environmental document
9 for the project relicensing. So, in this case a draft and
10 final environmental assessment or environmental impact
11 statement depending on what we determine is necessary for
12 this.

13 In the final stages FERC issues a license order
14 that licenses the project for another 30 to 50 years.

15 This is a more detailed view of the prefilings
16 steps. And I'll just point out, since the screen is a
17 little small, all of these dates and steps are in the last
18 two pages of the scoping document. So you will have all of
19 those there.

20 So FERC is authorized under the Federal Power Act
21 to issue licenses for non-federal hydropower projects. And
22 as those projects can have environmental effects, we do our
23 analysis under the National Environmental Policy Act to
24 determine the effects of the project.

25 The scoping document is what we issue to offer

1 information on the existing project facilities and where we
2 lay out a preliminary list of resource issues that we've
3 identified that may be affected by the project relicensing
4 and also the studies proposed by NYPA. And at this point
5 we're looking for help from you to identify the important
6 issues for project relicensing and also any information
7 needs that you feel we or NYPA need for the process.

8 Some of these may include information that may
9 help find a geographic and temporal skill for the analysis
10 and identify significant environmental issues, any data that
11 will help us describe the existing environment and effects
12 of the project and other developmental activities on
13 environment and socio-economic resources, identification of
14 any federal, state, or local resource plans, any future
15 project proposals in the affected resource area and
16 documentation showing why any resources or identified issues
17 should be excluded from further study or consideration. And
18 so your comments can be given orally today, or you can
19 submit them in written form and I'll talk a little bit about
20 how you can do that.

21 Also, if you have any studies you feel are
22 necessary, when you file a study request, we'd ask that it
23 meets these seven criteria so that we can understand what
24 the purposes of the study would be and how it fits in with
25 the process. So these would be identifying study goals and

1 objectives, considering resource management goals, the
2 public interest, existing information, a very important one,
3 the nexus to project operations and effects, that the
4 methodology you're proposing is consistent with accepted
5 practice, and also consideration of the level of effort and
6 cost of the study you're proposing and why an alternative
7 study or method wouldn't suffice.

8 Okay. So as I mentioned, the written comments on
9 the preapplication document, on our scoping document and
10 also any study requests are due by August 8th. And anything
11 you send in should identify the project name, project number
12 on the first page. It can be filed electronically via the
13 Internet or by mail. In the next slide I'll go over how you
14 can do that. And all communications should be addressed to
15 the Secretary of the Commission Kimberly Bose at that
16 address. All this information is also in the scoping
17 document and on the FERC website. And that's so your
18 comments can get into the appropriate record.

19 Okay. So there is your oral comments you can
20 make today that will be transcribed and up on the FERC
21 website and elibrary, and in the record for the project.
22 And there are also three ways that you can submit written
23 comments. If you have a relatively short comment, you can
24 submit that through the FERC website through the ecomment.
25 This is for text-only comments of 6,000 characters long,

1 which is not too long.

2 You have to fill out a little bit of information,
3 but you don't have to register. It's a name, address,
4 telephone number, e-mail.

5 Or if you have something longer that you would
6 like to file, any articles, images, longer comments, you can
7 register through the Commission's website and efile your
8 comments. And this is something that requires you to set up
9 a username and password and give some of that other
10 information, name and address, and set up that way.

11 Lastly, you can do it by mail and just make sure
12 that it has the the project name and number on there and
13 that it's addressed to the Secretary of the Commission and
14 not to me personally or to New York Power Authority.

15 As far as keeping informed about what's happening
16 with the project, all of the filings and issuances that are
17 coming in, FERC has an electronic library called "elibrary".
18 You can get there through the FERC website and you type in
19 the project number and the date range or the entire date
20 range during the proceeding and it will give you any filing
21 that came in or anything that was issued by the Commission.
22 And you can search for particular terms in there as well.

23 Probably the best way that you can get all the
24 information is by registering on the Commission website and
25 then going through esubscription. And these are essentially

1 alerts that are e-mailed to the address that you identify in
2 your account. And you'll get every single filing and
3 issuance that comes up on the regulation for the BG project.

4
5 And there's also the official mailing list which
6 the official mailing as it stands is included in the scoping
7 document. And at this moment it's rather short. If you'd
8 like to be on the official mailing list you would send a
9 request in asking that your name be placed on the official
10 mailing list. And that way you'll get the issuances that
11 are copied to the mailing lists sent to you by mail. But,
12 however, you won't get every single filing that comes in on
13 the project.

14 Okay. This is the FERC website. You would just
15 go www.ferc.gov. The third tab over is documents and
16 filings and that's where all of those features that I
17 mentioned can be found.

18 Okay. So now I'll turn it over to Robert Daly
19 from New York Power Authority.

20 MR. DALY: Good morning. As Andy said, I'm
21 Robert Daly with the New York Power Authority. I am the
22 licensing manager for the BG relicensing for them. And I
23 just want to point out a couple of people from the Power
24 Authority who are here with us this morning. I see Brian
25 Sayes our operations superintendent has joined us, Mark

1 Oleg, and operations special, and those two gentlemen gave
2 an incredibly informative tour of the project yesterday.
3 With us also is my boss, the director of licensing, Mark
4 Slade, Terra Broom who is our licensing administrator. I
5 don't have that right, do I? Associate. Excuse me.

6 From our public and government affairs group, Joe
7 Leary, Mario Refaro and from our legal office Sue Watson.

8 Shall I go to the next slide or the first slide?

9 Just a couple of dates of interest to point out
10 as we -- to give you a brief update or brief information on
11 the project itself. In June '69 FERC issued the original
12 license. In '73 BG generated its first power. That same
13 year Mine Kill State Park opened. A year later we opened
14 our visitor center at the BG project. A few years later,
15 1977, Lansing Manor was opened to the public and another
16 date of important dates, May 2010 we finished a four-year,
17 \$135 million life-extension and modernization program. And
18 I'll go into a little bit more detail on that in a few
19 slides.

20 Next slide.

21 Just gives us an indication of where we are, just
22 in reference. Obviously you guys probably know this, or are
23 well aware, Schoharie County, we're about 40 miles southwest
24 of Albany.

25 The next slide gives us a good shot of the

1 project boundary. This red line is the boundary. These are
2 the lands that NYPA needs to control in order to perform the
3 operations and maintenance of the project and possibly other
4 associated functions such as recreation.

5 You can see a couple of things, I'll just point
6 out the upper and lower reservoir, upper reservoir and down
7 here the city of New York's Gilboa Dam which creates the
8 Schoharie Reservoir. The whole project boundary encompasses
9 about 2,893 acres.

10 Next slide.

11 This is a shot of the watershed, the Schoharie
12 Creek watershed. And if you take a real good look you can
13 see these little green triangles. Those are water level
14 gauges monitored by the U.S. Geologic Service. There's
15 about 356 square miles that feed into the Schoharie Creek
16 Reservoir below the -- upstream, I guess, of the Gilboa --
17 or excuse me, of the BG project.

18 If you hit the next slide.

19 Of that, there's about -- much of this all feeds
20 into where the Schoharie Reservoir and the Gilboa Dam are,
21 the New York City Project. However, there's about a
22 40-square-mile sub watershed, if you will, in between the
23 City of New York's project and the BG project which feeds
24 into our lower reservoir.

25 And I guess I should say, under normal conditions

1 we don't receive any set amount of water from the New York
2 City Reservoir.

3 Next slide is just a view of the project. And as
4 you look at it, I mean, if you were driving by today you
5 would be hard pressed to even notice the infrastructure.

6 The next slide, I'm going to point out a couple
7 of the features of the project itself. Again, and if you
8 just -- yeah, just slide through these, these will all come
9 through. You see the Gilboa Dam up here, Schoharie Creek
10 feeds into lower reservoir, upper reservoir up here, the
11 powerhouse would be down here in the upper dike and the
12 powerhouse. Our lower dam, Mine Kill State Park, spillways
13 created by the lower dam. Mine Kill State Park is here and
14 our visitor center is right in this area.

15 (Pause.)

16 MR. DALY: Some points about the operations of
17 the project and as I mentioned earlier, in 2010 we completed
18 a four-year life extension and maintenance program at the BG
19 project and essentially what happened is we refurbished the
20 four turbines and sort of prepared them for the next several
21 40-plus years, hopefully. We were able to increase the
22 capacity, improve efficiency, we replaced some end-of-life
23 equipment, and improved operating range and created
24 opportunities to generate more clean energy for New York
25 state. In doing that the turbines now are rated 290

1 megawatts each for a total generation capacity of 1160. And
2 just so -- to put that into an everyday term, I guess a
3 megawatt has the ability to provide enough energy for about
4 800 to 1,000 homes. So you have an idea of what that really
5 means.

6 The upper reservoir has a minimum and a maximum
7 levels that we're allowed to operate within, 1,955 being the
8 minimum, 2,003 being the maximum. The lower reservoir has
9 the same constraints, 860 minimum, 900 foot is the maximum.
10 Our generating capacities and generating mode, the capacity
11 is 1200 -- excuse me, I said that incorrectly, 1,200 cubic
12 feet per second. In pump mode, moving water up the mountain
13 into the upper reservoir, it's 10,200 cubic feet per second.

14 And the flow regime that the project operates
15 with is a product of a 1975 agreement with local communities
16 that FERC has and essentially creates an inflow equals
17 outflow process.

18 Next slide.

19 This is a little diagram, little of the project
20 operation itself. BG actually isn't like the other large
21 hydros in the state. It doesn't actually generate its own
22 energy it purchases it from the market. And ironically the
23 last few years BG has actually been a net consumer of energy
24 due to its operations.

25 The project itself operates like a battery, if

1 you will, if you hit that slide there -- there, you see the
2 lower reservoir down here, power station in the middle,
3 upper reservoir, you have the pen stocks which move the
4 water to and from, manifold, and this just acts sort of like
5 a large drain, just like in your kitchen. All right. When
6 we're pumping, when demand is low, water is being pumped up.
7 When demand is high and we're called on by New York ISO,
8 water will be released from the upper reservoir, moved
9 through the infrastructure into the powerhouse through the
10 generators and into the lower reservoir.

11 When we have the upper reservoir -- no, excuse
12 me. When we have the lower reservoir full capacity -- upper
13 reservoir full capacity, you can generate for about 12 hours
14 at maximum capacity. It takes just about 15 hours to refill
15 from the lower reservoir into the upper reservoir.

16 A couple of benefits that the project has
17 provided over time. Wildlife management area which is
18 located right about in front of the Lansing Manor and it
19 stretches for a couple of -- two acres or so toward --
20 southeast toward Mine Kill State Park. There's a wildlife
21 management task force which the Power Authority has helped
22 initiate and it's made up of Power Authority New York State
23 Department of Environmental Conservation, New York State
24 Park, SUNI Cobleskill, the Schoharie County Conservation
25 Association. And the goal of the task force is essentially

1 to enhance and perpetuate wildlife in the area, increase
2 awareness, and increase opportunities to interact in the
3 environment.

4 Lansing Manor and the project visitor center,
5 Lansing Manor as it was known before was open in 1977. They
6 posted in excess of 300,000 visitors. The project BG center
7 which is admission free and is open year-round as of the end
8 of last year, has hosted nearly 2.1 million visitors and
9 also the project is a sponsor of several special programming
10 things like wildlife festivals and classic power shows that
11 are coming up in a short -- in the next couple of weeks.

12 Constant level ponds which are located in the
13 upper reservoir, are there basically as a -- were
14 constructed to allow for fish to find refuge during water
15 level fluctuations. There's a fish stocking program which
16 has been in place for both reservoirs since 1977. The
17 project provides for bow hunting on the property, there's
18 access to the reservoirs for fishing and boating and support
19 for Mine Kill State Park, both there's an annual payment and
20 support through capital projects.

21 The park offers swimming, picnicking, nature
22 trails, sports fields, recently a Frisbee, golf area.

23 Go to the next slide.

24 This slide sort of follows what I was just
25 talking about, the recreation. Here you can't see it as

1 well, but that redline is the project boundary. Again,
2 recreation sites in particular, whether it's the downstream
3 fishing access or Lansing Manor noted by these triangles.
4 Mine Kill State Park is this green area right here. These
5 lines going through it are the trails that are available,
6 hike through the area as well, right through Mine Kill,
7 right through NYPA, right through the Power Authority. And
8 the pink area is the archery safe zone where bow hunting is
9 allowed.

10 And I think the takeaway or the one thing to note
11 on this slide really is the amount of opportunities,
12 recreational opportunities that the BG project really
13 provides on its lands.

14 A couple other points about the BG project and
15 the Power Authority, it is a major employer in the area.
16 Employs approximately 150 people, several or many of which
17 live in Schoharie County. Has an annual payroll of \$12
18 million. Tourism, we mentioned the visitor center and
19 historic Lansing Manor and their attendance. It attracts
20 40,000 people on average every year. And certainly first
21 responder support since 1989 the Power Authority has
22 contributed about \$580,000 to the first responders in the
23 area.

24 In preparing the pre-application document, the
25 document that Andy referred to earlier, the Power Authority

1 wanted to inform it as best it could and perform a number of
2 studies. These five studies were performed -- I'll get to
3 you in a minute, but they're all available on our -- on the
4 Power Authority's relicensing website, but these studies,
5 water quality study, rattlesnake emergent survey, aesthetic
6 resources, recreation facilities, and a land cover study
7 were all performed to support and inform the preapplication
8 document.

9 In that preapplication document we proposed three
10 additional studies, a recreational assessment, a cultural
11 resource survey, and a literature-based fish entrainment
12 study.

13 All of this -- let's go to the last slide -- yes,
14 the last slide. All of these studies, all of the notices,
15 all the information whether it's our notice of intent, the
16 preapplication document, this PowerPoint presentation will
17 be available on this website. You can sign up here as well,
18 to get notices from us. There's a contact area here that
19 you can sign up for. The documents are located right under
20 this tab and there's more information on the power project
21 itself, the background, the process that we're under. We
22 would encourage you to sign up there as well.

23 That's all I've got.

24 MR. BERNICK: Okay. So within our scoping
25 document this is the list of resources that have the

1 potential to be affected by project relicensing. So
2 geologic and soil resources, aquatic resources, terrestrial
3 resources, threatened and endangered species, recreation
4 land use and aesthetics, cultural resources, and
5 developmental resources.

6 So on page -- I think on pages 18 and 19 of the
7 scoping document there's a list of the issues that we felt
8 were important. But at this point I would like to turn it
9 over to you to ask for your comments. We have a number of
10 people on the speaker list and also after that feel free to
11 add your name to to speaker list or you can just ask any
12 questions or make any comments after that, after the folks
13 are done talking.

14 So, John, do you have the first name of the list?

15 MR. MURDRE: Gail Shaffer.

16 MR. BERNICK: And feel free -- you can make your
17 comments from the podium or I'm happy to bring you the
18 wireless mike where you sit.

19 MS. SHAFFER: Okay. Thank you.

20 Thanks. Thank you very much. And welcome to
21 Schoharie County to our visitors from FERC, and visitors
22 from our Power Authority neighbors as well. We're pleased
23 to have you here for this relicensing proceeding beginning.

24 My name is Gail Shaffer and I'm a lifelong
25 resident of the town of Blenheim which is one of our host

1 communities in Schoharie County. My roots go very deep here
2 as I was telling the other night, our family goes back to
3 the original European settlers who began settlement here in
4 1702. And we've had a family farm there for several
5 generations. And I've also had the privilege through my
6 career in public service to serve in various capacities here
7 as the town -- supervisor of the town of Blenheim and a
8 county legislator and later as a member of the state
9 assembly, and also, for 12 years as New York State Secretary
10 of State.

11 I also am participating in several capacities in
12 the nonprofit sector, several grass roots hats I wear. I'm
13 a founding member of the Dam Concerned Citizens Group which
14 is a 501(c)(3) not-for-profit concerned with dam safety and
15 also dam emergency preparedness. And I serve on the
16 negotiating committee which includes appointed citizens such
17 as myself with the board of supervisors for this FERC
18 process.

19 However, I am not speaking for any of those
20 entities today. I'm also a member of the Blenheim Long-Term
21 Community Recovery Committee which is a volunteer entity.
22 I'm really speaking here today as an individual. Just as a
23 life-long resident of Blenheim and a private citizen.

24 So I'll begin, I have a long statement that I'm
25 not going to read. I will be submitting it in written form

1 by the August deadline and I'll just try to summarize the
2 main points.

3 And what I'm going to try to do primarily is
4 provide some context for you all to understand the
5 background of this project and what we have been through for
6 the first half century of this project. And as I said the
7 other night, we're hoping that having had 50 years of a bad
8 neighbor with the New York Power Authority, that we can turn
9 a new leaf and have them commit to being a good neighbor for
10 the next 50 years, for the next half century so that the
11 children who are standing here 50 years later, if the
12 license is reauthorized, won't have to go through all these
13 painful experiences that we have had.

14 We have a beautiful area. We have so many unique
15 resources. I want to point out that one of the assets here
16 is our rich agricultural heritage which was impacted by the
17 project. The area that you're in Schoharie Valley is known
18 as the breadbasket of the Revolution because it supplied the
19 wheat that powered the Continental armies in the war for
20 independence.

21 And much of the prime farmland in Schoharie
22 Valley is rated among the top ten soils of the entire world,
23 not just the United States, the top soil in places goes as
24 deep as 20 inches and more. It's a very unique soil, very
25 high productivity yield. And some of that prime farmland

1 was lost with the Power Authority. But we're also very
2 proud that we formed here this area, you are in the first
3 agricultural district of the entire United States. Governor
4 Rockefeller had signed a pioneering legislation in the '70s
5 -- in the '60s and we in New York state created the first
6 AG-district law to protect prime farmland. So we created
7 this agricultural district now and it's been replicated
8 throughout the country now. There are many thousands of AG
9 Districts around the country, but it started here in
10 Schoharie County. So we are very proud of that.

11 A few demographics to share with you about
12 Schoharie County. We are part of the Appalachian Region
13 which many of you may be familiar with. It was created in
14 the '60s as part of the antipoverty program at the federal
15 level to recognize that this was an area of very poor
16 struggling economic circumstances. Schoharie County is the
17 northern most tip of that entire 11-state region and
18 stretches from here to Alabama, and the reason is that the
19 demographic statistics on poverty are very, very
20 challenging. So we are rich in history here. We are rich
21 in scenic beauty. We're rich in cultural heritage. We're
22 rich in our human resources, in our work ethic, but in many
23 of the economic indices we are very poor.

24 So whether you're examining the infrastructure
25 needs, the health facilities, and the health statistics,

1 economic needs, educational challenges, or almost any other
2 of the indices that you look at, Appalachia including
3 Schoharie County ranks among the neediest areas of the
4 nation, perhaps second only to our Native American
5 communities.

6 So, there are many needs here that good neighbors
7 could work with us to help us to improve. When our children
8 get their education, for example, very often they take that
9 education and that talent and go elsewhere because we have
10 few economic opportunities for them here. So we're
11 exporting our talent and what is left behind is an aging
12 population, very high percentage of elderly people, and very
13 limited resources to support them.

14 So in addition to all those demographic
15 statistics that are already challenging, our small town of
16 Blenheim has been through a lot of disasters that have
17 exacerbated all those challenges, and several other of the
18 communities in the county in the recent past have also
19 undergone major challenges. So in Blenheim alone, and by
20 the way, we are the smallest town in the county. We have a
21 population according to the last Census of only 378 people,
22 so we have a lot of challenges already. But as I mentioned,
23 we've had several tragedies.

24 We have most recently Hurricane Irene which the
25 floods of that disaster were just overwhelming. It was a

1 500-year flood. It wiped out our landmark -- old Blenheim
2 Bridge, the covered bridge that was the only national
3 historic landmark covered bridge in the country. We plan to
4 rebuilt it, but through all those years it had survived many
5 floods and this time it was just too overwhelming and we
6 lost that.

7 We also, in our tiny little town experienced a
8 horrific gas pipeline explosion that destroyed a lot of
9 structures including historic structures and took some lives
10 as well. And we also live within the shadow, besides the
11 Power Authority dam, of the dam upstream of the Gilboa Dam
12 owned by the New York City Water Supply. So we have several
13 neighbors that pose real challenges to the quality of life
14 for those of us who live here in this valley.

15 So I would like to provide a little bit of
16 context about NYPA's relationship to what they call their
17 host communities. And basically it started off on a footing
18 of stealth frankly, and deceit and that has continued
19 through the years with a very callous attitude toward the
20 people who live in its vicinity.

21 Commonly they refer to us as a host community. I
22 prefer to use the word "donor community" because I think the
23 term "host" kind of implies a welcoming, willing,
24 volunteering host embracing a guest with a cordial
25 hospitality. In our case the Power Authority came in as a

1 very unwelcomed guest, as an intruder, insinuating itself in
2 our community in a very stealthy way with a great deal of
3 duplicity, trampling on the rights of property owners,
4 taking -- in Blenheim's case -- a third -- a third of our
5 property tax base and so depriving us of a lot of resources
6 that we needed both then and in the future to sustain our
7 community.

