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-Docket(s) No.: P-10482-122, et al.:
-Filed By: Eagle Creek Hydro Power, LLC,
Eagle Creek Water Resources, LLC, Eagle Creek Land
Resources, LLC
-Signed By: Michael Scarzello,
-Submission Date/Time: 5/11/2020 3:36:39 PM
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E-file Submission

May 11, 2020

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

**Subject: Swinging Bridge Hydroelectric Project (FERC No. P-10482-122)
 Mongaup Falls Hydroelectric Project (FERC No. P-10481-069)
 Rio Hydroelectric Project (FERC No. P-9690-115)
 Response to Comments on the Updated Study Report**

Dear Secretary Bose:

Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (collectively "Eagle Creek") are the owners and operators of the Swinging Bridge, Mongaup Falls, and Rio Hydroelectric Projects (collectively "Mongaup River Hydroelectric Projects" or "Projects"). The Mongaup River Hydroelectric Projects are located on the Mongaup River and Black Lake Creek in Sullivan and Orange counties, New York, and are licensed by the Federal Energy Regulatory Commission ("FERC" or "Commission").

The FERC licenses for the Mongaup River Hydroelectric Projects expire on March 31, 2022, and Eagle Creek is pursuing new licenses for each of the Projects. On March 31, 2020, Eagle Creek filed with the Commission an Application for New Licenses for the Projects.

In accordance with 18 CFR §5.15(f), Eagle Creek filed the Updated Study Report (USR) with the Commission on February 10, 2020. The USR provided study results, which were not previously provided in the Initial Study Report (filed with the commission on February 8, 2019). Subsequent to the filing, Eagle Creek held the USR Meeting with Commission staff and other relicensing participants on February 19 and 20, 2020 in Monticello, New York, and filed the USR Meeting Summary with the Commission on March 10, 2020.

Comments on the USR were issued by the following relicensing parties, copies of which are provided as an attachment to this letter:

- FERC, letter dated April 7, 2020;
- American Whitewater, Appalachian Mountain Club, and Kayak and Canoe Club of New York, letter dated April 7, 2020; and
- Swinging Bridge Property Owners Association and Homeowners on Toronto, letter dated April 9, 2020.

Swinging Bridge Hydroelectric Project (FERC No. 10482-122)
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Eagle Creek has reviewed the aforementioned letters and provided responses primarily focused on the comments specific to the content of the USR. Additionally, Eagle Creek is in the process of completing the operations model runs associated with the operations scenarios requested by the Commission and other stakeholders in the aforementioned letters. Eagle Creek anticipates submittal of the operations model run results to the Commission concurrent with submittal of Eagle Creek's responses to the Commission's April 29, 2020 Additional Information Requests, or earlier as data is available.

A copy of this filing may be obtained electronically through FERC's eLibrary system at: <https://elibrary.ferc.gov/idmws/search/fercgensearch.asp> under docket numbers P-10482, P-10481, and P-9690 or through Eagle Creek's website at: <https://www.eaglecreekre.com/mongaup-river-relicensing>.

If there are any questions regarding this information, please do not hesitate to contact Michael Scarzello with Eagle Creek at (973) 998-8400 or Jim Gibson with HDR at (315) 414-2202.

Sincerely,
Eagle Creek (Licensees)



Mr. Michael Scarzello
Director

cc: Distribution List

Attachments:

Attachment A: Responses to Requests Comments on the USR

Attachment B: Copies of Correspondence

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
Mongaup Falls Hydroelectric Project (FERC No. 10481)
Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Federal Agencies

Eastern Office of Project Review
Advisory Council on Historic Preservation
401 F Street NW
Suite 308
Washington, DC 20001-2637
achp@achp.gov

Harold Peterson
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

Kimberly Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

John Spain
Regional Engineer
New York Regional Office
Federal Energy Regulatory Commission
19 West 34th Street
Suite 400
New York, NY 10001-3006

Nicholas Ettema
Fish Biologist (OEP)
Division of Hydropower Relicensing
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426
nicholas.ettema@ferc.gov

Christopher Boelke
New England Field Office Supervisor
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276
Christopher.Boelke@noaa.gov

Susan Tuxbury
Fishery Biologist
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276
susan.tuxbury@noaa.gov

Don Hamilton
Natural Resources Chief
Upper Delaware Scenic and Recreational River
National Park Service
274 River Road
Beach Lake, PA 18405
don_hamilton@nps.gov

Duncan Hay
Northeast Region
National Park Service
15 State Street
Boston, MA 02109
duncan_hay@nps.gov

Kevin Mendik
Hydro Program Manager
Northeast Region
National Park Service
15 State Street
Boston, MA 02109-3502
kevin_mendik@nps.gov

Kevin Bruce
CENAN-OP-RU Upstate Regulatory Field Office
U.S. Army Corps of Engineers
1 Buffington Street
Building 10, 3rd Floor North
Watervliet, NY 12189

Steve Metivier
Buffalo District
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

Brian Orzel
New York District
U.S. Army Corps of Engineers
Regulatory Branch, Room 1937
26 Federal Plaza
New York, NY 10278-0090

Commanding Officer
MSO Long Island Sound
U.S. Coast Guard
120 Woodward Avenue
New Haven, CT 06512-3628

U.S. Forest Service
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250-1111

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
Mongaup Falls Hydroelectric Project (FERC No. 10481)
Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Andrew Tittler
Attorney-Advisor
U.S. Department of Interior
One Gateway Center
Suite 612
Newton, MA 02458
andrew.tittler@sol.doi.gov

Beth Garcia
Delaware River Basin Source Water
Collaborative
Region 3
U.S. Environmental Protection Agency
1650 Arch Street
Mail code: 3WP21
Philadelphia, PA 19103-2029
garcia.beth@epa.gov

Lingard Knutson
Environmental Scientist
Region 2
U.S. Environmental Protection Agency
290 Broadway
25th Floor
New York, NY 10007
knutson.lingard@epa.gov

Alex Hoar
NE Regional Hydropower Coordinator
U.S. Fish & Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

David Stilwell
Field Supervisor
New York Field Office
U.S. Fish & Wildlife Service
3817 Luker Road
Cortland, NY 13045

John Wiley
Fish & Wildlife Biologist
New York Field Office
U.S. Fish & Wildlife Service
3817 Luker Road
Cortland, NY 13045
john_wiley@fws.gov

State Agencies

Steve Tambini
Executive Director
Delaware River Basin Commission
25 Cosey Road
P.O. Box 7360
West Trenton, NJ 08628-0360
steve.tambini@drbc.gov

Lawrence Frame
New York State Canal Corporation
P.O. Box 189
Albany, NY 12201

Sita Crouse
Senior Attorney
Office of General Counsel
New York State Department of Environmental
Conservation
625 Broadway
Albany, NY 12207
stita.crouse@dec.ny.gov

Christopher Hogan
Chief, Major Project Management Unit
New York State Department of Environmental
Conservation
625 Broadway
Albany, NY 12207
chris.hogan@dec.ny.gov

Kara Paulsen
Excelsior Service Fellow/Attorney
Office of General Counsel
New York State Department of Environmental
Conservation
625 Broadway
14th Floor
Albany, NY 12207
kara.paulsen@dec.ny.gov

John Petronella
Deputy Regional Permit Administrator
New York State Department of Environmental
Conservation
21 South Putt Corners Road
New Paltz, NY 12561
john.petronella@dec.ny.gov

Swinging Bridge Hydroelectric Project (FERC No. 10482)
Mongaup Falls Hydroelectric Project (FERC No. 10481)
Rio Hydroelectric Project (FERC No. 9690)
Distribution List

William Rudge
National Resources Supervisor
New York State Department of Environmental
Conservation
21 South Putt Corners Road
New Paltz, NY 12561
bill.rudge@dec.ny.gov

Lisa Wilkinson
Senior Attorney
Office of General Counsel
New York State Department of Environmental
Conservation
625 Broadway
Albany, NY 12207

Monticello Office
New York State Department of Health
50 North Street
Suite 2
Monticello, NY 12701

Lance Gorney
Regional Permit Coordinator
Region 8
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603
lance.gorney@dot.ny.gov

Cathy Niederriter
Region 9
New York State Department of Transportation
44 Hawley Street
Binghamton, NY 13901
Cathy.Niederriter@dot.ny.gov

Director
Main Office
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Geologist
New York State Museum Cultural Education
Center
222 Madison Avenue
Albany, NY 12230

Nick Conrad
Information Services
New York State Natural Heritage Program
625 Broadway
Albany, NY 12207
Nick.Conrad@dec.ny.gov

John Bonafide
Director, Technical Preservation Bureau
Agency Preservation Officer
New York State Office of Parks, Recreation and
Historic Preservation
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

Myron Elkins
New York State Office of Parks, Recreation and
Historic Preservation
625 Broadway
Albany, NY 12207

Erik Kulleseid
Commissioner
New York State Office of Parks, Recreation and
Historic Preservation
625 Broadway
Albany, NY 12207

Nancy Herter
Coordinator and Native American Liaison
Archeology Unit
New York State Office of Parks, Recreation and
Historic Preservation
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

James Alesi
Commissioner
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
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Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Diane Burman
Commissioner
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223

Tracey A. Edwards
Commissioner
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223

John B. Howard
Commissioner
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

John Rhodes
Commission Chair
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223

Municipalities and Government Officials

Tammy Gillette
Supervisor
Blooming Grove Township
488 Route 739
Blooming Grove, PA 18428
tammy.gillette@bloominggrovetownship.com

Kelly Decker
Mayor
City of Port Jervis
20 Hammond Street
Port Jervis, NY 12771
mayor@portjervisny.gov

John Henderson
Chairman
Delaware Township
116 Wilson Hill Road
Dingmans Ferry, PA 18328
dtbos@ptd.net

Thomas Mincer
Chairman
Board of Supervisors
Dingman Township
118 Fisher Lane
Milford, PA 18337

Mike Mancino
Chairman
Board of Supervisors
Lackawaxen Township
169 Urban Road
Hawley, PA 18428
mike@lackawaxentownshippa.gov

Karl Brabenec
Assemblyman
District 98
New York State Assembly
28 North Main Street
Suite 2
Florida, NY 10921

Aileen Gunther
Assemblywoman
District 100
New York State Assembly
18 Anawana Lake Road
Monticello, NY 12701

Steven Neuhaus
County Executive
Orange County
40 Matthews Street
Goshen, NY 10924
ceoffice@orangecountygov.com

Freda Eisenberg
Commissioner
Division of Planning, Community Development
and Real Property
Sullivan County
100 North Street
P.O. Box 5012
Monticello, NY 12701
planning@co.sullivan.ny.us

Nadia Rajsz
Vice Chair
District 2
Sullivan County
100 North Street
P.O. Box 5012
Monticello, NY 12701
Nadia.Rajsz@co.sullivan.ny.us

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
Mongaup Falls Hydroelectric Project (FERC No. 10481)
Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Paul Rouis, Jr.
Sullivan County
100 North Street
P.O. Box 5012
Monticello, NY 12701

Rick Sauer
Commissioner of Public Safety
Sullivan County
100 North Street
P.O. Box 5012
Monticello, NY 12701
Richard.sauer@co.sullivan.ny.us

Daniel Sturm
Town Supervisor
Town of Bethel
P.O. Box 300
White Lake, NY 12786
bethelsupervisor@libertybiz.rr.com

