

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

August 14, 2023

RE; Ripogenus Project, FERC No. 2572; Response to Allegations of Flow Deviations filed August 11, 2023

Great Lakes Hydro America's (Licensee) response to FERC's August 4th letter concerning the July 7<sup>th</sup> McKay Station outage and subsequent low flow violation. This filing of events during that outage flow provides some useful information but fails to deal with serious environmental issues. The Licensee doesn't provide evidence that outage flow of 400 cfs were met. The Licensee also failed to provide a detailed time line and methods that dealt with restoration of river flow. More importantly, FERC requested details of environmental impacts are ignored.

The referenced lighting strike outage of July 7 was ill-timed and an unfortunate event. The Licensee lost the ability to generate from two turbines and had to stunt water downstream to meet North Twin impoundment elevation requirements. The fish and aquatic communities were devastated. In short, both an energy production and environmental disaster. A lose-lose situation.

As noted in earlier filings, impact from this outage event could have been prevented/reduced had Ripogenus Dam gates been fitted with back-up emergency generators. A few dollars were needed to protect environmental resources. Environmental concerns were ignored.

The Licensee's August response to FERC contains the often-repeated license requirements but is short in critical details. Licensee maintains that West Branch River flow never dropped below 400 cfs. They say that while noting the station was both unmanned and off-line. Pictures of the river, dead fish, and angler/camper observation suggest this was not the case. As explained below, the licensee needs to provide critical July 7<sup>th</sup> information.

The Licensee has provided hourly average flows for the five-hour outage period and flows immediately before and after this event. While "hourly

averages" meet license reporting standards, low flows can be obscured by averaging. From my past experience, there is a transition period between McKay Station outage and start-up emergency flows. Additionally, the 610 cfs flow appeared to be calculated from gate settings. This is concerning given that the station was unmanned and "off-line" during the first hours of the outage event. The requested chronology and manning of the Licensee's July 7th response was not provided. This information is critical. How was the 13% Wicket Gate flow(s) confirmed? When I last entered the scroll case, there was much debris. There is always some variation in flows, if only from the Ripogenus log sluice gate setting of 100 cfs. How can an exact flow average of 610 cfs over a four hour period be possible?

From tabular flow information provided by the Licensee in their August 11<sup>th</sup>, outage report reply state flows remained at 610 cfs for five hours. No reason is provided for the five hour delay in opening a Ripogenus Dam deep gate. This inexcusable delay exasperated the impacts on fish and aquatic communities. The Licensee's October 2022 Outage Study demonstrated severe impacts to fish and aquatic communities. The July 7<sup>th</sup> outage was even more diastorous, recently emerged Landlocked salmon (salmon) fry (alevin) are extremely vulnerable to dewatering and the rapid rise of river flow.

The licensee failed to respond to or even note, the apparent violation of Article 406, the Holbrook Bypass Channel spawning and nursery area. Low flows for the duration of the five hours reported by the Licensee, dewatered this critical salmon nursery area. While FERC may conclude that this event was not a license violation, the fact remains that a year class of recently emerged landlock salmon was lost. The impact of the July 7 flow on newly emerged salmon occurred in all river reaches. The loss of a salmon age class impact could last for three to five years.

The FERC letter inquired about environmental impacts *"Please describe the methods used to check for environmental effects, including the areas surveyed"*. The Licensee failed to respond to this reasonable request. To date, the reported incident of fish kills is from boaters and anglers. The impacts of a 5:59 PM outage would be delayed, evidence of fish kills would generally appear later in the evening. Ripogenus Dam gate flows that were increased at 11PM would normally wash downstream fish and insect carcasses and obscure much of the dewatering impacts. It is clear the July 7<sup>th</sup> outage produced fish and aquatic insect kills. FERC should err on the side of the resource when considering adjudicating damages.

As has been the case in these (re) Licensing proceeding the Licensee answers and provides data that suits its needs. FERC asked for additional data, information concerning environmental damage. Rather than admit that they were not on-site, and have no information to report, the licensee ignores the request. Environmental damage resulting from the July 7<sup>th</sup> "lighting strike" (somewhere in the Grid) is evident, I encourage FERC to pursue requested information.

Thank you for the opportunity to comment. Please continue to pursue this matter in an aggressive manner.

Ed Spear

GLHA oFloutage response (note lost generation)

Narrative

Outage response (min flow) can't be instantaneous

Chronology ....time technician arrived

Email to V paul Reynolds

Hourly average

GLHA search for environmental impacts, dead fish

Gate setting: now and in the past

- . other locations in the Region), it just is not feasible due to current sta#ng levels.

Th Licensee does **not** seem to understand the difference between voluntary angler survey boxes and creel surveys. The former is passive and depends entirely on angler cooperation and is subject to prestige bias (only successful anglers respond) as well as (angler) fabrications. The latter is direct angler contact where even non cooperative anglers are counted.

Angler survey boxes provide "trends"; the same biases are repeated from

**fish and wildlife off dams - the goal**

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Document Content(s)

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