8 But, furthermore, beyond that they've just been a
9 bad neighbor in their attitude toward the community. They
10 have a kind of feudalistic attitude that we are the peasants
11 and they're the feudal lords and they very rarely extend a
12 hand to help with the community needs and treat us with --
13 in our feeling -- a great deal of disrespect.

14 You heard a lot of that at Monday night's
15 hearing, so I won't go over it all. But I want to describe
16 the very first encounter. Because here we are almost 50
17 years later and I remember well, Ted Shoal, who was a local
18 farmer has since deceased, his farm was right where the
19 lower reservoir is now. And one day he went out into his
20 cornfield and he encountered a surveyor with surveying
21 instruments. And he asked him what he was doing on his
22 property without having asked permission. And the fellow
23 sort of was very evasive and said he was doing some wildlife
24 research. Which was obviously very implausible. Well
25 shortly thereafter the bogus wildlife research became

1 apparent because the Power Authority steamed into our town,
2 steamrollered in and unveiled their plans to take all of
3 this property and build this power plant. This was
4 unfortunately at the genesis of this project. It was before
5 the requirements and law for public hearing -- for extensive
6 public hearings, for -- it was before the seeker law was
7 enacted, it was before a lot of citizen participation
8 statutes were enacted, reformed legislation.

9 So we feel that this time around with the
10 relicensing, with these new statutes in place, it's time to
11 go back and fill that Lacuna, have a full environmental
12 impact study, for example, that was never done the first
13 time around, and also look at the human impacts. Because
14 both of those were very severe.

15 I mentioned that NYPA decimated our tax base, a
16 third of the town of Blenheim's tax base disappeared. A
17 similar percentage was sacrificed by the town of Gilboa and
18 also our Gilboa Conesville school district lost a
19 considerable tax base as well as some loss to the county tax
20 base.

21 We are very encouraged, however, since that time
22 that there have been some precedents set now with the 2003
23 relicensing of Saint Lawrence, and the 2007 relicensing of
24 Niagara, that there may be an opportunity to have some kind
25 of compensatory investment in the host community here

1 similar to what was done for those other communities. And
2 that would be a welcome part of this process. We realize
3 that FERC doesn't get involved in that directly. That is an
4 off-line procedure, and we're going to be pursuing those
5 discussions. But we hope it will be considered in the
6 course of this relicensing as an important part of making
7 this a fair process to the host communities. Because we've
8 had a history of broken promises since the Power Authority
9 has been our neighbor, both large and small. The one thing
10 that they did, for example, to try to give a few little
11 trinkets to the natives when they came in, they pointed out
12 to us that we didn't have any swimming pool in either of our
13 towns. And that they were going to build this magnificent
14 pool and park and that the residents of Gilboa and Blenheim
15 would have free admission because of sacrificing the tax
16 base to the park and the pool. Of course, 50 years later
17 that has never happened, ever. When we go in, we have to
18 pay.

19 In fact, they've driven the cross up so that the
20 schools in our area, which used to send -- and families --
21 which used to send their children for swimming lessons are
22 now backing out this year because they've doubled or tripled
23 the rates that they're charging and we can't afford it
24 anymore. So they're going farther away, even though they
25 live in Blenheim, which gave them the land, our families are

1 going farther away to get swimming lessons because they
2 can't afford what the Power Authority is charging -- or what
3 the Mine Kill State Park is charging them. So that's one
4 small example.

5 Another example is the told us at the beginning
6 that they would help us maintain our fourth-class post
7 office. We're a small community so we were on a vulnerable
8 hit list of potentially being eliminated by the United
9 States Postal Service. We were able to rescue that in the
10 beginning, but my father was town supervisor at the time and
11 the Power Authority people told him that they would help out
12 by mailing most of their mail from Blenheim because we are,
13 after all, where the main part of the project is. They
14 never followed through with that.

15 And the Postal Service, as you may be aware,
16 brings this up periodically. In fact, we're now in the
17 third cycle now of another hit list where we're very
18 endangered now about keeping our Post Office in our town
19 which is a big part of our local identity.

20 And the Power Authority was unwilling to discuss
21 that. They dropped their commitment to do that twice in the
22 past. This time they didn't even pretend to commit. They
23 wouldn't even sit down to discuss it. They did tell me that
24 they have a postage account that amounts to \$6 or 7,000.
25 That would have been enough if they put it in our Blenheim

1 Post Office to put us over the threshold and off the hit
2 list. But they weren't willing to do that and it would not
3 have endangered Gilboa's Post Office at all.

4 So at the outset, of course, the Power Authority
5 held out many promises and few of them have materialized.
6 Of course, they held out the perennial shiny object of
7 economic development and jobs. And, yes, there were some
8 construction jobs in the initial phase, most of those
9 construction jobs have -- I believe, at least many were
10 outside, large contractors who came in who do these projects
11 all along. But there were some local jobs and there were
12 even some -- a temporary boost in the hospitality industry
13 locally and the tourism, you know, restaurants and hotels
14 and that sort of thing. There was a temporary boost during
15 construction, but it was ephemeral by and large.

16 I would love to see, as I indicated the other
17 night, the details on the claims of 150 permanent jobs where
18 they said that, quote, "many of them are from Schoharie
19 County." We'd like to see that because we're only aware of
20 one employee currently from the town of Blenheim who works
21 at the Mine Kill Park, at the museum, we're aware of zero,
22 currently at the plant. There may be some that we're not
23 aware of, but as far as we know, Blenheim itself has one
24 employee in the museum currently. They have had a few
25 through the years in various capacities. Some of them have

1 retired. We'd love to see those statistics about how many
2 of those 150 are in Schoharie County and also how many are
3 specifically in Gilboa and Blenheim.

4 So, sever of our neighbors, Blenheim and the
5 other towns in the valley testified at the hearing the other
6 night about the difficulties we have had to get the Power
7 Authority to respond to any of the needs of these
8 communities. And this has been particularly true in the
9 wake of the disaster we've been through.

10 Even when we were on our knees in this community
11 with the worst flood we'd ever experienced, the 500-year
12 flood, there were individuals from the Power Authority --
13 individual employees who came down to help us, and we were
14 grateful for that. But they were forbidden as an entity --
15 the state Power Authority to help us, to help us with
16 equipment or other needs that they could have been
17 constructive with. So, I'm not denying that there are many
18 employees past and present who have been very good
19 neighbors. But, NYPA as an institution has an appalling
20 culture in its top management that has been disrespectful,
21 arrogant, and even callous and hostile to the local
22 communities. And this is -- I can say that at that hearing
23 Monday, that was the unanimous opinion expressed to our
24 panel of the speakers who got up.

25 And I have to say, I'm actually perplexed by this

1 attitude because I spent two decades in public service, I
2 was as Secretary of State, CEO of a 1,000-employee state
3 agency. We were a state agency. And if I had had my agency
4 treating people that they're supposed to serve in the public
5 the way the Power Authority does, I would have been so
6 embarrassed and so appalled, but there seems to be no
7 embarrassment whatsoever and a perplexing determination to
8 keep plowing that same furrow and be condescending and
9 disrespectful and arrogant to the host, quote, "donor"
10 communities. I call us a "donor" community because we're
11 not hosting. We were forced to give up these resources and
12 sacrifice them to the recipients who benefit from them and
13 we had very little compensation.

14 So, more significantly, of all these other broken
15 promises, NYPA also had plans to inundate more of Schoharie
16 valley and take more resources and despoil this area. They
17 were thwarted. They had plans for a Blenheim Bleakaben
18 project and plans nearby for the Dog Hill Project. By the
19 time they came into town with their second plan, we knew
20 what they were all about because we had the experience of
21 Blenheim Gilboa and we organized as citizens of the
22 grassroots to fight that proposal and to save this valley
23 and we were successful because by that time they were new
24 statutes on the books that gave us some rights as citizens,
25 that gave environmental protection, that required

1 environmental quality review, and we're very grateful to the
2 legislators and governors and presidents who made that
3 legislation possible because we still now have the rest of
4 this beautiful valley to protect for the future.

5 But we did in the Blenheim Gilboa project lose at
6 least five farms that I know of, the Titchell farm, the
7 Luther Matice farm, the Sambles farm, the Valenti farm in
8 Gilboa, and there was one other that's escaping me. And
9 they would have taken a lot more with that further project.
10 So, as I mentioned, one of the things that we did after the
11 new agricultural district legislation was in place was
12 create the first AG district in the country and that helped
13 us preserve the remainder of our prime farmland from being
14 further destroyed by another power project.

15 Yes, there have been some minor crumbs thrown our
16 way through the years. We lost, as I said, a third of our
17 tax base. They have given us a few small donations along
18 the way. The 580,00 when you -- that they said in the
19 presentation went to emergency management entities in the
20 county, it comes out to a little over 20,000 a year, and
21 that's split among many communities in the county. When you
22 look at what they've given to us as host communities, it's
23 very, very limited.

24 I will acknowledge that when we had the pipeline
25 disaster and built our new municipal building they did give

1 us a donation for that. And they have given some tables and
2 chairs to our town hall and fire hall and they've given an
3 old, old vehicle that they didn't need anymore that now
4 requires tremendous repairs. They have given a few things,
5 but very, very little considering the resources of this
6 agency and considering the generosity they have shown to
7 other host communities in other parts of the state. It's a
8 shameful record, and, as I've said, a pattern of refusing to
9 even meet with us after the flood to discuss how they could
10 possibly help us with some of our recovery.

11 So, the reason I'm bringing up that context is to
12 stress that part of this license procedure needs to be some
13 compensatory investment in our host community. And I know
14 that NYPA throughout this process is going to resist the
15 notion that they have a moral responsibility to do that
16 after having taken so much from our communities in return
17 and after the services we provide to them whether it's road
18 services or emergency services, or whatever. And whenever
19 you mention to them the precedents that have been set in
20 Saint Lawrence and Niagara, they like to play the violin
21 about how they don't generate a profit in this project. We
22 realize it's not the same as Niagara or Saint Lawrence, but
23 on the other hand they brag a lot about how indispensable
24 this is to the grid and to their overall operations. It has
25 a very unique niche in the system in providing instantaneous

1 turnaround on peak power when peak demand is there. And I
2 would like to see some statistics. I would assume that when
3 there is salutive peak power, they're getting pretty well
4 peak profits at that moment when they're selling it to the
5 grid. So it would be nice to see some statistics on that.

6 We are well aware from the beginning that the
7 pump storage project is a giant storage battery. We know
8 that it consumes three kilowatts of energy to produce two.
9 That's the whole concept. However, the unique value of this
10 particular project to their overall system makes it pretty
11 well indispensable and very valuable to them.

12 In addition, I don't think it's fair that they
13 are not including in this whole analysis in the relicensing
14 the value of the transmission lines, the transmission
15 network that goes with it. And I think that ought to be
16 included in that overall assessment.

17 From our point of view, in a nutshell, looking
18 back over this past half century of this project, certainly
19 Blenheim -- I'll speak for Blenheim, would have been far
20 better off had the Blenheim Gilboa project never been built.
21 It is not in the public interest to issue a certification
22 for another license for a project that has been hostile and
23 oppressive to the host community and has had very
24 deleterious effects on the quality, not only of our stream,
25 but our safety, our very safety and lives as well as on our

1 socioeconomic needs. So we feel that if it is indeed a real
2 looser to the Power Authority, it's of low value to them
3 that maybe as a revenue generating project, as they claim,
4 that maybe then the best thing would be to just not
5 relicense it, just not have the project, let it remain as a
6 flood control facility, maybe, if it's not valuable and
7 restore some of the environmental quality.

8 I also understand that there is an option with
9 the FERC jurisdiction, if they so choose, if an an operator
10 has not been, you know, fulfilling the terms of its license
11 including its attitude toward the community that they do
12 have an option to turn it over to a federal entity to
13 operate. So that might be another option to be considered.

14 I just want to mention briefly, too, in the
15 aftermath of the floods of Hurricane Irene and the bad
16 neighbor role that the Power Authority chose to play, we do
17 have in Blenheim a long-term community recovery plan that
18 we've put together and it has many specific ideas in it and
19 issues for the future that we would like to realize projects
20 that would improve the future of the community.

21 We're very concerned with the remaining flood
22 issue and with safety. We now know only because we are in
23 litigation and through discovery proceedings and that
24 litigation some more information was uncovered so that we
25 now know that in the post-flood briefing that the Power

1 Authority gave to the community, they were less than
2 truthful in their presentation to the community and we
3 believe there is a basis to believe that they may have even
4 violated some provisions of the FERC license. And in our
5 written submissions, we will be providing detail on that.

6 We also feel very strongly in the town of
7 Blenheim that some of the actions or laxes at the project
8 itself during the flood contributed to the severity of the
9 flood which wiped out our bridge.

10 And so that brings me to the issue of dam safety.

11 We feel very strongly that a study relating to dam safety
12 needs to be included in this overall licensure process.
13 That dam safety must be a priority. We feel very strongly
14 that this dam was designed for the situation and
15 circumstances of 50 years ago and that it does not
16 necessarily meet the factor of safety standards that are
17 needed now. We've seen a lot of changes.

18 The data presented by Dr. Alexander Bartholomew
19 the other night, he's a geologist, a Ph.D. in geology who
20 grew up here in Middleburg and has done a lot of study of
21 this. He presented the data on rainfall alone and the
22 stream flow. The precipitation records for seven decades
23 prior to NYPA, which is when they built the dam, compared to
24 the four and a half decades since, indicate an eight
25 increase in average annual precipitation since then and an

1 85 CFS increase in the stream flow from 445 CFS averaged to
2 536 CFS. Climate change is real. It's with us. If we
3 ignore it, we do so at our own peril.

4 So 50 years later it is time to reexamine the
5 design of this dam, is it adequate? Do we need to include
6 -- if it's relicensed -- significant improvements to
7 accommodate this higher precipitation, higher runoff, as Jim
8 Buzon pointed out, higher development that creates more
9 runoff, snow pack from the ski centers that have developed,
10 all those things. So we really feel strongly as a community
11 that you should consider a 30-year license rather than a
12 50-year license because here we are 50 years later with
13 these significant changes. And this dam may be like trying
14 to fit a medium sized sweater when you've gotten older and
15 now you need an extra large. Well, this dam many need some
16 real improvements that it didn't need, according to the
17 design issues that were confronted 50 years ago. So we
18 would like to see that considered.

19 As far as Hurricane Irene, we still don't have a
20 complete picture of what happened in dam safety with that.
21 We tried to get all the records and all the instrumentation
22 data leading up to and during and after the hurricane and
23 the floods. One thing we do know is that all the systems
24 failed at the NYPA facility, redundant systems failed, and
25 they had to go into manual mode to get those gates opened.

1 Some of the employees up there were heroic. The individuals
2 who really made that happen were heroic. But they were
3 right at the cusp of having the dam over top. And if that
4 dam had over topped and collapsed, we wouldn't even be here.
5 Schoharie valley would have been gone. It would have swept
6 away everything in its path like a tsunami wall of water.
7 And so this fortifies the reason for reexamining the design
8 standards, maybe more dates, maybe some other improvements
9 that are needed there.

10 Speaking for only myself and not for dam
11 concerned citizens or anyone else, I also feel that FERC in
12 the future should never again permit an earthen dam of this
13 magnitude. There should be some threshold of volume beyond
14 which a dam must be of masonry construction. I think it
15 makes us feel very vulnerable living in the path of this
16 earthen dam.

17 In addition, I do think that it's important that
18 FERC look at seismic data because there's been increased
19 seismic activity in this area, significantly increased
20 seismic activity. I don't know what kind of instrumentation
21 they have at the Power Authority to track that, but I do
22 know that the very day before Hurricane Irene occurred,
23 there was an earthquake centered up here in Bernots (ph)
24 area and the governor was there that day partly because of
25 that earthquake situation that they were worried about. So

1 I hope that FERC will look at increased seismic activity.

2 We need a full environmental impact study in this
3 licensing process. As I mentioned, we did not have that the
4 first time around. I think it's imperative that we look at
5 all those issues of the environmental impact study.

6 We also need a flood mitigation study to see what
7 kinds of things could be done including the power authority
8 in having the various partners in the valley improve any
9 opportunities for flood mitigation and also for emergency
10 management response.

11 As I mentioned before, we have first responders
12 in our very small towns, the town of Blenheim has a
13 volunteer -- strictly volunteer Blenheim -- and we contract
14 with the Middleburg emergency volunteer ambulance corps.
15 Those are first responders. Conesville has a fire and
16 rescue squad that's a first responder. All of those
17 entities are so limited in their resources and so unable to
18 have -- to acquire on their own -- updated equipment. They
19 need a lot of assistance in equipment, in training. We are
20 at the point of the spear if something happens up there and
21 we do respond to their emergencies at both the Mine Kill
22 State Park and the Blen/Balboa Power Project.

23 So we hope that that will be something that comes
24 out of it, some investment in the emergency services from
25 which the Power Authority itself benefits.

1 We also feel very strongly that we need a
2 socioeconomic study. I know that most of the resource
3 issues you mentioned up there, appropriately, embrace many
4 environmental considerations, endangered species, geologic
5 soil resources, but the people in the valley are just as
6 important as those other species. Homo sapiens as a
7 species too, and we need protection. And we need
8 consideration in this process. And as I mentioned, we're
9 one of the highest poverty areas in the country. We have
10 many socioeconomic leads and we have deleterious effects
11 that have been visited upon our socioeconomic culture from
12 the Power Authority's presence and it's time to do something
13 about that.

14 We have infrastructure investments that we need
15 in our community. This plan, which I won't go into it in
16 detail, but it outlines many different needs that we have in
17 terms of infrastructure. And we would like the Power
18 Authority and FERC, in the process, to help us with a major
19 engineering study that should be done of Schoharie Creek,
20 for example, and the tributaries that affect safety as well
21 as the environment.

22 So we've asked for engineering and hydrological
23 studies. We actually approached the Power Authority to see
24 if they could share with us any hydrological studies they
25 may have done from 1960s on that we could use as a starting

1 point. And they have refused to share those existing
2 studies with us.

3 We have plans -- in terms of socioeconomic needs
4 to renovate an old church building in our community for a
5 community cultural center. The Power Authority could be
6 very helpful with a project like that. We have other
7 historic preservation projects as well such as restoring the
8 old covered bridge. We're hoping to get further FEMA
9 funding for that. But if not, we may need to look for other
10 sources of funding and they could be helpful with that.

11 We have a school house museum that's historic
12 also that's being renovated and we need assistance for that.
13 Tourism and recreation, we have a concept we're trying to
14 develop a Route 30 corridor -- regional corridor approach to
15 tourism and the Power Authority could be a great asset with
16 that.

17 I also would like to mention that local people
18 have complained that in terms of the boating recreation,
19 that they used -- that the Power Authority used to maintain
20 that at lake and clear it every week for boaters to get the
21 debris off with a boom. And now they've stopped doing that.
22 And some people have requested that we bring that up that
23 they start maintaining the lake again to attract boaters.

24 We also have in this plan a greenway fund
25 associated with our reconstruction of the Blenheim Bridge

1 authentic replica. The greenway would go on both banks of
2 our creek in town and have parks and recreation.

3 I also want to mention, because it is after all,
4 an energy facility, a concept for using Blenheim -- excuse
5 me -- as a pilot project for solar energy. I think that the
6 Power Authority could do something very creative, using this
7 small town as a model solar community. They have some solar
8 panels up at the energy programs in the visitors center.
9 And with a town of fewer than 100 households, they could
10 help subsidize weatherizing and putting solar panels on
11 them, capturing all the data, using it as a model to learn
12 from for other larger applications, and even having some of
13 the households participate in showing visitors what the
14 results have been. I think that would be a real win/win for
15 the Power Authority.

16 And, by the way, I also think I would like to
17 suggest that they name their visitors center the Luther
18 Matisse Energy Education Center in honor of the farmer whose
19 lands made that center possible and his household -- his
20 homestead made the Lansing Manor Museum possible. I think
21 that would be a wonderful gesture to name that the Luther
22 Matisse Energy Education Center.

23 So enough. I didn't mean to go beyond whatever
24 time limit but I really want to just conclude by saying, I
25 really sincerely mean that I feel this is an opportunity

1 with this relicensure in exploring these issues and working
2 with the community negotiating some compensatory investment,
3 but also solving some of these other issues that we're
4 bringing up about dam safety and dam design.

5 It's an opportunity for the Power Authority to
6 try to turn a new leaf and have a makeover, a half century
7 makeover. You could become the good guys. You could really
8 do something as partners with us. You're part of the
9 problem having dammed up this river and created many of
10 these issues that we're living with. You can be part of the
11 solution by being a genuine partner and reaching out to the
12 community as neighbors and stewards of this resource that we
13 share. That's what we're hoping from in this whole process.
14 And we think that for a very small investment on your part,
15 you could really see some tremendous benefits that would be
16 a win/win both for the community and for the New York State
17 Power Authority.