Gary Spears
Supervisor
Town of Deerpark
420 Route 209
Huguenot, NY 12746
gspears@townofdeerpark.org

Steven Vegliante
Town Supervisor/Police Commissioner
Town of Fallsburg
19 Railroad Road
P.O. Box 2019
South Fallsburg, NY 12779
svegliante@fallsburgny.com

John Galligan
Councilman/Deputy Supervisor
Town of Forestburgh
33 King Road
Forestburgh, NY 12777

Jeff Haas
Town Supervisor
Town of Highland
4 Proctor Road
Eldred, NY 12732
supervisor@townofhighlandny.com

Frank DeMayo
Supervisor
Town of Liberty
120 North Main Street
Liberty, NY 12754
supervisor@townofliberty.org

Jenny Mellan
Town Supervisor
Town of Lumberland
1054 Proctor Road
Glen Spey, NY 12737
supervisor@townoflumberland.org

Janet Lybolt
Supervisor
Town of Mamakating
2498 U.S. 209
Wurtsboro, NY 12790
supervisor@mamakating.org

Chad Volpe
Town Supervisor
Town of Mount Hope
1706 Route 211W
Otisville, NY 10963

Michael Mednick
Town Attorney
Town of Thompson
18 Prince Street
Monticello, NY 12701
michael@michaelmednick.com

William Rieber, Jr.
Town Supervisor
Town of Thompson
4052 Route 42
Monticello, NY 12701
supervisor@townofthompson.com

Edward Diana
Supervisor
Town of Wallkill
99 Tower Drive
Building A
Middletown, NY 10941
supervisor@townofwallkill.com

Denise Quinn
Town Supervisor
Town of Wawayanda
80 Ridgebury Hill Road
Slate Hill, NY 10973
Supervisor@townofwawayanda.com

Gary Sommers
Mayor
Village of Monticello
2 Pleasant Street
Monticello, NY 12701
gsommers@villageofmonticello.com

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
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Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Jon Morris
Mayor
Wantage Township
888 Route 23
Wantage, NJ 07461
jmorris@wantagewp-nj.org

Antonio Delgado
New York State Representative
District 19
U.S. House of Representatives
1616 Longworth HOB
Washington, DC 20515

Kirsten Gillibrand
Senator
New York State Senate
U.S. Senate
478 Russell Senate Office Building
Washington, DC 20510

Charles Schumer
Senator
New York State Senate
U.S. Senate
313 Hart Senate Building
Washington, DC 20510

Indian Tribes

Deborah Dotson
President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005
ddotson@delawarenation.com

Susan Bachor
Historic Preservation Representative
Delaware Tribe
P.O. Box 64
Pocono Lake, PA 18347
sbachor@delawaretribe.org

Chester Brooks
Chief
Delaware Tribe
P.O. Box 64
Pocono Lake, PA 18347
cbrooks@delawaretribe.org

Darren Bonaparte
Tribal Historic Preservation Officer
Saint Regis Mohawk Tribe
412 State Route 37
Akwasasne, NY 13655
darren.bonaparte@srmt-nsn.gov

Michael Connors
Chief
Saint Regis Tribal Council
Saint Regis Mohawk Tribe
412 State Route 37
Akwasasne, NY 13655

Beverly Cook
Chief
Saint Regis Tribal Council
Saint Regis Mohawk Tribe
412 State Route 37
Akwasasne, NY 13655

Tony David
Director
Saint Regis Mohawk Tribe
412 State Route 37
Akwasasne, NY 13655
Tony.David@srmt-nsn.gov

Eric Thompson
Chief
Saint Regis Tribal Council
Saint Regis Mohawk Tribe
412 State Route 37
Akwasasne, NY 13655

Bonney Hartley
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of
Mohican Indians
65 1st Street
Troy, NY 12180
Bonney.Hartley@mohican-nsn.gov

Shannon Holsey
Tribal President
Stockbridge-Munsee Community Band of
Mohican Indians
N8476 MoHeConNuck Road
Bowler, WI 54416
shannon.holsey@mohican-nsn.gov

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
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Distribution List**

Additional Parties

Wade Blackwood
Executive Director
American Canoe Association
503 Sophia Street
Suite 100
Fredericksburg, VA 22401
wblackwood@americancanoe.org

Margaret Bowman
Director
American Rivers
1101 14th Street NW
Suite 1400
Washington, DC 20005

Brian Graber
Northeast Director
American Rivers
136 West Street
Suite 5
Northampton, MA 01060

Headquarters
American Rivers
1101 14th Street NW
Suite 1400
Washington, DC 20005

Kevin Colburn
American Whitewater
P.O. Box 1540
Cullowhee, NC 28779
kevin@amwhitewater.org

Bob Nasdor
NE Stewardship Director
American Whitewater
365 Boston Post Road
Suite 250
Sudbury, MA 01776
bob@americanwhitewater.org

Kenneth Kimball
Director of Research
Appalachian Mountain Club
P.O. Box 298
Gorham, NH 03581

KC
Cross Property Holdings
124 Homestead Trail
White Lake, NY 12786
kylienyc@me.com

Diane Rosencrance
Executive Director
Delaware Highlands Conservancy (Eagle
Institute)
P.O. Box 219
Narrowsburg, NY 12764
diane@delawarehighlands.org

Nicholas LaHowchic
Diannic LLC
196 SE Via Sanremo
Port St. Lucie, FL 34984
NLaHowchic@diannicllc.com

Philip Chase
Fontinalis Fly Fishermen
11 Evergreen Lane
Port Jervis, NY 12771

Daniel Plummer
Chairman
Friends of the Delaware River
158 East Front Street
Hancock, NY 13783

Herman Goldfarb
Co-Chairman
Friends of Toronto
109 Starlight Road
Monticello, NY 12701
hex68man@gmail.com

Nino Nannarone
Co-Chairman
Friends of Toronto
P.O. Box 166
Smallwood, NY 12778
ninocgn@hotmail.com

Hal Teitelbaum
President
Homeowners on Toronto, Inc.
P.O. Box 52
Bethel, NY 12720
hteitelbaum@crystalrunhealthcare.com

Richard Baum
Attorney
Iroquois Hunting and Fishing Club, Inc.
438 Broadway
P.O. Box 1260
Monticello, NY 12701

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
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Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Diane Finegan
Iroquois Hunting and Fishing Club, Inc.
8390 Turnberry Drive
Manlius, NY 13104

Thomas Kirk
Iroquois Hunting and Fishing Club, Inc.
7 Dogwood Court
Middlebury, CT 06762

James Krueger
President
Iroquois Hunting and Fishing Club, Inc.
21 Eldred Road
White Lake, NY 12786
jkrueger@sullivanarc.org

Stephen Sudol
Treasurer
Iroquois Hunting and Fishing Club, Inc.
24 Breezy Point Road
White Lake, NY 12786

Lauren Cook
Conservation Committee Chair
Kayak and Canoe Club of New York
517 South 27th Street
Philadelphia, PA 19146
digthepast@gmail.com

Andrew Frey
Kayak and Canoe Club of New York
3 Sunset Drive
High Bridge, NJ 08829

Sean Kraft
Kayak and Canoe Club of New York
30 Wilkes Street
Beacon, NY 12508
sean@seankraft.com

Natara Feller
Managing Member
Law Offices of Natara G. Feller
159 20th Street
Suite 1B
Brooklyn, NY 11232

Mr. and Mrs. C. Bruce Hamburg
Managing Member
c/o Natara Feller
Law Offices of Natara G. Feller
159 20th Street
Suite 1B
Brooklyn, NY 11232

Philip Schepel
Mongaup River Watcher
3 Country Meadow Drive
Colts Neck, NJ 07722
phil@pschep.com

Erin Crotty
Executive Director
National Audubon Society
2 Third Street
Suite 480
Troy, NY 12180

Richard Roos-Collins
Director, Legal Services
Natural Heritage Institute
New York Rivers United
2140 Shattuck Avenue
Suite 801
Berkeley, CA 94704

Robert Ewald
Orange County Land Owner Representative
New York State Fish and Wildlife Board
261 Van Keuren Avenue
Pine Bush, NY 12566
rbewald@citlink.net

Frank Fishcher
Orange & Rockland Utilities, Inc.
1 Blue Hill Plaza
Pearl River, NY 10965

Jane Quinn
Orange & Rockland Utilities, Inc.
1 Blue Hill Plaza
Pearl River, NY 10965

John Humbach
Center for Environmental Legal Studies
Pace University School of Law
861 Bedford Road
Pleasantville, NY 10570
jhumbach@law.pace.edu

Peninsula at Chapin Estate Homeowners
Association
151 West Shore Road
Bethel, NY 12720

Robert Barrett
Smallwood Civic Association
P.O. Box 941
Smallwood, NY 12778
smallwoodcivic@gmail.com

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
Mongaup Falls Hydroelectric Project (FERC No. 10481)
Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Rebecca Baldwin
c/o E Service Homeowners on Toronto, Inc.
Spiegel and McDiarmid LLP
1875 Eye Street NW
Suite 700
Washington, DC 20006
rebecca.baldwin@spiegelmc.com

William Huang
c/o E Service Homeowners on Toronto, Inc.
Spiegel and McDiarmid LLP
1875 Eye Street NW
Suite 700
Washington, DC 20006
william.huang@spiegelmc.com

Katharine Mapes
c/o E Service Homeowners on Toronto, Inc.
Spiegel and McDiarmid LLP
1875 Eye Street NW
Suite 700
Washington, DC 20006
katharine.mapes@spiegelmc.com

Ralph Cheney
President
Swinging Bridge Property Owners Association
P.O. Box 1
Mongaup Valley, NY 12762
sbpoa@hvc.rr.com

Arthur Goodman
Swinging Bridge Property Owners Association
P.O. Box 1
Mongaup Valley, NY 12762
sbpoa@hvc.rr.com

Gregory Mountain
The West Firm
677 Broadway
8th Floor
Albany, NY 12207

James F Booker
Toronto and Swinging Bridge Property Owners
Association
11 Parker St., Apt. 1
Waterford, NY 12188
jbooker@siena.edu

Roy Lamberton
New York State Council
Trout Unlimited
P.O. Box 90
East Berne, NY 12059

Michael Lenetsky
Trout Unlimited
msl37@cornell.edu

Roger Olson
Trout Unlimited
370 Lexington Avenue
Suite 1703
New York, NY 10017
rdo@rogerolsonlaw.com

Ron Urban
Chairman
Trout Unlimited
146 Bayerd Street
P.O. Box 815
Port Ewen, NY 12466
rongonefishing@aol.com

Bill Wellman
Trout Unlimited
7 Helen Street
Plattsburg, NY 12901
wellman1985@gmail.com

Manny Zanger
Trout Unlimited
62 Beaverkill Mountain Road
Roscoe, NY 12276

Laurie Ramie
Executive Director
Upper Delaware Council
P.O. Box 192
211 Bridge St.
Narrowsburg, NY 12764
laurie@upperdelawarecouncil.org

Steve Dubrovsky
Woodstone Lakes Development, LLC and
Chapin Estate Homeowners Association
P.O. Box 338
Bethel, NY 12720
stevedubrovsky@woodstonecompanies.com

