

St. Regis Mohawk Tribe



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



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

April 5, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Dear Ms. Salas:

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), and the Department of Interior (DOI) Fish and Wildlife Service, regarding the **Massena-Grasse River Multipurpose Hydroelectric Project (FERC #12607)**. The SLETC does not support the proposed Hydroelectric Project because it can result in selection of a less preferred remedy for the contaminated sediments of the Lower Grasse River and hinder our ability to implement restoration projects within this river basin. Creation of the dam will alter natural movements of biota and sediment in the river, negatively affect important habitats including riffles and rapids, reduce water quality, interfere with the natural free-flow of the river between Madrid and the mouth of the river, and has the potential to adversely effect state listed species.

St. Lawrence Environment Trustee Council

The St. Lawrence Environmental Trustee Council was formed in 1991 to address natural resource damages from three Massena, New York facilities - Alcoa (now Alcoa West), Reynolds Metals Company (now Alcoa East), and General Motors Foundry (GM). Under Section 107 (f) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Trustees, individually and/or together, are authorized to recover damages for injury to, destruction of, and loss of natural resources resulting from a release of hazardous substances from a facility.

The Trustees (SRMT; DOI/FWS; NOAA; NYSDEC) are currently working cooperatively with Alcoa and General Motors (collectively known as the "Companies") to resolve natural resource liability from three Massena facilities. Our goal, to protect

and restore injured resources, encourages the selection of a permanent, effective remedy for the St. Lawrence Environment. While remedies have been selected, and at least partially implemented, at Alcoa East and GM, EPA is currently investigating remedial alternatives for the Grasse River. The type of remedy selected for the Grasse River and any additional changes to the riverine system caused by the proposed Hydroelectric Project, has implications for the cooperative assessment process between the Trustees and the Companies with respect to restoration planning and restoration project implementation.

Remedy Selection

The Trustees have been assessing injury to the lower Grasse River for several years. PCBs are the primary contaminant of concern in the Grasse River due to releases from the Alcoa facility. Elevated PCB levels have been recorded in sediments, water, and biota. As an ice control structure, the construction of the proposed Hydroelectric project has a major role in the type of remedy selected for the Grasse River. The Trustees are supportive of a protective remedy that requires removal of the bulk of contaminated sediments, while the construction of this multipurpose Hydroelectric project may ultimately provide Alcoa with an opportunity to pursue a less permanent and less effective capping alternative.

Restoration

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

The Trustees and Companies have initiated efforts to identify candidate restoration projects for the St. Lawrence watershed including the Grasse River. Restoration projects must be designed to restore, enhance, create, and/or otherwise acquire the equivalent of injured resources and services. Public solicitations for projects addressing ecological services were collected and are currently being evaluated. The uncertainties associated with the impacts of the proposed Hydroelectric project will hinder Trustee development and implementation of any restoration for the Grasse River on behalf of the public.

Study Recommendations

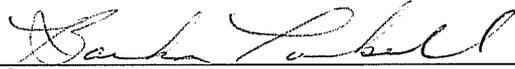
The Trustees support and recommend that in addition to studies requested by their individual agencies or governments that the applicant should evaluate the impacts of the proposed hydroelectric project on anticipated restoration efforts in the Grasse River for lake sturgeon, eastern sand darter, American eel, and freshwater mussels, including the yellow lampmussel.

Summary

The SLETC on behalf of SRMT, NOAA, and DOI's FWS¹, do not support the construction of the Massena Grasse River Hydroelectric Project as an ice control structure to partially deal with PCB-contaminated sediments in the Grasse River. As a source of electricity to the Town of Massena, we believe the extensive mitigation required will outweigh the benefit of the limited proposed power generation. We hope that FERC will be responsive to our concerns that approval of this project will hinder our ability to carry out our responsibilities as natural resource trustees which includes restoration of the Grasse River.

Nia:wen/Thank you for the opportunity to comment on this FERC process and provide study recommendations.

Sken:nen/Peace,



Barbara Tarbell, St. Regis Mohawk Tribe
NRDA Administrative Coordinator

cc: Anne Secord, USFWS
Mark Barash, Esq., DOI
Sharon Brooks, NYSDEC
David Keehn, Esq. NYSDEC
Lisa Rosman, NOAA
Jason Forman, NOAA
Ken Jock, SRMT
Jessica Jock, SRMT
John Privitera, Esq., SRMT
Young Chang, EPA RPM
Kirk Gribben, Alcoa
Jim Hartnett, GM

¹ NYSDEC has abstained from joining in this letter because it is likely to be asked by the Massena Electric Department to review an application for a water quality certification for the proposed hydroelectric project.