18 But, if that can't be done, then I think it's a
19 reasonable alternative to just not license it at all and put
20 it back to, you know, a flood control dam or have another
21 operator come in. So, that's what I want to convey on
22 behalf of our community. We are doing some studies that
23 we'll be following up with more specifics and I thank you
24 for your patience. I thank you all for coming from
25 Washington to listen to our citizen perspectives. We really

1 appreciate that process, it's part of our democracy and
2 thank you very much.

3 (Applause.)

4 MR. BERNICK: Thank you. So I'm wondering -- has
5 anyone come in who would like to add their name to the
6 speaker list today? Could you just raise your hands.

7 Okay. So we'll have about -- it looks like we'll
8 have about six people.

9 Next is Mayor Kevin Neary.

10 MAYOR NEARY: Good morning, everybody. My name
11 is Kevin Neary. For the past 18 years I have had the honor
12 to serve as mayor of the Village of Richmondville in
13 Schoharie County. And on behalf of the village board of
14 trustees, I would like to thank FERC for providing us with
15 an opportunity to make a statement regarding some of our
16 issues. Be advised that we'll be submitting a formal
17 written statement by your August deadline.

18 The Village of Richmondville has had a very good
19 working relationship with the Power Authority in Blenheim
20 Gilboa. As we like to say, we are the county's biggest
21 customer of the New York Power Authority. And I'll explain
22 in a second.

23 Richmondville is located in the northwestern part
24 of Schoharie County. Understand that we are not directly in
25 the Schoharie County valley, but you'll understand in a

1 second why. The village provides important public services
2 to our residents and the unique part about Richmondville is
3 that we own our own municipal electric department known as
4 the Richmondville Power and Light. It is owned and operated
5 by the village of Richmondville. We provide power and a
6 franchise area to our customers and actually part of the
7 Municipal Electric Utilities Association which we belong to
8 and work with and purchase power from the New York State
9 Power Authority.

10 Also, in your report, in your scoping report, the
11 Power Authority owns a piece of land in the town of
12 Richmondville. They own an area known as a railroad siting
13 in the western part of our community of Richmondville for
14 offloading transformers and other large equipment used in
15 the operation and maintenance of the Blenheim Gilboa
16 project. And over the years we have worked with them very
17 closely. It's located property adjacent to the Canadian
18 Pacific Railroad.

19 We used this site and they used this site to move
20 transformers or other equipment to and from their site. And
21 when they do this, they go through our community which
22 requires our public works department -- we elect our
23 municipal electric company to make accommodations, disrupt
24 services to our businesses, and our communities to move
25 wires and be prepared for that movement which takes several

1 days to and from the site.

2 While we've been extremely fortunate and the
3 cooperation has been excellent during the safety planning
4 and other safety methods used by Blenheim Balboa staff, our
5 responders are still required to be prepared and equipped
6 and have their resources. I mean, in emergency services,
7 you know, we're paid to be paranoid pessimistic, yet keep a
8 good outlook on life. So we have to be prepared for any
9 eventuality in our community. It also has an impact on our
10 road structure and our infrastructure of water and sewer on
11 the ground because of the heavy equipment that's moved
12 there. While we haven't had a problem before, we're only
13 bringing this to your attention because it's not in your
14 scoping document as being part of the project.

15 Most times this equipment has been moved without
16 any impacts to our community. But we always have to be
17 prepared and we have a concern, not only for our
18 infrastructure, to make sure our emergency responders have
19 the proper equipment, training, and resources should
20 anything occur, God forbid.

21 So we look forward to this scoping project in the
22 Village of Richmondville, but bring that to your attention.

23 The second thing I want to touch on is something
24 that Gail talked about, is I noticed that the report really
25 didn't talk about the economics of the project and the

1 effect it has on the communities. Gail pointed out about an
2 Appalachia study in the deepest parts of Alabama to
3 Schoharie County. That statement was made by President
4 Johnson when that legislation was signed. And I'd like to
5 say that Richmondville was the first place in Schoharie
6 County -- my mother was the person hired under that program
7 to start that economic development. So even today, 50
8 years later, you know, we need to look at that. And the
9 study needs to look at the impacts of that on the community.

10 My second part is to talk about a private
11 citizen. I am not talking on behalf of Schoharie County or
12 the Village of Richmondville, but a private citizen with a
13 background in emergency services. On the concern for
14 Blenheim Gilboa, let me give you my background. I retired
15 as chief operations from the State Emergency Management
16 Office in New York, a place I spent working five regional
17 emergency operations center. The State of New York State
18 operations center. During that time we worked with local
19 communities, private agencies, state government agencies,
20 and power projects and other emergency services
21 organizations in the state. We did a lot of planning and
22 preparedness for that. And most recently -- I retired in
23 2004, the County brought me back after the Irene and Leif
24 devastating floods in the county to be the interim director
25 of emergency management.

1 I went on to organize an office called the
2 Emergency Services Offices with states and fire, police,
3 EMS, and safety for the county.

4 On that particular day, this county lacked the
5 adequate warning and knowledge about the devastation or the
6 impact this storm could have. And over the years we put
7 together a report that you should consider taking a look at.
8 It's part of the Homeland Security exercise and evaluation
9 program requirement under the National Federal Response and
10 Recovery Legislation, a presidential directive. But in that
11 report they've outlined nine critical areas that Schoharie
12 County needs to address and 49 specific improvements that
13 need to be made. And while I was there we made a
14 significant amount of those. But during the storm of 2011,
15 we lost our public safety facility, our district attorney's
16 office, our sheriff's office, our 911 center, our emergency
17 operations center, our probationary department. A system
18 that is still not in operation today. It is laced together,
19 it's been compromised and when I was brought back, we
20 actually were hosed in a place called the recycling center
21 -- and Schoharie recycling center which I felt I was part of
22 because I was being recycled back through.

23 But I was director here in 1976, three years
24 after that project was built. And over that time we've
25 experienced numerous floods. And the cooperation has been

1 good, but I think more can be done. Right now our system is
2 compromised. I believe we don't have the ability. We
3 dodged the bullet with Hurricane Sandy. We don't have the
4 ability because right now our emergency operations center is
5 located in a used building. It isn't even really that big
6 enough to handle it. I don't think that we made any
7 improvements in our ability to notify people about impending
8 disaster. We have a 356-square-mile rain basin that serves
9 New York City Water Supply and the Blenheim Gilboa Power
10 Project. Yet, we can't seem to find a system that can give
11 us information to help us in decisionmaking and when to
12 evacuate people. That's pretty pathetic.

13 I teach with the Federal Emergency Management
14 Agency as a private consultant. And in two weeks I'll be
15 working with Pierce County in Washington -- state of
16 Washington who has a similar system, ironically, of a system
17 where they monitor stream flows, they monitor the weather
18 forecast, they provide information to the residents. And
19 while our report talks about all of -- the scoping report
20 talks about everything else, not one word in there is about
21 emergency services, about emergency preparedness.

22 Regardless of whether there's a license there or
23 not, this dam is there. And New York City Board of Water
24 Supply dam is there. It creates a threat to this community.
25 We can't say, oh, the dam has been repaired, and it would

1 never fail, we would never have a problem. We don't think
2 that way. And I know FERC doesn't think that way. So among
3 all the other things that we do here, we have to make sure
4 that we address emergency preparedness in this report. What
5 can be done to improve it?

6 I'm not saying it's just the power project's
7 responsibility, we are in an eco environment -- or an
8 emergency eco system. Whatever happens in one community
9 affects a lot. So we at the headwaters of the Schoharie
10 basin, but it affects Montgomery County, Schenectady County,
11 and Albany County. When you add up those communities, it
12 affects a lot of people. We're putting people in harm's
13 way. And as part of this relicensing, we need to put in
14 place a state-of-art system that gives us real time
15 information and data that we can use and analyze
16 collectively as a group to make decisions about when to
17 evacuate, where to move people, what communities need to be
18 moved in advance of an emergency. These emergencies are not
19 going to subside.

20 Just last night New York state experienced a
21 disaster out in Madison County, four people died. This area
22 poses a big risk. You all talked about the number of floods
23 that have occurred time after time after time. So I really
24 think that in part of your scoping -- this project, we
25 really need to take into consideration the risk factor and

1 what we can do to improve communications and provide the
2 resources and training and equipment that our responders
3 need in a time of emergency. And I say that as a private
4 citizen.

5 Finally, I think that one of the things that we
6 really need to look at is working with our other partners,
7 New York City, New York state -- or New York Power
8 Authority, but also with FEMA and the State Emergency
9 Management Office to design a state-of-art system that will
10 be a model for the rest of the country. You have worked a
11 lot of dams throughout this country and you know the systems
12 are in place. We don't have that type of system. We don't.
13 We have an antiquated system in my opinion. So, as part of
14 this we really need to get a study to look at the effects
15 that these floods have had on this community. And more
16 importantly, put in place the safety measures, the emergency
17 preparedness measures so that we can respond and recover
18 from these emergencies and disasters.

19 And with that, I conclude my comments and thank
20 you for your cooperation.

21 (Appause.)

22 MR. BERNICK: Thank you. Next we have Richard
23 Mix.

24 MR. MIX: Good morning. My name is Richard Mix.
25 I'm a member of the Schoharie County Relicensing Committee

1 and a member of the DCC, Dam Concerned Citizens, and a
2 member of the Town of Fulton Councilman, and a member of the
3 Middleburg Joint Youth Commission.

4 I'm going to speak today as a member of the
5 Relicensing Committee for Schoharie County.

6 A lot of the points have been made, and I spoke
7 the other night. So I wanted to bring up that we want to do
8 some studies. One of the studies we want to have done is,
9 is the dam adequately designed for the probable maximum flow
10 that we could have occur in the valley here. So a dam
11 safety study and another study that we would like to have
12 done is the economic impact study on both communities and
13 towns and the county for Schoharie County.

14 The other night a lot of people talked about
15 flooding and I thought would should clear up a little bit
16 about that. We recognize that the BG project is not a flood
17 control project, but it has the ability to mitigate some
18 floods. And in 1996 they did an excellent job. This is a
19 praise for the Power Authority, something you haven't heard.
20 They did a very good job in controlling that flood and
21 mitigating the peak flood in 1996. Unfortunately, in the
22 flood of 2011, there was equipment malfunctions and
23 operational malfunctions. And I'll clear that up that the
24 gates were operated in an erratic manner during the flood
25 and probably eviscerating the damage that was done to the

1 communities and valley.

2 As far as operational, the night before the
3 pumped up a lot of water and the reservoir was just about
4 full with only a foot and a half left that they could add to
5 it. They were getting ready to support New York City for
6 electrical needs. And we realize that it's an electrical
7 project and they have to meet their electrical obligations.
8 But if they had left room in the upper reservoir and
9 capacity to pump up at the peak during the flood of 2011
10 with anywhere from 2500 CFS per unit and four units, they
11 could have pumped up 10,000 CFS during the flood. That
12 would have mitigated the flood by about 10 percent and that
13 would have really helped in the long run and would have been
14 an excellent thing to have done. Unfortunately, the flood
15 control aspect was not taken into the equation and they
16 didn't have the room to do that. So luckily we have a
17 warning system that was put in by New York City and that
18 warning system saved lives. It saved lives all the way
19 through the valley, all the way down to Schenectady. It
20 operated and it's not perfect, but it evacuated a lot of
21 people. They got out of their homes before they were
22 destroyed. It saved many lives.

23 That was put in by the New York City DEP and we
24 appreciate what they did there. The New York City DEP and
25 their dam has been an excellent neighbor. They've worked

1 with the towns and the community and the organizations in
2 our valley here. They have taken our input and incorporated
3 it into their design on the reconstruction of their dam.
4 And that we appreciate from them, they're very good
5 neighbors and they do communicate a lot with us and they're
6 very good. And we're hoping in the future we can have that
7 kind of relationship with the Power Authority that we can
8 work together with DEP, New York Power Authority and the
9 County to do what's best for the valley here. And we want
10 to seem to be good neighbors.

11 Right now our relationships are probably at an
12 all-time low in the 40 years that I've been here and I hate
13 to see that. But I want to see it improved.

14 So for right now that's what I have. I'm going
15 to have written comments that will be a lot more conclusive,
16 but I'll concluded right now. Thank you.

17 (Applause.)

18 MR. BERNICK: Thank you. Next we have Eric Stein
19 on the list.

20 MR. STEIN: Good morning. I'm Eric Stein,
21 President of Cobelskill Regional Hospital. I'm here to
22 support the New York Power Authority relicensing application
23 with the Blenheim Gilboa pump storage project. The New York
24 Power Authority and Cobelskill Regional Hospital have
25 enjoyed a long and mutually relevant relationship that

1 supports and strengthens both organizations and our
2 Schoharie County community. We advocate for the relicensing
3 of the Blenheim Gilboa Power Project to sustain these
4 relationships which I'd like to briefly describe.

5 NYPA is essential to CRH and to our community.
6 To sustain CRH we rely on our constituent support. NYPA has
7 been and continues to be a very big supporter of of CRH
8 services. NYPA supports the community as a major employer,
9 as a well-visited tourism destination by building
10 recreational facilities enjoyed by many, and by supporting
11 the county's first responders and other volunteer
12 organizations.

13 CRH is also essential to the successful operation
14 of the Blenheim Gilboa power project by providing standby
15 services in case of disaster and hospital and specialty
16 services to support the health and well being of NYPA
17 employees and their families.

18 In regard to emergency services, Cobleskill
19 Regional Hospital is the only hospital in Schoharie County
20 that provides the only emergency services within a 40-mile
21 radius of the county. The emergency department is always
22 open and always staffed by physicians and registered nurses.

23 CRH provides over 20 specialty services as part
24 of the Bassett Health Care Network, primary care is
25 available locally and in other surrounding counties where

1 NYPA staff reside. CRH is also an access point for other
2 services not available immediately in the community.

3 Having a hospital in the community is a major
4 benefit in recruiting and retaining the well-qualified staff
5 who work at the power project. In these ways and many
6 others, both NYPA and CRH invest in the well-being of
7 Schoharie County as major employers, as stimulators of the
8 local economy and providers of socioeconomic opportunity by
9 making Schoharie County a better place to live, work, and
10 raise a family, by being a good community citizens.

11 In summary, we need the Blenheim Gilboa power
12 project as we need the hospital because both are critical to
13 the sustainability and welfare of our communities. This is
14 a truly valuable and relevant partnership that has been
15 maintained for decades and I thank you for the opportunity
16 to comment.

17 No applause?

18 (Laughter.)

19 (Applause.)

20 MR. BERNICK: Next we have Jim Buzon.

21 MR. BUZON: Thank you. My name is Jim Buzon.
22 I'm a supervisor from the town of Middleburgh, and I sit on
23 the Board of Supervisors here in Schoharie County, Chairman
24 of the Flood Committee, Chairman of the Highway Committee,
25 and Chairman of the Relicensing Committee.

1 I'm going to try to be brief, but some of this
2 has already been touched upon. But I do want to reiterate
3 the need that we feel that NYPA should be taking a look at a
4 30-year license rather than a 50-year license. And actually
5 should be reviewed every ten years, I feel.

6 And this is because, basically, as Gail pointed
7 out, I pointed out the other night, there's changing weather
8 patterns, there's changes in the development that's taking
9 place, the amount of runoff that's coming into the streams.

10 We also feel, too, that, you know, this license
11 should not really tie the hands of future generations. A
12 50-year license basically is kind of excluded two
13 generations from negotiating on this. And this is not
14 really fair for us to do. So I think having a 30-year
15 license applies more of a generational-type relicensing that
16 takes place. And the other thing that happens is the
17 technology. We all know what technology has done in the
18 last few years. It's been astounding what's happening. So
19 who know in the future, basically as far as power generation
20 goes, so far as solar farms goes, as far as new technology
21 and add-on technology come forth, okay, what it will bring.
22 So a 30-year license at this point, I think, that would be
23 better suited for the county and for the residents.

24 At the same time, too, it talked different times
25 about the power generation and here again it was tossed

1 around in committee the idea of what about the possibility
2 to do a study to install a generator in the low level
3 outlets for that so that actually they could be producing
4 power from the water that they need to release, okay. This
5 power then could be allotted to the communities. Basically
6 the communities would then either sell that power or use
7 that power to help offset businesses in the communities or
8 home owners to help with their economic recovery benefit as
9 far as that goes.

10 Another thing that we'd like to have the Power
11 Authority take a look at is that the Schoharie County
12 communities, we're getting a grant right now for a multi-use
13 trail. That will be probably enclosed in proximity to the
14 Schoharie Creek. It's for walking and biking, and hiking,
15 okay. It will run from the northern part of the county
16 starting somewhere in Esperance and actually going all the
17 way through the County ending up into the towns of Blenheim
18 and Gilboa. This trail will be -- we'd like to try to keep
19 it in a fairly close proximity to the creek.

20 Okay. We'd also like to be able to put markers
21 throughout the area for educational purposes for the flora
22 that's there. We'd like to put in an outside classroom
23 basically for environmental use from the schools. All
24 right. We'd like to also put in some health and fitness
25 apparatus along the trail. But what we also need for this

1 is some information. And if I can confer some information
2 on flow records and so on so this way we can get an idea of
3 -- you know, we don't want to put it too close to the creek
4 because we want to be able to maintain this and not have to
5 worry about constant flooding that's going to take it out.
6 But also, you know, keep it in a way so that -- like I said,
7 repairs wouldn't be as much. And with this, the possibility
8 of NYPA helping to possibly maintain this trail in the
9 future. Not take out a full maintenance, I don't mean that.
10 But just being able to kick in and help maintain some of
11 this trail for the community. Because actually this will
12 lead up through the Mine Kill State Park as well. Okay.

13 Another issue that I would like to bring up here
14 is right now Schoharie County has employed those basically
15 to work on emergency watershed project which we have going
16 with several streams within the county. Okay. At the same
17 time, ACOM must take a quick look basically at the Schoharie
18 Creek and they pointed out basically that one of the
19 problems that we're having the Schoharie Creek right now is
20 the idea that there's not enough flow coming down at any one
21 time to keep the gravel moving and the sediment moving which
22 is resulting in gravel bars being built up, okay, and
23 basically the creek bed rising. And also what's happening
24 is the creek bed is kind of spreading out. Okay. So if by
25 any chance there could be periodic releases of water, okay,

1 that basically would notify our emergency management office
2 that they're going to be released and to keep them down to
3 an area where it's not going to cause any flooding, okay, to
4 occur, to help basically keep this creek channeled. And
5 that would have a good effect on the health of maintaining
6 the Schoharie Creek.

7 We also at this point have applied for and we've
8 gotten a five-county grant for Greene, Schoharie,
9 Montgomery, Schenectady, and Albany County to do a
10 hydrologic study of the Schoharie Creek to see what could be
11 done with the creek. Could we create some storage areas
12 along the creek for flooding and so on, and maybe to help
13 divert water, possibly flood waters away from populated
14 areas, okay, to try to help reduce the level of flooding
15 that's occurred. It's not going to eliminate the flooding.
16 We know that, okay. But if we can help reduce that, what
17 we'd like to see here again -- now, this study will be
18 taking place before the relicensing. And I think this would
19 be a really good neighbor show, okay, if NYPA could work
20 with the study and help contribute a little bit to help
21 cover the cost of the counties. Because there is a share
22 that each county has to put into this. So, NYPA really
23 wants to step up to the Board and say, hey, we are a good
24 neighbor. This is the time to show it. All right.

25 The other thing that I would like to point out

1 too as mentioned about the transmission lines, okay, I'd
2 like to see those put back into the relicensing equation.
3 All right.

4 The transmission lines basically take out quite a
5 bit of property value from not just the host communities,
6 but from the county as a whole. The town of Broome which is
7 not in their flood plain at all, okay, has the transmission
8 lines running across, basically, their town, okay. And when
9 you look at the width of the transmission lines and you
10 realize that the property values are basically nil on those,
11 the town of Broome has lost property taxes from them, so has
12 Conesville, so has other town in the county.

13 Not to mention that basically property values
14 along those transmission lines have dropped. Because the
15 people are coming up and they're looking at a nice ranch
16 house to buy and here you have basically the property lines
17 in your back yard, and they're looking at another nice ranch
18 to buy and it's two miles away from the property line, it
19 doesn't take a rocket scientist to figure out basically
20 where they'd like to settle and where they'd like to raise
21 their family. All right. So it does impact basically the
22 property values in there.

23 It was interesting basically that when NYPA
24 mentioned that they had 2,893 acres that -- make that up, I
25 was just doing some real fast calculations. I want to do

1 fast calculations. And, you know, just looking at the
2 calculable value, okay, just on the acreage alone, okay,
3 you're looking at probably close to, if you figure it in,
4 about \$100,000 just on property, open acreage, to about
5 \$200,000 a year that basically the town, the counties are
6 losing on it. Okay.