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
Mongaup Falls Hydroelectric Project (FERC No. 10481)
Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Richard Stoloff
Stoloff and Silver, LLP
Woodstone Lakes Development, LLC and
Chapin Estate Homeowners Association
P.O. Box 1129
Monticello, NY 12701

Steven Wilson
Attorney for Young Summer LLC
Young Sommer LLC
Executive Woods
Five Palisades Drive
Albany, NY 12207
swilson@youngsommer.com

Allan Abramson
P.O. Box 566
White Lake, NY 12786

Elizabeth Aviles
20 Aster Court
Brooklyn, NY 11229

Andrew Boyar
592 State Route 55
P.O. Box 1
Eldred, NY 12732
lawboy@hvc.rr.com

Karen & Marc Bushell
141 Queen Court
Hillsdale, NJ 07642
kabush61@aol.com
MarcB@rempac.com

John Caracci
3 Stratton Avenue
P.O. Box 104
Smallwood, NY 12778
jj1212vw@gmail.com

Joyce Caracci
56 East Cherry Trail
P.O. Box 104
Smallwood, NY 12778
luvmaine24@gmail.com

Travis Caracci
PO Box 104
Smallwood, NY 12778-0104

Elana Fine
142 Garth Road
Scarsdale, NY 10583

Lynne Furnigli
274 Forrest Road
Morrisville, PA 19067

John Hart
417 Main Street
Apartment 8A
Hackensack, NJ 07601
th@tomhartphoto.com

Steve Kaufhold
steve.kaufhold@comcast.net

Pat Kelleher
6530 Wilson Creek Road
Ellensburg, WA 98926

Jeff Kittay
152 Homestead Trail
Box 12
White Lake, NY 12786
jeffrey.kittay@gmail.com

Judy and Gary Knee
907 Starlight Road
Monticello, NY 12701

Nicholas LaHowchic
12 Misty Lane
P.O. Box 27
White Lake, NY 12786
NLaHowchic@diannicltd.com

C. Maher
P.O. Box 512
Smallwood, NY 12778

James and Helen Noeth
P.O. Box 116
Mongaup Valley, NY 12762
tophat62@gmail.com

Ena Pearl
40 Orange Avenue
P.O. Box 533
Smallwood, NY 12778

Piera Pierucci
11 Mohawk Trail
Smallwood, NY 12778
pierava158@gmail.com

**Swinging Bridge Hydroelectric Project (FERC No. 10482)
Mongaup Falls Hydroelectric Project (FERC No. 10481)
Rio Hydroelectric Project (FERC No. 9690)
Distribution List**

Kenneth Steinglass
300 East 74th Street
New York, NY 10021
kms5@columbia.edu

Oksana Tatis
oksana.a.tatis@gmail.com

Robert Vasta
P.O. Box 148
Smallwood, NY 12778
bobstack373@gmail.com

Resident
166 Weyford Terrace
Garden City, NJ 11530

Attachment A
Responses to Comments on the USR

Response to Comments on the USR
Prepared in Support of Relicensing the Mongaup River Hydroelectric Projects (P-9690, P-10481, P-10482)

Comment No.	Study / Resource	Stakeholder Comment	Licensee's Response to Comment
Federal Energy Regulatory Commission, April 7, 2020			
1	Operations Model Study	<p>The model scenarios provided to date examine increased minimum flows at each development, increased white water releases at the Rio Project, and higher water levels at the Swinging Bridge Project's reservoirs. While these operation scenarios are useful to evaluate potential license conditions, if any license is issued, a greater range of minimum flows should be modeled so that staff can better evaluate the effect of minimum flow requirements on water levels in the reservoirs and generation at each project. Further, considering that existing inflow to the projects can be much lower than the minimum flow each project is required to discharge, operation modeling scenarios with lower minimum flow requirements is necessary to evaluate various potential license conditions, if any license is issued. As such, we request two additional modeling scenarios with decreased minimum flow requirements, as described in the operations model run request.</p>	<p>Eagle Creek has reviewed the requested operations model run requests associated with lower minimum flow requirements below the Swinging Bridge, Mongaup Falls, and Rio dams and agrees that these model runs will be beneficial to inform the Commission in support of the new licenses. Eagle Creek is in the process of performing the requested model runs and will provide the result concurrent with the response to FERC's April 29, 2020 Additional Information Request or earlier as the results become available.</p> <p>Additionally, Eagle Creek notes the following associated with FERC's operations model run requests:</p> <ul style="list-style-type: none"> • The operations model does not account for approximately 10 cfs of flow from wicket gate leakage at Unit 2 at the Swinging Bridge Development, as the leakage may change and this is not considered a reliable source of flow at the Swinging Bridge Development. Therefore, the operations model assumed that the 80 cfs minimum flow, or inflow down to 60 cfs, would be provided by Unit 3 at the Swinging Bridge Development. • The operations model assumes that 60 cfs would be provided by Unit 3 at the Rio Project to meet the minimum flow requirement, even when the "or inflow but not less than 40 cfs" provision was triggered. Considering that flow entering Mongaup Falls Reservoir would consist of at least 70 cfs (60 cfs from the Swinging Bridge Development plus 10 cfs from Black Lake Creek) and, due to the limited storage within the Mongaup Falls and Rio reservoirs, the additional inflow would need to be passed downstream.
2	Recreation Use and Inventory Planning Study	<p>The approved study plan required Eagle Creek to administer recreation surveys for two hours at each recreation site. Section 5.2, table 5-2, of the Recreation Use and Needs Assessment shows that no surveys were completed at 11 of the 23 sites included in the study. Additionally, the majority of the surveys completed represent only four sites. Based on the results of table 5-2 and discussions during the study report meeting, it is unclear how much time was spent at each site administering surveys. So that we can better understand the level of effort for administering surveys, please provide a table showing the dates and time periods (e.g., 10AM-12PM) the survey was administered at each site. Please provide any additional information that may have contributed to the low survey counts.</p>	<p>The Revised Study Plan specified "approximately two hours at each site" which was intended to allow time for all recreation user groups present at the site to be surveyed. A table listing the dates when spot counts/user surveys were performed is provided as Table 5-1 of the Recreation Use and Needs Assessment Study Report. While the exact times at each site were not recorded, people present at the sites were approached if they could be reached without a boat or wading into the water. The surveyor continued offering surveys to all groups present before moving on to the next location. As is typical of many hydroelectric projects that offer numerous recreation facilities, recreation use at the Mongaup River Projects varies and is often concentrated at a limited number of facilities. Reflecting these use patterns, survey collection was concentrated at the heavily-used sites in order to perform the maximum number of surveys.</p> <p>The field survey effort conducted over the course of the year provided a robust indication of use of the Projects' recreational facilities. Eagle Creek notes the following regarding the surveys:</p> <ul style="list-style-type: none"> • Although some individuals declined to be surveyed, 458 individuals were approached to be surveyed (as individuals or in groups); • 121 user surveys were recorded, representing 327 individuals (one person per group was surveyed); • More than 1,000 visits to the Projects' recreation sites were performed to conduct spot counts and surveys; • While no individuals were encountered at 11 of the facilities, parked cars were observed at all but one site, which were factored into the use estimates; and • Each recreation facility was visited at least 57 times. <p>Data analysis included the following:</p> <ul style="list-style-type: none"> • Spot count records from 1,026 visits were analyzed; • Approximately 3,360 survey responses were considered; • A total of 752 responses to open-ended questions were compiled and analyzed; and • Actual use records were incorporated, as available.

Response to Comments on the USR
Prepared in Support of Relicensing the Mongaup River Hydroelectric Projects (P-9690, P-10481, P-10482)

Comment No.	Study / Resource	Stakeholder Comment	Licensee's Response to Comment
			Eagle Creek believes that the sampling approach used was in compliance with the approved study plan and resulted in survey responses distributed across sites and seasons that reflect the use patterns of the Projects' facilities.
Homeowners on Toronto and Swinging Bridge Property Owners Association, April 9, 2020			
1	Aquatic Habitat Assessment Study	<p>According to the USR, "the sonar data was processed to evaluate the shoreline at 2-foot contours within the normal operating range of the reservoirs and at 5-foot contours thereafter." Rather than providing the results of the evaluation for each of those contours, however, the USR aggregates the information, indicating the total acreage of submerged aquatic vegetation and centrarchid nesting areas in each of three "zones" of each reservoir. The vast majority of the submerged aquatic vegetation and centrarchid nesting areas in the Swinging Bridge Project reservoirs occurs within Zone 2 of each reservoir, the current "normal operating range[s]" of 1,200 to 1,218 feet (Toronto), and 1,049 to 1,068 feet (Swinging Bridge and Cliff Lake). Although the maps attached to the Aquatic Habitat Assessment Study show the location and extent of the habitat types evaluated, a visual comparison of the available habitat at different elevations within the reservoirs' nearly 20-vertical-foot normal fluctuation zone is no substitute for numerical data.</p> <p>To assess the environmental impacts of potential changes to the Swinging Bridge Project reservoirs' current operating ranges, the Commission and stakeholders need precise data at a more granular level than the applicant has provided in the USR.</p> <p>Despite any lack of clarity in the RSP, however, Homeowners request that Eagle Creek be directed to submit information on the acreage of aquatic habitat (particularly submerged aquatic vegetation and centrarchid nesting sites) in the Swinging Bridge Project reservoirs in the 2-foot contour increments in which the applicant evaluated the data. This request is reasonable in light of the fact that the applicant already possesses the data at issue, as well as the information's pertinence to the Commission's licensing decision.</p>	Eagle Creek performed the Aquatic Habitat Assessment Study pursuant to the requirements of the approved study plan, including development of maps depicting the aquatic habitat attributes at each reservoir within the normal fluctuation zones in relation to the 2-foot contours. Eagle Creek believes that the information provided to date, along with the operations model, is adequate to evaluate proposed operating ranges at the Swinging Bridge Project reservoirs. Additionally, Eagle Creek continues to work collaboratively with the Homeowners of Toronto and Swinging Bridge Property Owners Association, among other stakeholders, to reach a comprehensive Settlement Agreement that represents an agreeable balance of the resources at the Projects.
2A	Operations Model: Model Assumptions	Specifically, basic water balance considerations suggest that Toronto Reservoir should have little difficulty in most years reaching full pool by June 1. The lower quartile inflow from March through May is 93 cfs. Subtracting 15 cfs for mandatory flows, evaporation, and other losses, leads to roughly a 14 thousand acre-foot storage gain over the three month period. With a starting elevation of 1205 feet on March 1, this gain would exceed full pool by about 3 thousand acre-feet. Yet most traces in the HS1_OI haze chart show elevation gains substantially lagging minimum elevations explicitly requested by Homeowners.	Eagle Creek has reviewed HOOT/SBPOA's statement that the lower quartile inflow from March through May is 93 cfs based on data from 1988 to present using USGS Gage 01432900 located at Mongaup River at Mongaup Valley, NY (upstream of the Swinging Bridge Reservoir) using an inflow factor of 0.29. Eagle Creek agrees with the inflow factor of 0.29 for USGS Gage 01432900 to represent estimated inflow into Toronto Reservoir. However, flow records for USGS Gage 01432900 are only available from October 1, 2002. Using the flow records for USGS Gage 01432900 from October 1, 2002 through May 3, 2020, the 25 th percentile computed inflow to Toronto Reservoir is 71 cfs. Because flow records were not available at USGS Gage 01432900 prior to October 1, 2002, the operations model (based on concurrence with stakeholders) utilized data from USGS Gage 01420500 at Beaver Kill at Cooks Falls, NY from 1988 through 2002. Using the flow records for USGS Gage 01420500, the 25 th percentile computed inflow to Toronto Reservoir is 74 cfs.

