Brookfield

Brookfield Renewable
Erie Boulevard Hydropower, L.P.
33 West 1st Street South
Fulton, New York 13069

Tel 315.593.3118
Fax 315.598.4831
www.brookfieldrenewable.com

April 9, 2021

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

SUBJECT: West Canada Creek Project (FERC No. 2701-059)
Response to Updated Study Report Comments

Dear Secretary Bose:

Erie Boulevard Hydropower, L.P. (Erie or Licensee), a Brookfield Renewable company, is the Licensee, owner and operator of the West Canada Creek Hydroelectric Project (FERC No. 2701) (Project). The West Canada Creek Project consists of two developments, Prospect and Trenton, and is located on West Canada Creek in Oneida and Herkimer counties, New York. The current license for the West Canada Creek Project expires on February 28, 2023.

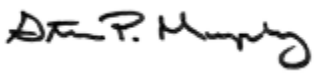
Erie is pursuing a new license for the Project using the Commission's Integrated Licensing Process (ILP) pursuant to 18 C.F.R. Part 5 of the Commission's regulations. On December 11, 2018, Erie filed a Revised Study Plan (RSP), and on March 7, 2019, FERC issued the Study Plan Determination (SPD) approving the RSP with modifications. Erie filed with FERC the first and second ILP Relicensing Studies Progress Reports for the West Canada Creek Project on July 29, 2019, and October 31, 2019, respectively. On October 31, 2019, Erie requested a revision of the Process Plan and Schedule to change the ISR filing date to March 7, 2020, to align with one year following the issuance of FERC's SPD, and FERC granted this revision on December 5, 2019.

On March 6, 2020, Erie filed an Initial Study Report (ISR) and associated supporting documents including the results of the West Canada Creek Project studies conducted during the 2019 field season. Erie held an ISR meeting on March 19, 2020 and filed an ISR meeting summary on April 3, 2020. Comments on the ISR and meeting summary were filed by Commission staff on May 5, 2020, (AW), and by the New York Department of Environmental Conservation (NYSDEC), the U.S. Fish and Wildlife Service (USFWS), and American Whitewater (AW) on May 6, 2020. Erie filed responses to the ISR comments on June 5, 2020. FERC issued a Director's determination on requests for study modifications on July 6, 2020, which required additional information pertaining to the Fish Entrainment and Turbine Passage Survival Assessment. Erie filed the Draft License Application on October 1, 2020.

Erie filed the Updated Study Report (USR) on January 11, 2021. The USR and supporting report documents provided the results of Whitewater Boating Flow and Access Study conducted in 2020, and additional information associated with the Aesthetic Flow Assessment Study and the Fish Entrainment and Turbine Passage Survival Assessment. Erie held the USR meeting with interested parties and FERC staff on January 25, 2021, and filed the USR meeting minutes with the Commission on February 8, 2021. Erie filed the Final License Application on February 26, 2021.

Comments on the USR and meeting summary were due on or before March 11, 2021, and any request for a new or modified study must adhere to requirements of 18 CFR § 5.15(f) of the Commissions regulations. Comments were received from NYSDEC on March 10, 2021, American Whitewater on March 9, 2021, and New York Trout Unlimited (NYTU) on January 29, 2021. Attachment A provides Erie's responses to the USR comments. Comments submitted included both comments on the USR and recommended Protection, Mitigation and Enhancement Measures (PMEs). Erie notes that no new studies were recommended; however, the filings included recommendations for additional measures associated with the completed studies. These recommendations did not follow the requested ILP study request format; however, Erie has provided responses to these requests, as appropriate. Furthermore, Erie provides responses to comments relative to PMEs and other statements and characterizations, as appropriate. In accordance with 18 CFR § 5.15(f) and according to the relicensing Process Plan and Schedule, FERC will issue a Director's Determination on any Disagreements/Amendments related to the USR by May 10, 2021.

If you have any questions or require any additional information, please contact me at (315) 598-6130 or via email at steven.murphy@brookfieldrenewable.com.



Steven Murphy
Director, Licensing
Brookfield Renewable

Attachments: Attachment A – Responses to Updated Study Report Comments

cc: Distribution List
Jon Elmer, Brookfield
Pat Storms, Brookfield
Rick Heysler, Brookfield

West Canada Creek Hydroelectric Project (P-2701)
Distribution List

Federal Governmental Agencies

John Eddins
Archaeologist/Program Analyst
Advisory Council on Historic Preservation
Office of Federal Agency Programs
401 F Street NW, Suite 308
Washington, DC 20001-2637
jeddins@achp.gov

Bruce Maytubby
Bureau of Indian Affairs
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214
Bruce.Maytubby@bia.gov

Michael Pentony
Regional Administrator
National Oceanic and Atmospheric Administration
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930-2276
Michael.Pentony@noaa.gov

U.S. Army Corps of Engineers, Buffalo District
Attn: Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-3199
LRB.Regulatory@usace.army.mil

Andrew Raddant
Regional Environmental Officer
U.S. Department of the Interior
Office of Environmental Policy and Compliance,
Northeast Region
15 State Street, 8th Floor
Boston, MA 02109
andrew_raddant@ios.doi.gov

Andrew Tittler
Agency Counsel
U.S. Department of the Interior
One Gateway Center
Suite 612
Newton, MA 02458
andrew.tittler@sol.doi.gov

Lingard Knutson
Environmental Scientist
U.S. Environmental Protection Agency, Region 2
Strategic Programs Office
290 Broadway, 26th Floor
New York, NY 10007
knutson.Lingard@epa.gov

David Stilwell
U.S. Fish and Wildlife Service
New York Field Office, Region 5
3817 Luker Road
Cortland, NY 13045
david_stilwell@fws.gov

John Wiley
U.S. Fish and Wildlife Service
New York Field Office, Region 5
3817 Luker Road
Cortland, NY 13045
john_wiley@fws.gov

Kevin Mendik
Environmental Protection Specialist
U.S. National Park Service
15 State Street
Boston, MA 02109
Kevin_Mendik@nps.gov

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

State Governmental Agencies

Jonathan Binder
Chief, Energy and Climate Change Section
Office of General Counsel, New York State
Department of Environmental Conservation
625 Broadway
Albany, NY 12233-0001
jonathan.binder@dec.ny.gov

Chris Hogan
New York State Department of Environmental
Conservation
625 Broadway, 4th Floor
Albany, NY 12233
cmhogan@gw.dec.state.ny.us

Todd Phillips
New York State Department of Environmental
Conservation
Div of Environmental Permits, Region 6 Utica Sub
Office
207 Genesee Street
Utica, NY 13501
todd.phillips@dec.ny.gov

West Canada Creek Hydroelectric Project (P-2701)
Distribution List

Terry Tyoe
Regional Permit Administrator
New York State Department of Environmental Conservation
Div of Environmental Permits, Region 6 Utica Sub Office
Utica State Office Building
207 Genesee Street, Room 1404
Utica, NY 13501-2885
dep.r6@dec.ny.gov

Sita Crounse
Office of General Counsel, New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12207
Sita.Crounse@dec.ny.gov

Richard McDonald
Aquatic Biologist
New York State Department of Environmental Conservation
317 Washington Street
Watertown, NY 13601
richard.mcdonald @dec.ny.gov

