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TOWN OF CHATEAUGAY
TOWN OF BELLMONT

9

10

PUBLIC HEARING

11

JERICO RISE WIND FARM

12

DECEMBER 30, 2015

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1 TOWN OF CHATEAUGAY BOARD

2 Gregory Janisewski
3 Fredrick Cook
4 Arthur McCormick
5 Donald Bilow, Chairperson
6 Roger LaBombard, Highway Superintendent

7 TOWN OF BELLMONT BOARD

8 Ann Perry
9 Gregory Langdon
10 Wayne Rogers
11 Harley Titus
12 H. Bruce Russell

13

14

15 PUBLIC SPEAKERS

16

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18 NANCY KING 14

19 TAMMY TITUS 17

20 MARVIN TITUS 18

21 JUDY KING 21

22 ARON BRANAM 22

23 KIP YOUNG 23

24 THOMAS SMITH 25

25

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1 MR. BILOW: Thank you for coming. It's
2 not a real nice night out, but we have to take
3 what we get.

4 I'm Don Bilow, Chateaugay town
5 supervisor. We have Phyllis Lemay the town
6 clerk with us, Fred Cook, councilman; Art
7 McCormick, councilman, Greg Janisewski,
8 councilman; and Roger LaBombard, highway
9 superintendent elect.

10 I'm going to let Bruce introduce his
11 people.

12 MR. RUSSELL: I'm Bruce Russell, town
13 supervisor. On the far left far Greg Langdon,
14 councilperson; Ann Perry, councilperson; Wayne
15 Rogers, councilperson. Our superintendent of
16 highways is not here and our one councilperson
17 is conflicted, Harley Titus. He's sitting with
18 you.

19 MR. BILOW: Thank you, Bruce.

20 MR. RUSSELL: Our town clerk, Judylane
21 Nason.

22 MR. BILOW: I am going to introduce our
23 special counsel, Mr. C.J. Madonna, and he is

1 going to explain what is going to take place
2 this evening.

3 MR. MADONNA: Thanks, Don. First we'll
4 call it to order. Each town clerk will call
5 your board to order and take attendance.

6 MS. LEMAY: Call my board. Freddie Cook?
7 Say here.

8 MR. COOK: What do you want me to do?

9 MS. LEMAY: Say here.

10 MR. COOK: Here.

11 MS. LEMAY: Art McCormick?

12 MR. McCORMICK: Here.

13 MS. LEMAY: Greg Janisweski?

14 MR. JANISEWSKI: Here.

15 MS. LEMAY: Don Bilow?

16 MR. BILOW: Here.

17 MS. LEMAY: Roger.

18 MR. LABOMBARD: Roger LaBombard.

19 MS. NASON: Greg Langdon.

20 MR. LANGDON: Here.

21 MS. NASON: Wayne Rogers?

22 MR. ROGERS: Here.

23 MS. NASON: Ann Perry?

1 MS. PERRY: Here.

2 MS. NASON: Greg Langdon?

3 MR. LANGDON: Here.

4 MS. NASON: Harley Titus?

5 MR. RUSSELL: Let the record reflect that
6 Harley Titus has acknowledged a conflict of
7 interest. He's present but he is sitting in
8 audience but he is not partaking of the public
9 hearing.

10 MS. NASON: H. Bruce Russell?

11 MR. RUSSELL: Here.

12 MR. MADONNA: First, I'd like to welcome
13 everyone to the hearing on Jericho Rise Wind
14 Farm application. This meeting is being held
15 pursuant to mandates of out Town local laws in
16 the SEQR mandates. As provided in the Towns
17 local laws Section 11 Subdivision G, the Town
18 Board shall hold a public hearing on the
19 Application. Further, as the local laws
20 provides, the public hearing on the Application
21 is being combined with the public hearing on
22 the Environmental Impact Statement. In this
23 instance there has been filed and received by

1 the town a Supplemental Environmental Impact
2 Statement dated September 2015.

3 A copy of each is up here to anyone who
4 wants to make a reference at each end of the
5 table as well as the revised applications at
6 each end of the table.

7 The notice of this public hearing had
8 been further noticed that it shall also be on
9 the Applicant's requests for waivers according
10 to Article V Section 28 of the local law.