Response to Comments on the USR
Prepared in Support of Relicensing the Mongaup River Hydroelectric Projects (P-9690, P-10481, P-10482)

Comment No.	Study / Resource	Stakeholder Comment	Licensee's Response to Comment
2B	Operations Model: Disaggregation of Generation Data	<p>Declines in late summer elevation at Swinging Bridge Reservoir under HS1_OI to levels well below Homeowners' requested average of 1064 feet appear to largely result from substantial early-summer generation releases. Such discretionary generation releases draw levels down to 1064 feet by July 15, after which there is no resilience for late-season low inflow periods. As shown in the affidavit of Dr. James Booker submitted with Homeowners' comments on the Draft License Application, it is possible—by limiting such discretionary summer releases—to substantially maintain Homeowners' requested summer reservoir levels in both Swinging Bridge and Toronto Reservoirs simultaneously, given inflows from 2005 to the present.</p> <p>Stakeholders and the Commission need to know when generation is modeled as occurring under each scenario. Information on the monthly generation output by the model would allow stakeholders and the Commission to understand the role of generation in causing shortfalls in reservoir elevations. This is particularly important in light of the fact that, as explained in the preceding subsection, the model runs currently in the record do not provide information on a separate but related issue: the impact on generation, if any, of actually meeting Homeowners' reservoir elevation targets.</p> <p>Table 5 of the USR's model results shows "generation by loadshape period" for Homeowners' scenario requests. Table 5 states the annual MWh of "peak" and "off-peak" generation, and the total energy generation, under the model's baseline and for each of Homeowners' requested scenarios. The USR does not appear to indicate when generation is modeled as occurring on a month-to-month basis. As a result, it is impossible to discern when, and to what extent, discretionary releases for energy generation are occurring. Homeowners accordingly request that the applicant be directed to submit the Table 5 data on a disaggregated basis for their scenarios HS1 and HS1_OI, i.e. the generation, in MWh, for each month modeled. As with the aquatic habitat data requested above, Eagle Creek already has the requested information; submitting the disaggregated information should not impose a significant burden on the applicant.</p>	<p>Eagle Creek is evaluating the ability to provide the requested generation data to accurately depict discretionary releases for energy generation. If this generation data can be provided, Eagle Creek proposes to provide this data concurrent with the response to FERC's April 29, 2020 Additional Information Request or earlier as the results become available. If this data cannot be provided, Eagle Creek proposes to provide this conclusion consistent with this schedule. Discretionary releases for energy generation would not include flows passed through Unit No. 3 at the Swinging Bridge Development or Unit No. 3 at the Rio Development to meet the required minimum flow releases. Additionally, discretionary releases for energy generation also would not include flows passed through the Projects' powerhouses in order to meet the required recreation flow releases at the Rio Project or the required reservoir elevations at the Mongaup Falls and Rio reservoirs during bass spawning season.</p>
2C	Operations Model: Reservoir Elevation Data	<p>The USR presents tables showing "Average Elevation by Month" and "Percent of time in [Elevation] Range by Month" for Toronto and Swinging Bridge Reservoirs, for each of the scenarios previously requested by Homeowners. This data should be provided with respect to all scenarios, given that minimum flows and recreational releases necessarily have an impact on reservoir levels. This information, like the information requested above, is already in the applicant's possession.</p>	<p>Eagle Creek agrees to provide the requested tables showing "Average Elevation by Month" and "Percent of time in [Elevation] Range by Month" for Toronto and Swinging Bridge Reservoirs in the future model output data. Eagle Creek will provide the tables concurrent with the response to FERC's April 29, 2020 Additional Information Request or earlier as the tables become available.</p>
2D	Operations Model: Combined Model Run	<p>Homeowners request that the applicant be directed to perform an additional model run, as described below. First, for the reasons described above, the results of the initial set of model runs are of limited value in determining whether reasonable reservoir elevations can be maintained under different hydrologic conditions. Second, the model results currently in the FERC record are each based on only a single resource objective, and thus do not provide an accurate picture of the feasibility of satisfying multiple resource objectives or the potential trade-offs among different resource objectives. For example, the results of the minimum flow scenarios requested by the United States Fish and Wildlife Service incorporate only the model's inadequate baseline reservoir elevation minimums for Toronto and Swinging Bridge, and thus drain Toronto and Swinging Bridge reservoirs to those very low minimum elevations before curtailing generation.</p> <p>Homeowners accordingly request that Eagle Creek be directed to run the CHEOPS model to concurrently study: (1) Homeowners' Scenario 1, with the modifications noted below; (2) minimum flows of 150 cfs below the Swinging Bridge, Mongaup, and Rio minimum flow powerhouses, and 30 cfs below Toronto and Cliff Lake Dams; and (3) American Whitewater</p>	<p>Eagle Creek has reviewed the requested operations model run requests associated a combined scenario that represents stakeholder-requested operations associated with reservoir elevations, minimum flows, and recreation flows. Eagle Creek agrees with performing a model run with this combined scenario, and is in the process of performing the requested model run, including revised model inputs related to reservoir target elevations as requested by HOOT/SBPOA and revised model outputs. Eagle Creek will provide the requested model run results concurrent with the response to FERC's April 29, 2020 Additional Information Request or earlier as the results become available. As noted in the response above, Eagle Creek is working collaboratively with the interested stakeholders, including use of the operations model to evaluate combined scenarios requested by stakeholders, to reach a comprehensive Settlement Agreement that represents an agreeable balance of the resources at the Project.</p>

Response to Comments on the USR
Prepared in Support of Relicensing the Mongaup River Hydroelectric Projects (P-9690, P-10481, P-10482)

Comment No.	Study / Resource	Stakeholder Comment	Licensee's Response to Comment
		<p>Scenario AW2. This run should address the discretionary release issue described above by modifying HS1 to use elevation minimums for Toronto Reservoir of 1210, 1214, 1218, and 1218 feet for March 1, April 1, April 15, and May 1, respectively. Discretionary release issues for Swinging Bridge should be addressed by including using a minimum elevation of 1066 feet for June 1 through September 1. Target levels should be adjusted as needed to support these minimums. Finally, monthly generation, average elevation, and percent of time in elevation range information should be provided.</p>	
American Whitewater, Appalachian Mountain Club, and Kayak and Canoe Club of New York, April 7, 2020			
1	Recreation Facility, Use & Needs Assessment	<p>While the study identified existing facilities and recreation opportunities in the project boundary, the Licensee significantly underestimates current and future recreation use, and fails to consider the impact of project operations on recreation opportunity under different modes of operation.</p> <p>With regard to whitewater boating, the study failed to include whitewater boaters utilizing waters in the project boundary during scheduled whitewater release days as none of the dates on which it collected user data coincided with dates on the whitewater release schedule. User intercept surveys failed to include whitewater boaters who are dependent on sufficient flow from generation primarily during scheduled release dates. While the study included voluntary sign-in logs at the whitewater access area below the Rio powerhouse in the total aggregate use estimates, the accuracy of those logs is unknown and no specific user data was obtained or included in the study report.</p> <p>In order to more fully understand the adequacy of recreational facilities as well as current recreational use and needs, this study needs to be read in conjunction with the Whitewater Boating Study that provided a more in-depth assessment of whitewater boating use and included more than 100 user incept surveys of whitewater boaters during scheduled release days. Information included in those surveys should have been included in the Recreation Facility, Use and Needs Assessment to provide a more complete picture.</p>	<p>The Recreation Facility, Use and Needs Assessment Study was performed pursuant to the approved study plan and focused on collecting recreation use surveys during randomly selected days, which resulted in 2 survey days (May 26 and October 28, 2018) that coincided with a scheduled whitewater flow release day. In addition to spot counts at each site, the Recreation Facility, Use and Needs Assessment Study also used actual use records from sign-in sheets at the Rio Hand Boat Launch/Fishing Access/Whitewater site to estimate recreation use. A Whitewater Boating Assessment Study, including a survey, was conducted on high flow release days to capture and evaluate whitewater boating as well as the boaters' ratings of the facilities associated with boating opportunities in the lower Mongaup River from Rio Dam to the Delaware River.</p> <p>Eagle Creek concurs, and as communicated to the meeting participants during the USR Meeting, the Recreation Facility, Use & Needs Assessment Study Report needs to be considered in combination with the Whitewater Boating Study Report in order to obtain a full appreciation for the level of effort of the two studies and to review the collective results. The approach of having two separate studies is consistent with the study scoping process and the Commission's approved study plan.</p>

Attachment B
Copies of Correspondence

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
April 7, 2020

OFFICE OF ENERGY PROJECTS

Project No. 9690-115–New York
Rio Hydroelectric Project
Eagle Creek Hydro, LLC

Project No. 10481-069–New York
Mongaup Falls Hydroelectric Project
Eagle Creek Hydro, LLC

Project No. 10482-122–New York
Swinging Bridge Hydroelectric Project
Eagle Creek Hydro, LLC

VIA FERC Services

Mr. Robert Gates
Eagle Creek Renewable Energy, LLC
116 North State Street
PO Box 167
Neshkoro, WI 54960-0167

Subject: Staff Comments on the Updated Study Report and Updated Study Report Meeting Summary for the Rio, Mongaup Falls, and Swinging Bridge Hydroelectric Projects

Dear Mr. Gates:

We have reviewed Eagle Creek Hydro's Updated Study Report filed on February 10, 2020, participated in the Updated Study Report Meetings on February 19 and 20, 2020, and reviewed the Updated Study Report Meeting Summary filed on March 10, 2020. Based on our review of the documents and participation in the meeting, we are providing comments, pursuant to 18 C.F.R. section 5.15(f).

Our comments are provided in Appendix A. Unless otherwise noted, please provide your responses in your response letter to any disputes or requests to amend the study plan(s).

Project Nos. 9690-115 *et al.*

If you have questions, please contact Nicholas Ettema at
nicholas.ettema@ferc.gov or (312) 596-4447.

Sincerely,

Janet Hutzal, Chief
Midwest Branch
Division of Hydropower Licensing

Enclosure: Appendix A – Staff’s Comments on the Meeting Summary and Initial
Study Report
Appendix B – Staff’s Request for Operation Model Run

Appendix A
Project Nos. 9690-115 *et al.*

Appendix A

Staff's Comments on the Meeting Summary and Initial Study Report

Operations Model Study

1. The model scenarios provided to date examine increased minimum flows at each development, increased white water releases at the Rio Project, and higher water levels at the Swinging Bridge Project's reservoirs. While these operation scenarios are useful to evaluate potential license conditions, if any license is issued, a greater range of minimum flows should be modeled so that staff can better evaluate the effect of minimum flow requirements on water levels in the reservoirs and generation at each project. Further, considering that existing inflow to the projects can be much lower than the minimum flow each project is required to discharge, operation modeling scenarios with lower minimum flow requirements is necessary to evaluate various potential license conditions, if any license is issued. As such, we request two additional modeling scenarios with decreased minimum flow requirements, as described in the attached Appendix B operations model run request.