David Erway
Aquatic Biologist
New York State Department of Environmental Conservation
Utica, NY 13501
david.erway@dec.ny.gov

Matt Walter
Habitat Biologist
New York State Department of Environmental Conservation
207 Genessee Street
Utica, NY 13501
matthew.walter@dec.ny.gov

Christopher Balk
Habitat Manager
New York State Department of Environmental Conservation
317 Washington Street
Watertown, NY 13601
christopher.balk@dec.ny.gov

Thomas Vigneault
Regional Water Engineer
New York State Department of Environmental Conservation
Utica, NY 13501
thomas.vigneault@dec.ny.gov

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350
secretary@dps.ny.gov

James Denn
Public Information Officer
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350
james.denn@dps.ny.gov

Cindy Brady
Business Development Manager, Licensing
New York Power Authority
123 Main Street
White Plains, NY 10601
cindy.brady@nypa.gov

Jeffrey Cohen
Deputy Director
New York State Canal Corporation
30 S. Pearl Street, 5th Floor
Albany, NY 12207
Jeffrey.Cohen@canals.ny.gov

Erik Kulleseid
Commissioner
New York State Office of Parks, Recreation, & Historic Preservation
Empire State Plaza
Agency Building 1
Josalyn.Ferguson@parks.ny.g+F34ov
Albany, NY 12238
Erik.Kulleseid@parks.ny.gov

Michael Lynch
Division Director
New York State Division for Historic Preservation, NYS office of Parks, Recreation and Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189
michael.lynch@parks.ny.gov

West Canada Creek Hydroelectric Project (P-2701)
Distribution List

Daniel Bagrow
Historic Preservation Program Analyst
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189
dan.bagrow@parks.ny.gov

Dr. Josalyn Ferguson
Scientist Archaeology
Historic Preservation Program Analyst
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Joanne Mitchell
Assistant Regional Manager
New York State Office of Parks, Recreation, & Historic Preservation
Central Regional Office
6105 E. Seneca Turnpike
Jamesville, NY 13078
joanne.mitchell@parks.ny.gov

Matthew Maraglio
Coastal Review Specialist
New York Department of State
Office of Coastal, Local Government, and Community Sustainability
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001
Matthew.Maraglio@dos.ny.gov

Consistency Review Unit
New Your Department of State Division of Coastal Resources
99 Washington Avenue
Albany, NY 12231-0001

Legislative Bodies

Kirsten Gillibrand
U.S. Senate
Leo W. O'Brien Federal Office Building
11A Clinton Avenue, Room 821
Albany, NY 12207

Charles Schumer
U.S. Senate
100 South Clinton Street, Room 841
Syracuse, NY 13261

Elise Stefanik
U.S. Congress
88 Public Square, Suite A
Watertown, NY 13601

Anthony Brindisi
U.S. Congress
22nd District of New York
430 Court Street
Suite 102
Utica, NY 13502

Robert Smullen
New York State Assembly, District 118
235 North Prospect Street
Herkimer, NY 13350
smullenr@nyassembly.gov

Joseph Griffo
New York State Senate, District 47
207 Genesee Street, Room 408
Utica, NY 13501
griffo@nysenate.gov

James Tedisco
New York State Senate, District 49
636 Plank Road, 2nd Floor
Clifton Park, NY 12065-2046
tedisco@nysenate.gov

Counties

Brittney Viscomi
Herkimer County Clerk
109 Mary Street, Suite 1111
Herkimer, NY 13350

Patrick Russell
District 15, County Legislature
Herkimer County
109 Mary Street, Suite 1310
Herkimer, NY 13350
legislatorrussell@roadrunner.com

James Wallace
County Administrator
Herkimer County
109 Mary Street, Suite 1310
Herkimer, NY 13350

William Weakly
District 17, County Legislature
Herkimer County
109 Mary Street, Suite 1310
Herkimer, NY 13350
wweakley@ntcnet.com

Sandra DePerno
Oneida County Clerk
Oneida County Office Buildings
800 Park Avenue
Utica, NY 13501
countyclerk@ocgov.net

Anthony Picente
Executive
Oneida County
Oneida County Office Buildings
800 Park Avenue #10
Utica, NY 13501
ce@ocgov.net

Steven R. Boucher
District 6 County Board Legislator
Oneida County
9812 Twin Roak Road
Remsen, NY 13438
sboucher@ocgov.net

Philip Sacco
District 9 County Board Legislator
Oneida County
11371 Bell Hill Road
Deerfield, NY 13502
psacco@ocgov.net

Towns

Frances Donley
Supervisor
Town of Russia
8916 N. Main Street
PO Box 126
Poland, NY 13431
supervisor@ntcnet.com

Roger Helmer
Supervisor
Town of Remsen
PO Box 308
10540 Academy Lane
Remsen, NY 13438
remsensupervisor@roadrunner.com

Joseph Smith
Supervisor
Town of Trenton
PO Box 206
8520 Old Poland Road
Barneveld, NY 13304
supervisor@town.trenton.ny.us

Stanley Harris
Town Clerk
Town of Trenton
PO Box 206
8520 Old Poland Road
Barneveld, NY 13304
townclerk@town.trenton.ny.us

Tribes

Ray Hallbritter
National Representative
Oneida Indian Nation
2037 Dreamcatcher Plaza
Oneida, NY 13421

Jesse Bergevin
Historian
Oneida Indian Nation
2037 Dreamcatcher Plaza
Oneida, NY 13421
jbergevin@oneida-nation.org

Michael Conners, Jr.
Tribal Chief
Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

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

Tony David
Environmental Director
Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Arnold Printup
Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

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

Tehassi Hill
Chairman
Oneida Tribe of Indians of Wisconsin
PO Box 365
Oneida, WI 54155-0365

Non-Governmental Organizations

Bob Irvin
President
American Rivers
1101 14th Street NW, Suite 1400
Washington, DC 20005
birvin@americanrivers.org

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

David Klein
The Nature Conservancy
Central and Western New York Chapter
1048 University Avenue
Rochester, NY 14067
dklein@tnc.org

Paul Sitroli
Co-Chair
Adirondack Mountain Club, Iroquois Chapter
9435 Chapman Road
New Hartford, NY 12413
psirtoli@hotmail.com

Doug Tinkler
Co-Chair
Adirondack Mountain Club, Iroquois Chapter
4 Clintonview Road
New Hartford, NY 12413
dt46x40@yahoo.com

Brian Sanders
Conservation
Adirondack Mountain Club, Iroquois Chapter
7 Bolton Road
New Hartford, NY 13413

David Corr
Mohawk Valley Chapter of Trout Unlimited
New York Conservation Fund Advisory Board
28 Sanger Avenue
New Hartford, NY 12413
dkcorr@roadrunner.com

Pat Becher
Executive Director
Mohawk Valley Water Authority
1 Kennedy Plaza #3
Utica, NY 13502
pbecher@mvwa.us

William Wellman
Region 5 Vice President
New York State Council of Trout Unlimited
7 Helen Street
Plattsburgh, NY 12901
wellman1985@gmail.com

Paul W. Miller
New York State Council of Trout Unlimited
3825 Miller Road
Blossvale, NY 13308
pmiller3825@yahoo.com

John Montefusco
CEO
Trout Power
PO Box 51
Cold Brook, NY 13324
jmontefusco@msn.com