11 This is a public hearing in which you
12 will have the opportunity to comment on the
13 items as noticed, that is, the Wind Revised
14 Application, the Supplemental Environmental
15 Impact Statement and requests for the variance
16 for the height and construction time.

17 To clarify for you, the height permitted
18 by law is 400 feet. The request is for
19 492 feet. If I'm wrong correct me.

20 The construction time by law requires
21 7:00 in the morning to 7 PM. The request for
22 waiver is to allow 5:30 AM beginning and ending
23 at 10 PM.

1 At this time I'll read the public notice.

2 The public notice appeared in the Malone
3 Telegram Wednesday December 9, 2015.

4 Notice is hereby given that the Town of
5 Chateaugay and the Town of Bellmont acting as
6 SEQR Co-Lead Agencies have determined that the
7 Supplement to the Joint Applications for Wind
8 Energy Permits and the Supplemental
9 Environmental Impact Statement (SEIS) for the
10 Jericho Rise Wind Farm are complete and
11 adequate for public review and comment.

12 Written comments on the SEIS will be accepted
13 until January 11, 2016. Comments maybe
14 delivered in person to the Chateaugay town
15 hall, 191 East Main Street, Chateaugay, New
16 York 12920 or mailed to the Chateaugay Town
17 Clerk at P.O. Box 9, Chateaugay 12901 [sic].

18 Comments may also be delivered in person to the
19 Bellmont Town Office at 9 Hill Road,
20 Brainardsville, New York 12915 or mailed to the
21 Bellmont Town Clerk. I got P.O. Box 35
22 Brainardsville, New York.

23 Public hearing on the Joint Application

1 for the Wind Energy Permits, the Supplemental
2 Environment Impact Statement, the Application
3 request for waiver for Section 12 A 13 of the
4 local wind law to waive the existing 400
5 maximum height limit for any wind turbine, and
6 last the Applicant's request for a waiver from
7 Section 12 A 14 of the local wind laws to waive
8 hours of 7 AM to 7 PM for construction of the
9 wind energy conversion system to allow for
10 construction between 5:30 AM and 10 PM will be
11 held at the 6:30 PM on Wednesday December 30,
12 2015 at the Chateaugay Town Hall, 191 East Main
13 Street, Chateaugay, New York.

14 A copy of the application and the SEIS is
15 available on the applicant's website
16 [www.edrnorthamerica.com/farms/regulatory-permitt](http://www.edrnorthamerica.com/farms/regulatory-permitting-information)
17 [ing-information](http://www.edrnorthamerica.com/farms/regulatory-permitting-information). It is available for public
18 review at the Chateaugay Town Hall and 191 East
19 Main Street in Chateaugay, New York.

20 With that, I'm going to hand over to the
21 Chateaugay town clerk, mark it part of your
22 record.

23 I have the wrong zip code, it's okay. I

1 think everybody knows -- did I read it wrong?

2 12920 is right. I must have closed my eyes.

3 Next, I also want the record to reflect
4 that I received this morning here is a copy of
5 the Notice of Publication signed by the paper
6 and a copy of the Notice that I just read and I
7 also ask that they be put into the record. The
8 Town of Chateaugay, please provide a copy of
9 that to the Town of Bellmont.

10 If you had have any written materials we
11 recommend that you please provide us with a
12 copy. I also need to give you, for the steno,
13 a copy of the two documents I just gave to you.
14 I did not give her this. Before she lives can
15 you give her the Notice of Publication. She
16 has the actual notice that was in the paper. I
17 gave her a copy.

18 In order to conduct -- as we conduct the
19 meeting tonight there are certain rules that
20 are to be followed during the meeting. I'll
21 read them to the public that are here tonight.

22 Take notice that the official transcript
23 of the proceeding is being recorded by a

1 stenographer and electronic recordings may be
2 utilized. I ask that each person coming forth
3 to address the towns making comments to please
4 beginning by stating your name and if -- please
5 look at her, if she asks you to spell it,
6 please spell it, and your address.