Recreation Use and Inventory Planning Study

2. The approved study plan required Eagle Creek to administer recreation surveys for two hours at each recreation site. Section 5.2, table 5-2, of the Recreation Use and Needs Assessment shows that no surveys were completed at 11 of the 23 sites included in the study. Additionally, the majority of the surveys completed represent only four sites. Based on the results of table 5-2 and discussions during the study report meeting, it is unclear how much time was spent at each site administering surveys. So that we can better understand the level of effort for administering surveys, please provide a table showing the dates and time periods (e.g., 10AM-12PM) the survey was administered at each site. Please provide any additional information that may have contributed to the low survey counts.

Appendix B
Project Nos. 9690-115 *et al.*

Appendix B

MONGAUP RIVER PROJECTS RELICENSING - Request for Operations Model Run

Originator: FERC Staff Date Requested: 04/09/20

Stakeholder: _____

Required: Describe the resource(s) of interest and the anticipated benefit to the resource(s) as a result of this requested scenario.

Resource Interest: Water Quantity – including reservoir levels and minimum flows.

Potential effects may include higher water levels in Toronto and/or Swinging Bridge reservoirs, effects on total and peak generation, and/or more consistent, but lower, minimum flows released from each generating development throughout the year.

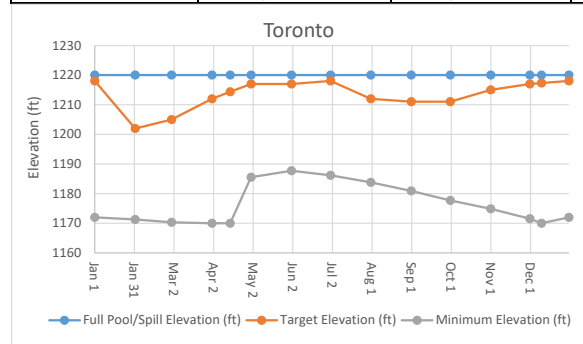
The two requested scenarios below assume wicket gate leakage reported in Section 3.2.4.9 of the Model Logic Verification Report filed with the initial study report are accurate and constant.

Appendix B
 Project Nos. 9690-115 *et al.*

Toronto

Pool Elevations – Spill, Target, Minimum (All elevations are NGVD 29 unless otherwise specified)

Date	Baseline			Alternative	
	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)	Baseline Model Elevation (ft)	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)
January 1	1,220.00	1,172.00	1,218.00	No change	No change
February 1	1,220.00	1,171.30	1,202.00		
March 1	1,220.00	1,170.30	1,205.00		
April 1	1,220.00	1,170.00	1,212.00		
April 15	1,220.00	1,170.00	1,214.33		
May 1	1,220.00	1,185.50	1,217.00		
June 1	1,220.00	1,187.70	1,217.00		
July 1	1,220.00	1,186.20	1,218.00		
August 1	1,220.00	1,183.80	1,212.00		
September 1	1,220.00	1,180.90	1,211.00		
October 1	1,220.00	1,177.70	1,211.00		
November 1	1,220.00	1,174.90	1,215.00		
December 1	1,220.00	1,171.50	1,217.00		
December 10	1,220.00	1,170.00	1,217.30		
December 31	1,220.00	1,172.00	1,218.00		



Minimum Flows

Current: 10 cfs from dam into Black Lake Creek

Alternative: No change

Lake Level Stabilization

Current: None

Alternative: No change

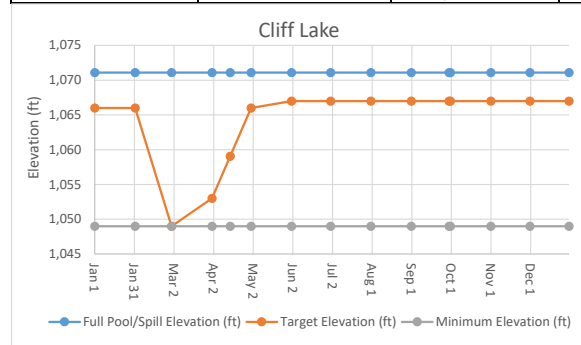
Other

Appendix B
 Project Nos. 9690-115 *et al.*

Cliff Lake

Pool Elevations – Spill, Target, Minimum (All elevations are NGVD 29 unless otherwise specified)

Date	Baseline			Alternative	
	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)	Baseline Model Elevation (ft)	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)
January 1	1,071.10	1,049.00	1,066.00	No change	No change
February 1	1,071.10	1,049.00	1,066.00		
March 1	1,071.10	1,049.00	1,049.00		
April 1	1,071.10	1,049.00	1,053.00		
April 15	1,071.10	1,049.00	1,059.07		
May 1	1,071.10	1,049.00	1,066.00		
June 1	1,071.10	1,049.00	1,067.00		
July 1	1,071.10	1,049.00	1,066.00		
August 1	1,071.10	1,049.00	1,062.00		
September 1	1,071.10	1,049.00	1,061.50		
September 30	1,071.10	1,049.00	1,061.02		
October 1	1,071.10	1,049.00	1,061.00		
November 1	1,071.10	1,049.00	1,066.00		
December 1	1,071.10	1,049.00	1,066.00		
December 31	1,071.10	1,049.00	1,066.00		



Minimum Flows

Current: 10 cfs from dam into Black Lake Creek

Alternative: No change

Lake Level Stabilization

Current: None

Alternative: No change

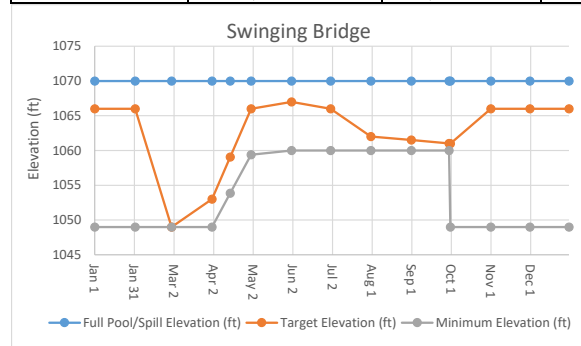
Other

Appendix B
Project Nos. 9690-115 *et al.*

Swinging Bridge

Pool Elevations – Spill, Target, Minimum (All elevations are NGVD 29 unless otherwise specified)

Date	Baseline			Alternative			
	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)	Recreation Guideline Elevation (ft)	Baseline Model Elevation (ft)	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)	Recreation Guideline Elevation (ft)
January 1	1,070.00	1,049.00		1,066.00	No change	No changes	No change
February 1	1,070.00	1,049.00		1,066.00			
March 1	1,070.00	1,049.00		1,049.00			
April 1	1,070.00	1,049.00		1,053.00			
April 15	1,070.00	1,053.85		1,059.07			
May 1	1,070.00	1,059.40		1,066.00			
June 1	1,070.00	1,060.00	1063.00	1,067.00			
July 1	1,070.00	1,060.00	1062.50	1,066.00			
August 1	1,070.00	1,060.00	1062.00	1,062.00			
September 1	1,070.00	1,060.00	1061.50	1,061.50			
September 30	1,070.00	1,060.00	1061.00	1,061.02			
October 1	1,070.00	1,049.00		1,061.00			
November 1	1,070.00	1,049.00		1,066.00			
December 1	1,070.00	1,049.00		1,066.00			
December 31	1,070.00	1,049.00		1,066.00			



Minimum Flows

Current: 100 cfs (Baseline 1) or inflow (NLT 60 cfs) (Baseline 2) below dam into Mongaup River

- Alternative:
1. Continuous release of 80 cfs below dam into Mongaup River (e.g., 69.5 cfs from minimum flow powerhouse and 10.5 cfs wicket gate leakage from unit 2)
 2. Release of 80 cfs below dam into Mongaup River, or inflow, but not less than 60 cfs.

Lake Level Stabilization

Current: None

Alternative: No change

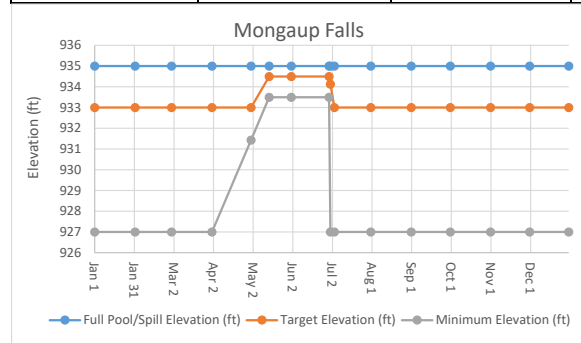
Other

Appendix B
Project Nos. 9690-115 *et al.*

Mongaup Falls

Pool Elevations – Spill, Target, Minimum (All elevations are NGVD 29 unless otherwise specified)

Date	Baseline			Alternative	
	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)	Baseline Model Elevation (ft)	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)
January 1	935.00	927.00	933.00	No change	No change
February 1	935.00	927.00	933.00		
March 1	935.00	927.00	933.00		
April 1	935.00	927.00	933.00		
May 1	935.00	931.43	933.00		
May 15	935.00	933.50	934.50		
June 1	935.00	933.50	934.50		
June 30	935.00	933.50	934.50		
July 1	935.00	927.00	934.13		
July 4	935.00	927.00	933.00		
August 1	935.00	927.00	933.00		
September 1	935.00	927.00	933.00		
October 1	935.00	927.00	933.00		
November 1	935.00	927.00	933.00		
December 1	935.00	927.00	933.00		
December 31	935.00	927.00	933.00		



Minimum Flows

Current: 70 cfs (Baseline 1) or inflow (NLT 60 cfs) (Baseline 2) into bypassed reach plus 20 cfs leakage through powerhouse into Mongaup River

- Alternative:
- 1: Continuous release 60 cfs from the dam plus 20 cfs leakage from the powerhouse (total release of 80 cfs).
 - 2: 60 cfs release from the dam, or inflow, but not less than 40 cfs, plus 20 cfs leakage from the powerhouse (total release of 80 to 60 cfs depending on inflow).

Lake Level Stabilization

Current: Hold pool elevation within ± 1 foot of starting elevation from May 15 to June 30

Alternative: No change

Appendix B

Project Nos. 9690-115 *et al.*

Ramping Rate

Current: 2 units/hour up/down

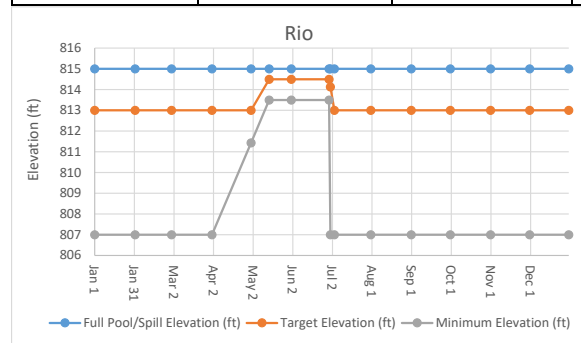
Alternative: No change

Other

Rio

Pool Elevations – Spill, Target, Minimum (All elevations are NGVD 29 unless otherwise specified)

Date	Baseline			Alternative	
	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)	Baseline Model Elevation (ft)	Maximum/Full Pool Elevation (ft)	Minimum Elevation (ft)
January 1	815.00	807.00	813.00	No changes	No changes
February 1	815.00	807.00	813.00		
March 1	815.00	807.00	813.00		
April 1	815.00	807.00	813.00		
May 1	815.00	811.43	813.00		
May 15	815.00	813.50	814.50		
June 1	815.00	813.50	814.50		
June 30	815.00	813.50	814.50		
July 1	815.00	807.00	814.13		
July 4	815.00	807.00	813.00		
August 1	815.00	807.00	813.00		
September 1	815.00	807.00	813.00		
October 1	815.00	807.00	813.00		
November 1	815.00	807.00	813.00		
December 1	815.00	807.00	813.00		
December 31	815.00	807.00	813.00		



Recreation Flows

	Dates	Flow (cfs) released from Development	Remarks	Start Hour	End Hour
Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500

Appendix B
Project Nos. 9690-115 *et al.*

	Dates	Flow (cfs) released from Development	Remarks	Start Hour	End Hour
Alternative			No changes		

Rio (cont.)