Kathy Kellogg
West Canada Riverkeepers/West Canada Watershed Alliance
8180 State Route 28
Barneveld, NY 13304
kathlog@msn.com

West Canada Creek Campground
12275 State Route 28
Poland, NY 13431
camp@westcanadacreekcampsites.com

Herkimer KOA Resort Campground
4626 State Route 28
Harkimer, NY 13350
hdmkoa@ntcnet.com

West Canada Creek Hydroelectric Project (P-2701)
Distribution List

Blake Bellinger
Citizens for Hinckley
PO Box 382
Fultonville, NY 12072
Bla19ke@yahoo.com

Elisabetta T. DeGironimo
GIS Coordinator
Mohawk Valley Water Authority
1 Kennedy Plaza
Utica, NY 13502
edegironimo@mvwa.us

Erie Boulevard

Jon Elmer
Director, Operations
Brookfield Renewable
800 Starbuck Avenue, Suite 802
Watertown, NY 13601
jon.elmer@brookfieldrenewable.com

Pat Storms
Senior Manager, Operations
Brookfield Renewable
800 Starbuck Avenue, Suite 802
Watertown, NY 13601
patrick.storms@brookfieldrenewable.com

Rick Heysler
Manager, Operations
Brookfield Renewable
8526 Trenton Falls Road
Barneveld, NY 13304
richard.heysler@brookfieldrenewable.com

Steve Murphy
Director, Licensing
Brookfield Renewable
33 West 1st Street, South
Fulton, NY 13069
steven.murphy@brookfieldrenewable.com

ATTACHMENT A

RESPONSES TO UPDATED STUDY REPORT COMMENTS

Entity	Comment	Response
NYSDEC-1	The Updated Fish Entrainment and Turbine Passage Survival Assessment report stated that the monthly generation flow estimates were derived using the mean monthly values as prorated from the USGS gauge located at Kast Bridge. The assessment should have used actual generation records and flow observations of the Prospect and Trenton Developments to accurately calculate fish entrainment and turbine passage survival.	Using river flows to estimate an annual entrainment rate avoids underestimation of entrainment based on specific project outages that may only occur during some years. The use of mean daily river flows, as opposed to Project operations data, provides a scenario in which the station is operating at maximum capacity year-round. Outages or periods where the Project was not operating at maximum capacity were not considered in the assessment, although these instances would actually mean less water was routed through the turbines, entraining fewer fishes. Therefore, the Updated Fish Entrainment and Turbine Passage Survival Assessment (UFETPSA) applied a very conservative assessment of potential entrainment with the assumption that the Project operates continuously at maximum capacity with no turbine outages during the year.
NYSDEC-2	Throughout several sections of the Updated Fish Entrainment and Turbine Passage Survival Assessment report presented in the USR, the Applicant indicates that 8-inches is the smallest size class of trout stocked in the Prospect impoundment. However, the Region 6 DEC's Regional Stocking Cards Database details that 3,600 rainbow trout (*Oncorhynchus mykiss*) 3.5-inches in length were stocked on 7/9/2009, 6,000 rainbow trout 6.5-inches in length were stocked on 11/10/2015, and 760 rainbow trout 6-inches in length were stocked on 11/18/2015 in the Prospect impoundment. Based on the calculations used in this assessment, all of the rainbow trout stocked by the DEC in the Prospect impoundment in 2009 would be highly susceptible to fish entrainment as their burst speed of 1.75 fps is less than the 2.1 fps calculated approach velocity at the intake of the Prospect Development.	Erie consulted with NYSDEC throughout the process and during multiple occasions, beginning with the pre-PAD Questionnaire through development and implementation of studies and the Draft License Application (DLA). Erie requested and received data from NYSDEC regarding trout stocking at Prospect Reservoir as referenced in the ISR Fish Assemblage Assessment (FAA) report, the DLA, and the Final License Application (FLA). As requested by NYSDEC and required by FERC, the UFETPSA included additional assessment of stocked trout at Prospect reservoir for the entrainment assessment. The data provided by NYSDEC (data provided included years 2017-2019) was applied to this updated assessment. See also response to comment NYSDEC-4. Additionally, trout are stocked in the Prospect impoundment as part of a put-and-take fishery that assumes 100 percent annual mortality and is not representative of a naturally occurring population. Thus, the extent of annual recruitment of trout to the Prospect impoundment is wholly at the discretion of stocking activities and not natural production. Furthermore, for the Prospect impoundment, no trout were collected in the sampling effort during the FAA which resulted in a catch of approximately 1,400 fishes, and no trout were collected in the Trenton impoundment.

Entity	Comment	Response
NYSDEC-3	In the Pre-Application Document on page 4-12, the Trenton Development is listed as having a maximum hydraulic capacity of 1,425 cubic feet per second (cfs), reiterated on page 7 in the Updated Fish Entrainment and Turbine Passage Survival Assessment of the USR. Table 2-4 (Prospect and Trenton Development Specifications of Francis Turbine) on page 13 in Section 2.3.7 (Turbine Passage Mortality Rates and Estimation of Total Fish Mortality) lists the Trenton Development as having a hydraulic capacity of 475 cfs. This discrepancy should be clarified and corrected.	Table 2-4 in the UFETPSA denotes the specifications of the individual units, which is 475 cfs maximum hydraulic capacity. The maximum hydraulic capacity of 1,425 cfs is the total station (combined of all three units). This maximum hydraulic capacity (worst case scenario) was applied and evaluated for the UFETPSA, i.e., 1,855 cfs for the Prospect Development and 1,425 cfs for the Trenton Development.
NYSDEC-4	The Applicant also stated that the mortality rates for each length class at the Project were calculated using the longest fish in a length class and gave the example that all fish within the six (6) to eight (8)-inch length class were assigned the mortality rate calculated for an 8-inch fish. Using the longest fish in each length class to calculate mortality rates skews the resulting calculations in favor of the fastest swimming fish and negates the potential loss of smaller fish in the data set. A more appropriate calculation would have been to use the average length fish for each length class. The calculation of the mortality rate for the average length fish in each length class should then have been applied to calculate the estimated number of fish entrained annually for each length class. Likewise, the Fish Entrainment and Turbine Passage Survival Assessment study should have included brown trout (*Salmo trutta*) and brook trout (*Salvelinus fontinalis*) during the analysis.	Applying the mortality rate was a separate step from removing fish based on swim speeds. In the analysis, the assumption was applied that all members of specific length classes were entrained. The filter for outswimming intakes and being excluded applies to length classes above a certain threshold (in this case 8 inches at Prospect). The estimates assumed all fish 8 inches or less were susceptible to entrainment. A blade strike mortality rate was estimated for each fish length (inches). Fish in 2-inch length categories were grouped for ease of analysis/reporting, and a mortality estimate was applied to each length class based on blade strike calcs. Longer fish have higher mortality rates, and the highest mortality rate possible for each length class category was applied. However, because the length classes were so small (i.e., two inch groups), there was not much variation across fish sizes within a length class group. At a correlation factor of 0.15, 8 inch fish experience 13.7 percent mortality, and 7 inch fish (middle of the size range) experience 12 percent mortality. If the 12 percent mortality factor were applied (average length for 6.1-8 inch length grouping) instead of 13.7 percent, a slight decrease in entrainment mortality numbers would occur. Therefore, the approach applied resulted in a more conservative approach to avoid underestimation.

