



Working for
Wilderness

June 13, 2019

U.S. Army Corps of Engineers
Pittsburgh District
2200 WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186
Via Email: celrp-pa@usace.army.mil

RE: Kinzua Dam and Allegheny Reservoir Master Plan Revision

To Whom It May Concern:

On behalf of the ADK (Adirondack Mountain Club), thank you for the opportunity to comment on the Master Plan Revision for the Kinzua Dam and Allegheny Reservoir. We respectfully request that you consider the following concerns and comments outlined below.

ADK (Adirondack Mountain Club)

ADK is the only nonprofit organization dedicated to protecting and advocating for New York State's wild lands and waters while also teaching people how to enjoy natural places responsibly. Since 1922, the organization has offered people opportunities to stay and play in as well as protect, discover, and explore the outdoors. Today, ADK has 30,000 members in 27 chapters statewide and is served by a professional, year-round staff. The organization is recognized as a vital voice in the commitment to environmental stewardship and ethical outdoor recreation in New York State. ADK members hike, camp, snowshoe, cross-country ski, paddle, and cycle the lands and waters of the Adirondack Park and other public lands and waters, including the Allegheny State Park, Allegheny National Forest, and Allegheny Reservoir. Our members are also monitors and maintainers of trails and recreation infrastructure as well as watchdogs of public lands and watersheds to monitor for invasive species or irresponsible and destructive motorized trespass.

Many of our members regularly use New York's largest state park, Allegany State Park (ASP), managed by New York's Office of Parks, Recreation and Historic Preservation (OPRHP). Allegany State Park is visited by over 1.5 million visitors a year and is a very important ecological resource because of its old growth forests, plant and bird biodiversity and its large contiguous temperate deciduous forest community. In the southwestern area of ASP, rich mesophytic forests and red maple hardwood swamps touch or are impacted by the water level of the Allegheny Reservoir as are the ecological communities at the mouth of Quaker Run where it empties into the Allegheny Reservoir.

ADK members also canoe and kayak on the Allegheny Reservoir between the Kinzua Dam and the Allegheny River above Carrollton, New York. Our members also recreate in the Allegheny National Forest (ANF), as well as monitor oil and gas drilling there that impacts terrestrial and aquatic habitats. Development of oil and gas drilling throughout the ANF has caused significant sediment pollution of the Allegheny River and Reservoir and the streams and creeks of the watershed. Water withdrawals for conventional and unconventional (i.e., high volume horizontal hydraulic fracturing) oil and gas drilling, oil and gas leaks and spills, and forest and habitat fragmentation from the construction of thousands of miles of oil and gas and logging roads also have had a significant impact on the Allegheny River Watershed. These issues should be considered in an Environmental Impact Statement (EIS).

ADK strongly urges the USACE to have the interest and input of the Seneca Nation as their highest priority during this plan revision process, which must include formal consultation with the Seneca Nation to review and assess the draft plan for needed changes prior to publication. As part of this, the Army Corps must also address the following issues:

- The Kinzua Dam and Reservoir Master Plan Revision must address upstream water quality impacts of the Kinzua Dam, particularly on the Seneca Nation, while improving conditions in the area surrounding the Allegheny Reservoir. A water reallocation study should be considered in assessing impacts to upstream water quality.
- Cultural concerns of the Seneca Nation have not been previously properly considered despite historical preservation regulations including, cultural use (e.g., medicinal plants), cultural preservation (e.g., artifacts and occupation sites), and ceremonial use.
- The USACE must support the Seneca Nation in completing shoreline archaeological surveys at winter pool elevations to consider impacts on cultural resources.
- The USACE must formally consult with the Seneca Nation to review and comment on the Revised Master Plan prior to a public release of the draft plan and incorporate changes suggested by the Seneca Nation.
- The USACE must develop a watershed plan in consultation with the New York State Department of Environmental Conservation (DEC) and other stakeholders, and review Kinzua Dam operations in the context of watershed health.
- The USACE must ensure clean-up of accumulated debris along the reservoir.
- The USACE must consult with the Seneca Nation on addressing the economic injustice of Seneca Territory lands being leased out by the USACE.

The Kinzua Dam and Reservoir Master Plan Revision action meets the significant impact criteria of 40CFR1508.27¹ for the preparation of an Environmental Impact Statement (EIS). Although the USACE believes that the Master Plan Revision will be a beneficial action, “a

significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial” (see 40CFR1508.27 (b) (1)).² The preparation of the Kinzua Dam and Reservoir Master Plan Revision clearly meets the definition of significance in context and intensity³ due to the plan’s potential to impact:

- cultural and historical sites, (see 40CFR1508.27 (b)(3) and (8)),
- watershed and ecosystem health, (see 40CFR1508.27 (3)),
- and endangered and threatened species, (see 40CFR1508.27 (b) (9)),
- and due to the fact that the taking of land from the Seneca Nation, now claimed to be under the jurisdiction of the USACE, is a continuing violation of the Treaty of 1794, (see 40CFR1508.27 (b)(4) and (10)).

There are several rare, threatened, or endangered species of freshwater mussels in the Allegheny River upstream and downstream from the Dam including Clubshell (*Pleurobema clava*), Northern riffleshell (*Epioblasma torulosa rangiana*), Rabbitsfoot (*Quadrula cylindrical cylindrical*), Rayed bean (*Villosa fabalis*), Sheepnose (*Plethobasus cyphus*), Snuffbox (*Epioblasma triquetra*).⁴ The Wavyrayed Lampmussel (*Lampsilis fasciola*), a threatened species, has also been recorded in Cattaraugus County New York.⁵ Freshwater mussels are “the most gravely imperiled group of animals in the country.” Their biggest threats include dams, channelization/dredging, decreased water quality, and habitat loss.”⁶ These species are impacted by the Kinzua Dam and Allegheny Reservoir and by how the reservoir waters and adjacent lands are managed.

The USACE should also affirmatively state in a properly detailed EIS whether their plans for future operation of the Kinzua Dam and the associated pumped Storage facility will or could have any environmental impact on the now legislatively protected lands and waters of Allegany State Park.

Thank you for considering the above comments.

Sincerely,



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¹ <https://www.law.cornell.edu/cfr/text/40/1508.27>

² <https://www.law.cornell.edu/cfr/text/40/1508.27>

³ <https://www.law.cornell.edu/cfr/text/40/1508.27>

⁴ https://www.fws.gov/northeast/pafo/pdf/endspecies/T&E_list_02172016.pdf

⁵ <http://www.dec.ny.gov/natureexplorer/app/location/county/results.5>

⁶ <https://www.fws.gov/northeast/nyfo/es/mussels.htm>