Minimum Flows

Current: 100 cfs (Baseline 1) or inflow (NLT 60 cfs) (Baseline 2) into bypassed reach

- Alternative:
1. Continuous 60 cfs release into the bypassed reach (total of 80 cfs downstream of powerhouse).
 2. 60 cfs release into the bypassed reach, or inflow, but no less than 40 cfs (total of 80 to 60 cfs downstream of powerhouse depending on inflow).
-

Lake Level Stabilization

Current: Hold pool elevation within ± 1 foot of starting elevation from May 15 to June 30

Alternative: No change

Ramping Rate

Current: 1 unit/hour up/down (Main Powerhouse)

Alternative: No change

Other

Document Content(s)

Project Nos. 9690-115 et al. delegated.PDF.....1-10

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Eagle Creek Renewable Energy
Application for New License

Swinging Bridge Hydroelectric Project (No. 10482)
Mongaup Falls Hydroelectric Project (No. 10481)
Rio Hydroelectric Project (No. 9690)

AMERICAN WHITEWATER, APPALACHIAN MOUNTAIN CLUB, AND
KAYAK AND CANOE CLUB OF NEW YORK UPDATED STUDY REPORT
COMMENTS FOR THE MONGAUP RIVER HYDROELECTRIC PROJECTS
(FERC PROJECT NOS. P-10482, P-10481, AND P-9690)

American Whitewater (AW), Appalachian Mountain Club (AMC), Kayak and Canoe Club of New York (KCCNY) submit the following comments in response to the Updated Study Report for the Mongaup hydroelectric projects. We incorporate by reference previously submitted comments and request that the Federal Energy Regulatory Commission (FERC) consider these comments along with those previously filed in preparing its National Environmental Policy Act analysis of project environmental impacts.

Our organizations have actively participated in the relicensing of the three Mongaup hydroelectric projects through the submission of comments and study requests, commenting on study plans and reports, assisting with the completion of studies, and commenting on the Licensee's Draft License Application. Our organizations and members have a strong interest in the outcome of this relicensing proceeding and are seeking appropriate protection, mitigation, and enhancement measures to minimize project impacts on recreation resources and other environmental values.

On February 19-20, 2020, the Licensee held an Updated Study Report Meeting (USR) to present the results of 9 of 18 FERC mandated studies evaluating project operations and impacts at the Swinging Bridge, Mongaup Falls, and Rio hydroelectric projects. We provide these comments in order to address issues relevant to FERC's assessment of project environmental impacts.

Operations Model Study

The Licensee developed an operations model to evaluate the impact of different flow scenarios on generation and reservoir elevation based on historical flow information. We credit the Licensee for its willingness to model various scenarios requested by stakeholders, and we look

forward to working with the Licensee to refine flow scenarios that will provide FERC with the ability to appropriately balance power generation with non-power values including recreation.

In order to evaluate a range of alternatives, our organizations requested that the Licensee evaluate the following operating scenarios:

Number	Scenario	Dates	Flow (cfs) released from Development	Remarks	Start Hour	End Hour
1	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; every Saturday and Sunday every other week.	435 (per unit)	Provide a one-unit (435 cfs) and a two-unit (870 cfs) release from the Main Powerhouse on both days of alternating weekend days every other weekend between April 15 and October 31.	1100	1500

2	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; every Saturday and Sunday every other week	435 (per unit) plus Minimum Flow Discharge Valve and Unit #3	Provide a one-unit (435 cfs) and a two-unit (870 cfs) release from the Main Powerhouse on both days of alternating weekend days every other weekend between April 15 and October 31, and also add up to 280 cfs of flow in the bypass reach on every recreation flow release day using Unit #3 and the Minimum Flow Discharge Valve.	1100	1500

3	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; every Saturday and Sunday every other week	435 (per unit) plus Minimum Flow Discharge Valve and Unit #3	Provide a one-unit (435 cfs) and a two-unit (870 cfs) release from the Main Powerhouse on both days of alternating weekend days every other weekend between April 15 and October 31, and add up to 280 cfs in of flow in the bypass reach on days that the recreation flow release is only occurring with one unit , by using Unit #3 and the Minimum Flow Discharge Valve.	1100	1500

4	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit) plus Minimum Flow Discharge Valve and Unit #3	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31, with up to 280 cfs flows in the bypass reach on all 15 days using the Minimum Flow Discharge Valve and Unit #3	1100	1500

5	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; alternating Saturdays and Sundays	435 (per unit) plus Minimum Flow Discharge Valve and Unit #3	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31, with up to 280 cfs flows in the bypass reach on 7 days that would have a one-	1100	1500

		every other week.		unit release , using the Minimum Flow Discharge Valve and Unit #3		
6	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit) plus Minimum Flow Discharge Valve and Unit #3	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31, with up to 280 cfs flows in the bypass reach on 7 days that would have a one-unit release , using the Minimum Flow Discharge Valve and Unit #3	1100	1500

7	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; alternating Saturdays and Sundays every other week	435 (per unit) plus Minimum Flow Discharge Valve and Unit #3 plus new structure	Provide a 500cfs bypass reach flow only or a one-unit (435 cfs) release from the Main Powerhouse plus a 500 cfs bypass reach flow on alternating weekend days every other weekend between April 15 and October 31, using the Minimum Flow Discharge Valve, Unit #3, and a new structure	1100	1500

8	Current	April 15 to Oct 31; alternating Saturdays and Sundays every other week.	435 (per unit)	Provide a one-unit (435 cfs) or two-unit (870 cfs) release from the Main Powerhouse on alternating weekend days every other weekend between April 15 and October 31.	1100	1500
	Alternative	April 15 to Oct 31; every Saturday and Sunday every other week	435 (per unit) plus Minimum Flow Discharge Valve and Unit	Provide one day with a one-unit (435 cfs) release from the Main Powerhouse coupled with a 500 cfs bypass reach release and a second day with only a 500 cfs bypass reach release on both days	1100	1500

			#3 plus new structure	of alternating weekend days every other weekend between April 15 and October 31.		
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These requested operations model scenarios are intended to: 1) increase and enhance exiting scheduled whitewater boating opportunities below the Rio powerhouse, and, 2) create new whitewater boating opportunities in the bypassed reach between the Rio dam and the Rio powerhouse.

Based on the results of the operations model study presented by the Licensee in the USR, all model runs requested by our organizations would have little impact on project generation and reservoir elevation levels. With regard to generation, increasing the number of annual scheduled releases from 15 to 30 and providing flows into the bypassed reach ranging from 250 to 500 cfs on some or all scheduled release days would result in a minimal reduction of generation ranging from 0.9-1.7%. Similarly, flow duration curves provided in the USR showed only a small impact on reservoir elevation levels under all flow scenarios.

This result is not surprising given that scheduled whitewater releases account for only 7 cfs of average monthly Rio Project outflows, and on an annual basis, represent less than 1 percent of the total annual generation from the project. It is also important to note that the Licensee generates power from the Rio powerhouse during all scheduled whitewater releases, and except in very rare circumstances, is merely time-shifting its generation into hours that provide recreational boating opportunity.

Recreation Facility, Use & Needs Assessment

The USR presented the results of the Licensee's Recreation Facility Inventory, Use and Needs Assessment. While the study identified existing facilities and recreation opportunities in the project boundary, the Licensee significantly underestimates current and future recreation use, and fails to consider the impact of project operations on recreation opportunity under different modes of operation.

With regard to whitewater boating, the study failed to include whitewater boaters utilizing waters in the project boundary during scheduled whitewater release days as none of the dates on which it collected user data coincided with dates on the whitewater release schedule. User intercept surveys failed to include whitewater boaters who are dependent on sufficient flow from generation primarily during scheduled release dates. While the study included voluntary

sign-in logs at the whitewater access area below the Rio powerhouse in the total aggregate use estimates, the accuracy of those logs is unknown and no specific user data was obtained or included in the study report.

In order to more fully understand the adequacy of recreational facilities as well as current recreational use and needs, this study needs to be read in conjunction with the Whitewater Boating Study that provided a more in-depth assessment of whitewater boating use and included more than 100 user intercept surveys of whitewater boaters during scheduled release days. Information included in those surveys should have been included in the Recreation Facility, Use and Needs Assessment to provide a more complete picture.

Beyond the omission of detailed information on whitewater boating facilities, use and needs, the Recreation Facility, Use and Needs Assessment also failed to include the impact of project operations on recreational use. The limited number of scheduled annual whitewater boating releases and the lack of advance notice of unscheduled generation severely impacts whitewater boating opportunities in the project boundary. An assessment of future recreation use should not be based solely on population trends assuming the current mode of operation. Increasing the number of scheduled whitewater boating releases, providing advance notice of unscheduled generation, and providing 2-day release weekends as requested by our organizations will have a significant impact on recreational use at the project if required under a new project license. Recreation demand for flow-dependent recreational activities should include consideration of alternative modes of operation.

Whitewater Boating Study

In its initial Study Plan Determination, FERC required the Licensee to complete a whitewater boating study following the widely used Whittakerⁱ protocols. The Licensee was required to answer four questions as part of its Level 1 study: (1) are there recreation opportunities on the river that depend on flow; (2) are recreation opportunities that depend on flow affected by project operation; (3) are these recreation opportunities “important” relative to other resources or foregone power generation; and (4) does the Level 1 information precisely define flow ranges and potential project effects for each recreation opportunity?

In the Licensee’s ISR in filed in February of 2019, the Licensee reported on the results of its Level 1 study; however, it was unable to precisely define boatable flow ranges in the bypassed reach. While a significant number of whitewater boaters responding to intercept surveys in the Whitewater Boating Study stated that they had previously boated the bypassed reach between the Rio Dam and the Rio powerhouse and regarded it as a high-quality whitewater boating

resource when appropriate flows were provided, the Licensee was unable to determine minimum acceptable and optimal whitewater boating flows as required in the FERC initial study plan determination and the Whittaker protocols.

Following the ISR, our organizations requested a study modification to require that the Licensee conduct an on-water assessment of flows into the Rio bypassed reach. In response, FERC issued a new Study Plan Determination on June 10, 2019 requiring that the Licensee conduct a Level 2 study to evaluate whitewater boating opportunity based on a single flow released into the bypassed reach. The Licensee has the ability to release flows into the bypassed reach through its minimum flow powerhouse, penstock bypass valve, or by spilling flows over its flashboards. Due to the difficulty and safety concerns related to spilling over the flashboards, FERC declined to require a Level 3 study of multiple flows, but required that the Licensee evaluate a single flow of 250 cfs (120 cfs through the minimum flow powerhouse, 130 cfs through the penstock bypass valve). FERC required the Licensee to file an updated study report describing: (1) the feasibility and quality of boating in the bypassed reach with a 250 cfs release; (2) the effect of a 250 cfs release on the lower Mongaup reach under each flow release scenario; and (3) the potential minimum and optimal flows in the bypassed reach.

