Town of Blenheim
1748 State Route 30
PO Box 176
North Blenheim, New York 12131

Supervisor Shawn J. Smith

518-827-6115
Town Clerk - Robin Alley

August 5, 2014

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

Reference: FERC Project Number: 2685-026 New York
Blenheim-Gilboa Pumped Storage Project, New York Power Authority

Ladies and Gentlemen,

The following submission is made on behalf of the Town of Blenheim, New York and the Town of Blenheim Long-Term Community Recovery Committee (BLTCRC).

The purpose of this submission, in general accordance with the Integrated Licensing Process Study Criteria (ILP), requests FERC require the New York Power Authority (NYPA) conduct a full and comprehensive Environmental Impact Statement / Study for the Blenheim-Gilboa Pumped Storage Project (BG) as an integral requirement for issuance of a FERC license for the above mentioned facility.

I am the Chair of the Blenheim Long-Term Community Recovery Committee (BLTCRC) that has completed the FEMA sponsored ESF-14 Long-Term Community Recovery Plan (*copy submitted*). Further, I have been authorized by the Town of Blenheim, the BG co-host community, to submit this document on behalf of the Town of Blenheim. In addition, I am a member of the Schoharie County Flood Committee NYPA Relicensing Committee and offer this submission on behalf of Schoharie County as a resident of same. All of these positions are volunteer and are unpaid. The Town of Blenheim has very little Administrative support capacity.

EIS Request Goals and Objectives (5.9(b)(1)

The BG Pumped Storage Project was constructed and commissioned in the late 1960's and early 1970's. The project is sited essentially in the Schoharie Creek Drainage Basin

with an upper reservoir located approximately 2000 feet above the lower reservoir. The upper reservoir is of earthen construction.

The Schoharie Creek provides the primary artery for drainage of a large segment of the northern Catskills and proceeds through the County of Schoharie, through the Schoharie Valley, a fertile and rich agricultural region which provides employment, crop production, residential areas, tourism, recreation and other significant environmental and economically sensitive opportunities and landscapes to the County of Schoharie and the State of New York, generally.

At the time of construction of the BG facility, no full and comprehensive EIS was conducted. In all likelihood, such an EIS was not a requirement at that time. However, projects of this magnitude are now typically subject to full EIS studies and with obvious reason. Therefore, first and foremost, such a study which is now a requirement for such large-scale projects has been absent in this case of the BG facility and is long overdue. Relicensing provides FERC and NYPA a new opportunity to conduct a study that should have been done during project inception as part of the original license.

A full and comprehensive EIS is requested instead of a more simple and less comprehensive EA due to the large scale of the affected region and the environmentally and cultural sensitivity of the affected region, including the impact to human element components of the environment affected by the BG facility.

The Goals and Objectives (and components) of a full EIS are as follows but are not limited to:

1. Confirm current climatology and the anticipated change in same with relation to Schoharie Creek flow levels.

2. Confirm changes in impervious upstream surface run-off levels and effects thereof due to development of industrial, commercial, recreation and residential activities since project inception to the present.

3. Consider effects of changes of precipitation levels in conjunction with increase impervious surface run-off on the BG facility itself and the down stream communities located in the Schoharie Creek Basin.

4. Consider effects of the above on the Mohawk River Basin of which the Schoharie Creek directly feeds.

5. Consider effects of the BG facility on native fish populations compared over the long-term (40 plus years) as compared to the pre-existing populations prior to the construction of the BG facility.

6. Consider effects of the BG facility on native fauna and flora as compared over the long-term (40 plus years) as compared to the pre-existing health and propagation conditions prior to construction of the BG facility.

7. Consider propagation and effect(s) of invasive plant species since the construction of the BG facility.

7. Consider effects of the BG facility on alluvial sediment formation and creek-bed depth on the Schoharie Creek down-stream of the facility.

8. Consider effects of the impounding of a large quantity of water on the surrounding soil conditions adjacent to the upper reservoir including the earthen dam and related safety considerations for down-stream human populations.

9. Provide documentation of changes in flow and velocity patterns to the Schoharie Creek in times of high water / precipitation / thaw cycles and how those changes impact natural and human elements of the downstream environment with an emphasis placed upon the "human element".

