

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

New York Power Authority

Blenheim-Gilboa Pumped Storage Project
Project No. 2685

**AMERICAN WHITEWATER'S COMMENTS IN RESPONSE TO THE PROPOSED STUDY PLAN
FILED BY NEW YORK POWER AUTHORITY FOR THE BLenheim-GILBOA PUMPED
STORAGE PROJECT, FERC PROJECT NO. 2685**

American Whitewater submits these comments to FERC in response to the Proposed Study Plan for the Blenheim-Gilboa Pumped Storage Project operated by New York Power Authority ("NYPA" or "Licensee"). Our organization has previously submitted comments asking the licensee to study the impact of its hydroelectric operations on the recreational opportunities available to non-motorized boaters in the project area.

American Whitewater has been engaged in the hydropower relicensing process across the country for over 25 years and has worked with FERC and numerous licensees to study the impact of hydroelectric projects on recreational boating opportunities. We have assisted with recreational facility and use assessments and controlled whitewater boating flow studies during the relicensing process on rivers throughout the northeast region including the Deerfield, Kennebec, Rapid, Magalloway, Moose, Beaver, Raquette, and Penobscot rivers.

Based on our experience with the hydropower relicensing process in the northeast and elsewhere, we submit these comments to address the deficiencies in the Licensee's Proposed Study Plan and respectfully request that FERC direct the Licensee to revise its Proposed Study Plan to address these deficiencies, as follows:

General Comments

In response to the Pre-Application Document filed by NYPA, American Whitewater filed comments with FERC stating that the lower reservoir dam has eliminated whitewater boating opportunities in and below the project boundary along Schoharie Creek (*see* eLibrary Accession No. 20140806-5116). This section of the river drops approximately 200 vertical feet, which is likely sufficient to produce a valuable Class II/III whitewater boating opportunity, but for the presence and operation of the project. We requested that NYPA provide an appropriate analysis of the recreational impacts of its operation and explore possibilities for mitigating the loss of whitewater boating opportunities.

Likewise, the town boards of Middleburgh and Fulton commented on the availability of recreational flow releases and requested that the Licensee make provisions for recreational releases (*see* eLibrary Accession Nos. 20140813-0032 and 20140807-5016, respectively), noting that Schoharie Creek is a valuable asset for tourism and provides fishing, canoeing, and kayaking opportunities, including a canoe and kayak race on this section of the river. The towns are seeking to ensure that an adequate supply of water be available and that the NYPA be required to make timed releases if necessary.

On September 18, 2014, FERC issued Scoping Document 2 responding to these comments. SD2 made a number of revisions, including the following:

4.2.5 Recreation, Land Use, and Aesthetics

- The adequacy of public access and recreation facilities to meet current and future recreation demand.
- Effects of project operation and maintenance on recreational opportunities and river access within the project area, *including the adequacy of flows for recreational activities and the effects of debris accumulation on recreational access.*
- Effects of project operation and maintenance on land use and aesthetic resources within the project area.

The purpose of the scoping document is to inform the Licensee and the public of the issues to be evaluated in the licensing environmental document. With regard to recreation, FERC has put NYPA on notice that it will evaluate the license application to determine the adequacy of flows for recreational activities. In response, the Licensee is expected to develop a study plan and complete studies that will enable FERC to complete its NEPA review of the project impacts and alternatives to protect, mitigate, and enhance environmental quality. Inexplicably, in its Proposed Study Plan, NYPA ignores FERC's revision to the scoping document in SD2, and declines to propose any study of the adequacy of flows for recreational activities.

FERC is required by Section 4(e) of the Federal Power Act to give "equal consideration to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality." The Act requires FERC to balance the Licensee's interest in generating power through the use of a public resource with the public interest in protecting natural resources, providing recreational opportunities, aesthetics, and other factors. Absent thorough study of these impacts by the Licensee, FERC will be unable to conduct an adequate NEPA review, calling into question its ability to relicense the project.