Our organizations assisted the Licensee in reviewing pre-run and post-run survey instruments, assessing the safety of the bypassed reach through a review of drone footage and a physical inspection of the site, and by identifying study participants. On October 27, 2019, the Licensee conducted an on-water assessment of the bypassed reach. Twenty-eight boaters ranging in age from 15 to 72 participated in the survey, the vast majority of whom had intermediate to advanced boating ability with 1 to 40 years of boating experience.

While the Licensee was required under the FERC study plan determination to evaluate a single flow of 250 cfs, operator or mechanical error in the opening of the penstock bypass valve resulted in a flow of only 170 cfs being released into the bypassed reach during the flow evaluation. As such, the conclusions drawn in the updated study report do not adequately reflect an assessment of the required 250 cfs flow. Nevertheless, some conclusions can be drawn from responses indicating that a “slightly higher” flow would provide a minimum acceptable boating flow, suggesting that the targeted flow of 250 cfs would provide a more suitable minimum flow for an acceptable boating experience. Likewise, a response indicating that a “much higher” flow was needed may indicate that the target flow of 250 cfs would have been closer to a minimum acceptable flow range for that individual.

The results of the study, even with the flow variance, demonstrates that the release of 250 cfs into the bypassed reach provides a suitable flow for a minimum acceptable whitewater boating

experience. Given the absence of a controlled flow study evaluating multiple flows in a stepwise manner as required under a Level 3 evaluation, we cannot precisely identify the optimal boating flow. Anecdotal information and reasoned estimates by experienced whitewater boaters along with an evaluation of the width, gradient, and structure of the bypassed reach suggest that a flow of approximately 500 cfs or greater would provide an optimal whitewater boating experience.

In addition to evaluating the suitability of additional flow for whitewater boating in the bypassed reach, the Licensee evaluated the effect of the additional flow on the whitewater boating experience between the Rio powerhouse and the convergence of the Mongaup with the Delaware River. The study was conducted on a scheduled 1-turbine release day. The target flow for a normal 1-turbine scheduled whitewater release is 535 cfs (435 cfs from the main powerhouse plus 100 cfs from the minimum flow powerhouse). The target flow for this portion of the study was 685 cfs; however, due to the reduced flow from the bypassed valve, the Licensee only evaluated a flow of 580 cfs.

Although our organizations requested that the Licensee conduct a controlled flow study on the reach between the Rio powerhouse and the Delaware River, FERC declined to require the requested controlled flow study on the powerhouse reach. There was no comparative flow analysis of multiple flows as is typical in whitewater boating studies. Nevertheless, post-run surveys collected at the Delaware River take-out showed a somewhat equal division between respondents who considered the minimum acceptable flow to be below, about the same, or above the 580 cfs evaluated in the study. The overwhelming majority of boaters regarded the optimal boating flow to be higher than the 580 cfs flow evaluated in the study. These results are consistent with the results from the Level 1 whitewater boating study. Anecdotally, boaters rated the 580 cfs release level as providing a higher quality whitewater boating experience than the typical 535 cfs scheduled release.

While the Licensee did not evaluate the 685 cfs flow as required in FERC's revised study plan determination, the data collected demonstrates that a flow of 680 cfs would provide greater than a minimum acceptable whitewater boating experience. The addition of even an additional 50 cfs to the typical 1-turbine scheduled release provided a more optimal boating experience, and in all likelihood, so would the target flow of 685 cfs.

In addition to evaluating flow suitability, the survey also collected information on river running preferences. Respondents indicated a willingness to travel significant distances and interest in enjoying a variety of flows and river characteristics based on their skill level and preferences. Significantly, an overwhelming majority of respondents expressed an interest in boating

opportunities that offer two consecutive days of weekend boating with more than half strongly interested in such opportunities.

Conclusion

For the foregoing reasons, our organizations respectfully request that FERC consider these comments filed in response to the Licensee's Updated Study Report in evaluating project impacts on recreation resources in and below the project boundary.

Very truly yours,

Bob Nasdor
Northeast Stewardship & Legal Director
American Whitewater
363 Boston Post Road, Suite 250
Sudbury, MA 01776

Mark Zakutansky
Director of Conservation Policy Engagement
Appalachian Mountain Club
100 Illick's Mill Rd.
Bethlehem, PA 18017
mzakutansky@outdoors.org

Andrew Frey
Kayak and Canoe Club of New York
3 Sunset Drive
High Bridge, NJ 08829

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 Updated Study Report Comments for the Mongaup River Hydroelectric Projects (FERC Project Nos. P-10482, P-10481, and P-9690) to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 7th day of April, 2020.

Scott Harding
American Whitewater

Document Content(s)

USR Comments FINAL - 04072020.PDF.....1-10

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Eagle Creek Hydro Power, LLC, Eagle
Creek Water Resources, LLC, and
Eagle Creek Land Resources, LLC

Project No. 9690-112
Project No. 10481-067
Project No. 10482-117

**RESPONSE TO UPDATED STUDY REPORT AND
USR MEETING SUMMARY OF
HOMEOWNERS ON TORONTO AND SWINGING
BRIDGE PROPERTY OWNERS ASSOCIATION**

Pursuant to 18 C.F.R. § 5.15(f), and the schedule provided in the Commission’s Scoping Document 2,¹ Homeowners on Toronto (“HOOT”) and Swinging Bridge Property Owners Association (“SBPOA”) (collectively, “Homeowners”) submit this response to the Updated Study Report² and USR Meeting Summary³ submitted by Eagle Creek Hydro Power, LLC, Eagle Creek Water Resources, LLC, and Eagle Creek Land Resources, LLC (“applicant” or “Eagle Creek”).

I. AQUATIC HABITAT ASSESSMENT STUDY

Pursuant to the Study Plan Determination,⁴ the applicant conducted a study to, inter alia, identify aquatic habitat within the fluctuation zones of the projects’ reservoirs. According to the USR, “the sonar data was processed to evaluate the shoreline at 2-foot contours within the normal operating range of the reservoirs and at 5-foot contours

¹ Scoping Document 2 for the Mongaup River Projects (Sept. 12, 2017), eLibrary No. 20170912-3026.

² Eagle Creek, Updated Study Report (Feb. 10, 2020), eLibrary No. 20200210-5203 (“USR”).

³ Eagle Creek, Updated Study Report Meeting Summary (Mar. 10, 2020), eLibrary No. 20200310-5103 (“USR Meeting Summary”).

⁴ Study Plan Determination at B-5–B-6 (Feb. 9, 2018), eLibrary No. 20180209-3004 (“Study Plan Determination”); Revised Study Plan 29-38 (Jan. 10, 2018), eLibrary No. 20180110-5112 (“RSP”).

thereafter.”⁵ Rather than providing the results of the evaluation for each of those contours, however, the USR aggregates the information, indicating the total acreage of submerged aquatic vegetation and centrarchid nesting areas in each of three “zones” of each reservoir. The vast majority of the submerged aquatic vegetation and centrarchid nesting areas in the Swinging Bridge Project reservoirs occurs within Zone 2 of each reservoir, the current “normal operating range[s]”⁶ of 1,200 to 1,218 feet msl (Toronto), and 1,049 to 1,068 feet msl (Swinging Bridge and Cliff Lake).⁷ Although the maps attached to the Aquatic Habitat Assessment Study show the location and extent of the habitat types evaluated,⁸ a visual comparison of the available habitat at different elevations within the reservoirs’ nearly 20-vertical-foot normal fluctuation zone is no substitute for numerical data.

To assess the environmental impacts of potential changes to the Swinging Bridge Project reservoirs’ current operating ranges, the Commission and stakeholders need precise data at a more granular level than the applicant has provided in the USR. Homeowners recognize that the Revised Study Plan does not specify the particular form and granularity of information to be presented in the aquatic habitat report: it states that the report is to “present dominate and subordinate substrates, relative embeddedness, cover type and relative abundance, estimated bank slope, areas of erosion, and presence of vegetation within the fluctuation zones,” and include, in addition, “biological characteristics consisting of readily observable aquatic fauna, invasive aquatic plant

⁵ USR App. D at 2.

⁶ *Id.*

⁷ *Id.* at 11 tbl. 5-3.

⁸ *Id.* Att. 1.

species, fish spawning beds, mussel beds, or evidence of shell material, including locations.”⁹

Despite any lack of clarity in the RSP, however, Homeowners request that Eagle Creek be directed to submit information on the acreage of aquatic habitat (particularly submerged aquatic vegetation and centrarchid nesting sites) in the Swinging Bridge Project reservoirs in the 2-foot contour increments in which the applicant evaluated the data. This request is reasonable in light of the fact that the applicant already possesses the data at issue, as well as the information’s pertinence to the Commission’s licensing decision.

II. RESERVOIR OPERATIONS MODEL

The applicant developed a reservoir operations model (“CHEOPS model” or “model”) in the first study season, pursuant to the Study Plan Determination¹⁰ and as reported in the Initial Study Report.¹¹ As required by the Determination on Requests for Study Modifications issued June 10, 2019 in this proceeding,¹² the USR included the results of the applicant’s runs of the CHEOPS model for various scenarios requested by stakeholders.¹³

A. Model Assumptions

The scenarios requested by Homeowners were intended to provide information about the feasibility of maintaining adequate reservoir elevations for recreation and

⁹ RSP at 36.

¹⁰ Study Plan Determination at B-4–B-5.

¹¹ Eagle Creek, Initial Study Report (Feb. 11, 2019), eLibrary No. 20190211-5008.

¹² Determination on Requests for Study Modifications at B-3 (June 10, 2019), eLibrary No. 20190610-3004 (“Determination on Requests for Study Modifications”).

¹³ USR App. A.

aesthetics at the Swinging Bridge Project reservoirs, particularly during the summer recreation season. Based on Homeowners' analysis of the results—a more thorough analysis than was possible in the nine days between release of the USR and the USR Meeting—the model results do not appear to answer that question. First, it appears that the model results included in the USR understate the applicant's ability to meet the requested June 1 Toronto elevation under different hydrologic conditions. Second, the model results do not adequately demonstrate the ability to maintain Swinging Bridge elevations through August. With respect to both issues, a failure to adjust *target* elevations in the CHEOPS model (which are distinct from the *minimum* elevations to which stakeholders were permitted to propose changes) appears to result in discretionary releases of water that, if retained in the reservoirs, would have allowed Homeowners' proposed minimum reservoir elevations to be met in more years.

Specifically, basic water balance considerations suggest that Toronto Reservoir should have little difficulty in most years reaching full pool by June 1. The lower quartile inflow from March through May is 93 cfs.¹⁴ Subtracting 15 cfs for mandatory flows, evaporation, and other losses, leads to roughly a 14 thousand acre-foot storage gain over the three month period. With a starting elevation of 1205 feet on March 1, this gain would exceed full pool by about 3 thousand acre-feet. Yet most traces in the HS1_OI haze chart show elevation gains substantially lagging minimum elevations explicitly requested by Homeowners.