Entity	Comment	Response
NYSDEC-5	Since 1990 the DEC has stocked an average of 2,104 trout (brown trout or rainbow trout) in Prospect Reservoir that averaged 8.5-inches in length with some being stocked as small as 3.5-inches in length. The DEC has stocked an average of 3,886 trout (brook trout, brown trout, or rainbow trout) in Hinckley Reservoir averaging 9.5-inches in length with some of them being stocked as small as 3.5-inches in length. In West Canada Creek above Hinckley Reservoir, for the same time period, the DEC has stocked an average of 3,540 trout (brook trout or brown trout) averaging 8.7-inches in length with some of them being stocked as small as 5.5-inches in length. The species and lengths of trout stocked on a yearly basis is dependent on hatchery production for that year and other factors that are not within the control of the hatchery. Attached to this correspondence are three MS Excel spreadsheets of the trout stocked in Prospect Reservoir/Impoundment, Hinckley Reservoir, and in West Canada Creek above the Hinckley reservoir from 1990 – 2019. The attachments clearly show that trout less than 8-inches are stocked in this system and should have been included in the analysis of fish entrainment and turbine passage survival.	Erie notes that the referenced spreadsheets were not included in the NYSDEC's Updated Study Report (USR) comments eFiling or provided to Erie. Please see response to NYSDEC - 2. In the Proposed Study Plan (PSP) comments and study requests, NYSDEC (November 13, 2018), USFWS (November 9, 2018) and New York Trout Unlimited (NYTU) (November 8, 2018) indicated that a fish assemblage study was necessary to provide information on fish assemblage in the Project impoundments and to inform the Fish Entrainment Study, and that the upstream fish assemblage information was not sufficient. Specifically, USFWS stated, "*We disagree that the Hinckley Reservoir and upstream areas on West Canada Creek can be used as surrogates for the Project reservoirs and downstream areas of West Canada Creek as these areas differ notably in their habitat and are not subject to the impacts associated with the Project.*" Accordingly, Erie conducted the requested study (FAA) and the fish assemblage data were applied to the Prospect and Trenton Developments in the UFETPSA. As indicated in the UFETPSA, given the limited catch during the Trenton impoundment sampling, Prospect impoundment fish assemblage were applied for the Trenton impoundment. Therefore, for the Trenton entrainment analysis, the use of fish data collected in the Prospect impoundment would likely result in an overestimation of potential entrainment. The 2019 fish sampling data and observations indicate that most littoral and lithophilic-spawning species common to Prospect would likely not be as abundant in the Trenton impoundment. In addition to these data, Erie assessed stocking data at Prospect reservoir provided by NYSDEC. Accordingly, stocking data at Prospect and the data from the FAA provides more recent and relevant data regarding the potential fish assemblage at Prospect, to inform the UFETPSA, as compared to assemblage and stocking data at the upstream Hinckley Reservoir and further upstream.

Entity	Comment	Response
NYSDEC-6	While it is true that some fish with the proper burst speeds may be able to avoid entrance into the intake, it is also true that some fish may follow the flow patch voluntarily and enter the intake. The DEC recommends that the Fish Entrainment and Turbine Passage Survival Assessment account for entrainment of fish that could potentially pass through the trash racks that are currently in place. Trash racks are meant to be exclusionary devices. This is not the case at the Prospect intake where the current large sizing allows for fish to be entrained if they follow the flow path. Erie should evaluate the proper trash rack sizing - DEC recommends 1-inch clear spaced - and potential need for downstream fish passage.	Given the results of the entrainment analysis and the conservatively and relatively low estimated mortality rates, it is reasonable to conclude the operation of the Project would have little effect on the health of the reservoir fishery at either the Prospect or Trenton Developments. In addition, over 75 percent of the estimated number of fish species potentially entrained and lost to turbine mortality are highly fecund and are juveniles and young-of-year, which have high natural mortality rates due to numerous environmental factors. Therefore, Erie is not proposing any modifications to the existing trashracks, and does not see justification for any mitigation measures associated with fish entrainment or impingement and the potential costly implementation and associated energy losses associated with new 1 inch trashracks at the Project developments. In addition, in terms of downstream passage, the studies conducted have shown little if any value in downstream fish passage. Fish passage at the Prospect facility would result in recruitment to the Trenton Falls impoundment. The Trenton impoundment is 9 acres in area that provides limited habitat with little to no littoral zone and no fishing opportunity due to the vertical gorge walls. Fish passage at the Trenton facility would result in passage directly to the Trenton bypass reach. The Trenton bypass reach is comprised of highly scoured bedrock substrates with scattered deposits of boulder and cobble, with no fines such as silt, and or small gravel. The stream channel is dominated by terraces of horizontal expanses of bedrock separated by a series of significant falls. These falls disconnect instream habitat and create fish movement barriers, thus providing unsuitable habitat and no potential need for downstream fish passage.

Entity	Comment	Response
NYSDEC-7	None of the Fishermen's Parking Areas associated with the PFR purchases were designed with boating in mind. These locations were developed to accommodate stream fishing by either wading or fishing from the stream bank within the PFR easements that were purchased from private landowners. The DEC recommends that Erie identify potential whitewater boating access locations and receive the proper approval for such use, i.e., property rights.	Erie notes that the comments are related to recommended protection, mitigation and enhancement (PME) recommendations rather than comments on the USR. The downstream proposed access areas are at locations 20+ miles downstream of the Project, are all located well outside the existing Project boundary are not associated with Project recreational facilities and access, and unrelated to a known Project impact. Therefore, Erie is not proposing to identify or provide any whitewater boating access to these areas that are not associated with the Project, as suggested by NYSDEC. In addition, other existing public access areas are available via the NYSDOT and roadside pull-offs, and commercial operations (West Canada Creek and KOA campgrounds) along various locations of downstream West Canada Creek.

Entity	Comment	Response
NYSDEC-8	Furthermore, the optimum flow in the Prospect Bypass Reach would appear to fall within the range of 25 cfs – 50 cfs as presented in the Aquatic Mesohabitat Assessment Study (AMAS) located in the Initial Study Report (ISR). While substrate is somewhat limiting, the most limiting factor for aquatic organisms is the lack of water. The minimum bypass reach flow appears to be limited to leakage, or 1 cfs, as described in the AMAS on pages 34 and 37.	Erie notes that the comments are related to recommended PMEs rather than comments on the USR. Erie proposes PME measures to maintain a continuous year round minimum leakage-type flow (no greater than 3 cfs) within Prospect bypass to help retain habitat connectivity and water quality as described in the FLA, Exhibit E, Section 2.2, *Applicant's Proposed Action*. As indicated in the Aquatic Mesohabitat Assessment (AMAS) Study, the upper Prospect bypass reach (from the Prospect dam downstream to Prospect Falls) is dominated by relatively smooth horizontal bedrock substrate with little object cover or variation in mesohabitat. For the lower bypass reach (below Prospect Falls to the Prospect tailrace), electrofishing sampling resulted in a catch of 120 fish, comprised of 9 species (see FAA, Kleinschmidt 2020d). Seasonally-occurring high flow events are likely a habitat limiting factor for the bypass reach. Fishes are washed into the reach during these high flow events and likely transiently occupy the reach, rather than maintaining self-sustaining resident fish populations. Fishes may also be flushed out of this reach during high flow event. The Ichthyological Associates (IA) (1981a, 1981b) study also found that establishment of minimal bypass flows at the two Project dams (Prospect and Trenton) would result in little, if any marginal benefit to the existing fishery and would result in substantial generation and economic losses at the Project. The study referred to the limited habitat in the Prospect and Trenton bypass reaches due to exposed bedrock along much of the reaches, as well as the series of falls in Trenton bypass, providing limited fish habitat potential (Ichthyological Associates 1981a).