10. Consider potential effects the BG facility and associated water regulation may have had on the loss of the historic Blenheim Bridge, a cultural resource which directly impacts the environmental, human-element of the Town of Blenheim and Schoharie County.

11. Document what changes to regulated and / or scheduled water impoundment releases by the BG facility might have on recreational resources such as canoeing, rafting, kayaking, fishing, etc.

12. Incorporate a detailed hydrological study into the overall EIS in order to enhance the understanding of the changing conditions of not only the Schoharie Creek but also the tributaries that feed the Schoharie Creek as impacted by the BG facility location, siting and operation, especially during times of heavy precipitation / run-off.

13. Explore the potential of the BG facility to act as a flood control facility and to have FERC consider modification / change NYPA's operating license to include such capability and responsibility in times of flood threat(s)

Obviously, the above listed actions comprise only a portion of what a comprehensive EIS would provide. Standard Environmental Impact Study Industry practices and typical EIS protocols would also be included in any such EIS required by FERC but the goals and objectives described above should be considered as part of any EIS conducted as they relate specifically to the BG facility and the host communities.

With specific regard to point 13, please see included NYPA Report / presentation (*power-point NYPA Storm Response 1-19-12*) which details efforts made by NYPA, in their opinion, to mitigate the effects of Hurricane Irene while they struggled with

implementation of their Action Plan. The dams of the BG facility were in danger of over-wash and while NYPA's actions were principally of "self-preservation", they also served to have an affect on downstream flooding, as the report concludes. So it would appear based on NYPA's Report they BG facility may have flood control capability. A complete EIS could provide valuable data in evaluating the potential for the BG facility to moderate flooding downstream and conceivably save lives and property in the Town of Blenheim and those towns throughout the Schoharie Valley.

While any EIS, by definition may fall short of researching and documenting socio-economic impacts of any region, such impacts should not be ignored as they do impact the human-element of the environment which the BG facility impacts.

Finally and very importantly, any required EIS should be in strict accordance and include the New York State Environmental Quality Review Act (SEQR).

Relevant Resource Management Goals and Public Interest Considerations 5.9(b)(3)

The Resource Management Goals and Public Interest Considerations that would be served by requiring NYPA to conduct a full and comprehensive EIS are many and varied. For the purpose of this document / request an attempt to list some of the more important components to the above are not limited to, but are as follows:

To establish the potential capability of the BG facility to not just manage, but perhaps control, Schoharie Creek downstream flow rates to provide flood mitigation enhancement(s). While this public interest consideration may segue into hazard mitigation / public safety, it nevertheless represents an essential and valuable component of any EIS. Such an opportunity to protect the public from such a deadly hazard should not be ignored by FERC, nor the applicant, NYPA. It should be noted that in the past, NYPA has taken the position their current FERC license prohibits them from such mitigation / public safety initiative. FERC has an opportunity to change that protocol, if in fact an accurate position of NYPA. If so, FERC may be presently exposed to potential liability in the case of flood mitigation capability.

To secure data to explore the potential for more precise and regulated and / or scheduled creek flow rates via water releases (or impoundment) by the BG facility to promote recreational opportunities that may include boating, rafting, kayaking, etc. as an integral component to tourism / economic development as they may relate to the human-factor of the EIS. In addition, NYPA currently provide little or no advance notification to the populace downstream, including the Town of Blenheim as when releases might be made. This lack of communication / coordination could lead to the loss of human life and property.

To provide data to potentially enable NYPA to be proactive prior to a hurricane, tropical storm or other heavy precipitation / run-off event to alleviate or reduce environmental damage, loss of life and / or property via flooding by reducing the upper reservoir capacity 48-72 hours prior to any such anticipated event. Thus, this action providing

capacity for potentially billions of gallons of flood water to be pumped out of the flood zone before it reaches said zone with catastrophic effects. Floods and high velocity water flows impact negatively on plants, animals, fish, people, property etc and cause massive erosion and silting of creek beds, banks and downstream estuaries including the Mohawk River. The impact area is very large and extends beyond Schoharie County. High turbidity levels can prevail for weeks further exacerbating negative impacts. Proactive measures may reduce such impacts, but hydrology studies included in any EIS are required to assess the capacity of potential mitigation that can be incorporated in a complete Action / Mitigation Plan.