7 However, if you took into account the current
8 assessment on that, you're looking at about \$2.7 million a
9 year that the county, the town, and the school is losing
10 because of this. You know, I realize, okay, it's important
11 service that NYPA provides. But at the same time it has
12 really impacted these communities. And I think it's about
13 time that somehow some of this comes back to the communities
14 in economic development as some help for some of these
15 schools.

16 The siren was mentioned as well and we're very
17 grateful to DEP for helping those. Once again, though, we
18 need to maintain those sirens and once again, it would be
19 nice to NYPA stepping up and maybe helping DEP with these.
20 Because they're also benefitting, okay, from this. And
21 there's a flood warning system and actually with this last
22 flood that we had from Irene, if it wasn't for those sirens
23 we would have been having quite a few funerals in this
24 county from people who wouldn't have made it out in time.

25 I also would like to see a breakdown, basically,

1 of the 150 people that are employed and see how many of
2 those people are actually employed in Schoharie County --
3 from Schoharie County.

4 I know of a few in Chitown that are. Okay. But
5 I think it would be safe to assume that there are less than
6 half of those are from Schoharie County. I think priority
7 should be given to the host community and the host county
8 for employment.

9 One thing, I just want to promulgate by saying,
10 and I won't take much more time is Assemblyman Lopez was on
11 our tour yesterday and Assemblyman Lopez began to ask a
12 question about the reconstruction that occurred on the dam
13 and the relation of that to Irene and he was quickly
14 admonished that no questions are going to be asked about the
15 flooding. Well, you know, if you want to go through this
16 relicensing, you're going to have to face the fact that
17 there are going to be questions asked about that flooding
18 because that flooding did occur. It devastated a lot of our
19 communities, it changed a lot of people's lives drastically.
20 And I'll give you one example of one life that it changed
21 drastically.

22 We just finished a buyout in the town of
23 Middleburgh. In fact, we actually just finished all our
24 buyouts in the town of Middleburgh, thank God. One buyout,
25 though, I still have a woman who has two lawn chairs set up

1 on her lawn. She comes there every day. She feeds her cat
2 there. There's no house, but it's her home. Thank you.

3 (Applause.)

4 MR. BERNICK: Thank you. Michele Weaver?

5 MR. WEAVER: Hi, my name is Michele Weaver and
6 I'm the Superintendent of Middleburgh Central School.
7 Speakers both this morning and on Monday night really have
8 said a lot the things that I wanted to say. But I would be
9 remiss if I didn't stand up here and let you know the impact
10 on Middleburgh Central Schools.

11 We're not in the host communities, but certainly
12 we're impacted by everything that occurs at your site.
13 During Irene, certainly we -- we experienced significant
14 loss both at the school and the community. We lost over
15 \$400 million in funding, we're still, you know, rebuilding
16 our schools.

17 One of the things Kevin Neary said so well was to
18 look at the safety of the dam. Going through that night,
19 moving our schools, all of our buses, we're an evacuation
20 site, we had to evacuate our site because we could not get
21 our people out. Sirens certainly saved people's lives. We
22 went through the village with buses to try to evacuate and
23 get to the site, and then we had to have an alternate site.

24 However, we couldn't get out of the community and
25 many of our individuals stayed overnight on buses because

1 they could not get out by the community.

2 When a young child looks at you and says to you,
3 as the superintendant of schools, "Ms. Weaver, are we going
4 to be alive tomorrow? Will the dam hold? What is the
5 impact going to be on our school and our local community?"
6 And you want to guarantee them that we're safe. I need to
7 be able to guarantee every one of my children as well as our
8 community members that we're safe and that the safety of
9 that dam is of the utmost importance, not only to you, but
10 as a county, as a FERC, as an agency going forward.

11 The day after the flood, there was a breach, a
12 dam breach. The village and community was evacuated and,
13 again, had to go through what is happening at the dam. The
14 rumors abounded. They continue to abound. Every time it
15 rains hard, what's going on? You know, the secrets that
16 occur at your sight are not true. We know that. However,
17 in small communities when people are not feeling safe, and
18 they're not feeling listened to, certainly perpetuate more
19 and more rumors.

20 The one thing I really want to say to you is,
21 please, please look at the dam safety and controls for the
22 future. Yes, we're in a flood zone, our school is in a
23 flood zone, we can survive, we have an amazing community
24 that comes together. It does what we need to do to go
25 forward. But I need to ensure the safety and a lot of that

1 comes back to the dam.

2 In addition to that, certainly flood mitigation
3 study, working together not only for today, but for our
4 future, working together collaboratively for educational
5 perspectives for our students excited by some of the things
6 that have been spoken about. Certainly, currently, we have
7 nature's classroom. We spend a week long at Mine Kill with
8 our students. This year we had to scale that back because
9 we couldn't afford to come to Mine Kill and do our week-long
10 program. That's a program that we've done for over 30 years
11 and each year we fight to fund that program. It's certainly
12 something that our students look forward to. Our alumni
13 comes back year after year and talks about that wonderful
14 facility and the experience that they have there. Not only
15 is it a great experience, but certainly our students have an
16 opportunity to see what is the positives of NYPA and the dam
17 and everything else because certainly they certainly hear
18 some of the negative of that.

19 Another issue, certainly, that we would like to
20 look at is the continuation and collaboration. We talk
21 about good neighbors, and although we're not part of the
22 host community, we want to be a part of that and work
23 together not only for the present, but for the future.

24 Middleburgh is a wonderful, wonderful town and
25 village with a great school. Schoharie County is amazing

1 and we need to work together to continue that greatness in
2 our county. There is a flow outwards. We are losing our
3 students, we are losing our community members. When we look
4 at our enrollment, our enrollment in our school has gone
5 down approximately 20 percent in 10 years. We need to do
6 something differently and talk about the great things that
7 we have and work collaboratively to not only keep and
8 maintain what we have, but to build upon it and to have more
9 individuals move to our county because it is a great place
10 to live.

11 Again, parting, dam safety is number one
12 priority. Working together to ensure that, working on
13 evacuation emergency system as Kevin Neary spoke about, and
14 again, being collaborative partners going forward.

15 Thank you.

16 (Applause.)

17 MR. BERNICK: Thank you. The last speaker we
18 have on our list Earl Van Wormer.

19 MR. VAN WORMER: Okay. I would like to thank
20 everybody for coming here today. People from the Power
21 Authority, people from the community and for elected people.
22 I would like to also thank the people from FERC for coming
23 here today. Because, as you can see, this is a very
24 important matter for a number of us in this area.

25 Now, I'm kind of upset with the New York Power

1 Authority for a bunch of reasons. Now, I don't want to make
2 this a personal attack against people because I believe
3 there are really good people at the Power Authority. Some
4 of them live in the town of Esperance, some of them live in
5 the other communities. I have friends who work there. And
6 they are good people. The problem comes in is that
7 sometimes when we do our jobs, and I'm a business person, we
8 do our jobs almost too well. And in this case, this may be
9 an example, of that. And the example may be that people are
10 trying to protect a business or benefit a business to a
11 point where it actually is hurting people in our
12 communities. Okay.

13 Now, I'm going to make some statements that, you
14 know, maybe some people aren't going to like, but
15 unfortunately I think they need to be made. And some of
16 these things have already been told by Dick Mix, who, by the
17 way, worked for the New York Power Authority. So when a man
18 like Dick comes in and makes a statement, he's not talking
19 from the outside, he's talking from the inside. He worked
20 for that organization. Okay.

21 And from people like Gail Schaffer, now, Gail was
22 our Secretary of State for the State of New York, not just a
23 local farm kid like I am. She is a very learned young lady.
24 Okay.

25 The comments I would like to make is this, that

1 there is no doubt that the New York Power Authority violated
2 the 1975 license agreement which states that whatever goes
3 in one end of that creek is supposed to come out at the
4 other. We know that did not happen. That's a violation of
5 their license agreement, and that's documented. Okay.

6 We talked about the educational process and I
7 want to thank the young lady from the Middleburgh School,
8 but you have to realize that almost half of our educational
9 system in Schoharie County was affected by this event. We
10 had the Gilboa Conesville school district, we had the
11 Middleburgh school district, and the Schoharie school
12 district. Plus it also reaches out to some people living in
13 some communities not necessarily associated with that. But
14 it affected almost a half of our students in Schoharie
15 County. That's a lot. Okay.

16 I want to tell you, you talk about socioeconomic,
17 yes, Blenheim was impacted greatly and it is the host
18 community, so to speak. But you've got to realize this
19 Schoharie County project and whatever happens there also
20 affects the rest of us along the Schoharie Creek from Fulton
21 to Middleburgh, to Schoharie County to Asperance. And the
22 impact on our communities was tremendous. If you put it
23 into dollar and cents to our businesses, our farming
24 communities -- we have a young fellow sitting in the back of
25 the room way back there, his name is Bill Sevoe. His family

1 had a farm on the Schoharie Creek in the town of Schoharie
2 that lost everything, everything. Now, that's just one
3 example. And I asked Bill if I could mention his family
4 today because they're friends of mine. And I know what that
5 did to that community. That put a tremendous economic
6 hardship on that family and that's just one example of that
7 fellow sitting back there.

8 That happened to him from Fulton and Blenheim,
9 right on up through Asperance where it really hurt these
10 people. Okay. And the New York Power Authority they talk
11 about emergency planning and stuff, they don't have an
12 emergency plan.

13 I talked to Kevin Neary in the back of the room
14 and I talked to other people about it, if they do, they
15 don't community with Schoharie County very much. And
16 wouldn't you think since their dam is a part of this whole
17 process and could affect us, that they would be talking to
18 our people on a regular basis, updating plans, working on
19 things. I never hear from them in the town of Esperance
20 unless I happen to be at a social function or something like
21 that. They should be doing that. They should be
22 communicating with every single community. I don't say it
23 has to be on a weekly, whatever, but periodically there
24 should be communications about what their plans are and what
25 they intend to do.

1 Okay. The other thing is, we're forgetting here,
2 as I mentioned before, their employees live in our
3 communities. I have them in Esperance, and I know they live
4 in Schoharie and Middleburgh and Fulton, right on up through
5 the valley. By them not doing the things they need to do,
6 they're putting their own employees at risk. Okay. Their
7 own employees. And that's why I say, sometimes we try to do
8 things so well we forget about the human factor. And
9 there's a lot of things that they could do to help Schoharie
10 County and the surrounding counties.

11 There's a study going on right now by Tarckson
12 University. I know that because they're setting up a site
13 in the town of Esperance at our fishing access that they
14 intend to study the whole Hudson River System as to what the
15 weather and climatic changes are doing to our systems. I
16 think the Power Authority could partner in on that as well
17 as the study that I have been pushing for that the Army
18 Corps of Engineers get involved with on the whole Schoharie
19 Creek, the watershed, right on down through the Mohawk on
20 into the Hudson. And I think if they really wanted to be
21 good neighbors, they could do that, they could help us out.

22 We have tributaries that are also contributing to
23 some of this problem. You know, if you want to be a good
24 neighbor, if you want to be here in this -- you're not
25 paying taxes. Okay. You have this land which if there was

1 tax generated on it, would help us solve some of the
2 problems in this county. They're not, they're a liability
3 to us. They're not an asset. One hundred and 50 jobs of
4 people that they're allowing to be at risk from these
5 environmental conditions is not to me being a great neighbor
6 and working with us. And I think what they need to do is
7 work with us to better help our responders prepare for these
8 emergencies and help them in case there's response that need
9 to be done at their facilities.

10 So, that's just my feeling on these things. I've
11 been on this County Board of Supervisors and the town
12 supervisor for going on 21 years now. I've been here for
13 not quite almost half of what that license has been, and it
14 probably will be a little over half when the license comes
15 up. So I've seen a whole lot of things.

16 What I would like to see is that the Power
17 Authority to live up to some promises they've already made.
18 They made promises to myself at our local state senator's
19 office. The chairman of the board, Tony Van Glibe was there
20 and myself, where they promised to help us with cell
21 coverage in the Schoharie County, particularly the southern
22 end of the county, communication system improvements for our
23 sheriff's department and yet to this day we have seen
24 absolutely nothing even though they committed to do that,
25 even at one of our board of supervisor's meetings. So you

1 tell me, does this sound like people who want to be good
2 neighbors, or responsible people who really want to benefit
3 Schoharie County? And should they be allowed to continue?
4 Well, I'd like to see them step up to the plate, be better
5 neighbors, do more for Schoharie County instead of putting
6 us into a situation where we've got to be up here talking
7 like this. Because like I say, some of them people that
8 work there are my friends. And it terribly bothers me to
9 have to say this, but somebody's to say it.

10 Thank you.

11 (Applause.)

12 MR. BERNICK: Thank you. Okay. So that's the
13 end of our speaker list. I'm wondering if anyone else has
14 any questions or comments they'd like to make for us?

15 MS. REEVE: Hi, there, everyone. My name is Ruth
16 Reeve, I'm the superintendant of Gilboa Conesville and I was
17 not intending to speak today because I don't pretend for a
18 moment to really understand all of this. I would very much
19 like to thank the FERC folks for coming to our county and
20 also the visitors through the Power Authority for seeing the
21 beautiful county that we live in.

22 I am extremely passionate about all of this
23 myself. My age is such that I grew up on top of Route 30
24 and saw all of the materials that built the Blenheim Gilboa
25 power project going by my house as a little girl while I was

1 working in our garden. So I don't remember a time really
2 prior to the Power Authority.

3 What I can tell you is now as the superintendant
4 of the school that I attended, I'm really worried for us as
5 a community because when I was a kid we had almost, I think
6 it was about 550 kids in our school. Now we're down to 341.
7 We're down to 341 kids in a 150-square-mile radius of which
8 I have three large bodies of water. I have the power
9 project and I also have the New York City water supply. So
10 for me it's really simple.

11 I own a business in Delaware County and for me
12 it's about what's right as far as, you know, paying your
13 fair share. And I understand it's a New York entity and
14 it's, again, way more complicated than I understand. But I
15 can tell you that -- and Kevin Neary said it quite well,
16 because he was very involved and I have a lot of respect for
17 him during the flood. But, I me, I rely on local people to
18 tell me whether or not the water is getting too high.
19 That's how I find out whether or not I should close school.
20 Because we actually closed school prior to Hurricane Irene
21 about two weeks prior to that.

22 I'm the closest facility to the Power Authority
23 and yet when DEP said, can we come up to your building, we
24 want to go to high ground. I said, you're more than
25 welcome, folks, but I've got to tell you, the power is out.

1 I can't even offer you a cup of coffee or let you flush the
2 toilet because we don't have a generator. We don't have the
3 facilities. We don't have cell service.

4 My buses, when they're out and about, we don't
5 have a repeater. I was very fortunate that the town of
6 Prattsville loaned us cellular service on a truck so that we
7 could at least continue.

8 So I guess this isn't really part of what you
9 guys do. But I just wanted to give you a flavor of how, you
10 know, I'm really worried because our kids deserve the same
11 education as everyone else's kids. And one thing we do well
12 here is raise people. We have a long history of
13 hard-working people that have been very successful in their
14 communities and in this country and in different jobs and
15 it's a wonderful place to live, it's a wonderful place to
16 raise your families, but we need some help.

17 You know, we have a tax cap that's been mandated
18 by New York state. And our school, quite frankly, could
19 come in with a 7.61 percent. That was our 2 percent tax cap
20 levy that we were allowed to go out with. Our folks can't
21 afford a 7.61 percent tax cap. So we came out with a 1.99.
22 But at the same time, that's taking money off the table.
23 All right.

24 When I tell you that we're struggling, I had one
25 business teacher, one. I had to let her go last year

1 because we just couldn't afford it. I'm about as frugal as
2 you can get. But we really need some help around here and
3 that's really all I have to say.

4 So thank you very much for listening.

5 (Applause.)

6 MR. BERNICK: So does anyone else have comments
7 or questions for FERC staff?

8 MS. SHAFFER: I just wondered if FERC can --
9 thank you. Can FERC request of the New York Power Authority
10 the data that was mentioned specifically about employment
11 statistics as well as contributions to emergency services
12 for the public record?

13 MS. CARTER: So that would all be, as part of
14 this process we're gathering this information and deciding
15 or trying to learn what information is needed in terms of
16 how NYPA will prepare their license application. So as
17 we're reviewing all of the comments that you guys have made,
18 and all the comments to come in, in August, we will then
19 require NYPA to conduct studies and request of them the
20 information that we need for our environment analysis. So
21 anything that is incorporated within that, we would ask them
22 to provide.

23 MR. SKOWFOE: Phil Skowfoe, supervisor town of
24 Fulton. But being a good neighbor starts at home within the
25 Power Authority. The feedback that I've gotten is their

1 employees are without a contract for four years and that's
2 taking -- if you're taking back off what the Gilboa school
3 superintendant said about the funding, the people that have
4 trouble with money as it is, you've got to start and treat
5 your employees right before and then reach out to your
6 community. That's just a sample of how it goes and if you
7 don't start right at home and then branch out, it's not
8 there.

9 MR. BERNICK: Okay. So I just wanted to go
10 through again a few more of the important dates coming up.
11 The comments on the scoping document, NYPA's preapplication
12 document and any study requests, so that date is the 8th of
13 August. Following that NYPA will be submitting their --
14 filing their proposed study plan with the Commission by
15 September 22nd. And then hold study plan meetings by the
16 22nd of October.

17 And just to point out, they'd ask that -- they
18 had mentioned that they had a conflict with the 22nd date,
19 so it will most likely not be held on that date, but
20 sometime around that time.

21 Then based on comments to further revise the
22 study plan, January 20th, and FERC will file the study plan
23 determination letter February 19th.

24 And I want to thank you all for your comments
25 today and on Monday. We really appreciate it. It helps us

1 do our job. It helps us understand what the issues are for
2 the local communities. And with that, unless anyone has any
3 other questions, I will adjourn for today.

4 It's 11:05. Thank you.

5 (Whereupon, at 11:05 a.m., the scoping meeting
6 was concluded.)

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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

Best Western Inn
121 Burgin Drive
Cobleskill, NY 12043

Wednesday, July 9, 2014

The above-entitled matter came on for Scoping Meeting,
pursuant to notice, at 9:05 a.m., Andrew Bernick FERC
Moderator.

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

2 (9:05 a.m.)

3 MR. BERNICK: Hi, everyone. We'll get started
in
4 a few minutes here. I just wanted to ask you, if you
5 haven't had a chance to sign in or sign in on the speaker
6 form, they're in the back there.

7 (Pause.)

8 MR. BERNICK: Hi everyone, I think we're going
to
9 get started now, it's about 9:05.

10 So, welcome. We're from the Federal Energy
11 Regulatory Commission and welcome to the Blenheim Gilboa
12 Pump Storage Project, number 2685 scoping meeting. Thanks
13 for being here this morning.

14 Our purpose is to invite your participation in
15 identifying important issues associated with the
relicensing
16 of the BG project.

17 My name is Andy Bernick, I'm a wildlife
biologist
18 the Federal Energy Regulatory Commission or FERC. I work
in
19 the Division of Hydropower Licensing. I'll also be the
20 project coordinator for the BG relicensing at FERC as well.

21 I'm here with a few of my colleagues from FERC
22 who will also be on the BG relicensing team and I'll let
23 them introduce themselves.

24 MS. CARTER: Hi. I'm Emily Carter. I'm an
25 environment biologist at the Commission and I'll be looking

1 at the recreation land use, aesthetics, and cultural
2 resources associated with this project.

3 MR. CHOI: My name is Woohee Choi. I'm an
4 environment engineer division with hydropower licensing and
5 also with hydrodynamic branch. I'm in charge of the water
6 resources stuff and then economic analysis.

7 MR. YU: My name is Kenneth Yu. I'm a lawyer
8 with the Commission and I provide legal support for the
9 staff.

10 MR. MUDRE: My name is John Mudre and I am a
11 fishery scientist and I'll be dealing with the aquatic
12 resource issues that we'll be looking at over the course of
13 the relicensing.

14 MR. BERNICK: Thanks. We also have here Robert
15 Daly who is the licensing manager for New York Power
16 Authority for the Blenheim Gilboa project and he'll be
17 presenting a little bit later, a description of the
project.

18 So we'll go through a few little introductory
19 items then I'll do an overview of the FERC licensing
20 process, that NYPA will be using for the relicensing. Go
21 over the purpose for scoping, the process for commenting,
22 and requesting additional info and studies during scoping,
23 how you can submit your comments and keep informed on
24 project developments. Then we'll give the project overview
25 and then we'll open it up for comments from you.

1 And at the end we'll wrap up and review the
2 important dates and ask for any addition comments or
3 questions.

4 Again, there's a sign-in sheet in the back so we
5 can get a sense of who is here tonight -- I mean, this
6 morning, and also a speaker sign-in. If you're interested
7 in making any comments, please put your name on that.

