



St. Regis Mohawk  
Tribe



U.S. Department of  
Commerce  
National Oceanic and  
Atmospheric  
Administration



New York State  
Department of  
Environmental  
Conservation



U.S. Department of  
the Interior  
Fish and Wildlife Service

March 07, 2011

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Mail Code: DLCC, HL-11.2  
Washington, DC 20426

Dear Ms. Bose:

As lead administrator for the St. Lawrence Environmental Trustee Council (SLETC), please accept this letter on behalf of the St. Regis Mohawk Tribe (SRMT), the National Oceanic and Atmospheric Administration (NOAA), the Department of Interior (DOI) Fish and Wildlife Service, and New York State Department of Environmental Conservation (NYSDEC) regarding the Hogansburg Hydroelectric Project (FERC #7518).

The SLETC is following up on DOI's January 7, 2011 letter and NYSDEC's January 27, 2011 letter regarding Erie Boulevard Hydropower, LP's (Erie) application for a new license for the Hogansburg Hydroelectric Project. DOI's and NYSDEC's letters provide comments on the Federal Energy Regulatory Commission's (FERC) November 29, 2010 "Notice of Intent to File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests." DOI recommendations include considering decommissioning and removal of the Hogansburg Dam as a potential alternative. NYSDEC's January 27, 2011 letter also recommended that FERC include studies designed to evaluate decommissioning as an alternative to relicensing. In support of

and consistent with DOI's and NYSDEC's prior recommendations, SLETC recommends that a study of decommissioning and removal as an alternative be included in the PAD and Scoping Document, along with the other studies recommended in DOI's and NYSDEC's letters. While retrofitting the dam with fishways would provide some improvements to fish passage over the current situation, dam removal serves to more holistically address environmental harm associated with a dam that produces little energy.

The Hogansburg Hydroelectric Project consists of a dam and associated facilities on the St. Regis River in Hogansburg, Franklin County, New York. The dam is situated 2.75 miles upstream from the confluence with the St. Lawrence River and is an impediment to upstream and downstream fish passage by diadromous and potamodromous fish. The dam isolates fish and freshwater mussel populations, negatively affects important habitats including riffles, rapids and wetlands, alters sediment transport and reduces water quality.

The St. Regis River supports a variety of fish species including two state-listed threatened species (NYSDEC 2011a,b,c), lake sturgeon (*Acipenser fulvescens*) and eastern sand darter (*Ammocrypta pellucida*) and the catadromous American eel (*Anguilla rostrata*), a species in sharp decline (Prosek 2010, Casselman and Cairns 2003, Castonguay 1994). The State of New York identified dam construction as one of the major contributors to the decline in these species. In addition, the river supports other migratory species including walleye (*Sander vitreus*), muskellunge (*Esox masquinongy*), white sucker (*Catostomus commersonii*), and shorthead redhorse (*Moxostoma macrolepidotum*).

Tributaries to the St. Lawrence River were important spawning habitat prior to dam construction but fragmentation of habitat and physical obstacles to migration have significantly reduced the availability and quality of spawning grounds for numerous fish species. In an effort to address reductions in fish populations, some restoration planning and restoration implementation efforts have begun. For example, Atlantic salmon (*Salmo salar*) historically spawned in the St. Regis River (Goodyear 1982). In an effort to restore Atlantic salmon to St. Lawrence tributaries, preliminary reintroductions of Atlantic salmon in the St. Regis River and its tributaries upstream of the Hogansburg Dam were attempted (SRMT 2011).

The fragmented St. Regis River habitat is in sharp contrast to the non-fragmented habitats that support viable lake sturgeon populations. Auer (1996) supported the concept of a minimum viable population size and range for lake sturgeon population protection and ultimate enhancement. She recommended a minimum range of 250 to 300 km of barrier-free river and lake habitats to support lake sturgeon and unrestricted distances of 750 to 1000 km for migration. These long migration distances may contribute to maturation of eggs and sperm prior to sturgeon reaching their spawning grounds. Such distances may also help maintain separate different sturgeon stocks. Similarly, the healthy lake sturgeon population around Montreal is attributed to the availability of 350 km of non-fragmented habitat (Dumont et al. 2006, Dumont 2008).

## Restoration Opportunities in the St. Regis River Watershed

Federal, State and Tribal trust resources that have been injured by releases of hazardous material include, but are not limited to, lands, sediment/benthic macroinvertebrates, flora and fauna, water, birds, reptiles, amphibians, fish, mammals and/or their associated habitats and services provided by these natural resources.

The Trustees initiated efforts to identify candidate restoration projects for the St. Lawrence watershed including the St. Regis River. Restoration projects must be designed to restore, enhance, create, and/or otherwise acquire the equivalent of injured resources and services. The Hogansburg Dam prohibits fish passage, including important target species such as lake sturgeon, walleye and American eel. Removal of this dam would enhance the Trustees' ability to select and implement fish restoration projects in the St. Regis River. Removal of the Hogansburg Dam is not on the Trustees list of candidate projects since decommissioning and removal falls under the purview of FERC. Relicensing of the Hogansburg Dam could hinder the Trustee's ability to develop and implement restoration projects in the St. Regis River on behalf of the public.

### Recommendations

The Trustees recommend that FERC fully evaluate the decommissioning alternative including both the potential adverse consequences of relicensing the Hogansburg Dam project and the benefits of anticipated restoration efforts in the St Regis River for diadromous and potamadromus fish including lake sturgeon, eastern sand darter, American eel, walleye, muskellunge and suckers.

Nia:wen/Thank you for the opportunity to comment.

Sken:nen/Peace,



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Barbara Tarbell, St. Regis Mohawk Tribe  
NRDA Administrative Coordinator

cc: Anne Secord, USFWS  
Stephen Patch, USFWS  
Mark Barash, DOI  
Alice Richardson, NYSDEC  
Christopher Keim, NYSDEC  
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Shawn McDermott, NOAA  
Ken Jock, SRMT  
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John Privitera, SRMT

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