¹⁴ 1988 to present, USGS Mongaup Falls (01432900) data, 0.29x inflow factor. https://waterdata.usgs.gov/nwis/uv?site_no=01432900.

Declines in late summer elevation at Swinging Bridge Reservoir under HS1_OI¹⁵ to levels well below Homeowners' requested average of 1064 feet appear to largely result from substantial early-summer generation releases.¹⁶ Such discretionary generation releases draw levels down to 1064 feet by July 15, after which there is no resilience for late-season low inflow periods. As shown in the affidavit of Dr. James Booker submitted with Homeowners' comments on the Draft License Application,¹⁷ it is possible—by limiting such discretionary summer releases—to substantially maintain Homeowners' requested summer reservoir levels in both Swinging Bridge and Toronto Reservoirs simultaneously, given inflows from 2005 to the present.

B. Disaggregation of Generation Data

Stakeholders and the Commission need to know when generation is modeled as occurring under each scenario. Information on the monthly generation output by the model would allow stakeholders and the Commission to understand the role of generation in causing shortfalls in reservoir elevations.¹⁸ This is particularly important in light of the fact that, as explained in the preceding subsection, the model runs currently in the record do not provide information on a separate but related issue: the impact on generation, if any, of actually meeting Homeowners' reservoir elevation targets.

¹⁵ USR App. A, Att. 2, at 233 fig. 4-2 of the FERC Generated PDF.

¹⁶ Based on Homeowners' assessment of the historical data available from the USGS Mongaup near Mongaup gage (all years 2014-2019), early summer discretionary releases are typical. The historical USGS data are obviously of limited value in discerning what generation might be occurring in model runs, but in the absence of better information (which Homeowners request in subsection II.B below), we assume that early summer drawdowns in modeled reservoir levels are attributable to generation being modeled consistent with its historical occurrence.

¹⁷ Comments on Draft License Application of Homeowners on Toronto and Swinging Bridge Property Owners Association, Affidavit of James F. Booker at 9 tbl. 2 (Jan. 31, 2020), eLibrary No. 20200131-5318.

¹⁸ While it is possible, as noted in n.16 above, to use the historical record to make educated guesses about what the model might be doing, the Commission's licensing decision should not be based on guesswork where the actual information already exists.

Table 5 of the USR's model results¹⁹ shows "generation by loadshape period" for Homeowners' scenario requests. Table 5 states the annual MWh of "peak" and "off-peak" generation,²⁰ and the total energy generation, under the model's baseline and for each of Homeowners' requested scenarios. The USR does not appear to indicate when generation is modeled as occurring on a month-to-month basis. As a result, it is impossible to discern when, and to what extent, discretionary releases for energy generation are occurring. Homeowners accordingly request that the applicant be directed to submit the Table 5 data on a disaggregated basis for their scenarios HS1 and HS1_OI, i.e. the generation, in MWh, for each month modeled. As with the aquatic habitat data requested above, Eagle Creek already has the requested information; submitting the disaggregated information should not impose a significant burden on the applicant.

C. Reservoir Elevation Data

The USR presents tables showing "Average Elevation by Month" and "Percent of time in [Elevation] Range by Month" for Toronto and Swinging Bridge Reservoirs, for

¹⁹ *Id.* Att. 2 tbl. 5 ("Table 5"). There are two referenced Table 5s. One (at 216 tbl. 5 of the FERC Generated PDF) refers to Baseline 1 instream flows, while the second (at 230 tbl. 5 of the FERC Generated PDF) refers to Baseline 2 instream flows. According to the scenario request form, "[t]he Difference between the 'Baseline 1' and 'Baseline 2' scenarios is that in 'Baseline 2' the [Swinging Bridge Reservoir], [Mongaup Reservoir] and [Rio Reservoir] minimum flows are 'or inflow, but no less than 60 cfs.'" *See, e.g.,* USR App. A, Att. 1, HOOT/SBPOA Scenario Requests, Scenario 1, at 1. All of Homeowners' scenario requests incorporated Baseline 2 instream flows. *See, e.g., id.* at 4.

²⁰ According to the USR Meeting Summary (at 9):

Don Hamilton [of the National Park Service] asked how much of the average annual generation is considered peak. This information will be provided in the Final License Application.

Don Hamilton asked Eagle Creek to provide the table used to define peak and off-peak periods in the model. Matt Ocwieja [of Eagle Creek] and Jim Gibson [of HDR] indicated that the table will be filed in the Final License Application.

Homeowners' preliminary review of the FLA submitted on March 31 did not reveal either piece of information requested by Mr. Hamilton.

each of the scenarios previously requested by Homeowners.²¹ This data should be provided with respect to all scenarios, given that minimum flows and recreational releases necessarily have an impact on reservoir levels. This information, like the information requested above, is already in the applicant's possession.

D. Combined Model Run

Finally, Homeowners request that the applicant be directed to perform an additional model run, as described below. There is good cause for this request. First, for the reasons described above, the results of the initial set of model runs are of limited value in determining whether reasonable reservoir elevations can be maintained under different hydrologic conditions. Second, the model results currently in the FERC record are each based on only a single resource objective, and thus do not provide an accurate picture of the feasibility of satisfying multiple resource objectives or the potential trade-offs among different resource objectives. For example, the results of the minimum flow scenarios requested by the United States Fish and Wildlife Service ("USFWS" or "Service") incorporate only the model's inadequate baseline reservoir elevation minimums for Toronto and Swinging Bridge, and thus drain Toronto and Swinging Bridge reservoirs to those very low minimum elevations before curtailing generation.

The purpose of the Operations Modeling Study was to develop a model for the waterway and Mongaup River Projects that could be "used later in the relicensing process to evaluate potential operating alternatives and the associated effects on aquatic, terrestrial, recreation, land use, and aesthetic resources."²² The applicant should be

²¹ USR App. A, Att. 2, at 214-15 tbls. 1, 2, 3 & 4 and 228-29 tbls. 1, 2, 3 & 4 of the FERC Generated PDF.

²² RSP at 23. *See also* Study Plan Determination at B-4: "... in order to address the stakeholders' requests,

directed to use the model it developed to do just that. The combined model run requested by Homeowners will—assuming that the issue flagged in subsection II.A is also corrected—provide information that will assist the Commission in performing its balancing of interests in this relicensing proceeding.²³

Homeowners' request for an additional model run is also timely. As Commission Staff's June 10, 2019 Determination on Requests for Study Modifications recognized (in response to the applicant's concern that it was then "premature to evaluate scenarios proposed by stakeholders until completion of the required [first season] studies"),²⁴ "there is sufficient information in the record to *preliminarily* identify and model potential alternative operational scenarios."²⁵ Stakeholders submitted proposed modeling scenarios in October 2019; the results of those initial scenarios were not provided until the applicants filed their Updated Study Report on February 10, 2020. A more targeted round of model runs is only now possible, which can take into account the applicant's proposals as expressed in its Draft and Final License Applications—both of which were filed after stakeholders submitted their scenario requests to the applicant—as well as the

the model would be utilized to support future evaluations of impoundment elevations and downstream flows based on proposed operating, flow, and recreation alternatives for the three projects."

²³ Homeowners note that Commission Staff's recent comments on applicant's Updated Study Report and USR Meeting Summary also requested that the applicant run additional "operation modeling scenarios with lower minimum flow requirements . . . necessary to evaluate various potential license conditions, if any license is issued." Staff Comments on Updated Study Report and Updated Study Report Meeting Summary for the Rio, Mongaup Falls, and Swinging Bridge Hydroelectric Projects at A-1 (Apr. 7, 2020), eLibrary No. 20200407-3004.

²⁴ Determination on Requests for Study Modifications at B-3.

²⁵ *Id.* (emphasis added).

new information in the Updated Study Report, including the results of the preliminary, single-resource-objective model runs.²⁶

Homeowners accordingly request that Eagle Creek be directed to run the CHEOPS model to concurrently study: (1) Homeowners' Scenario 1, with the modifications noted below; (2) minimum flows of 150 cfs below the Swinging Bridge, Mongaup, and Rio minimum flow powerhouses, and 30 cfs below Toronto and Cliff Lake Dams;²⁷ and (3) American Whitewater Scenario AW2. This run should address the discretionary release issue described above by modifying HS1 to use elevation minimums for Toronto Reservoir of 1210, 1214, 1218, and 1218 feet for March 1, April 1, April 15, and May 1, respectively. Discretionary release issues for Swinging Bridge should be addressed by including using a minimum elevation of 1066 feet for June 1 through September 1. Target levels should be adjusted as needed to support these minimums. Finally, monthly generation, average elevation, and percent of time in elevation range

²⁶ Commission Staff has recognized that further model runs may be necessary and appropriate even later in the process. *See, e.g.*, Memo to Files re Request for Model Simulation Information for Without Infiltration Gallery Flow Regimes, Project Nos. 2299 and 14581 (July 5, 2018), eLibrary No. 20180705-4001 (summarizing Commission Staff's request that the applicants "run all of their models and file the modeling results for the existing condition without operational Infiltration Galleries for the Districts proposed interim flow regime, and for the flow regimes recommended by the Water Board (SWBREA), the ECHO (CGREA), and the Bay Area Water Supply and Conservation Agency (TBIREA), for the entire model period of WY 1971-2012"). The Commission's Notice of Application Accepted for Filing and Ready for Environmental Analysis in that relicensing proceeding had been issued on November 30, 2017. Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Prescriptions, Project No. 2299-082 (Nov. 30, 2017), eLibrary No. 20171130-3002; Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Prescriptions, Project No. 14581-002 (Nov. 30, 2017), eLibrary No. 20171130-3003.

²⁷ We have conferred with the USFWS regarding its previously recommended flow evaluations, and the Service has suggested that these revised flows may be more informative for further analysis in conjunction with the reservoir levels and recreational flows proposed herein for study. The Service also noted that additional combined runs using flows of 125 and 175 cfs below Swinging Bridge, Mongaup, and Rio Dams, and 15 and 20 cfs below Toronto and Cliff Lake Dams, would assist its evaluation.

information should be provided, consistent with Homeowners' requests in subsections II.B and C above.

III. CORRECTION TO USR MEETING SUMMARY

The USR Meeting Summary lists Rebecca Baldwin as having participated in the USR Meeting on behalf of SBPOA. Homeowners clarify that Ms. Baldwin is counsel for HOOT, not SBPOA, and participated in the USR Meeting on HOOT's behalf.

CONCLUSION

Homeowners respectfully request that the Commission accept these comments in response to the USR Meeting Summary, and further request that Eagle Creek be directed to submit the more detailed information, and perform an additional model run, as described above.

Respectfully submitted,

/s/ Rebecca J. Baldwin

William S. Huang
Rebecca J. Baldwin

Attorneys for
Homeowners on Toronto

Spiegel & McDiarmid LLP
1875 Eye Street, NW, Suite 700
Washington, DC 20006
(202) 879-4000

/s/ Steven Wilson

Steven Wilson

Attorney for
Swinging Bridge Property Owners
Association

Young / Sommer LLC
Executive Woods, Five Palisades Drive
Albany, NY 12205

April 9, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon each person included on the attached distribution list.

Dated on this 9th day of April, 2020.

/s/ Rebecca J. Baldwin

Rebecca J. Baldwin

Law Offices of:

Spiegel & McDiarmid LLP
1875 Eye Street, NW
Suite 700
Washington, DC 20006
(202) 879-4000