7 Each person wishing to speak must
8 register. There was a pad at the entrance of
9 the room. I asked that you complete -- the
10 instructions were to please print your name and
11 address, noting the town in which you reside.
12 It also asks if resident of Chateaugay and
13 Bellmont, please mark yes or no. We will take
14 residents of the towns first. Any expert
15 witness or other public official to be taken
16 next and then followed by others. If you want
17 to submit written comments, please note the
18 comment period on the SEIS is open until
19 January -- I had 6th, but it's amended to
20 January 11, 2016, is what appears on the
21 Supplemental. I'm going to go with what's on
22 the Supplemental document that we are using.

23 Please submit two copies, one for each

1 town. If you only have one this evening, we
2 will accept the one, please hand it to the
3 steno. Give your name and address. If you
4 have a business card that would be deeply
5 appreciated.

6 The Board cannot anticipate the number of
7 commentors or witnesses so, as noted above, we
8 are giving preference first to the residents.
9 We also ask that you limit your comments to
10 three to five minutes and we encourage you to
11 be focused and direct to allow everyone to be
12 heard. The longer and more lengthy comments
13 can be accepted in writing -- in written form
14 after the hearing is closed.

15 As I noted above, the public comment
16 period is open until January 11. Please
17 deliver the written comments to the town clerk
18 on or before the 11th of January.

19 I had everything understood as the 6th.
20 The document that I have says the 11th, so I'm
21 going to go with the later date.

22 We will next proceed to open the hearing
23 for comments from the public. My last note is

1 that I remind speakers to speak clearly into
2 the microphone and I also note that some may
3 not feel comfortable speaking in front of
4 crowds. We understand that your comments are
5 important to us and we encourage you to make
6 comments you feel strongly for or against. And
7 last most important, everyone please direct
8 your comments to the Board not to the public or
9 to the Applicant. I'll not allow anyone to
10 interrupt another. Everyone should make their
11 comment and let us all respect each other.

12 In ending, if any board members wants to
13 ask questions to the witness in order to
14 clarify facts or opinion, please direct the
15 question to the chair. Tonight the chair will
16 be Don Bilow. If the public asks questions to
17 the applicant please note them for the record
18 and the applicant will be allowed to make
19 comments if short yes or no for clarifying
20 facts, but may be deferred thereafter as they
21 will be required to sign in as everyone else to
22 make their comments as well.

23 However, this will not be turned into a

1 debate. You all can make your comments and we
2 will not be going back and forth with the
3 applicant and the applicant will not do
4 likewise.

5 Last, the Board reserves the right to
6 adjourn this meeting until a further date and
7 time and place if the hearing goes too long and
8 everyone is not allowed to make their comments.
9 However, if it is repetitive, we reserve the
10 right to close the meeting.

11 The chair will now open the public
12 hearing. I ask the chair to read the name of
13 the first residents. Thanks.

14 Let the record also reflect that I
15 provided the steno and each town clerk with a
16 copy of the Environmental Notice Bulletin
17 accepting as complete the SEIS. I have also
18 provided each town clerk with the copy of the
19 letter of transmittal to send to the interested
20 and other involved agencies for the SEIS and
21 that was published and I'll turn it over to
22 Don.

23 MR. BILOW: Nancy King. Looking for

1 comments.

2 MS. KING: Comment?

3 MR. BILOW: Yes. You don't have to, but
4 we are asking if you want to make a comment.

5 MS. KING: I have to say --.

6 MR. BILOW: No, you have to come to the
7 microphone and speak.

8 MS. KING: I do?

9 MR. BILOW: Yes.

10 MS. KING: I just wanted to say that they
11 are working in our fields right now on -- we
12 have a drainage pipe.

13 MR. BILOW: Have you to speak into the
14 mic.

15 MS. KING: Okay. Good Lord. We have a
16 drainage pipe in the field and I don't know if
17 they are going to be going near it or anything.
18 I just thought I would warn you about that;
19 okay?