Entity	Comment	Response
NYSDEC-9	The optimum habitat flow for the West Canada Creek downstream of the Trenton tailrace falls in the range of 200 cfs to 500 cfs from the results presented in the AMAS of the ISR. This coincides with the results of 1980 Ichthyological Associates, Inc. study, which stated that usable habitat for adult brown trout remained fairly consistent between the 160 cfs and 350 cfs releases as did percent usable stream width between 160 cfs and 300 cfs releases (Tables 16, 19, and 22; Figs 14 and 15); however, previously on page 14 it stated that the greatest amount of usable habitat was available for adult brown trout at 250 cfs, 300 cfs, and 200 cfs releases at reaches 1, 2, and 3, respectively. The study also stated that the percent usable stream width was highest at 200 cfs and 250 cfs at reach 1 and 200 cfs at reaches 2 and 3 (Fig. 15). Therefore, brown trout would have more usable habitat at a rate of flow that is higher than 160 cfs.	The AMAS study was scoped and conducted in consultation with the NYSDEC using different metrics than the 1980 Ichthyological Associates (IA) study, and as NYSDEC notes, independently arrived at a similar conclusion. The 1980 IA report notes that for adult brown trout (the lifestage size stocked by NYSDEC) that reach 2 had the greatest usable habitat relative to other reaches (approximately twice the value of either of the other reaches). It also notes that "***it is obvious that there was little change in usable habitat with different releases at all reaches***". Page 16 of the IA 1980 report states that "***Usable habitat for adult brown trout remained fairly consistent between the 160 and 300 cfs releases***". According to the 1980 IA report, although a flow of 250 cfs technically provides greater wetted usable width for adult brown trout than does 160 cfs, a more than 50 percent increase in flow to 250 cfs yields less than a nine percent increase in suitability *(IA 1980 report, Table 16)*. The IA study concluded that optimum or near optimum flow was provided for adult, fry and juvenile brown trout at 160 cfs release. Furthermore, the existing conditions indicate the suitability of the existing minimum flow requirements to sustain a healthy fisheries. This is evidenced by the existing fishery and associated angling opportunities as indicated by NYSDEC's characterization of West Canada Creek as the "Trophy Section" and one of the most renowned trout streams in central New York.

Entity	Comment	Response
NYSDEC-10	The current FERC license (Article 33) for the West Canada Creek Project requires Erie, as licensee, to provide a continuous minimum flow release of 160 cfs or inflow from the Hinckley Reservoir (whichever is less) for fisheries and aquatic habitat immediately downstream of the New York State Canal Corporation's (NYSCC) diversion weir (Nine Mile Creek Feeder Dam). DEC highly recommends that a continuous minimum flow should be established to flow through both bypass reaches to ensure adequate flow year-round for aesthetical purposes, meet the required minimum flow below the NYSCC diversion weir, and improve the amount of aquatic habitat available in both the Prospect and Trenton Bypass Reaches. The Fish Assemblage Assessment (FAA) study report in the ISR documented that both brown trout and brook trout were captured in the Prospect Bypass Reach. The capture of trout and the water quality data collected in the bypass reach indicates that trout can survive in the bypass reach. The Prospect bypass reach could also provide an additional fishing opportunity for the public if a minimum flow was established and safe public access was provided by the licensee. This would then allow natural resources agencies the ability to establish and implement a trout stocking policy.	The small number of trout caught in the Prospect bypass reach as evidenced in the FAA study is likely due to escapement from upstream. Although trout existence under protracted summer conditions demonstrates that current Project operations provide suitable water quality for maintenance of coldwater fish, habitat suitability is limited for trout in this reach due to a lack of suitable substrates and cover as discussed in the AMAS and FAA study reports, and in the DLA and FLA. Furthermore, the NYSDEC has not articulated or documented a management objective of establishing a stocked trout fishery in this reach prior to, or during, the course of this relicensing proceeding. Erie has repeatedly stated safety concerns (limited egress opportunities, unexpected flow changes, limited rescue opportunities) with providing public access to Prospect bypass reach due to the narrow gorge-like channels with high cliffs or unstable rock outcroppings along the bypass reach riverbank. Flows of 250 cfs in the bypass reach are likely to result in water velocities too high for safe angling opportunities. Given the narrow gorge-like channels with high cliffs and limited shoreline, fishermen would be limited to wade fishing under substantial velocities with limited if any mobility to wade throughout the bypass reach. A flow of that magnitude would be unsuitably high for most lifestages of sport fishes due to resulting high velocities and absence of cover. In addition, other NYSDEC-managed trout stocked fisheries are established nearby in the Prospect impoundment and immediately downstream of Trenton in the "*trophy section*" of West Canada Creek per NYSDEC "*one of the most renowned trout streams in central New York*," (see Exhibit E, Section 3.8.2).

NYSDEC-11	Therefore, the DEC recommends a minimum base flow of 250 cfs be established in the West Canada Creek through both bypass reaches and downstream of the Trenton tailrace. This would not only serve to benefit the aquatic community; it would also provide a benefit to the paddling and tubing public uses of West Canada Creek and potentially provide more storage room in the Prospect and Trenton Reservoirs to aid in ameliorating high water events.	Erie notes that the comments are related to recommended PMEs rather than comments on the USR. Erie conducted a detailed AMAS at the specific request of NYSDEC, using methods agreed to with NYSDEC. NYSDEC offers no reference to the AMAS, and no data, criteria, technical analysis, or scientific basis to support the assertion that a flow of 250 cfs would "*benefit the aquatic community*." Erie does not agree with NYSDEC's characterization that a 250 cfs minimum flow would benefit recreational opportunities. Flows of 250 cfs would be below the range of beneficial flows for both tubing and paddling opportunities. According to the West Canada Creek Tubing website, flows of less than 300 cfs are considered poor floating conditions, and per the Whitewater Boating study, flows less than 600 cfs were not within the acceptable boating range,. The provision of NYSDEC's proposed minimum flow of 250 cfs in both bypass reaches and downstream would actually result in less opportunity for paddling and tubing, as a substantially greater portion of the daily average inflow would be dedicated to meeting minimum and base flow requirements and a resulting daily reduction in the availability of higher generation flows that would support paddling and tubing. Additionally, NYSDEC characterizes the 250 cfs as providing more storage in the Trenton and Prospect reservoirs to aid in ameliorating high water events. Prospect and Trenton impoundments have limited storage capacity that are typically used to re-regulate inflows on a short-term basis and as inflows increased beyond station capacity these reservoirs would quickly be filled prior to offering any amelioration to high flow events. The daily management of a higher base flow below Trenton would likely require these impoundments to maintain higher storage volumes to meet these base flows. The IA instream flow study concluded during the previous relicensing proceeding that the 160 cfs release provided optimal or near optimal flow conditions for all life stages of both brown trout and smallmouth bass for the downstream reaches (Ichthyological Associates, 1981a, 1981b). The study also found that establishment of minimal bypass flows at the two Project dams (Prospect and Trenton) would result in little, if any marginal benefit to the existing fishery and would result in substantial generation and economic losses