The Public Interest Considerations extend far beyond what is stated above. Those interests probably extend beyond what a typical EIS would provide in terms of specific actions and considerations. However, the BG facility is unique in many ways. With the BG facility sited such as it is, there is a reasonable public assumption the facility assumes a responsibility for protection and hazard mitigation whether such hazards were pre-existing prior to facility construction or created post-construction.

The Public Interest Considerations should also include socio-economic studies within the EIS and any such further studies as defined within the New York York State Environmental Quality Review Act as an integral part of any EIS. The inclusion of NYSEQR in any required EIS further incorporates additional Public Interest Considerations as identified under New York State Law.

Existing Information and Need for Additional Information 5.9(b)(4)

Since no comprehensive EIS or SEQR (to knowledge) was conducted during the planning / construction phase of the BG Project facility, the need for additional information appears to be glaring. The precise reason for requesting a full EIS is to serve the purpose of information gap / omission.

Over the past several years, the Town of Blenheim and specifically since the flooding caused by Hurricane Irene, the BLTCRC has requested such information from NYPA via data requests and / or meetings. In every case NYPA has either restricted such information or has denied release of same. Requests for meetings have also been rebuffed. While there is belief significant information may exist that may constitute at least a portion of what a full EIS may provide, NYPA has resisted disseminating that information even upon request. Further, even though requests were not made as a Freedom of Information Request, NYPA has classified them as such.

A specific request for any existing hydrology studies performed by NYPA or in the care of NYPA was specifically denied by NYPA (*see attached BLTCRC Request 6-1-12 and NYPA Response dated 10-18-12*). Ultimately, no hydrology studies were provided by NYPA to the BLTCRC.

In conclusion to this section (5.9(b)(4) of the FERC template, there appears to be no information available as to an EIS since no EIS was conducted and there appears to be no

hydrology information available from NYPA since none was provided or was denied. Significant gaps exist in any and all environmental studies as they may apply to the NYPA BG facility / project.

Project Nexus 5.9(b)(5)

The BG facility in Blenheim-Gilboa has been in operation for five decades. The environmental damage from both a natural and human-element impact while clear to many is questioned by others. If a comprehensive EIS had been conducted prior to construction of the project we might today be in a position to analyze the impact of the project accurately. However, there appears to be very little baseline information in which to rely with regard to the major, significant or subtle changes to the overall environment that has occurred over the approximately past 50 years of operation. Certainly flooding hand high velocity water events have occurred with what appears to be increasing regularity and / or scale. This alone would seem to justify a full EIS inclusive of complimentary hydrology studies and the New York SEQR.

With regard to animal, fish and plant life specifically, the need for a concise and comprehensive EIS including fish and wildlife studies as at least appendix studies seems to be reasonable especially after 50 years of facility operation that appears to have had at very least a negative impact on flooding events, creek bed alluvial fill, gravel barring, bank erosion, widely varying water flow levels based on BG water releases, water temperature fluctuations, increased turbidity, etc.

A comprehensive EIS inclusive of New York SEQR, specific hydrology, fish and wildlife, plant and habitat studies in cooperation with involved agencies such as NYDEC and others is the only way to accurately determine the impact the BG facility has had on flooding, the natural creek environment and the flooding impact on the human element, as a whole.

Therefore, as a minimum, request is hereby made of FERC to require the applicant, NYPA, to fund at least but not be limited to:

A Comprehensive EIS inclusive of New York SEQR and all attached requirements and;

A detailed Climatological and Hydrological Study for the BG site specific location, drainage basin and related upstream and downstream reaches, a New York State DEC study on fish, wildlife, avian and related component impact study, and a Schoharie County and or New York State Soil and Water District / Conservation study to examine alluvial conditions and related erosion and creek-bed material depository issues. Additionally, studies that focus on Socio-Economic Impacts / Safety but overlap onto environmental grounds should be coordinated effectively by a yet to be determined Agency, if not by FERC.