20 MR. BRANAM: We can address that.

21 MS. KING: Okay good.

22 MR. BILOW: Bill King? Connie Merrill?

23 No comment?

1 MR. MADONNA: Let the record reflect that
2 Mr. King and Ms. Merrill signed in but have no
3 comment.

4 MR. BILOW: Gib Merrill?

5 MR. MERRILL: No comment.

6 MR. BILOW: Harley Titus?

7 MR. TITUS: I have no comment.

8 MR. BILOW: Sylvia Titus?

9 MS. TITUS: No comment.

10 MR. BILOW: Sand Sayyeau?

11 MS. SAYYEAU: No comment.

12 MR. BILOW: Fred Cook?

13 MR. COOK: No comment.

14 MR. BILOW: Art McCormick.

15 MR. McCORMICK: No comment.

16 MR. BILOW: Judy King?

17 MS. KING: No comment.

18 MR. BILOW: Joyce King?

19 MS. KING: No comment.

20 MR. BILOW: Richard King?

21 Mr. King: No comment.

22 MR. BILOW: John Tubbs.

23 MR. TUBBS: No comment.

1 MR. BILOW: John Child?
2 MR. CHILD: No comment.
3 MR. BILOW: JudyLane Nason?
4 MS. NASON: No comment.
5 MR. BILOW: Candy Charland?
6 MS. CHARLAND: No comment.
7 MR. BILOW: Jay Cook?
8 MR. COOK: No comment.
9 MR. BILOW: Scott Beech?
10 MR. BEECH: No comment.
11 MR. BILOW: Aaron?
12 MR. BRANAM: No comment.
13 MR. BILOW: Chris Matthews?
14 MR. MATTHEWS: No comment.
15 MR. BILOW: Felix Tam?
16 MR. TAM: No. comment.
17 MR. BILOW: Kip Young.
18 MS. YOUNG: No comment.
19 MR. BILOW: Bill Wood?
20 MR. WOOD: No comment.
21 MR. BILOW: Wendy Kingsland?
22 MS. KINGSLAND: No comment.
23 MR. BILOW: Allison I think it's Poe?

1 MS. POE: No comment.

2 MR. BILOW: Walter Whalen?

3 MR. WHALEN: No comment.

4 MR. BILOW: I have Erika Nelson?

5 MS. NELSON: No comment.

6 MR. BILOW: Dan Nelson?

7 MR. NELSON: No comment.

8 MR. MADONNA: Erika [sic], did we read
9 your name right? Kings -- is it Kingsman or
10 Kingslaw?

11 MR. BILOW: Kingsland.

12 MR. MADONNA: Kingsland?

13 MR. BILOW: Erika Nelson? It's Wendy
14 Kingsland.

15 MR. MADONNA: L-A-N-D.

16 MR. BILOW: Yes.

17 Larry Labare?

18 MR. LABARE: No comment.

19 MR. BILOW: Judy Labare?

20 MS. LABARE: No. comment.

21 MR. BILOW: Tammy Titus?

22 MS. TITUS: I just like to say like I did
23 in the beginning when this all started, I like

1 to see it go forward.

2 MR. BILOW: Can everybody hear that? You
3 have to speak into the mic.

4 MS. TITUS: I just support this. I like
5 to see it move forward. It's renewable energy.
6 We all use a lot of electricity. It's one of
7 least negative ways to use it. I just like to
8 see everything going. And it's going take a
9 while. I support it. Thank you.

10 MR. BILOW: Thank you, Tammy.
11 Marvin Titus.

12 MR. TITUS: Don't want to be outdone.
13 Like my wife said, we have always been
14 supporting it right from the getgo. The town
15 of Chateaugay knows how much money they are
16 receiving from the PILOT program, the fire
17 department, the towns, the schools. I think
18 it's just good for the whole community and I'd
19 just like to see it keep moving forward.

20 MR. BILOW: Thank you, Marvin.
21 Hayley Mallen?

22 MS. MALLEN: No comment.

23 MR. BILOW: Kevin Legacy?

1 MR. LEGACY: No comment.

2 MR. BILOW: Wayne Whalen?

3 MR. WHALEN: No comment.

4 MR. BILOW: Alice Thompson?

5 MS. THOMPSON: No comment.

6 MR. BILOW: Mark Seacor?

7 MR. SECOR: No comment.

8 MR. BILOW: Glenda King?

9 MS. KING: No comment.

10 MR. BILOW: Hamilton Wood?

11 MR. WOOD: No comment. Maybe later.

12 MR. BILOW: Looks like Thomas Smith?

13 MR. SMITH: No comment.

14 MR. BILOW: No comment? Okay.

15 That's everyone who signed in.

16 MR. MADONNA: Does anybody have -- want

17 to take an opportunity to say anything?