Entity	Comment	Response
		at the Project. The study referred to the limited habitat in the Prospect and Trenton bypass reaches due to exposed bedrock along much of the reaches, as well as the series of falls in Trenton bypass, providing limited fish habitat potential (Ichthyological Associates 1981a). Subsequent to this study, FERC required implementation of the 160 cfs downstream base flow as part of the existing license for West Canada Creek and also for the existing license for the Jarvis Project (P-3211). See also comments to response NYSDEC-10.
NYTU-1	Brookfield (Erie) should re-calculate the fish entrainment and turbine passage survival results based on the use of 1" inch-clear-spacing trash racks in its methodology and provide these results promptly to all parties	The proposed evaluation of 1-inch racks was not part of the PSP or RSP, and no comments were indicated previously that Erie conduct this assessment during study consultation or the ISR comments. Given the results of the entrainment analysis and the conservatively and relatively low estimated mortality rates, it is reasonable to conclude the operation of the Project would have little effect on the health of the reservoir fishery at either the Prospect or Trenton Developments (Kleinschmidt 2020e). In addition, over 75 percent of the estimated number of fish species potentially entrained and lost to turbine mortality are highly fecund and are juveniles and young-of-year, which have high natural mortality rates due to numerous environmental factors. Therefore, Erie is not proposing any modifications to the existing trashracks, and does not see justification for any mitigation measures associated with fish entrainment or impingement and the potential costly implementation and energy losses associated with new 1 inch trashracks at the Project developments. See also FLA, Exhibit E, Section 3.5.

AW-1	The study report overstates regional whitewater boating opportunities by expanding the study area, relying on unverified data, and ignoring the availability of boatable flows during the peak summer boating season. The study report purports to list boatable reaches within a 1-hour drive of the project, but instead lists all reaches within a 60-mile radius as the crow flies. By ignoring speed limits and winding country roads, the report in some cases includes river reaches more than a 2-hour drive from the project. For example, the inclusion of the whitewater run at East Stony Creek is 111 miles and 2 hours and 18 minutes from Trenton Falls. The report also includes a description of the Ausable Chasm as a regional whitewater boating opportunity comparable to the Prospect bypassed reach, yet the Ausable Chasm is a 3-hour drive from the project. In addition, the report includes river reaches listed on Riverfacts, however, information on that website is unverified and should not be relied upon. We regard the American Whitewater River Database as the sole repository of verified whitewater boating reaches in the project area.	The Whitewater Boating Access Study (Kleinschmidt 2020h), and Exhibit E, Section 3.8 *Recreation Resources,* provide a summary of existing available whitewater boating reaches within a 60 mile radius of the Project. The regional assessment conducted in the Whitewater Boating Study is a standard practice of assessing recreational opportunities within a reasonable distance of the Project to identify regional resources available to meet recreation demand. During the controlled flow assessment, participants noted that boaters may travel from an even greater distance, such as the Syracuse area or even from distances such as Washington, D.C. for boating events, distances even greater than the 60-mile radius applied. Erie also notes that the reference to Ausable Chasm, as documented in the Whitewater Boating Study Report, was indicated from the study participants as a comparable whitewater boating run; therefore, Erie provided documentation of the characteristics and distance of this run from the Project site in the study report. The Whitewater Boating Study provides data from both AW and other available resources. Multiple data sources provide additional relevant data beyond those just identified by AW. Erie notes that the RiverFacts website includes some reference and information relative to AW whitewater classifications/river ratings and provides an interactive locational interface that is of value for the review of regional resources. The purpose of the regional characterization is to provide general context of available resources to inform FERC of regional resources available to meet potential demand. Erie contends that provision of data sources, in addition to AW's database, provides a more balanced and objective summary of available whitewater boating resources within the general Project region. In terms of available flows during the peak summer boating season, the purpose of the whitewater boating assessment was to characterize and assess whitewater boating opportunities within the Prospect bypass reach and downstream West Canada Creek. The assumption that Erie must characterize scheduled boating flows during the summer period within the region was not specified in the study methodology included in the RSP and per the FERC approved SPD. Furthermore, Erie questions the relevancy of this information to the relicensing proceeding to inform FERC of potential effects of the Project on

Entity	Comment	Response
		downstream whitewater boating opportunities. Erie notes that if the Project was not operational, flows would typically be limited during the summer period with the exception of occasions of flash rain events, during which those flows would likely still be available. In addition, the Project has no existing requirements to provide downstream whitewater boating flows. As indicated by AW, there were annually roughly 100 days during the years 2017-2019 with boatable flows of over 1,000 cfs. Additional boatable days would also be available if the assessment included boatable flows within range of 800-1,000 cfs (the Whitewater Boating Study identified boatable flows as 800-1,400+ cfs). In addition to the regularly occurring boatable days, as a proposed enhancement measure, Erie is proposing to provide scheduled downstream flow releases for whitewater boating as described in the FLA Exhibit E, Section 2.2, *Applicant's Proposed Action*, and Section 3.7, *Recreation Resources*.
AW-2	The licensee also provides no information on the availability of whitewater boating opportunities based on flow conditions, particularly during the peak summer boating season when boating opportunities are scarce due to low flows and few scheduled whitewater boating releases are available. The importance of scheduled releases was recognized by the Vermont Supreme Court in In re Morrisville Hydroelectric Project Water Quality, 2019 VT 84, in which the Court affirmed the Environmental Division decision requiring scheduled whitewater boating releases. Providing a list of rivers up to 3 hours away without regard to whether those river reaches provide suitable and available whitewater boating opportunity is of little probative value.	See response to AW-1. Erie does not see the relevance of the Vermont case cited by AW to this proceeding. The cited case was related to a State of Vermont water quality certification appeal that was based on a hydroelectric project where there was an *existing* use of *scheduled* whitewater boating releases and it was determined that the proposed water quality conditions would impact those existing scheduled releases. For the West Canada Creek Project, there are no required scheduled whitewater boating releases associated with the existing license. See also responses to AW-1 and AW-3.

Entity	Comment	Response
AW-3	The purpose of the whitewater boating study is to evaluate whitewater boating opportunity under different modes of operation and to identify PM&E measures that will mitigate project impacts. While the Ausable Chasm and other far away river reaches are a point of reference in understanding the quality of the whitewater boating resources, they are irrelevant to the licensee's obligation to mitigate its own impact on whitewater boating in the project boundary and on waters affected by project operations.	AW incorrectly characterizes the purpose of the Whitewater Boating Flow and Access Study (Whitewater Boating Study) as identifying mitigation measures for whitewater boating. The purpose of the Whitewater Boating Study was to characterize and assess whitewater boating opportunities within the Prospect bypass reach study area and West Canada Creek downstream of the Trenton powerhouse within the study area, characterize the type of boating experience, regional opportunities and potential demand. As indicated by AW, there were annually roughly 100 days during the years 2017-2019 with boatable flows of over 1,000 cfs. Additional boatable days would also be available if the assessment included boatable flows within range of 800-1,000 cfs (the Whitewater Boating Study identified boatable flows as 800-1,400+ cfs). Under the existing license, Erie is not required to provide any whitewater boating releases and Erie is not aware that any formal scheduled whitewater boating releases had been provided over the term of the existing license. Therefore, Erie disagrees with AW's characterization of mitigation of impacts, particularly during the summer period. However, as a proposed *enhancement* measure, Erie is proposing to provide scheduled downstream flow releases for whitewater boating as described in the FLA Exhibit E, Section 2.2, *Applicant's Proposed Action*, and Section 3.7, *Recreation Resources*. See also responses to AW-4 and AW-7.