Specific Comments

2.4 RECREATION USE/USER CONTACT STUDY AND ASSESSMENT OF EFFECTS THE PROJECT HAS ON RECREATION USE

- 1. The Licensee's proposed study plans will not adequately assess the demand for non-motorized boating in the project area.**

Existing recreational users in the project area are a self-selected group who utilize the facilities in the project area because they believe that the existing facilities are sufficiently adequate to meet their recreational needs. While some whitewater kayakers may have an interest in existing forms of recreation, their primary interest is in whitewater boating, which is not regularly available in the project area due to the lack of sufficient and predictable flows. The Licensee's plan purports to study the demand for recreational activities in the project area, yet proposes no methodology whatsoever for assessing the demand for non-motorized boating (flatwater, quickwater, whitewater) below the lower reservoir dam. The Licensee proposes to interview existing recreational users in the project area about their interest in non-motorized boating in this section of the river. This methodology, however, will yield no meaningful data on the extent to which the public would benefit from requiring the Licensee to study other modes of operation that would maximize boating opportunities in and below the project boundary.

Given the clear demand for whitewater boating less than an hour away on the Esopus, including the Esopus Whitewater Funfest held in June and the Esopus Slolom held in October, FERC should presume that there is significant interest in whitewater boating in the region. Accordingly, FERC should require the Licensee to conduct user contact surveys of whitewater boaters at the annual Esopus Whitewater Funfest, Esopus Challenge, and at other times to determine boater interest in paddling on the Schoharie if sufficient and predictable flows were provided.

- 2. The Licensee's proposed study plans will not adequately assess the extent to which the inadequacy of its recreational facilities diminishes the recreational opportunities in the project area.**

While the Licensee proposes to conduct an inventory and assessment of the recreational facilities in the project area, it does not propose to survey non-users to determine whether the lack of adequate facilities has deterred or prevented them from pursuing their recreation interests in the project area. With regard to non-motorized boating, the lack of adequate access points and parking, sanitation facilities, and other factors may deter recreational activities in the project area. The Licensee needs to include in its facility inventory and assessment a discussion of the facilities, or lack thereof, for all types of non-motorized boating. The Licensee should also be required to study the adequacy of the portage trail, camping and boat launch facilities in the project area, as these inadequacies could serve as a strong deterrent to those who would otherwise choose to enjoy this section of the Schoharie River. Instead, the Licensee proposes to study only the adequacy of its existing recreational facilities for those

who find the facilities sufficiently adequate to meet their needs. In order to determine what additional facilities may be needed, the Licensee will need to tailor its survey to address the needs of those who may be unable to paddle the Schoharie River due to the absence or inadequacy of the facilities to meet their particular needs.

3. The Licensee has not sufficiently involved the boating community in the design and implementation of proposed recreation studies.

The Licensee has not involved the boating community in the design and implementation of studies to collect data on the demand for non-motorized boating. Without the active involvement of organizations representing the boating community, the Licensee is in danger of underestimating demand for non-motorized boating and failing to adequately identify the obstacles to boating this section of the river. While the Licensee may have developed survey instruments as part of its user and facilities surveys, they have not sufficiently involved the boating community in the development of these instruments. Furthermore, their plan to collect data from users does not include any attempt to collect data from non-users. Had the Licensee more fully included the boating community in the design and implementation of these surveys, it would be able to collect more meaningful data than it otherwise will be able to collect. The Licensee should also work with local, regional and national boating organizations including American Whitewater, Appalachian Mountain Club, the Kayak and Canoe Club of New York, and the Adirondack Mountain Club to design user contact surveys and reach out to their respective memberships to better assess demand for recreation in the project boundary and downstream.

4. The Licensee should study the impact of its operations on the opportunity for non-motorized boating in the project boundary and downriver.