18 Otherwise we are going to close the public

19 hearing.

20 Let the record reflect that we are going

21 to close the public hearing at -- what time do

22 you have? 6:55.

23 MR. BILOW: Last call?

1 MS. KING: I have a questions.

2 MR. BILOW: You have to come up and speak
3 into the mic.

4 MR. MADONNA: Even though -- the comment
5 period remains open as noted above. It's going
6 to be January 6th, 2006 [sic].

7 UNIDENTIFIED SPEAKER: 11th.

8 MR. MADONNA: 11th. Anyone can make
9 comments by delivering them or mailing them to
10 either town board.

11 MS. KING: Thank you.

12 MR. MADONNA: If you wish put something
13 in writing, put it in writing.

14 MS. KING: Thank you.

15 MR. MADONNA: Can I have your name?

16 MS. KING: Glenda King.

17 MR. RUSSELL: If necessary, may the
18 public comment period of time be extended and
19 what would be the process to do that?

20 MR. MADONNA: Well, I have to address
21 that when the reason comes up. Right now,
22 really, with no one speaking there will be no
23 decisions on the comments until it's closed and

1 we review them. And we really had very few
2 comments. I have to address it on a case by
3 case basis?

4 Yes, ma'am? Please identify yourself.
5 There is one over there as well.

6 MS. KING: I'm Judy King and I was
7 wondering if anyone could speak to the map of
8 the diagram that's in the lobby? Also, I'm
9 sure a lot of -- a few people probably are
10 wondering how certain your projecting of this
11 moving forward to what we are seeing on this
12 map.

13 MR. MADONNA: I can tell you the map is
14 the application. If it changes we are going to
15 have to have a revised amended application and
16 possibly another supplemental. So as far as
17 what we are going to do, we are not going to be
18 making changes to that map without having the
19 opportunity for everyone else to address any
20 comments or concerns, that's the first thing.

21 The second thing, and I believe the
22 applicant is here, I believe they can address
23 the map, the difference between the original

1 DEIS and the supplemental? Can you briefly do
2 that Aron?

3 MR. BRANAM: Sure.

4 My name is Aron Branam. I'm the project
5 manager of the Jericho Rise Wind Farm. I just
6 like to supply a brief overview of the wind
7 project since its beginning in 2006.

8 MR. MADONNA: Let me just do one thing
9 for the record.

10 MR. BRANAM: Yes, go ahead.

11 MR. MADONNA: We start to say it was
12 closed then I received a comment.

13 Let the record reflect we continued the
14 public hearing open so that we could get her
15 comment incorporated as well as yours. Thank
16 you.

17 MR. BRANAM: So the Jericho Rise Project
18 began development in 2006. Today it's a 77.7
19 MW wind farm between the towns of Bellmont and
20 Chateaugay.

21 A Draft Environmental Impact Statement
22 was deemed complete in February of 2008 and two
23 the public hearings and a public comment period

1 were held on that DEIS. A Supplemental
2 Environmental Impact Statement was submitted by
3 the EDPR in November at 2015 and was deemed
4 complete December of 2015.

5 Originally the project consisted of 53
6 Vestas V82 wind turbines. Today the project
7 consist of 37 Gamesa G114 2.1 MW turbines.
8 Twenty-nine of those turbines reside in the
9 town of Chateaugay and eight reside in the town
10 of Bellmont.

11 The project site as shown on the map the
12 boundary it identified in the Supplemental
13 Environmental Impact Statement and is generally
14 the same as that one that was shown in the
15 Draft Environmental Impact Statement. The use
16 of the larger wind turbines have allowed EDPR
17 to achieve the same project capacity while
18 maintaining compliance with town laws and
19 generally reducing the impact of the project to
20 the surrounding lands. I will be happy to
21 speak with anyone with regard to the map after
22 the public hearing is closed.

23 MR. MADONNA: Any further comments?

1 MR. YOUNG: My name is Kip Young.
2 Originally the -- I worked for the wind towers
3 for seven years for Noble so I do have some
4 background in which you guys are proposing to
5 do. I'm definitely a supporter of the wind
6 energy by all means.