AW-4	Access at the bottom of the bypassed reach below the Prospect powerhouse is currently available on the left side of the Trenton dam and could be utilized during scheduled releases, although better access could be constructed elsewhere in the Trenton impoundment. The study report contains no information on the licensee's ability to provide a suitable boater take-out. While the Level 2 study demonstrated the whitewater boating value of a single flow of 600 cfs, it did not precisely identify the optimal flow level in the bypassed reach. American Whitewater is filing a study modification request, attached, requesting that the licensee complete a Level 3 on-water flow study to precisely identify optimal flow levels. As part of the Level 2 evaluation of the Prospect bypassed reach, the panel of experienced boaters performed a land-based evaluation of Prospect Falls with no flow and with a flow of 600 cfs…….While the panel determined that the 600 cfs level was boatable, they estimated that a higher flow, possibly 800 cfs, would provide a more optimal flow. The estimated optimal flow range for Prospect Falls is consistent with the estimated optimal flow range for the reach below the falls evaluated in the Level 2 onwater study. Incongruously, however, the report selectively mischaracterizes safety concerns in the bypassed reach. While one participant swam in the rapid above the powerhouse, the individual self rescued without incident.	AW is requesting this additional study to precisely identify of an "optimal" range of flows and states the study provided no information about a suitable take-out location. Erie disagrees with this statement and contends that the completed Whitewater boating Study addressed the stated study needs as identified during the ILP study plan development and study implementation process. The assessment of the Prospect bypass reach, conducted as part of the completed Whitewater Boating study, provides information that identifies boatable features, acceptable and likely optimal flow ranges, regional opportunities, safety constraints, as well as limiting factors for egress due to Project facilities, topography, adjacent land use and ownership and proximity to Project facilities (Prospect tailrace, Trenton intake and dam). In addition, Erie implemented additional study of the Prospect Falls, outside of the FERC approved study plan, at the request of AW just prior to study implementation and following consultation with FERC, to provide additional information associated with whitewater boating features and constraints for the Prospect bypass reach. Therefore, Erie contends that sufficient information is available from the existing studies (including the supplemental land-based assessment of Prospect Falls) and consultation conducted during this licensing proceeding to inform FERC for the NEPA assessment. Erie also questions that the AW request rises to the level as defined in 18 CFR § 5.15(f), where the proponent of any proposed or modified studies must demonstrate *extraordinary* circumstances warranting approval of any proposal for new information gathering or studies. Regarding AW's claim that Erie mischaracterized safety concerns for the bypassed reach in the study report The study report characterized what occurred during study, and while the individual self-rescued to the adjacent shoreline, the empty kayak went downstream and had to be collected by another boater. Erie believes it is relevant to note that a Class V boater experienced difficulties while boating this reach. Furthermore, as stated in numerous relicensing consultation calls, reports and filings, Erie maintains significant safety concerns of providing public access to the Prospect bypass reach and Trenton impoundment given the difficult egress

Entity	Comment	Response
		due to proximity to Project facilities (Prospect tailrace and Trenton dam and intake), gorge-like banks with high cliffs or unstable rock outcroppings along the riverbanks, and difficult access for any type of rescue. In addition, multiple regional opportunities are available to meet potential future demand. See also response to AW-1. Erie, as licensee, considers public safety when providing public access to its Project. Per 18 CFR 2.7, licensees are expected to develop suitable recreation facilities upon Project lands and waters and make provisions for adequate public access, to the extent that such development is not inconsistent with the primary purpose of the project (FERC 2015). As stated in FERC policy Recreation Development at Licensed Hydropower Projects (FERC 1996): "***The licensee needs to consider public safety when providing public access to its project. Often the most dangerous features of a project are those that are the most attractive to the recreating public*****"…..."In addition to installation of safety devices, other safety measures may include preventing recreational activities in hazardous areas."** In accordance the terms and conditions set forth in Form L-4 (Standard Article 18) of the license, Erie restricts from public access such portions of the project waters, adjacent lands and project facilities necessary for the protection of life, health and property. Erie follows FERC's guidelines for public safety, including FERC's Guidelines for Public Safety at Hydropower Projects (FERC 2011), and Security Program for Hydropower Projects (FERC 2016). See additional information regarding access and safety considerations in the Whitewater Boating Access Study (Kleinschmidt 2020h), the Recreation Use, Needs and Access Study (Kleinschmidt 2020g), and in the FLA, Exhibit E, Section 3.8, *Recreation Resources*.

Entity	Comment	Response
AW-5	While the study report provides useful data and analysis based on post-run survey and land-based assessment, FERC should regard the discussion portion of the study report as a transparent and entirely self-serving opinion of the licensee seeking to avoid any responsibility for mitigating project impacts on whitewater boating in the Prospect bypassed reach rather than providing an objective analysis of the data in this otherwise legitimate study. Furthermore, the report's discussion of the Ausable Chasm, a 3-hour drive from the project, is argumentative rather than objective, as the licensee asserts without any support based on data collected from study participants that "the Ausable Chasm whitewater boating resource is available to meet any potential regional demand for whitewater boating within a gorge-like setting and provides a longer and more diverse whitewater boating run than what would occur at Prospect."	Erie takes issue with AW's characterization of the licensee's conduct and motives for the study and reporting. Erie conducted the study in consultation with AW and other interested stakeholders and has strived to be forthright, transparent and cooperative throughout the ILP study process. The study reported on the study participants data, followed the approved study plan (with additional study of Prospect Falls outside the approved Study Plan), and reported on those results. The study reports the findings based on surveys and focus group input from AW's own identified study participants and AW's own involvement in the focus group discussion and participation in the controlled flow assessments. One of the study purposes is to assess and identify potential regional opportunities. As stated previously the discussion of Ausable Chasm is based on input from the study participants, who specifically identified this resource as a comparable reach within the region, and the report specifically identifies the distance of this reach from the Project site. See also responses to AW-1, AW-3, and AW-4.

Entity	Comment	Response
AW-6	Prospect Bypass Reach - In terms of access, the licensee entirely ignores the easy availability of access into the Prospect bypassed reach at Prospect Dam, and the Military Road access was shown to be suitable, albeit somewhat more difficult access point. In terms of providing a take-out for the Prospect bypassed reach, the licensee has provided no information on access options and has instead dismissed providing access out of hand. Options for providing access into the impoundment could include a floating dock and a permanently affixed ladder or set of stairs. From a safety perspective, the licensee should provide some form of egress in the Trenton impoundment in the event someone is unexpectedly in the impoundment. Access to bypassed reaches that provide recreation opportunity is typically required at FERC-licensed projects and should be provided here.	Erie notes that the comments are related to recommended PMEs rather than comments on the USR. Erie disagrees with AW's statement that no information was provided on access options associated with the Prospect bypass reach. Erie assessed and provided information during multiple stakeholder calls regarding assessment of potential access including topography, adjacent land use and ownership and proximity to Project facilities (Prospect tailrace, Trenton intake and dam). Erie maintains significant safety concerns of providing public access to the Prospect bypass reach and Trenton impoundment given the difficult egress due to proximity to Project facilities (Prospect tailrace and Trenton dam and intake), gorge-like banks with high cliffs or unstable rock outcroppings along the riverbanks, and difficult access for any type of rescue. See responses to AW-1 and AW-4.