8 We also have copies of the scoping document, if
9 you don't have a copy already. I will be referring to it a
10 little bit here and there through the presentation.

11 We also have a court reporter here and I would
12 ask that you -- before you speak -- if you could state your
13 name and affiliation so that he can get you on the record
14 and attribute your comments to you.

15 So this is FERC's integrated licensing process.
16 This the process that NYPA will be following and FERC staff
17 will be following for the relicensing. And it starts with
18 the filing of a notice of intent or NOI in a preapplication
19 document. NYPA filed that on April 10th of this year. And
20 the preapplication document lays out essentially what we
21 know about the project, project details, their proposal,
22 the potential for project effects.

and

23 The second phase is scoping, we're in that now
24 and that involves these scoping meetings and the site visit
25 that we held yesterday, and also a period where you can

1 submit written comments. The deadline for that is August
2 8th. And that would be comments on our scoping document,
3 NYPA's preapplication document, and also any written
4 requests of any studies that you might feel are necessary
5 for NYPA to conduct to support their license application.

6 After that we move on to the study plan
7 development phase and for that NYPA will produce a proposed
8 study plan that includes the studies that they would
conduct
9 during for licensing. There will be a study plan meeting
10 that will be held towards the end of October most likely.
11 That's a chance where everyone can come and comment on that
12 proposed study plan. After that period NYPA will produce a
13 revised study plan and then the Commission will issue a
14 study plan determination letter. What we find are the
15 important studies to be included for the licensing.

16 And after we have a study plan NYPA will conduct
17 either one or two years of studies depending on what's
18 determined to be necessary to support the analysis and the
19 complexity of the issue and so forth and develop their
20 license application. So that's what we call the first four
21 blocks or the top four blocks are what we call the
prefiling
22 phase.

23 And then the post-filing, that's after NYPA
files
24 its license application, FERC staff will go through -- this

25 team here -- will go through the application and determine

1 whether we have enough information in there to conduct our
2 analysis and ask for additional information if necessary.
3 And once it's at a point where we can do our analysis,
we'll
4 issue an REA notice or ready for environmental analysis
5 notice. In that we will ask for comments, terms and
6 conditions from the mandatory conditioning agencies and any
7 motions to intervene in the process.

8 Then we will develop the environmental document
9 for the project relicensing. So, in this case a draft and
10 final environmental assessment or environmental impact
11 statement depending on what we determine is necessary for
12 this.

13 In the final stages FERC issues a license order
14 that licenses the project for another 30 to 50 years.

15 This is a more detailed view of the pre-filing
16 steps. And I'll just point out, since the screen is a
17 little small, all of these dates and steps are in the last
18 two pages of the scoping document. So you will have all of
19 those there.

20 So FERC is authorized under the Federal Power
Act
21 to issue licenses for non-federal hydropower projects. And
22 as those projects can have environmental effects, we do our
23 analysis under the National Environmental Policy Act to
24 determine the effects of the project.

25

The scoping document is what we issue to offer

1 information on the existing project facilities and where we
2 lay out a preliminary list of resource issues that we've
3 identified that may be affected by the project relicensing
4 and also the studies proposed by NYPA. And at this point
5 we're looking for help from you to identify the important
6 issues for project relicensing and also any information
7 needs that you feel we or NYPA need for the process.

8 Some of these may include information that may
9 help find a geographic and temporal skill for the analysis
10 and identify significant environmental issues, any data
that
11 will help us describe the existing environment and effects
12 of the project and other developmental activities on
13 environment and socio-economic resources, identification of
14 any federal, state, or local resource plans, any future
15 project proposals in the affected resource area and
16 documentation showing why any resources or identified
issues
17 should be excluded from further study or consideration.

And

18 so your comments can be given orally today, or you can
19 submit them in written form and I'll talk a little bit
about
20 how you can do that.

21 Also, if you have any studies you feel are
22 necessary, when you file a study request, we'd ask that it
23 meets these seven criteria so that we can understand what

24 the purposes of the study would be and how it fits in with
25 the process. So these would be identifying study goals and

1 objectives, considering resource management goals, the
2 public interest, existing information, a very important
one,
3 the nexus to project operations and effects, that the
4 methodology you're proposing is consistent with accepted
5 practice, and also consideration of the level of effort and
6 cost of the study you're proposing and why an alternative
7 study or method wouldn't suffice.

8 Okay. So as I mentioned, the written comments
on
9 the preapplication document, on our scoping document and
10 also any study requests are due by August 8th. And
anything
11 you send in should identify the project name, project
number
12 on the first page. It can be filed electronically via the
13 Internet or by mail. In the next slide I'll go over how
you
14 can do that. And all communications should be addressed to
15 the Secretary of the Commission Kimberly Bose at that
16 address. All this information is also in the scoping
17 document and on the FERC website. And that's so your
18 comments can get into the appropriate record.

19 Okay. So there is your oral comments you can
20 make today that will be transcribed and up on the FERC
21 website and elibrary, and in the record for the project.
22 And there are also three ways that you can submit written
23 comments. If you have a relatively short comment, you can

24 submit that through the FERC website through the ecomment.

25 This is for text-only comments of 6,000 characters long,

1 which is not too long.

2 You have to fill out a little bit of
information,

3 but you don't have to register. It's a name, address,
4 telephone number, e-mail.

5 Or if you have something longer that you would
6 like to file, any articles, images, longer comments, you
can

7 register through the Commission's website and efile your
8 comments. And this is something that requires you to set
up

9 a username and password and give some of that other
10 information, name and address, and set up that way.

11 Lastly, you can do it by mail and just make sure
12 that it has the the project name and number on there and
13 that it's addressed to the Secretary of the Commission and
14 not to me personally or to New York Power Authority.

15 As far as keeping informed about what's
happening

16 with the project, all of the filings and issuances that are
17 coming in, FERC has an electronic library called
"elibrary".

18 You can get there through the FERC website and you type in
19 the project number and the date range or the entire date
20 range during the proceeding and it will give you any filing
21 that came in or anything that was issued by the Commission.
22 And you can search for particular terms in there as well.

23 Probably the best way that you can get all the

24 information is by registering on the Commission website and
25 then going through esubscription. And these are
essentially

in 1 alerts that are e-mailed to the address that you identify
2 your account. And you'll get every single filing and
3 issuance that comes up on the regulation for the BG
project.

4
5 And there's also the official mailing list which
6 the official mailing as it stands is included in the
scoping
7 document. And at this moment it's rather short. If you'd
8 like to be on the official mailing list you would send a
9 request in asking that your name be placed on the official
10 mailing list. And that way you'll get the issuances that
11 are copied to the mailing lists sent to you by mail. But,
12 however, you won't get every single filing that comes in on
13 the project.

14 Okay. This is the FERC website. You would just
15 go www.ferc.gov. The third tab over is documents and
16 filings and that's where all of those features that I
17 mentioned can be found.

18 Okay. So now I'll turn it over to Robert Daly
19 from New York Power Authority.

20 MR. DALY: Good morning. As Andy said, I'm
21 Robert Daly with the New York Power Authority. I am the
22 licensing manager for the BG relicensing for them. And I
23 just want to point out a couple of people from the Power
24 Authority who are here with us this morning. I see Brian

25 Sayes our operations superintendent has joined us, Mark

1 Oleg, and operations special, and those two gentlemen gave
2 an incredibly informative tour of the project yesterday.
3 With us also is my boss, the director of licensing, Mark
4 Slade, Terra Broom who is our licensing administrator. I
5 don't have that right, do I? Associate. Excuse me.

Joe

6 From our public and government affairs group,

7 Leary, Mario Refaro and from our legal office Sue Watson.

8 Shall I go to the next slide or the first slide?

9 Just a couple of dates of interest to point out
10 as we -- to give you a brief update or brief information on
11 the project itself. In June '69 FERC issued the original
12 license. In '73 BG generated its first power. That same
13 year Mine Kill State Park opened. A year later we opened
14 our visitor center at the BG project. A few years later,
15 1977, Lansing Manor was opened to the public and another
16 date of important dates, May 2010 we finished a four-year,
17 \$135 million life-extension and modernization program. And
18 I'll go into a little bit more detail on that in a few
19 slides.

20 Next slide.

just

21 Just gives us an indication of where we are,

are

22 in reference. Obviously you guys probably know this, or

southwest

23 well aware, Schoharie County, we're about 40 miles

24 of Albany.

25 The next slide gives us a good shot of the

are
the
other

1 project boundary. This red line is the boundary. These
2 the lands that NYPA needs to control in order to perform
3 operations and maintenance of the project and possibly
4 associated functions such as recreation.

5 You can see a couple of things, I'll just point
6 out the upper and lower reservoir, upper reservoir and down
7 here the city of New York's Gilboa Dam which creates the
8 Schoharie Reservoir. The whole project boundary
encompasses
9 about 2,893 acres.

10 Next slide.

11 This is a shot of the watershed, the Schoharie
12 Creek watershed. And if you take a real good look you can
13 see these little green triangles. Those are water level
14 gauges monitored by the U.S. Geologic Service. There's
15 about 356 square miles that feed into the Schoharie Creek
16 Reservoir below the -- upstream, I guess, of the Gilboa --
17 or excuse me, of the BG project.

18 If you hit the next slide.

19 Of that, there's about -- much of this all feeds
20 into where the Schoharie Reservoir and the Gilboa Dam are,
21 the New York City Project. However, there's about a
22 40-square-mile sub watershed, if you will, in between the
23 City of New York's project and the BG project which feeds

24 into our lower reservoir.

25 And I guess I should say, under normal
conditions

1 we don't receive any set amount of water from the New York
2 City Reservoir.

as

3 Next slide is just a view of the project. And
4 you look at it, I mean, if you were driving by today you
5 would be hard pressed to even notice the infrastructure.

6 The next slide, I'm going to point out a couple
7 of the features of the project itself. Again, and if you
8 just -- yeah, just slide through these, these will all come
9 through. You see the Gilboa Dam up here, Schoharie Creek
10 feeds into lower reservoir, upper reservoir up here, the
11 powerhouse would be down here in the upper dike and the
12 powerhouse. Our lower dam, Mine Kill State Park, spillways
13 created by the lower dam. Mine Kill State Park is here and
14 our visitor center is right in this area.

15 (Pause.)

16 MR. DALY: Some points about the operations of
17 the project and as I mentioned earlier, in 2010 we
completed
18 a four-year life extension and maintenance program at the
BG
19 project and essentially what happened is we refurbished the
20 four turbines and sort of prepared them for the next
several
21 40-plus years, hopefully. We were able to increase the
22 capacity, improve efficiency, we replaced some end-of-life
23 equipment, and improved operating range and created

24 opportunities to generate more clean energy for New York
25 state. In doing that the turbines now are rated 290

And
really
1 megawatts each for a total generation capacity of 1160.
2 just so -- to put that into an everyday term, I guess a
3 megawatt has the ability to provide enough energy for about
4 800 to 1,000 homes. So you have an idea of what that
5 means.

the
6 The upper reservoir has a minimum and a maximum
7 levels that we're allowed to operate within, 1,955 being
8 minimum, 2,003 being the maximum. The lower reservoir has
9 the same constraints, 860 minimum, 900 foot is the maximum.
10 Our generating capacities and generating mode, the capacity
11 is 1200 -- excuse me, I said that incorrectly, 1,200 cubic
12 feet per second. In pump mode, moving water up the
mountain
13 into the upper reservoir, it's 10,200 cubic feet per
second.

14 And the flow regime that the project operates
15 with is a product of a 1975 agreement with local
communities
16 that FERC has and essentially creates an inflow equals
17 outflow process.

18 Next slide.

19 This is a little diagram, little of the project
20 operation itself. BG actually isn't like the other large
21 hydros in the state. It doesn't actually generate its own
22 energy it purchases it from the market. And ironically the

23 last few years BG has actually been a net consumer of
energy

24 due to its operations.

25 The project itself operates like a battery, if

1 you will, if you hit that slide there -- there, you see the
2 lower reservoir down here, power station in the middle,
3 upper reservoir, you have the pen stocks which move the
4 water to and from, manifold, and this just acts sort of
like
5 a large drain, just like in your kitchen. All right. When
6 we're pumping, when demand is low, water is being pumped
up.
7 When demand is high and we're called on by New York ISO,
8 water will be released from the upper reservoir, moved
9 through the infrastructure into the powerhouse through the
10 generators and into the lower reservoir.

11 When we have the upper reservoir -- no, excuse
12 me. When we have the lower reservoir full capacity --
upper
13 reservoir full capacity, you can generate for about 12
hours
14 at maximum capacity. It takes just about 15 hours to
refill
15 from the lower reservoir into the upper reservoir.

16 A couple of benefits that the project has
17 provided over time. Wildlife management area which is
18 located right about in front of the Lansing Manor and it
19 stretches for a couple of -- two acres or so toward --
20 southeast toward Mine Kill State Park. There's a wildlife
21 management task force which the Power Authority has helped
22 initiate and it's made up of Power Authority New York State
23 Department of Environmental Conservation, New York State

24 Park, SUNI Cobleskill, the Schoharie County Conservation

25 Association. And the goal of the task force is essentially

1 to enhance and perpetuate wildlife in the area, increase
2 awareness, and increase opportunities to interact in the
3 environment.

4 Lansing Manor and the project visitor center,
5 Lansing Manor as it was known before was open in 1977.

They

6 posted in excess of 300,000 visitors. The project BG

center

7 which is admission free and is open year-round as of the

end

8 of last year, has hosted nearly 2.1 million visitors and

9 also the project is a sponsor of several special

programming

10 things like wildlife festivals and classic power shows that

11 are coming up in a short -- in the next couple of weeks.

12 Constant level ponds which are located in the

13 upper reservoir, are there basically as a -- were

14 constructed to allow for fish to find refuge during water

15 level fluctuations. There's a fish stocking program which

16 has been in place for both reservoirs since 1977. The

17 project provides for bow hunting on the property, there's

18 access to the reservoirs for fishing and boating and

support

19 for Mine Kill State Park, both there's an annual payment

and

20 support through capital projects.

21 The park offers swimming, picnicking, nature

22 trails, sports fields, recently a Frisbee, golf area.

23 Go to the next slide.

24 This slide sort of follows what I was just

25 talking about, the recreation. Here you can't see it as

1 well, but that redline is the project boundary. Again,
2 recreation sites in particular, whether it's the downstream
3 fishing access or Lansing Manor noted by these triangles.
4 Mine Kill State Park is this green area right here. These
5 lines going through it are the trails that are available,
6 hike through the area as well, right through Mine Kill,
7 right through NYPA, right through the Power Authority. And
8 the pink area is the archery safe zone where bow hunting is
9 allowed.

note

10 And I think the takeaway or the one thing to
11 on this slide really is the amount of opportunities,
12 recreational opportunities that the BG project really
13 provides on its lands.

14 A couple other points about the BG project and
15 the Power Authority, it is a major employer in the area.
16 Employs approximately 150 people, several or many of which
17 live in Schoharie County. Has an annual payroll of \$12
18 million. Tourism, we mentioned the visitor center and
19 historic Lansing Manor and their attendance. It attracts
20 40,000 people on average every year. And certainly first
21 responder support since 1989 the Power Authority has
22 contributed about \$580,000 to the first responders in the
23 area.

24 In preparing the pre-application document, the
25 document that Andy referred to earlier, the Power Authority

of 1 wanted to inform it as best it could and perform a number
2 studies. These five studies were performed -- I'll get to
3 you in a minute, but they're all available on our -- on the
4 Power Authority's relicensing website, but these studies,
5 water quality study, rattlesnake emergent survey, aesthetic
6 resources, recreation facilities, and a land cover study
7 were all performed to support and inform the preapplication
8 document.

three 9 In that preapplication document we proposed
10 additional studies, a recreational assessment, a cultural
11 resource survey, and a literature-based fish entrainment
12 study.

yes, 13 All of this -- let's go to the last slide --
14 the last slide. All of these studies, all of the notices,
15 all the information whether it's our notice of intent, the
16 preapplication document, this PowerPoint presentation will
17 be available on this website. You can sign up here as
well, 18 to get notices from us. There's a contact area here that
19 you can sign up for. The documents are located right under
20 this tab and there's more information on the power project
21 itself, the background, the process that we're under. We
22 would encourage you to sign up there as well.

23 That's all I've got.

24 MR. BERNICK: Okay. So within our scoping
25 document this is the list of resources that have the

1 potential to be affected by project relicensing. So
2 geologic and soil resources, aquatic resources, terrestrial
3 resources, threatened and endangered species, recreation
4 land use and aesthetics, cultural resources, and
5 developmental resources.

6 So on page -- I think on pages 18 and 19 of the
7 scoping document there's a list of the issues that we felt
8 were important. But at this point I would like to turn it
9 over to you to ask for your comments. We have a number of
10 people on the speaker list and also after that feel free to
11 add your name to to speaker list or you can just ask any
12 questions or make any comments after that, after the folks
13 are done talking.

14 So, John, do you have the first name of the
list?

15 MR. MURDRE: Gail Shaffer.

16 MR. BERNICK: And feel free -- you can make your
17 comments from the podium or I'm happy to bring you the
18 wireless mike where you sit.

19 MS. SHAFFER: Okay. Thank you.

20 Thanks. Thank you very much. And welcome to
21 Schoharie County to our visitors from FERC, and visitors
22 from our Power Authority neighbors as well. We're pleased
23 to have you here for this relicensing proceeding beginning.

24 My name is Gail Shaffer and I'm a lifelong
25 resident of the town of Blenheim which is one of our host

here 1 communities in Schoharie County. My roots go very deep
2 as I was telling the other night, our family goes back to
3 the original European settlers who began settlement here in
4 1702. And we've had a family farm there for several
5 generations. And I've also had the privilege through my
here 6 career in public service to serve in various capacities
7 as the town -- supervisor of the town of Blenheim and a
8 county legislator and later as a member of the state
9 assembly, and also, for 12 years as New York State
Secretary 10 of State.

11 I also am participating in several capacities in
12 the nonprofit sector, several grass roots hats I wear. I'm
13 a founding member of the Dam Concerned Citizens Group which
14 is a 501(c)(3) not-for-profit concerned with dam safety and
15 also dam emergency preparedness. And I serve on the
16 negotiating committee which includes appointed citizens
such 17 as myself with the board of supervisors for this FERC
18 process.

19 However, I am not speaking for any of those
20 entities today. I'm also a member of the Blenheim Long-
Term 21 Community Recovery Committee which is a volunteer entity.
22 I'm really speaking here today as an individual. Just as a
23 life-long resident of Blenheim and a private citizen.

24 So I'll begin, I have a long statement that I'm
25 not going to read. I will be submitting it in written form

1 by the August deadline and I'll just try to summarize the
2 main points.

3 And what I'm going to try to do primarily is
4 provide some context for you all to understand the
5 background of this project and what we have been through
for
6 the first half century of this project. And as I said the
7 other night, we're hoping that having had 50 years of a bad
turn
8 neighbor with the New York Power Authority, that we can
for
9 a new leaf and have them commit to being a good neighbor
10 the next 50 years, for the next half century so that the
11 children who are standing here 50 years later, if the
12 license is reauthorized, won't have to go through all these
13 painful experiences that we have had.

14 We have a beautiful area. We have so many
unique
15 resources. I want to point out that one of the assets here
16 is our rich agricultural heritage which was impacted by the
17 project. The area that you're in Schoharie Valley is known
18 as the breadbasket of the Revolution because it supplied
the
19 wheat that powered the Continental armies in the war for
20 independence.

21 And much of the prime farmland in Schoharie
22 Valley is rated among the top ten soils of the entire
world,

23 not just the United States, the top soil in places goes as
24 deep as 20 inches and more. It's a very unique soil, very
25 high productivity yield. And some of that prime farmland

Governor

1 was lost with the Power Authority. But we're also very
2 proud that we formed here this area, you are in the first
3 agricultural district of the entire United States.

4 Rockefeller had signed a pioneering legislation in the '70s
5 -- in the '60s and we in New York state created the first
6 AG-district law to protect prime farmland. So we created
7 this agricultural district now and it's been replicated
8 throughout the country now. There are many thousands of AG
9 Districts around the country, but it started here in
10 Schoharie County. So we are very proud of that.

11 A few demographics to share with you about
12 Schoharie County. We are part of the Appalachian Region
13 which many of you may be familiar with. It was created in
14 the '60s as part of the antipoverty program at the federal
15 level to recognize that this was an area of very poor
16 struggling economic circumstances. Schoharie County is the
17 northern most tip of that entire 11-state region and
18 stretches from here to Alabama, and the reason is that the
19 demographic statistics on poverty are very, very
20 challenging. So we are rich in history here. We are rich
21 in scenic beauty. We're rich in cultural heritage. We're
22 rich in our human resources, in our work ethic, but in many
23 of the economic indices we are very poor.