Proposed Methodology 5.9(b)(6)

Considering that a comprehensive EIS incorporating the New York SEQR would provide adequate template and Industry Standards, the methodology would be identical to what has been done in other large-scale projects such as the NYPA BG facility. Similar projects of size, scope and application have doubtless been subjected to the same EIS and related studies. Therefore, standard EIS / SEQR / Environmental Agency(s) / Certified Consulting firms would employ accepted methodology regarding such studies as approved by the Lead Agency(s).

In conclusion, it is not within the purview of this submission to itemize the acceptable methodologies that might be utilized for the various EIS-related disciplines that may ultimately ne involved with conducting such studies. This issue would be further addressed and clarified should FERC consider the requirement of a comprehensive and fully inclusive EIS.

The small Town of Blenheim (pop. 378) nor the BLTCRC and perhaps not even Schoharie County itself (barring a few specialized agencies) would be qualified to specify the accepted methodology, but instead, defers to the agencies / firms that regularly and professionally conduct such detailed studies.

Level of Effort and Cost 5.9(b)(7)

While difficult to predict the actual cost of the requested studies, assuming a complete EIS would be included with NYSEQR as a minimum, a rough estimated cost of approximately $300,000 - $500,000 could be anticipated. While this may represent a "worse-case" scenario, it is with a conservative approach that such figures are presented. Of course, much depends upon exactly which companion studies are included in any comprehensive EIS.

As for the level of effort required, again, reference is made to the above. It seems unfair and perhaps unreasonable for FERC to require the host communities to provide such detailed and professional estimates, especially in the absence of a decision as to exactly which studies might be required. However, if a complete EIS was conducted it would certainly require hundreds of man-hours and specialized skills. Certainly FERC has experience in this type of study (EIS) and project (hydro pumped-storage) and information regarding the level and expense should readily available to FERC.

In view of the above, please understand the Town of Blenheim is not refusing to provide such cost estimates, it simply does not possess the resources, manpower nor experience to do so. Instead, the Town, the BLTCRC and perhaps even the County of Schoharie must defer to FERC at this time for that type of information and guidance. The Town of Blenheim would certainly assist in any way possible to help in any study requirements.

Closing Statement

Sincere thanks are extended to the Federal Regulatory Agency for the opportunity to provide this submission and the associated attachments. The Town of Blenheim and BLTCRC appreciates FERC's consideration of our request.

The Town of Blenheim has suffered much in the past 50 years. From propane pipeline explosions to catastrophic flooding as a result of Hurricane Irene. However, there has been one constant over those past 50 years and that is the New York Power Authority Blenheim-Gilboa Pumped Storage Project and associated dams. These dams represent a clear and present danger and threat to the people of Blenheim. To exacerbate such a threat even further, NYPA has steadfastly neglected to support the Town of Blenheim in any meaningful way in terms of community engagement.

In as such, Blenheim has no choice but to rely on FERC to compel and require NYPA to conduct a full and comprehensive Environmental Impact Statement and Study incorporating NYSEQRA, as a minimum. This type of action certainly would be required if the facility was to be built today. There is no apparent reason to believe at this time, in consideration of climate-change and the increased precipitation and other factors associated with climate-change that such an EIS should not be required now. These studies are environmental in nature, but the issue of flood and dam safety can no longer be insulated from a complete EIS.

Therefore, Blenheim and the BLTCRC hereby request FERC to require NYPA to agree to fund such studies as requested in this document or be denied FERC license renewal. We also request that studies requested by the County of Schoharie also be required by FERC in order for NYPA's license for the BG Project to be renewed.

Thanks you again for your consideration of our request(s).

On behalf of the Town of Blenheim and the BLTCRC, sincerely,

Don Airey
Chair, BLTCRC
518-294-6066
Email: don@descompany.com

Encl.

Blenheim LTCR Plan
Blenheim Comprehensive Plan
BLTCRC Letter to NYPA of 6-1-12
NYPA Response Letter of 10-18-12
BG Public Session Storm Response Preso 1-19-12