The Schoharie River has the potential to provide whitewater boating opportunities below the lower dam, and the Licensee should be required to study the impact of its operation on the ability to engage in this recreational activity on the Schoharie River. The Licensee should be required to develop a study methodology with the goal of assessing the presence, quality, access, flow information, and flow ratings for paddling opportunities in a stepwise manner. Through this study, the Licensee should seek to:

- identify recreational paddling opportunities in the project boundary and downriver in order to determine a full range of boating opportunities available under different modes of operation;
- describe flow-quality relationships and identify acceptable and optimal ranges for boating using various craft;
- describe potential effects of operations and identify boater's sensitivity to current operations and alternate flow regimes;
- broadly characterize recreational paddling-relevant hydrology of the existing operating regime, and qualitatively describe the relationship between paddling opportunities and project

operations;

- determine whether current or future demand exists for whitewater boating within the context of regional opportunities and those provided through current operation;
- determine the number of days flows for whitewater boating are available under the projects' current operation;
- identify resource needs (e.g., aquatic habitat) and competing recreational uses (e.g., canoeing, climbing, or fishing) that are or would be affected by flows suitable for whitewater boating;
- identify public access obstacles; and,
- characterize effects on current project operations associated with providing various flows for recreational paddling.

Given the lack of information available about whitewater boating in the project boundary and downriver from the lower reservoir dam, the Licensee should take the following steps:

- (1) Reach out to the whitewater boating community to assist with surveys of area boaters to determine under what conditions whitewater boating is occurring in the project area. During this initial phase, the Licensee should study the hydrology of the river reach to determine the gradient and identify the presence of ledges, boulders and other structural elements that would indicate a potential opportunity for whitewater boating.
- (2) The Licensee should conduct test flows in collaboration with representatives from the boating community to determine whether various flow levels create whitewater features such as eddies, waves and holes that could be used for instruction, playboating or down river trips if scheduled boating opportunities were provided.
- (3) If these initial phases reveal the presence of a whitewater boating resource, the Licensee should undertake a third phase utilizing the study techniques recommended by Whittaker et al., in *"Flows and Recreation: A guide to studies for river professionals"* (2005) and conduct a full controlled flow study below the lower reservoir dam.

5. The Licensee should study the extent to which the project has eliminated valuable whitewater boating opportunities in order to develop protection, mitigation, and enhancement (PME) measures.

The Blenheim-Gilboa Pumped Storage Project was built in 1973 as a hydroelectric project that further impounded the Schoharie River. The project is not a flood control facility and has no significant flood control capability. Contrary to its designation as a closed-loop facility, the project has significant impacts on the Schoharie River and impedes both upstream and downstream fish passage through the lower reservoir dam. Like all pumped storage projects, the Blenheim-Gilboa Pumped Storage Project uses more energy to pump water to the upper reservoir than it generates through its turbines when

water is released to the lower reservoir. The net result is a loss of power generation. Rather than generate power, the project merely generates revenue for the New York Power Authority based on fluctuations in energy rates.

As part of the FERC relicensing process, NYPA should be required to study the impact of its money generating activities on recreational opportunities on the Schoharie Reservoir. Impacts caused by the construction of the lower reservoir dam, as well as impacts caused by its continued operation as a pumped storage facility, should be evaluated to determine the value of the lost resources. The Licensee should be required to balance the loss of these resources against the value of the power generated to determine whether the project should be decommissioned and the river should be restored to its natural condition. To the extent that these losses can be mitigated through alterations to the Licensee's mode of operation, it should be required to do so. It is entirely appropriate for the Licensee to study these values for the purpose of evaluating appropriate protection, mitigation and enhancement measures (PME) that will ultimately be required if and when FERC issues a license for the project. The Licensee cannot merely dismiss these obligations as "the unsubstantiated loss of a pre-Project resource."

Conclusion

American Whitewater respectfully requests that FERC accept these comments and direct the Licensee to revise its proposed study plans to address the concerns raised. Thank you for considering these comments.

Respectfully submitted this 17th day of December, 2014



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**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Blenheim-Gilboa Pumped Storage Project New York Power Authority	FERC Project No. 2685
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CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing **American Whitewater's Comments in Response to the New York Power Authority's Proposed Study Plan for the Blenheim-Gilboa Pumped Storage Project (P-2685)** to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 17th day of December 2014.



Megan Hooker
American Whitewater

Document Content(s)

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