24 So whether you're examining the infrastructure
25 needs, the health facilities, and the health statistics,

1 economic needs, educational challenges, or almost any other
2 of the indices that you look at, Appalachia including
3 Schoharie County ranks among the neediest areas of the
4 nation, perhaps second only to our Native American
5 communities.

6 So, there are many needs here that good
neighbors
7 could work with us to help us to improve. When our
children
8 get their education, for example, very often they take that
9 education and that talent and go elsewhere because we have
10 few economic opportunities for them here. So we're
11 exporting our talent and what is left behind is an aging
12 population, very high percentage of elderly people, and
very
13 limited resources to support them.

14 So in addition to all those demographic
15 statistics that are already challenging, our small town of
16 Blenheim has been through a lot of disasters that have
17 exacerbated all those challenges, and several other of the
18 communities in the county in the recent past have also
19 undergone major challenges. So in Blenheim alone, and by
20 the way, we are the smallest town in the county. We have a
21 population according to the last Census of only 378 people,
22 so we have a lot of challenges already. But as I
mentioned,
23 we've had several tragedies.

24 We have most recently Hurricane Irene which the
25 floods of that disaster were just overwhelming. It was a

1 500-year flood. It wiped out our landmark -- old Blenheim
2 Bridge, the covered bridge that was the only national
3 historic landmark covered bridge in the country. We plan
to
4 rebuilt it, but through all those years it had survived
many
5 floods and this time it was just too overwhelming and we
6 lost that.

7 We also, in our tiny little town experienced a
8 horrific gas pipeline explosion that destroyed a lot of
9 structures including historic structures and took some
lives
10 as well. And we also live within the shadow, besides the
11 Power Authority dam, of the dam upstream of the Gilboa Dam
12 owned by the New York City Water Supply. So we have
several
13 neighbors that pose real challenges to the quality of life
14 for those of us who live here in this valley.

15 So I would like to provide a little bit of
16 context about NYPA's relationship to what they call their
17 host communities. And basically it started off on a
footing
18 of stealth frankly, and deceit and that has continued
19 through the years with a very callous attitude toward the
20 people who live in its vicinity.

21 Commonly they refer to us as a host community.
I
22 prefer to use the word "donor community" because I think
the

23 term "host" kind of implies a welcoming, willing,
24 volunteering host embracing a guest with a cordial
25 hospitality. In our case the Power Authority came in as a

in 1 very unwelcomed guest, as an intruder, insinuating itself
2 our community in a very stealthy way with a great deal of
3 duplicity, trampling on the rights of property owners,
4 taking -- in Blenheim's case -- a third -- a third of our
5 property tax base and so depriving us of a lot of resources
6 that we needed both then and in the future to sustain our
7 community.

a 8 But, furthermore, beyond that they've just been
9 bad neighbor in their attitude toward the community. They
10 have a kind of feudalistic attitude that we are the
peasants 11 and they're the feudal lords and they very rarely extend a
12 hand to help with the community needs and treat us with --
13 in our feeling -- a great deal of disrespect.

14 You heard a lot of that at Monday night's
15 hearing, so I won't go over it all. But I want to describe
16 the very first encounter. Because here we are almost 50
17 years later and I remember well, Ted Shoal, who was a local
18 farmer has since deceased, his farm was right where the
19 lower reservoir is now. And one day he went out into his
20 cornfield and he encountered a surveyor with surveying
21 instruments. And he asked him what he was doing on his
22 property without having asked permission. And the fellow
23 sort of was very evasive and said he was doing some
wildlife

24 research. Which was obviously very implausible. Well
25 shortly thereafter the bogus wildlife research became

1 apparent because the Power Authority steamed into our town,
2 steamrolled in and unveiled their plans to take all of
3 this property and build this power plant. This was
4 unfortunately at the genesis of this project. It was
before
5 the requirements and law for public hearing -- for
extensive
6 public hearings, for -- it was before the seeker law was
7 enacted, it was before a lot of citizen participation
8 statutes were enacted, reformed legislation.

9 So we feel that this time around with the
10 relicensing, with these new statutes in place, it's time to
11 go back and fill that Lacuna, have a full environmental
12 impact study, for example, that was never done the first
13 time around, and also look at the human impacts. Because
14 both of those were very severe.

15 I mentioned that NYPA decimated our tax base, a
16 third of the town of Blenheim's tax base disappeared. A
17 similar percentage was sacrificed by the town of Gilboa and
18 also our Gilboa Conesville school district lost a
19 considerable tax base as well as some loss to the county
tax
20 base.

21 We are very encouraged, however, since that time
22 that there have been some precedents set now with the 2003
23 relicensing of Saint Lawrence, and the 2007 relicensing of
24 Niagara, that there may be an opportunity to have some kind

25 of compensatory investment in the host community here

1 similar to what was done for those other communities. And
2 that would be a welcome part of this process. We realize
3 that FERC doesn't get involved in that directly. That is
an
4 off-line procedure, and we're going to be pursuing those
5 discussions. But we hope it will be considered in the
6 course of this relicensing as an important part of making
7 this a fair process to the host communities. Because we've
8 had a history of broken promises since the Power Authority
9 has been our neighbor, both large and small. The one thing
10 that they did, for example, to try to give a few little
11 trinkets to the natives when they came in, they pointed out
12 to us that we didn't have any swimming pool in either of
our
13 towns. And that they were going to build this magnificent
14 pool and park and that the residents of Gilboa and Blenheim
15 would have free admission because of sacrificing the tax
16 base to the park and the pool. Of course, 50 years later
17 that has never happened, ever. When we go in, we have to
18 pay.

19 In fact, they've driven the cross up so that the
20 schools in our area, which used to send -- and families --
21 which used to send their children for swimming lessons are
22 now backing out this year because they've doubled or
tripled
23 the rates that they're charging and we can't afford it
24 anymore. So they're going farther away, even though they

25 live in Blenheim, which gave them the land, our families
are

1 going farther away to get swimming lessons because they
2 can't afford what the Power Authority is charging -- or
what
3 the Mine Kill State Park is charging them. So that's one
4 small example.

5 Another example is the told us at the beginning
6 that they would help us maintain our fourth-class post
7 office. We're a small community so we were on a vulnerable
8 hit list of potentially being eliminated by the United
9 States Postal Service. We were able to rescue that in the
10 beginning, but my father was town supervisor at the time
and
11 the Power Authority people told him that they would help
out
12 by mailing most of their mail from Blenheim because we are,
13 after all, where the main part of the project is. They
14 never followed through with that.

15 And the Postal Service, as you may be aware,
16 brings this up periodically. In fact, we're now in the
17 third cycle now of another hit list where we're very
18 endangered now about keeping our Post Office in our town
19 which is a big part of our local identity.

20 And the Power Authority was unwilling to discuss
21 that. They dropped their commitment to do that twice in
the
22 past. This time they didn't even pretend to commit. They
23 wouldn't even sit down to discuss it. They did tell me
that

24 they have a postage account that amounts to \$6 or 7,000.

25 That would have been enough if they put it in our Blenheim

1 Post Office to put us over the threshold and off the hit
2 list. But they weren't willing to do that and it would not
3 have endangered Gilboa's Post Office at all.

4 So at the outset, of course, the Power Authority
5 held out many promises and few of them have materialized.
6 Of course, they held out the perennial shiny object of
7 economic development and jobs. And, yes, there were some
8 construction jobs in the initial phase, most of those
9 construction jobs have -- I believe, at least many were
10 outside, large contractors who came in who do these
projects
11 all along. But there were some local jobs and there were
12 even some -- a temporary boost in the hospitality industry
13 locally and the tourism, you know, restaurants and hotels
14 and that sort of thing. There was a temporary boost during
15 construction, but it was ephemeral by and large.

16 I would love to see, as I indicated the other
17 night, the details on the claims of 150 permanent jobs
where
18 they said that, quote, "many of them are from Schoharie
19 County." We'd like to see that because we're only aware of
20 one employee currently from the town of Blenheim who works
21 at the Mine Kill Park, at the museum, we're aware of zero,
22 currently at the plant. There may be some that we're not
23 aware of, but as far as we know, Blenheim itself has one
24 employee in the museum currently. They have had a few

25 through the years in various capacities. Some of them have

1 retired. We'd love to see those statistics about how many
2 of those 150 are in Schoharie County and also how many are
3 specifically in Gilboa and Blenheim.

4 So, sever of our neighbors, Blenheim and the
5 other towns in the valley testified at the hearing the
other
6 night about the difficulties we have had to get the Power
7 Authority to respond to any of the needs of these
8 communities. And this has been particularly true in the
9 wake of the disaster we've been through.

10 Even when we were on our knees in this community
11 with the worst flood we'd ever experienced, the 500-year
12 flood, there were individuals from the Power Authority --
13 individual employees who came down to help us, and we were
14 grateful for that. But they were forbidden as an entity --
15 the state Power Authority to help us, to help us with
16 equipment or other needs that they could have been
17 constructive with. So, I'm not denying that there are many
18 employees past and present who have been very good
19 neighbors. But, NYPA as an institution has an appalling
20 culture in its top management that has been disrespectful,
21 arrogant, and even callous and hostile to the local
22 communities. And this is -- I can say that at that hearing
23 Monday, that was the unanimous opinion expressed to our
24 panel of the speakers who got up.

25
this

And I have to say, I'm actually perplexed by

1 attitude because I spent two decades in public service, I
2 was as Secretary of State, CEO of a 1,000-employee state
3 agency. We were a state agency. And if I had had my
agency
4 treating people that they're supposed to serve in the
public
5 the way the Power Authority does, I would have been so
6 embarrassed and so appalled, but there seems to be no
7 embarrassment whatsoever and a perplexing determination to
8 keep plowing that same furrow and be condescending and
9 disrespectful and arrogant to the host, quote, "donor"
10 communities. I call us a "donor" community because we're
11 not hosting. We were forced to give up these resources and
12 sacrifice them to the recipients who benefit from them and
13 we had very little compensation.

14 So, more significantly, of all these other
broken
15 promises, NYPA also had plans to inundate more of Schoharie
16 valley and take more resources and despoil this area. They
17 were thwarted. They had plans for a Blenheim Bleakaben
18 project and plans nearby for the Dog Hill Project. By the
19 time they came into town with their second plan, we knew
20 what they were all about because we had the experience of
21 Blenheim Gilboa and we organized as citizens of the
22 grassroots to fight that proposal and to save this valley
23 and we were successful because by that time they were new
24 statutes on the books that gave us some rights as citizens,

25 that gave environmental protection, that required

the 1 environmental quality review, and we're very grateful to
2 legislators and governors and presidents who made that
3 legislation possible because we still now have the rest of
4 this beautiful valley to protect for the future.

at 5 But we did in the Blenheim Gilboa project lose
6 least five farms that I know of, the Titchell farm, the
7 Luther Matice farm, the Sambles farm, the Valenti farm in
8 Gilboa, and there was one other that's escaping me. And
9 they would have taken a lot more with that further project.
10 So, as I mentioned, one of the things that we did after the
11 new agricultural district legislation was in place was
12 create the first AG district in the country and that helped
13 us preserve the remainder of our prime farmland from being
14 further destroyed by another power project.

our 15 Yes, there have been some minor crumbs thrown
16 way through the years. We lost, as I said, a third of our
17 tax base. They have given us a few small donations along
18 the way. The 580,00 when you -- that they said in the
19 presentation went to emergency management entities in the
20 county, it comes out to a little over 20,000 a year, and
21 that's split among many communities in the county. When
you 22 look at what they've given to us as host communities, it's
23 very, very limited.

24 I will acknowledge that when we had the pipeline
25 disaster and built our new municipal building they did give

and 1 us a donation for that. And they have given some tables
2 chairs to our town hall and fire hall and they've given an
3 old, old vehicle that they didn't need anymore that now
4 requires tremendous repairs. They have given a few things,
5 but very, very little considering the resources of this
6 agency and considering the generosity they have shown to
7 other host communities in other parts of the state. It's a
8 shameful record, and, as I've said, a pattern of refusing
to 9 even meet with us after the flood to discuss how they could
10 possibly help us with some of our recovery.

to 11 So, the reason I'm bringing up that context is
12 stress that part of this license procedure needs to be some
13 compensatory investment in our host community. And I know
14 that NYPA throughout this process is going to resist the
15 notion that they have a moral responsibility to do that
16 after having taken so much from our communities in return
17 and after the services we provide to them whether it's road
18 services or emergency services, or whatever. And whenever
19 you mention to them the precedents that have been set in
20 Saint Lawrence and Niagara, they like to play the violin
21 about how they don't generate a profit in this project. We
22 realize it's not the same as Niagara or Saint Lawrence, but
23 on the other hand they brag a lot about how indispensable

24 this is to the grid and to their overall operations. It
has

25 a very unique niche in the system in providing
instantaneous

1 turnaround on peak power when peak demand is there. And I
2 would like to see some statistics. I would assume that
when
3 there is salutive peak power, they're getting pretty well
4 peak profits at that moment when they're selling it to the
5 grid. So it would be nice to see some statistics on that.

6 We are well aware from the beginning that the
7 pump storage project is a giant storage battery. We know
8 that it consumes three kilowatts of energy to produce two.
9 That's the whole concept. However, the unique value of
this
10 particular project to their overall system makes it pretty
11 well indispensable and very valuable to them.

12 In addition, I don't think it's fair that they
13 are not including in this whole analysis in the relicensing
14 the value of the transmission lines, the transmission
15 network that goes with it. And I think that ought to be
16 included in that overall assessment.

17 From our point of view, in a nutshell, looking
18 back over this past half century of this project, certainly
19 Blenheim -- I'll speak for Blenheim, would have been far
20 better off had the Blenheim Gilboa project never been
built.

21 It is not in the public interest to issue a certification
22 for another license for a project that has been hostile and
23 oppressive to the host community and has had very
24 deleterious effects on the quality, not only of our stream,

25 but our safety, our very safety and lives as well as on our

real 1 socioeconomic needs. So we feel that if it is indeed a
2 looser to the Power Authority, it's of low value to them
3 that maybe as a revenue generating project, as they claim,
4 that maybe then the best thing would be to just not
5 relicense it, just not have the project, let it remain as a
6 flood control facility, maybe, if it's not valuable and
7 restore some of the environmental quality.

8 I also understand that there is an option with
9 the FERC jurisdiction, if they so choose, if an an operator
10 has not been, you know, fulfilling the terms of its license
11 including its attitude toward the community that they do
12 have an option to turn it over to a federal entity to
13 operate. So that might be another option to be considered.

14 I just want to mention briefly, too, in the
15 aftermath of the floods of Hurricane Irene and the bad
16 neighbor role that the Power Authority chose to play, we do
17 have in Blenheim a long-term community recovery plan that
18 we've put together and it has many specific ideas in it and
19 issues for the future that we would like to realize
projects 20 that would improve the future of the community.

21 We're very concerned with the remaining flood
22 issue and with safety. We now know only because we are in
23 litigation and through discovery proceedings and that
24 litigation some more information was uncovered so that we

25 now know that in the post-flood briefing that the Power

1 Authority gave to the community, they were less than
2 truthful in their presentation to the community and we
3 believe there is a basis to believe that they may have even
4 violated some provisions of the FERC license. And in our
5 written submissions, we will be providing detail on that.

6 We also feel very strongly in the town of
7 Blenheim that some of the actions or laxes at the project
8 itself during the flood contributed to the severity of the
9 flood which wiped out our bridge.

10 And so that brings me to the issue of dam
safety.

11 We feel very strongly that a study relating to dam safety
12 needs to be included in this overall licensure process.
13 That dam safety must be a priority. We feel very strongly
14 that this dam was designed for the situation and
15 circumstances of 50 years ago and that it does not
16 necessarily meet the factor of safety standards that are
17 needed now. We've seen a lot of changes.

18 The data presented by Dr. Alexander Bartholomew
19 the other night, he's a geologist, a Ph.D. in geology who
20 grew up here in Middleburg and has done a lot of study of
21 this. He presented the data on rainfall alone and the
22 stream flow. The precipitation records for seven decades
23 prior to NYPA, which is when they built the dam, compared
to
24 the four and a half decades since, indicate an eight

25 increase in average annual precipitation since then and an

1 85 CFS increase in the stream flow from 445 CFS averaged to
2 536 CFS. Climate change is real. It's with us. If we
3 ignore it, we do so at our own peril.

4 So 50 years later it is time to reexamine the
5 design of this dam, is it adequate? Do we need to include
6 -- if it's relicensed -- significant improvements to
7 accommodate this higher precipitation, higher runoff, as

Jim

8 Buzon pointed out, higher development that creates more
9 runoff, snow pack from the ski centers that have developed,
10 all those things. So we really feel strongly as a
community

11 that you should consider a 30-year license rather than a
12 50-year license because here we are 50 years later with
13 these significant changes. And this dam may be like trying
14 to fit a medium sized sweater when you've gotten older and
15 now you need an extra large. Well, this dam many need some
16 real improvements that it didn't need, according to the
17 design issues that were confronted 50 years ago. So we
18 would like to see that considered.

19 As far as Hurricane Irene, we still don't have a
20 complete picture of what happened in dam safety with that.
21 We tried to get all the records and all the instrumentation
22 data leading up to and during and after the hurricane and
23 the floods. One thing we do know is that all the systems
24 failed at the NYPA facility, redundant systems failed, and

25 they had to go into m annual mode to get those gates
opened.

1 Some of the employees up there were heroic. The
individuals
2 who really made that happen were heroic. But they were
3 right at the cusp of having the dam over top. And if that
4 dam had over topped and collapsed, we wouldn't even be
here.
5 Schoharie valley would have been gone. It would have swept
6 away everything in its path like a tsunami wall of water.
7 And so this fortifies the reason for reexamining the design
8 standards, maybe more dates, maybe some other improvements
9 that are needed there.

10 Speaking for only myself and not for dam
11 concerned citizens or anyone else, I also feel that FERC in
12 the future should never again permit an earthen dam of
this
13 magnitude. There should be some threshold of volume beyond
14 which a dam must be of masonry construction. I think it
15 makes us feel very vulnerable living in the path of this
16 earthen dam.

17 In addition, I do think that it's important that
18 FERC look at seismic data because there's been increased
19 seismic activity in this area, significantly increased
20 seismic activity. I don't know what kind of
instrumentation
21 they have at the Power Authority to track that, but I do
22 know that the very day before Hurricane Irene occurred,
23 there was an earthquake centered up here in Bernots (ph)

24 area and the governor was there that day partly because of
25 that earthquake situation that they were worried about. So

1 I hope that FERC will look at increased seismic activity.

2 We need a full environmental impact study in
this
3 licensing process. As I mentioned, we did not have that
the
4 first time around. I think it's imperative that we look at
5 all those issues of the environmental impact study.

6 We also need a flood mitigation study to see
what
7 kinds of things could be done including the power authority
8 in having the various partners in the valley improve any
9 opportunities for flood mitigation and also for emergency
10 management response.

11 As I mentioned before, we have first responders
12 in our very small towns, the town of Blenheim has a
13 volunteer -- strictly volunteer Blenheim -- and we contract
14 with the Middleburg emergency volunteer ambulance corps.
15 Those are first responders. Conesville has a fire and
16 rescue squad that's a first responder. All of those
17 entities are so limited in their resources and so unable to
18 have -- to acquire on their own -- updated equipment. They
19 need a lot of assistance in equipment, in training. We are
20 at the point of the spear if something happens up there and
21 we do respond to their emergencies at both the Mine Kill
22 State Park and the Blen/Balboa Power Project.

23 So we hope that that will be something that
comes

24 out of it, some investment in the emergency services from
25 which the Power Authority itself benefits.

1 We also feel very strongly that we need a
2 socioeconomic study. I know that most of the resource
3 issues you mentioned up there, appropriately, embrace many
4 environmental considerations, endangered species, geologic
5 soil resources, but the people in the valley are just as
6 important as those other species. Homo sapiens as a
7 species too, and we need protection. And we need
8 consideration in this process. And as I mentioned, we're
9 one of the highest poverty areas in the country. We have
10 many socioeconomic leads and we have deleterious effects
11 that have been visited upon our socioeconomic culture from
12 the Power Authority's presence and it's time to do
something
13 about that.

14 We have infrastructure investments that we need
15 in our community. This plan, which I won't go into it in
16 detail, but it outlines many different needs that we have
in
17 terms of infrastructure. And we would like the Power
18 Authority and FERC, in the process, to help us with a major
19 engineering study that should be done of Schoharie Creek,
20 for example, and the tributaries that affect safety as well
21 as the environment.

22 So we've asked for engineering and hydrological
23 studies. We actually approached the Power Authority to see
24 if they could share with us any hydrological studies they

25 may have done from 1960s on that we could use as a starting

1 point. And they have refused to share those existing
2 studies with us.

3 We have plans -- in terms of socioeconomic needs
4 to renovate an old church building in our community for a
5 community cultural center. The Power Authority could be
6 very helpful with a project like that. We have other
7 historic preservation projects as well such as restoring
the
8 old covered bridge. We're hoping to get further FEMA
9 funding for that. But if not, we may need to look for
other
10 sources of funding and they could be helpful with that.