AW-7	Downstream West Canada Creek - While the lower flow range affects the study results in that there is no comparison to higher flow levels within the licensee's control, we believe that the data is sufficient to evaluate the value of the whitewater boating resource but not precisely identify optimal flow ranges. Inasmuch as the licensee has proposed scheduled recreational boating releases as mitigation for project impacts, we recommend that the licensee develop a post-license Recreation Management Plan in consultation with recreation stakeholders to identify optimal flow levels for required scheduled boating releases.	Erie notes that the comments are related to recommended PMEs rather than comments on the USR. Erie's proposed Recreation Management Plan is focused on provisions related to Project-related recreational facilities. Erie has consulted considerably during the ILP proceeding and fails to see the need for continued ongoing consultation to identify flow levels, which have already been assessed and identified as part of the Whitewater Boating Study. Erie contends that an "optimal" flow level is not required to provide a beneficial enhancement measure for downstream whitewater boating opportunities. Based on consultation and discussions during the Whitewater Boating Study, participants acknowledged that a range of flows would be beneficial given the dynamics of the system and ability for beneficial flows at a range of flow and associated skill levels. Also, additional post-license consultation associated with the downstream releases would likely not result in any substantially different enhancement measures, and based on Erie's experiences on other Projects, such ongoing negotiation provisions can be unproductive and generally become controversial, and provide little, if any, resource benefit. In addition, Erie is proposing as an enhancement measure to provide scheduled downstream flow releases for whitewater boating as described in the FLA, Exhibit E, Section 2.2, *Applicant's Proposed Action*. Erie would provide these releases to obtain flows within the targeted range of 800 cfs to 1,200 cfs as measured at the USGS Kast Bridge Gage (No. 01346000) with a targeted 4-hour duration on 10 weekdays and 10 weekend days annually. Erie's proposed flow range and schedule of proposed recreational flow releases considers multiple user groups and the complexities of providing such flow releases in the downstream reach. Multiple factors influence flow along the downstream 28-mile stretch of the West Canada Creek. Inflow to the West Canada Creek that would be available for downstream flow releases would be dependent on inflow releases from Hinckley Reservoir. Estimated flow travel time from Trenton tailrace down to Kast Bridge is approximately 6 to 8 hours depending on flow levels. Tributaries in the downstream reach, such as Cincinnati Creek, Cold Brook and Mill Creek, can contribute significantly to overall flow and "flashiness" in the downstream reaches during a significant rain event. Erie's proposed range of flows would

Entity	Comment	Response
		allow for consideration of these factors and associated adjustment of these flow targets within the identified beneficial flow range. Erie's proposal also gives consideration of timing release of these scheduled flows in relation to multiple recreation opportunities within the downstream West Canada Creek. Release of flows per Erie's proposed schedule would allow for wade fishing opportunities in the Trophy Section during early morning and late evening hours, and provide downstream flows in the late morning and afternoon for tubing and whitewater boating opportunities due to the 8- hour travel time to Kast Bridge and furthest take-out location for whitewater boating. Accordingly, Erie's proposed schedule and range of downstream flow releases would provide benefits for multiple recreation user groups (fishing, tubing and whitewater boating) and consideration of the many complicating factors of providing such flows (i.e., inflow ranges from Hinckley Reservoir and downstream tributary flow influences).
AW-8	Many participants had boated the reach scores of times and some more than 100 times, although use dropped off when Brookfield changed its generating pattern to later hours and reduced the frequency and predictability of boatable flows during boating hours. As more fully described in our DLA comments, predictable boating flows would draw 20-30 paddlers on a Wednesday night and had a positive impact on the outdoor recreation economy.	Erie is not required under the existing license to provide any scheduled downstream whitewater boating releases and is not aware of any previous formal or informal scheduled whitewater boating releases as stated by AW. Based on informal comments from boating participants, Erie acknowledges that some boating participants have previously boated in groups in the downstream reach when flows were available. AW's claims are related to boaters coordinating independently based on available flows over 20+ years ago. AW provides no credible data to support that Project operations were changed or were the influencing factor for the decline of the local boating groups. Many factors can influence such outings, such as changing of recreation trends or individuals' interest in coordinating or participating in such outings. See also responses to AW-3 and AW-7.

Entity	Comment	Response
AW-9	Enforcement of access restrictions at this site would have a negative impact on whitewater boating usage and we recommend that the licensee secure permanent boating access at Middleville. At Kast Bridge, study participants parked either at the DEC parking access area that similarly restricts boating access or at an informal parking area closer to Kast Bridge. The licensee should similarly secure legal access to boaters at Kast Bridge as mitigation for project impacts on whitewater boating usage.	Erie notes that the comments are related to recommended PMEs rather than comments on the USR. The downstream proposed access areas are at locations 20+ miles downstream of the Project, are all located well outside the existing Project boundary, are not associated with Project recreational facilities and access, and unrelated to a known project impact Therefore, Erie is not proposing to identify or provide any whitewater boating access to these areas that are not associated with the Project, as suggested by AW and NYSDEC. In addition, other existing public access areas are available via the NYSDOT and roadside pull-offs, and commercial operations (West Canada Creek and KOA campgrounds) along various locations of downstream West Canada Creek. See also response to NYSDEC-7. Under the existing license, Erie is not required to provide any whitewater boating releases and Erie is not aware that any formal or informal scheduled whitewater boating releases had been provided over the term of the existing license. Therefore, Erie disagrees with AW's characterization of *mitigation* of impacts, particularly during the summer period. See also response to AW-7 for further discussion of Erie's proposed downstream flow release enhancement measures.
AW-10	As described above, the report exaggerates the accessibility and availability of alternative whitewater boating opportunities in the region by including river reaches located more than two hours from the Kast Bridge boating reach. Additionally, the report ignores the availability of boating opportunities which are flow-dependent. Scheduled whitewater boating releases provide whitewater boating opportunity when natural flows are unavailable and permit boaters to make advance plans.	See responses to AW-1 and AW-4. Throughout AW's comment letter, AW has characterized their recommended downstream release schedule as mitigation for an unknown project impact. Here, AW clearly suggests that scheduled (advanced planning) whitewater boating opportunities downstream of Trenton would be an enhancement to the natural flow regime.

Entity	Comment	Response
AW-11	The licensee's proposed flow levels of 800-1200 cfs are below optimal flow levels identified in the boating study, and flows as low as 800 cfs fall below the minimum acceptable boating flow identified by nearly all study participants. We support the licensee's proposed timing of weekday releases subject to ongoing modification by stakeholders as part of a Recreation Management Plan, we are concerned that the timing of weekend releases will not provide boatable flows until late in the boating day. We recommend longer duration or an earlier start to releases on weekend dates as flows may not arrive at Kast Bridge until 4-8 p.m.	See response to AW-7.