11 We have a school house museum that's historic
12 also that's being renovated and we need assistance for
that.
13 Tourism and recreation, we have a concept we're trying to
14 develop a Route 30 corridor -- regional corridor approach
to
15 tourism and the Power Authority could be a great asset with
16 that.

17 I also would like to mention that local people
18 have complained that in terms of the boating recreation,
19 that they used -- that the Power Authority used to maintain
20 that at lake and clear it every week for boaters to get the
21 debris off with a boom. And now they've stopped doing
that.

22 And some people have requested that we bring that up that
23 they start maintaining the lake again to attract boaters.

24 We also have in this plan a greenway fund
25 associated with our reconstruction of the Blenheim Bridge

1 authentic replica. The greenway would go on both banks of
2 our creek in town and have parks and recreation.

3 I also want to mention, because it is after all,
4 an energy facility, a concept for using Blenheim -- excuse
5 me -- as a pilot project for solar energy. I think that

the

6 Power Authority could do something very creative, using

this

7 small town as a model solar community. They have some

solar

8 panels up at the energy programs in the visitors center.

9 And with a town of fewer than 100 households, they could

10 help subsidize weatherizing and putting solar panels on

11 them, capturing all the data, using it as a model to learn

12 from for other larger applications, and even having some of

13 the households participate in showing visitors what the

14 results have been. I think that would be a real win/win

for

15 the Power Authority.

16 And, by the way, I also think I would like to

17 suggest that they name their visitors center the Luther

18 Matisse Energy Education Center in honor of the farmer

whose

19 lands made that center possible and his household -- his

20 homestead made the Lansing Manor Museum possible. I think

21 that would be a wonderful gesture to name that the Luther

22 Matisse Energy Education Center.

23 So enough. I didn't mean to go beyond whatever

24 time limit but I really want to just conclude by saying, I
25 really sincerely mean that I feel this is an opportunity

1 with this relicensure in exploring these issues and working
2 with the community negotiating some compensatory
investment,
3 but also solving some of these other issues that we're
4 bringing up about dam safety and dam design.

5 It's an opportunity for the Power Authority to
6 try to turn a new leaf and have a makeover, a half century
7 makeover. You could become the good guys. You could
really
8 do something as partners with us. You're part of the
9 problem having dammed up this river and created many of
10 these issues that we're living with. You can be part of
the
11 solution by being a genuine partner and reaching out to the
12 community as neighbors and stewards of this resource that
we
13 share. That's what we're hoping from in this whole
process.
14 And we think that for a very small investment on your part,
15 you could really see some tremendous benefits that would be
16 a win/win both for the community and for the New York State
17 Power Authority.

18 But, if that can't be done, then I think it's a
19 reasonable alternative to just not license it at all and
put
20 it back to, you know, a flood control dam or have another
21 operator come in. So, that's what I want to convey on
22 behalf of our community. We are doing some studies that

23 we'll be following up with more specifics and I thank you
24 for your patience. I thank you all for coming from
25 Washington to listen to our citizen perspectives. We
really

1 appreciate that process, it's part of our democracy and
2 thank you very much.

3 (Applause.)

4 MR. BERNICK: Thank you. So I'm wondering --
has

5 anyone come in who would like to add their name to the
6 speaker list today? Could you just raise your hands.

7 Okay. So we'll have about -- it looks like
we'll

8 have about six people.

9 Next is Mayor Kevin Neary.

10 MAYOR NEARY: Good morning, everybody. My name
11 is Kevin Neary. For the past 18 years I have had the honor
12 to serve as mayor of the Village of Richmondville in
13 Schoharie County. And on behalf of the village board of
14 trustees, I would like to thank FERC for providing us with
15 an opportunity to make a statement regarding some of our
16 issues. Be advised that we'll be submitting a formal
17 written statement by your August deadline.

18 The Village of Richmondville has had a very good
19 working relationship with the Power Authority in Blenheim
20 Gilboa. As we like to say, we are the county's biggest
21 customer of the New York Power Authority. And I'll explain
22 in a second.

23 Richmondville is located in the northwestern
part

in 24 of Schoharie County. Understand that we are not directly
25 the Schoharie County valley, but you'll understand in a

1 second why. The village provides important public services
2 to our residents and the unique part about Richmondville is
3 that we own our own municipal electric department known as
4 the Richmondville Power and Light. It is owned and
operated
5 by the village of Richmondville. We provide power and a
6 franchise area to our customers and actually part of the
7 Municipal Electric Utilities Association which we belong to
8 and work with and purchase power from the New York State
9 Power Authority.

10 Also, in your report, in your scoping report,
the
11 Power Authority owns a piece of land in the town of
12 Richmondville. They own an area known as a railroad siting
13 in the western part of our community of Richmondville for
14 offloading transformers and other large equipment used in
15 the operation and maintenance of the Blenheim Gilboa
16 project. And over the years we have worked with them very
17 closely. It's located property adjacent to the Canadian
18 Pacific Railroad.

19 We used this site and they used this site to
move
20 transformers or other equipment to and from their site.
And
21 when they do this, they go through our community which
22 requires out public works department -- we elect our
23 municipal electric company to make accommodations, disrupt

24 services to our businesses, and our communities to move

25 wires and be prepared for that movement which takes several

1 days to and from the site.

2 While we've been extremely fortunate and the
3 cooperation has been excellent during the safety planning
4 and other safety methods used by Blenheim Balboa staff, our
5 responders are still required to be prepared and equipped
6 and have their resources. I mean, in emergency services,
7 you know, we're paid to be paranoid pessimistic, yet keep a
8 good outlook on life. So we have to be prepared for any
9 eventuality in our community. It also has an impact on our
10 road structure and our infrastructure of water and sewer on
11 the ground because of the heavy equipment that's moved
12 there. While we haven't had a problem before, we're only
13 bringing this to your attention because it's not in your
14 scoping document as being part of the project.

15 Most times this equipment has been moved without
16 any impacts to our community. But we always have to be
17 prepared and we have a concern, not only for our
18 infrastructure, to make sure our emergency responders have
19 the proper equipment, training, and resources should
20 anything occur, God forbid.

21 So we look forward to this scoping project in
the
22 Village of Richmondville, but bring that to your attention.

23 The second thing I want to touch on is something
24 that Gail talked about, is I noticed that the report really
25 didn't talk about the economics of the project and the

an
1 effect it has on the communities. Gail pointed out about
2 Appalachia study in the deepest parts of Alabama to
3 Schoharie County. That statement was made by President
4 Johnson when that legislation was signed. And I'd like to
5 say that Richmondville was the first place in Schoharie
6 County -- my mother was the person hired under that program
7 to start that economic development. So even today, 50
8 years later, you know, we need to look at that. And the
9 study needs to look at the impacts of that on the
community.

10 My second part is to talk about a private
11 citizen. I am not talking on behalf of Schoharie County or
12 the Village of Richmondville, but a private citizen with a
13 background in emergency services. On the concern for
14 Blenheim Gilboa, let me give you my background. I retired
15 as chief operations from the State Emergency Management
16 Office in New York, a place I spent working five regional
17 emergency operations center. The State of New York State
18 operations center. During that time we worked with local
19 communities, private agencies, state government agencies,
20 and power projects and other emergency services
21 organizations in the state. We did a lot of planning and
22 preparedness for that. And most recently -- I retired in
23 2004, the County brought me back after the Irene and Leif
24 devastating floods in the county to be the interim director

25 of emergency management.

1 I went on to organize an office called the
2 Emergency Services Offices with states and fire, police,
3 EMS, and safety for the county.

4 On that particular day, this county lacked the
5 adequate warning and knowledge about the devastation or the
6 impact this storm could have. And over the years we put
7 together a report that you should consider taking a look
at.

8 It's part of the Homeland Security exercise and evaluation
9 program requirement under the National Federal Response and
10 Recovery Legislation, a presidential directive. But in
that

11 report they've outlined nine critical areas that Schoharie
12 County needs to address and 49 specific improvements that
13 need to be made. And while I was there we made a
14 significant amount of those. But during the storm of 2011,
15 we lost our public safety facility, our district attorney's
16 office, our sheriff's office, our 911 center, our emergency
17 operations center, our probationary department. A system
18 that is still not in operation today. It is laced
together,

19 it's been compromised and when I was brought back, we
20 actually were hosed in a place called the recycling center
21 -- and Schoharie recycling center which I felt I was part
of
22 because I was being recycled back through.

23 But I was director here in 1976, three years

24 after that project was built. And over that time we've
25 experienced numerous floods. And the cooperation has been

is
1 good, but I think more can be done. Right now our system
2 compromised. I believe we don't have the ability. We
3 dodged the bullet with Hurricane Sandy. We don't have the
4 ability because right now our emergency operations center
is
5 located in a used building. It isn't even really that big
6 enough to handle it. I don't think that we made any
7 improvements in our ability to notify people about
impending
8 disaster. We have a 356-square-mile rain basin that
serves
9 New York City Water Supply and the Blenheim Gilboa Power
10 Project. Yet, we can't seem to find a system that can give
11 us information to help us in decisionmaking and when to
12 evacuate people. That's pretty pathetic.

13 I teach with the Federal Emergency Management
14 Agency as a private consultant. And in two weeks I'll be
15 working with Pierce County in Washington -- state of
16 Washington who has a similar system, ironically, of a
system
17 where they monitor stream flows, they monitor the weather
18 forecast, they provide information to the residents. And
19 while our report talks about all of -- the scoping report
20 talks about everything else, not one word in there is about
21 emergency services, about emergency preparedness.

22 Regardless of whether there's a license there or
23 not, this dam is there. And New York City Board of Water

24 Supply dam is there. It creates a threat to this
community.

25 We can't say, oh, the dam has been repaired, and it would

1 never fail, we would never have a problem. We don't think
2 that way. And I know FERC doesn't think that way. So
among
3 all the other things that we do here, we have to make sure
4 that we address emergency preparedness in this report.
What
5 can be done to improve it?

6 I'm not saying it's just the power project's
7 responsibility, we are in an eco environment -- or an
8 emergency eco system. Whatever happens in one community
9 affects a lot. So we at the headwaters of the Schoharie
10 basin, but it affects Montgomery County, Schenectady
County,
11 and Albany County. When you add up those communities, it
12 affects a lot of people. We're putting people in harm's
13 way. And as part of this relicensing, we need to put in
14 place a state-of-art system that gives us real time
15 information and data that we can use and analyze
16 collectively as a group to make decisions about when to
17 evacuate, where to move people, what communities need to be
18 moved in advance of an emergency. These emergencies are
not
19 going to subside.

20 Just last night New York state experienced a
21 disaster out in Madison County, four people died. This
area
22 poses a big risk. You all talked about the number of
floods

23 that have occurred time after time after time. So I really
24 think that in part of your scoping -- this project, we
25 really need to take into consideration the risk factor and

1 what we can do to improve communications and provide the
2 resources and training and equipment that our responders
3 need in a time of emergency. And I say that as a private
4 citizen.

5 Finally, I think that one of the things that we
6 really need to look at is working with our other partners,
7 New York City, New York state -- or New York Power
8 Authority, but also with FEMA and the State Emergency
9 Management Office to design a state-of-art system that will
10 be a model for the rest of the country. You have worked a
11 lot of dams throughout this country and you know the
systems
12 are in place. We don't have that type of system. We
don't.
13 We have an antiquated system in my opinion. So, as part of
14 this we really need to get a study to look at the effects
15 that these floods have had on this community. And more
16 importantly, put in place the safety measures, the
emergency
17 preparedness measures so that we can respond and recover
18 from these emergencies and disasters.

19 And with that, I conclude my comments and thank
20 you for your cooperation.

21 (Applause.)

22 MR. BERNICK: Thank you. Next we have Richard
23 Mix.

24 MR. MIX: Good morning. My name is Richard Mix.

25 I'm a member of the Schoharie County Relicensing Committee

1 and a member of the DCC, Dam Concerned Citizens, and a
2 member of the Town of Fulton Councilman, and a member of
the
3 Middleburg Joint Youth Commission.

4 I'm going to speak today as a member of the
5 Relicensing Committee for Schoharie County.

6 A lot of the points have been made, and I spoke
7 the other night. So I wanted to bring up that we want to
do
8 some studies. One of the studies we want to have done is,
9 is the dam adequately designed for the probable maximum
flow

10 that we could have occur in the valley here. So a dam
11 safety study and another study that we would like to have
12 done is the economic impact study on both communities and
13 towns and the county for Schoharie County.

14 The other night a lot of people talked about
15 flooding and I thought would should clear up a little bit
16 about that. We recognize that the BG project is not a
flood
17 control project, but it has the ability to mitigate some
18 floods. And in 1996 they did an excellent job. This is a
19 praise for the Power Authority, something you haven't
heard.

20 They did a very good job in controlling that flood and
21 mitigating the peak flood in 1996. Unfortunately, in the
22 flood of 2011, there was equipment malfunctions and
23 operational malfunctions. And I'll clear that up that the

24 gates were operated in an erratic manner during the flood
25 and probably eviscerating the damage that was done to the

1 communities and valley.

2 As far as operational, the night before the
3 pumped up a lot of water and the reservoir was just about
4 full with only a foot and a half left that they could add
to
5 it. They were getting ready to support New York City for
6 electrical needs. And we realize that it's an electrical
7 project and they have to meet their electrical obligations.
8 But if they had left room in the upper reservoir and
9 capacity to pump up at the peak during the flood of 2011
10 with anywhere from 2500 CFS per unit and four units, they
11 could have pumped up 10,000 CFS during the flood. That
12 would have mitigated the flood by about 10 percent and that
13 would have really helped in the long run and would have
been
14 an excellent thing to have done. Unfortunately, the flood
15 control aspect was not taken into the equation and they
16 didn't have the room to do that. So luckily we have a
17 warning system that was put in by New York City and that
18 warning system saved lives. It saved lives all the way
19 through the valley, all the way down to Schenectady. It
20 operated and it's not perfect, but it evacuated a lot of
21 people. They got out of their homes before they were
22 destroyed. It saved many lives.

23 That was put in by the New York City DEP and we
24 appreciate what they did there. The New York City DEP and

25 their dam has been an excellent neighbor. They've worked

1 with the towns and the community and the organizations in
2 our valley here. They have taken our input and
incorporated
3 it into their design on the reconstruction of their dam.
4 And that we appreciate from them, they're very good
5 neighbors and they do communicate a lot with us and they're
6 very good. And we're hoping in the future we can have that
7 kind of relationship with the Power Authority that we can
8 work together with DEP, New York Power Authority and the
9 County to do what's best for the valley here. And we want
10 to seem to be good neighbors.

11 Right now our relationships are probably at an
12 all-time low in the 40 years that I've been here and I hate
13 to see that. But I want to see it improved.

14 So for right now that's what I have. I'm going
15 to have written comments that will be a lot more
conclusive,
16 but I'll concluded right now. Thank you.

17 (Applause.)

18 MR. BERNICK: Thank you. Next we have Eric
Stein
19 on the list.

20 MR. STEIN: Good morning. I'm Eric Stein,
21 President of Cobelskill Regional Hospital. I'm here to
22 support the New York Power Authority relicensing
application
23 with the Blenheim Gilboa pump storage project. The New
York

24 Power Authority and Cobelskill Regional Hospital have
25 enjoyed a long and mutually relevant relationship that

1 supports and strengthens both organizations and our
2 Schoharie County community. We advocate for the
relicensing
3 of the Blenheim Gilboa Power Project to sustain these
4 relationships which I'd like to briefly describe.

5 NYPA is essential to CRH and to our community.
6 To sustain CRH we rely on our constituent support. NYPA
has
7 been and continues to be a very big supporter of of CRH
8 services. NYPA supports the community as a major employer,
9 as a well-visited tourism destination by building
10 recreational facilities enjoyed by many, and by supporting
11 the county's first responders and other volunteer
12 organizations.

13 CRH is also essential to the successful
operation
14 of the Blenheim Gilboa power project by providing standby
15 services in case of disaster and hospital and specialty
16 services to support the health and well being of NYPA
17 employees and their families.

18 In regard to emergency services, Cobleskill
19 Regional Hospital is the only hospital in Schoharie County
20 that provides the only emergency services within a 40-mile
21 radius of the county. The emergency department is always
22 open and always staffed by physicians and registered
nurses.

23 CRH provides over 20 specialty services as part

24 of the Bassett Health Care Network, primary care is
25 available locally and in other surrounding counties where

1 NYPA staff reside. CRH is also an access point for other
2 services not available immediately in the community.

staff

3 Having a hospital in the community is a major
4 benefit in recruiting and retaining the well-qualified
5 who work at the power project. In these ways and many
6 others, both NYPA and CRH invest in the well-being of
7 Schoharie County as major employers, as stimulators of the
8 local economy and providers of socioeconomic opportunity by
9 making Schoharie County a better place to live, work, and
10 raise a family, by being a good community citizens.

to

11 In summary, we need the Blenheim Gilboa power
12 project as we need the hospital because both are critical
13 the sustainability and welfare of our communities. This is
14 a truly valuable and relevant partnership that has been
15 maintained for decades and I think you for the opportunity
16 to comment.

17 No applause?

18 (Laughter.)

19 (Applause.)

20 MR. BERNICK: Next we have Jim Buzon.

21 MR. BUZON: Thank you. My name is Jim Buzon.
22 I'm a supervisor from the town of Middleburgh, and I sit on
23 the Board of Supervisors here in Schoharie County, Chairman
24 of the Flood Committee, Chairman of the Highway Committee,

25 and Chairman of the Relicensing Committee.

1 I'm going to try to be brief, but some of this
2 has already been touched upon. But I do want to reiterate
3 the need that we feel that NYPA should be taking a look at
a
4 30-year license rather than a 50-year license. And
actually
5 should be reviewed every ten years, I feel.

6 And this is because, basically, as Gail pointed
7 out, I pointed out the other night, there's changing
weather
8 patterns, there's changes in the development that's taking
9 place, the amount of runoff that's coming into the streams.

10 We also feel, too, that, you know, this license
11 should not really tie the hands of future generations. A
12 50-year license basically is kind of excluded two
13 generations from negotiating on this. And this is not
14 really fair for us to do. So I think having a 30-year
15 license applies more of a generational-type relicensing
that
16 takes place. And the other thing that happens is the
17 technology. We all know what technology has done in the
18 last few years. It's been astounding what's happening. So
19 who know in the future, basically as far as power
generation
20 goes, so far as solar farms goes, as far as new technology
21 and add-on technology come forth, okay, what it will bring.
22 So a 30-year license at this point, I think, that would be
23 better suited for the county and for the residents.

24 At the same time, too, it talked different times
25 about the power generation and here again it was tossed

1 around in committee the idea of what about the possibility
2 to do a study to install a generator in the low level
3 outlets for that so that actually they could be producing
4 power from the water that they need to release, okay. This
5 power then could be allotted to the communities. Basically
6 the communities would then either sell that power or use
7 that power to help offset businesses in the communities or
8 home owners to help with their economic recovery benefit as
9 far as that goes.

10 Another thing that we'd like to have the Power
11 Authority take a look at is that the Schoharie County
12 communities, we're getting a grant right now for a multi-
use
13 trail. That will be probably enclosed in proximity to the
14 Schoharie Creek. It's for walking and biking, and hiking,
15 okay. It will run from the northern part of the county
16 starting somewhere in Esperance and actually going all the
17 way through the County ending up into the towns of Blenheim
18 and Gilboa. This trail will be -- we'd like to try to keep
19 it in a fairly close proximity to the creek.

20 Okay. We'd also like to be able to put markers
21 throughout the area for educational purposes for the flora
22 that's there. We'd like to put in an outside classroom
23 basically for environmental use from the schools. All
24 right. We'd like to also put in some health and fitness
25 apparatus along the trail. But what we also need for this

1 is some information. And if I can confer some information
2 on flow records and so on so this way we can get an idea of
3 -- you know, we don't want to put it too close to the creek
4 because we want to be able to maintain this and not have to
5 worry about constant flooding that's going to take it out.
6 But also, you know, keep it in a way so that -- like I
said,

7 repairs wouldn't be as much. And with this, the
possibility
8 of NYPA helping to possibly maintain this trail in the
9 future. Not take out a full maintenance, I don't mean
that.

10 But just being able to kick in and help maintain some of
11 this trail for the community. Because actually this will
12 lead up through the Mine Kill State Park as well. Okay.

13 Another issue that I would like to bring up here
14 is right now Schoharie County has employed those basically
15 to work on emergency watershed project which we have going
16 with several streams within the county. Okay. At the same
17 time, ACOM must take a quick look basically at the

Schoharie

18 Creek and they pointed out basically that one of the
19 problems that we're having the Schoharie Creek right now is
20 the idea that there's not enough flow coming down at any
one

21 time to keep the gravel moving and the sediment moving
which

22 is resulting in gravel bars being built up, okay, and

23 basically the creek bed rising. And also what's happening
24 is the creek bed is kind of spreading out. Okay. So if by
25 any chance there could be periodic releases of water, okay,

1 that basically would notify our emergency management office
2 that they're going to be released and to keep them down to
3 an area where it's not going to cause any flooding, okay,
to
4 occur, to help basically keep this creek channeled. And
5 that would have a good effect on the health of maintaining
6 the Schoharie Creek.

7 We also at this point have applied for and we've
8 gotten a five-county grant for Greene, Schoharie,
9 Montgomery, Schenectady, and Albany County to do a
10 hydrologic study of the Schoharie Creek to see what could
be
11 done with the creek. Could we create some storage areas
12 along the creek for flooding and so on, and maybe to help
13 divert water, possibly flood waters away from populated
14 areas, okay, to try to help reduce the level of flooding
15 that's occurred. It's not going to eliminate the flooding.
16 We know that, okay. But if we can help reduce that, what
17 we'd like to see here again -- now, this study will be
18 taking place before the relicensing. And I think this
would
19 be a really good neighbor show, okay, if NYPA could work
20 with the study and help contribute a little bit to help
21 cover the cost of the counties. Because there is a share
22 that each county has to put into this. So, NYPA really
23 wants to step up to the Board and say, hey, we are a good
24 neighbor. This is the time to show it. All right.

25

The other thing that I would like to point out

1 too as mentioned about the transmission lines, okay, I'd
2 like to see those put back into the relicensing equation.
3 All right.

a 4 The transmission lines basically take out quite
5 bit of property value from not just the host communities,
is 6 but from the county as a whole. The town of Broome which
7 not in their flood plain at all, okay, has the transmission
8 lines running across, basically, their town, okay. And
when 9 you look at the width of the transmission lines and you
10 realize that the property values are basically nil on
those, 11 the town of Broome has lost property taxes from them, so
has 12 Conesville, so has other town in the county.

13 Not to mention that basically property values
14 along those transmission lines have dropped. Because the
15 people are coming up and they're looking at a nice ranch
16 house to buy and here you have basically the property lines
ranch 17 in your back yard, and they're looking at another nice
18 to buy and it's two miles away from the property line, it
19 doesn't take a rocket scientist to figure out basically
20 where they'd like to settle and where they'd like to raise
21 their family. All right. So it does impact basically the
22 property values in there.

23 It was interesting basically that when NYPA
24 mentioned that they had 2,893 acres that -- make that up, I
25 was just doing some real fast calculations. I want to do

1 fast calculations. And, you know, just looking at the
2 calculable value, okay, just on the acreage alone, okay,
3 you're looking at probably close to, if you figure it in,
4 about \$100,000 just on property, open acreage, to about
5 \$200,000 a year that basically the town, the counties are
6 losing on it. Okay.

7 However, if you took into account the current
8 assessment on that, you're looking at about \$2.7 million a
9 year that the county, the town, and the school is losing
10 because of this. You know, I realize, okay, it's important
11 service that NYPA provides. But at the same time it has
12 really impacted these communities. And I think it's about
13 time that somehow some of this comes back to the
communities
14 in economic development as some help for some of these
15 schools.

16 The siren was mentioned as well and we're very
17 grateful to DEP for helping those. Once again, though, we
18 need to maintain those sirens and once again, it would be
19 nice to NYPA stepping up and maybe helping DEP with these.
20 Because they're also benefitting, okay, from this. And
21 there's a flood warning system and actually with this last
22 flood that we had from Irene, if it wasn't for those sirens
23 we would have been having quite a few funerals in this
24 county from people who wouldn't have made it out in time.

25 I also would like to see a breakdown, basically,

1 of the 150 people that are employed and see how many of
2 those people are actually employed in Schoharie County --
3 from Schoharie County.

4 I know of a few in Chitown that are. Okay. But
5 I think it would be safe to assume that there are less than
6 half of those are from Schoharie County. I think priority
7 should be given to the host community and the host county
8 for employment.

9 One thing, I just want to promulgate by saying,
10 and I won't take much more time is Assemblyman Lopez was on
11 our tour yesterday and Assemblyman Lopez began to ask a
12 question about the reconstruction that occurred on the dam
13 and the relation of that to Irene and he was quickly
14 admonished that no questions are going to be asked about
the
15 flooding. Well, you know, if you want to go through this
16 relicensing, you're going to have to face the fact that
17 there are going to be questions asked about that flooding
18 because that flooding did occur. It devastated a lot of
our
19 communities, it changed a lot of people's lives
drastically.

20 And I'll give you one example of one life that it changed
21 drastically.

22 We just finished a buyout in the town of
23 Middleburgh. In fact, we actually just finished all our
24 buyouts in the town of Middleburgh, thank God. One buyout,

25 though, I still have a woman who has two lawn chairs set up

1 on her lawn. She comes there every day. She feeds her cat
2 there. There's no house, but it's her home. Thank you.

3 (Applause.)

4 MR. BERNICK: Thank you. Michele Weaver?

5 MR. WEAVER: Hi, my name is Michele Weaver and
6 I'm the Superintendent of Middleburgh Central School.

7 Speakers both this morning and on Monday night really have
8 said a lot the things that I wanted to say. But I would be
9 remiss if I didn't stand up here and let you know the

impact

10 on Middleburgh Central Schools.

11 We're not in the host communities, but certainly
12 we're impacted by everything that occurs at your site.

13 During Irene, certainly we -- we experienced significant
14 loss both at the school and the community. We lost over
15 \$400 million in funding, we're still, you know, rebuilding
16 our schools.

17 One of the things Kevin Neary said so well was

to

18 look at the safety of the dam. Going through that night,
19 moving our schools, all of our buses, we're an evacuation
20 site, we had to evacuate our site because we could not get
21 our people out. Sirens certainly saved people's lives. We
22 went through the village with buses to try to evacuate and
23 get to the site, and then we had to have an alternate site.

24 However, we couldn't get out of the community

and

25 many of our individuals stayed overnight on buses because

1 they could not get out by the community.

2 When a young child looks at you and says to you,
3 as the superintendant of schools, "Ms. Weaver, are we going
4 to be alive tomorrow? Will the dam hold? What is the
5 impact going to be on our school and our local community?"
6 And you want to guarantee them that we're safe. I need to
7 be able to guarantee every one of my children as well as

our

8 community members that we're safe and that the safety of
9 that dam is of the utmost importance, not only to you, but
10 as a county, as a FERC, as an agency going forward.

11 The day after the flood, there was a breach, a
12 dam breach. The village and community was evacuated and,
13 again, had to go through what is happening at the dam. The
14 rumors abounded. They continue to abound. Every time it
15 rains hard, what's going on? You know, the secrets that
16 occur at your sight are not true. We know that. However,
17 in small communities when people are not feeling safe, and
18 they're not feeling listened to, certainly perpetuate more
19 and more rumors.

20 The one thing I really want to say to you is,
21 please, please look at the dam safety and controls for the
22 future. Yes, we're in a flood zone, our school is in a
23 flood zone, we can survive, we have an amazing community
24 that comes together. It does what we need to do to go
25 forward. But I need to ensure the safety and a lot of that

1 comes back to the dam.

2 In addition to that, certainly flood mitigation
3 study, working together not only for today, but for our
4 future, working together collaboratively for educational
5 perspectives for our students excited by some of the things
6 that have been spoken about. Certainly, currently, we have
7 nature's classroom. We spend a week long at Mine Kill with
8 our students. This year we had to scale that back because
9 we couldn't afford to come to Mine Kill and do our week-

long

10 program. That's a program that we've done for over 30

years

11 and each year we fight to fund that program. It's

certainly

12 something that our students look forward to. Our alumni
13 comes back year after year and talks about that wonderful
14 facility and the experience that they have there. Not only
15 is it a great experience, but certainly our students have

an

16 opportunity to see what is the positives of NYPA and the

dam

17 and everything else because certainly they certainly hear
18 some of the negative of that.

19 Another issue, certainly, that we would like to
20 look at is the continuation and collaboration. We talk
21 about good neighbors, and although we're not part of the
22 host community, we want to be a part of that and work
23 together not only for the present, but for the future.

24 Middleburgh is a wonderful, wonderful town and
25 village with a great school. Schoharie County is amazing

1 and we need to work together to continue that greatness in
2 our county. There is a flow outwards. We are losing our
3 students, we are losing our community members. When we
look
4 at our enrollment, our enrollment in our school has gone
5 down approximately 20 percent in 10 years. We need to do
6 something differently and talk about the great things that
7 we have and work collaboratively to not only keep and
8 maintain what we have, but to build upon it and to have
more
9 individuals move to our county because it is a great place
10 to live.

11 Again, parting, dam safety is number one
12 priority. Working together to ensure that, working on
13 evacuation emergency system as Kevin Neary spoke about, and
14 again, being collaborative partners going forward.

15 Thank you.

16 (Applause.)

17 MR. BERNICK: Thank you. The last speaker we
18 have on our list Earl Van Wormer.

19 MR. VAN WORMER: Okay. I would like to thank
20 everybody for coming here today. People from the Power
21 Authority, people from the community and for elected
people.
22 I would like to also thank the people from FERC for coming
23 here today. Because, as you can see, this is a very
24 important matter for a number of us in this area.

25

Now, I'm kind of upset with the New York Power

1 Authority for a bunch of reasons. Now, I don't want to
make
2 this a personal attack against people because I believe
3 there are really good people at the Power Authority. Some
4 of them live in the town of Esperance, some of them live in
5 the other communities. I have friends who work there. And
6 they are good people. The problem comes in is that
7 sometimes when we do our jobs, and I'm a business person,
we
8 do our jobs almost too well. And in this case, this may be
9 an example, of that. And the example may be that people
are
10 trying to protect a business or benefit a business to a
11 point where it actually is hurting people in our
12 communities. Okay.

13 Now, I'm going to make some statements that, you
14 know, maybe some people aren't going to like, but
15 unfortunately I think they need to be made. And some of
16 these things have already been told by Dick Mix, who, by
the
17 way, worked for the New York Power Authority. So when a
man
18 like Dick comes in and makes a statement, he's not talking
19 from the outside, he's talking from the inside. He worked
20 for that organization. Okay.

21 And from people like Gail Schaffer, now, Gail
was
22 our Secretary of State for the State of New York, not just
a

23 local farm kid like I am. She is a very learned young
lady.

24 Okay.

25 The comments I would like to make is this, that

1 there is no doubt that the New York Power Authority
violated
2 the 1975 license agreement which states that whatever goes
3 in one end of that creek is supposed to come out at the
4 other. We know that did not happen. That's a violation of
5 their license agreement, and that's documented. Okay.

6 We talked about the educational process and I
7 want to thank the young lady from the Middleburgh School,
8 but you have to realize that almost half of our educational
9 system in Schoharie County was affected by this event. We
10 had the Gilboa Conesville school district, we had the
11 Middleburgh school district, and the Schoharie school
12 district. Plus it also reaches out to some people living
in
13 some communities not necessarily associated with that. But
14 it affected almost a half of our students in Schoharie
15 County. That's a lot. Okay.

16 I want to tell you, you talk about
socioeconomic,
17 yes, Blenheim was impacted greatly and it is the host
18 community, so to speak. But you've got to realize this
19 Schoharie County project and whatever happens there also
20 affects the rest of us along the Schoharie Creek from
Fulton
21 to Middleburgh, to Schoharie County to Asperance. And the
22 impact on our communities was tremendous. If you put it
23 into dollar and cents to our businesses, our farming

24 communities -- we have a young fellow sitting in the back
of
25 the room way back there, his name is Bill Sevoe. His
family

1 had a farm on the Schoharie Creek in the town of Schoharie
2 that lost everything, everything. Now, that's just one
3 example. And I asked Bill if I could mention his family
4 today because they're friends of mine. And I know what
that
5 did to that community. That put a tremendous economic
6 hardship on that family and that's just one example of that
7 fellow sitting back there.

8 That happened to him from Fulton and Blenheim,
9 right on up through Asperance where it really hurt these
10 people. Okay. And the New York Power Authority they talk
11 about emergency planning and stuff, they don't have an
12 emergency plan.

13 I talked to Kevin Neary in the back of the room
14 and I talked to other people about it, if they do, they
15 don't community with Schoharie County very much. And
16 wouldn't you think since their dam is a part of this whole
17 process and could affect us, that they would be talking to
18 our people on a regular basis, updating plans, working on
19 things. I never hear from them in the town of Esperance
20 unless I happen to be at a social function or something
like
21 that. They should be doing that. They should be
22 communicating with every single community. I don't say it
23 has to be on a weekly, whatever, but periodically there
24 should be communications about what their plans are and
what

25 they intend to do.

1 Okay. The other thing is, we're forgetting
here, 2 as I mentioned before, their employees live in our
3 communities. I have them in Esperance, and I know they
live 4 in Schoharie and Middleburgh and Fulton, right on up
through 5 the valley. By them not doing the things they need to do,
6 they're putting their own employees at risk. Okay. Their
7 own employees. And that's why I say, sometimes we try to
do 8 things so well we forget about the human factor. And
9 there's a lot of things that they could do to help
Schoharie 10 County and the surrounding counties.

11 There's a study going on right now by Tarcson
12 University. I know that because they're setting up a site
13 in the town of Esperance at our fishing access that they
14 intend to study the whole Hudson River System as to what
the 15 weather and climatic changes are doing to our systems. I
16 think the Power Authority could partner in on that as well
17 as the study that I have been pushing for that the Army
18 Corps of Engineers get involved with on the whole Schoharie
19 Creek, the watershed, right on down through the Mohawk on
20 into the Hudson. And I think if they really wanted to be
21 good neighbors, they could do that, they could help us out.

22 We have tributaries that are also contributing
to

23 some of this problem. You know, if you want to be a good
24 neighbor, if you want to be here in this -- you're not
25 paying taxes. Okay. You have this land which if there was

1 tax generated on it, would help us solve some of the
2 problems in this county. They're not, they're a liability
3 to us. They're not an asset. One hundred and 50 jobs of
4 people that they're allowing to be at risk from these
5 environmental conditions is not to me being a great
neighbor
6 and working with us. And I think what they need to do is
7 work with us to better help our responders prepare for
these
8 emergencies and help them in case there's response that
need
9 to be done at their facilities.

10 So, that's just my feeling on these things.
I've
11 been on this County Board of Supervisors and the town
12 supervisor for going on 21 years now. I've been here for
13 not quite almost half of what that license has been, and it
14 probably will be a little over half when the license comes
15 up. So I've seen a whole lot of things.

16 What I would like to see is that the Power
17 Authority to live up to some promises they've already made.
18 They made promises to myself at our local state senator's
19 office. The chairman of the board, Tony Van Glibe was
there
20 and myself, where they promised to help us with cell
21 coverage in the Schoharie County, particularly the southern
22 end of the county, communication system improvements for
our

23 sheriff's department and yet to this day we have seen
24 absolutely nothing even though they committed to do that,
25 even at one of our board of supervisor's meetings. So you

1 tell me, does this sound like people who want to be good
2 neighbors, or responsible people who really want to benefit
3 Schoharie County? And should they be allowed to continue?
4 Well, I'd like to see them step up to the plate, be better
5 neighbors, do more for Schoharie County instead of putting
6 us into a situation where we've got to be up here talking
7 like this. Because like I say, some of them people that
8 work there are my friends. And it terribly bothers me to
9 have to say this, but somebody's to say it.

10 Thank you.

11 (Applause.)

12 MR. BERNICK: Thank you. Okay. So that's the
13 end of our speaker list. I'm wondering if anyone else has
14 any questions or comments they'd like to make for us?

15 MS. REEVE: Hi, there, everyone. My name is
Ruth
16 Reeve, I'm the superintendant of Gilboa Conesville and I
was
17 not intending to speak today because I don't pretend for a
18 moment to really understand all of this. I would very much
19 like to thank the FERC folks for coming to our county and
20 also the visitors through the Power Authority for seeing
the
21 beautiful county that we live in.

22 I am extremely passionate about all of this
23 myself. My age is such that I grew up on top of Route 30
24 and saw all of the materials that built the Blenheim Gilboa

25 power project going by my house as a little girl while I
was

1 working in our garden. So I don't remember a time really
2 prior to the Power Authority.

3 What I can tell you is now as the superintendant
4 of the school that I attended, I'm really worried for us as
5 a community because when I was a kid we had almost, I think
6 it was about 550 kids in our school. Now we're down to

341.

7 We're down to 341 kids in a 150-square-mile radius of which
8 I have three large bodies of water. I have the power
9 project and I also have the New York City water supply. So
10 for me it's really simple.

11 I own a business in Delaware County and for me
12 it's about what's right as far as, you know, paying your
13 fair share. And I understand it's a New York entity and
14 it's, again, way more complicated than I understand. But I
15 can tell you that -- and Kevin Neary said it quite well,
16 because he was very involved and I have a lot of respect

for

17 him during the flood. But, I me, I rely on local people to
18 tell me whether or not the water is getting too high.
19 That's how I find out whether or not I should close school.
20 Because we actually closed school prior to Hurricane Irene
21 about two weeks prior to that.

22 I'm the closest facility to the Power Authority
23 and yet when DEP said, can we come up to your building, we
24 want to go to high ground. I said, you're more than

25 welcome, folks, but I've got to tell you, the power is out.

1 I can't even offer you a cup of coffee or let you flush the
2 toilet because we don't have a generator. We don't have
the
3 facilities. We don't have cell service.

4 My buses, when they're out and about, we don't
5 have a repeater. I was very fortunate that the town of
6 Prattsville loaned us cellular service on a truck so that
we
7 could at least continue.

8 So I guess this isn't really part of what you
9 guys do. But I just wanted to give you a flavor of how,
you
10 know, I'm really worried because our kids deserve the same
11 education as everyone else's kids. And one thing we do
well
12 here is raise people. We have a long history of
13 hard-working people that have been very successful in their
14 communities and in this country and in different jobs and
15 it's a wonderful place to live, it's a wonderful place to
16 raise your families, but we need some help.

17 You know, we have a tax cap that's been mandated
18 by New York state. And our school, quite frankly, could
19 come in with a 7.61 percent. That was our 2 percent tax
cap
20 levy that we were allowed to go out with. Our folks can't
21 afford a 7.61 percent tax cap. So we came out with a 1.99.
22 But at the same time, that's taking money off the table.
23 All right.

24 When I tell you that we're struggling, I had one
25 business teacher, one. I had to let her go last year

1 because we just couldn't afford it. I'm about as frugal as
2 you can get. But we really need some help around here and
3 that's really all I have to say.

4 So thank you very much for listening.

5 (Applause.)

6 MR. BERNICK: So does anyone else have comments
7 or questions for FERC staff?

8 MS. SHAFFER: I just wondered if FERC can --
9 thank you. Can FERC request of the New York Power
Authority
10 the data that was mentioned specifically about employment
11 statistics as well as contributions to emergency services
12 for the public record?

13 MS. CARTER: So that would all be, as part of
14 this process we're gathering this information and deciding
15 or trying to learn what information is needed in terms of
16 how NYPA will prepare their license application. So as
17 we're reviewing all of the comments that you guys have
made,
18 and all the comments to come in, in August, we will then
19 require NYPA to conduct studies and request of them the
20 information that we need for our environment analysis. So
21 anything that is incorporated within that, we would ask
them
22 to provide.

23 MR. SKOWFOE: Phil Skowfoe, supervisor town of

the 24 Fulton. But being a good neighbor starts at home within

25 Power Authority. The feedback that I've gotten is their

1 employees are without a contract for four years and that's
2 taking -- if you're taking back off what the Gilboa school
3 superintendant said about the funding, the people that have
4 trouble with money as it is, you've got to start and treat
5 your employees right before and then reach out to your
6 community. That's just a sample of how it goes and if you
7 don't start right at home and then branch out, it's not
8 there.

9 MR. BERNICK: Okay. So I just wanted to go
10 through again a few more of the important dates coming up.
11 The comments on the scoping document, NYPA's preapplication
12 document and any study requests, so that date is the 8th of
13 August. Following that NYPA will be submitting their --
14 filing their proposed study plan with the Commission by
15 September 22nd. And then hold study plan meetings by the
16 22nd of October.

17 And just to point out, they'd ask that -- they
18 had mentioned that they had a conflict with the 22nd date,
19 so it will most likely not be held on that date, but
20 sometime around that time.

21 Then based on comments to further revise the
22 study plan, January 20th, and FERC will file the study plan
23 determination letter February 19th.

24 And I want to thank you all for your comments
25 today and on Monday. We really appreciate it. It helps us

1 do our job. It helps us understand what the issues are for
2 the local communities. And with that, unless anyone has
any
3 other questions, I will adjourn for today.

4 It's 11:05. Thank you.

5 (Whereupon, at 11:05 a.m., the scoping meeting
6 was concluded.)

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