7 A couple of questions as a neighbor and
8 resident to the site. Has there been any
9 additional thought process put into, with a
10 larger rotor, more noise? And have the
11 setbacks been considered? Have they been
12 expanded now that the town has gotten larger?

13 MR. MADONNA: We have not modified the
14 wind law. The request, just because they made
15 a request for variance, it's not granted.
16 There will be a hearing on the request and they
17 will have to support the reasons why they can
18 go the height without showing any additional
19 impact. That's the best way I can answer that.

20 MR. YOUNG: Sure. Maybe a question to
21 the group of the wind farm. Is there an
22 increase in noise with this turbine compared to
23 your original design, and if so, how much?

1 MR. BRANAM: I would refer you to section
2 2.7 of the Supplemental Environmental Impact
3 Statement which covers this topic in detail and
4 I think that's where you will find all your
5 answers, Kip.

6 MR. YOUNG: Okay.

7 MR. BILOW: For the record, we do have a
8 the copy of the SEIS here. I'll make sure that
9 there is one in the library also, so if anyone
10 wants to look at them, they will be available.

11 And Bellmont, they will be at the
12 Brainardsville office and clerk's office on
13 County Route 24.

14 MR. SMITH: Tom Smith, I'd like to ask a
15 question. My question is in reference to the
16 variance. The variance in the hours of the
17 construction. I just was wondering if this was
18 seven days a week or if it's from Monday
19 through Friday because where it goes into 10:00
20 at night and it's right in the neighborhood, I
21 am just wondering if concrete trucks and
22 everything else is going to be rolling until
23 10:00 at night on a Saturday and Sunday

1 evening?

2 MR. MADONNA: I'll defer to the applicant
3 here. Can you speak to that?

4 MR. BRANAM: I would like to address that
5 in a written comment.

6 MR. MADONNA: Okay. Is the variance for
7 the -- that whole period.

8 MR. BRANAM: 5:30 AM to 10 PM, six days a
9 week.

10 MR. MADONNA: Six days a week.

11 MR. BRANAM: I would like to confirm that
12 in a written comment, as I don't have it in
13 front of me.

14 MR. MADONNA: Understood.

15 MR. BILOW: Does anyone else have a
16 comment?

17 MR. MADONNA: With respect to the waiver,
18 they are not being considered tonight. We're
19 just giving you the opportunity to ask all the
20 question.

21 After the environmental review the SEQ
22 review is completed, we will address the
23 application. In addressing the application, we

1 will address each variance on its own and we
2 will be asking the Applicant to address each
3 one and support it.

4 I want to make sure it's clear to you
5 nothing is being approved tonight. You have
6 the opportunity to address those variances when
7 they present their request to the Board. But
8 that's only after we finish the SEQR review.

9 Is there -- before we close it again, let
10 the record reflect that we reopened it.
11 Anybody else have any other questions?

12 MR. MADONNA: The lady in back asked for
13 an opportunity to put it in written comment, we
14 said January 11, since it opens for the SEIS.
15 Good evening, let the record reflect, that we
16 were going to close. It's 7 PM.

17 MR. BILOW: Thanks everyone for coming.

18

19 (The public hearing concluded at 7:00 PM)

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1 STATE OF NEW YORK)

2 COUNTY OF ST. LAWRENCE)

3 I, Mary Elizabeth Burnham, a Notary Public in the
4 state of New York, do hereby certify that the foregoing
5 public hearing was taken before me, in the cause, at the
6 time and place, and in the presence of counsel, as stated
7 in the caption hereto, at Page 1 hereof; that the
8 foregoing typewritten transcription of the public
9 hearing, consisting of pages number 3 to 27, inclusive,
10 was produced to the best of my ability of said public
11 hearing had at this session.

12 IN WITNESS WHEREOF, I have hereunto subscribed my
13 name, this the 4th day of Janury 2016.

14 
Mary E. Burnham, Notary Public

15 State of New York

16 County of St. Lawrence

17 My commission expires: 6/15/19

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To, The TOWN BOARD
MEMBERS, Town of Chateaugay

From. Gilbert + Connie MERRILL

WE ARE Writing This Letter TO The Board IN
Support OF The Jericho RISE Wind, project
Wich WE Will Be PART OF AS LAND OWNERS

AS Some OF The Large INDUSTRIAL plants
Have closed, Like, G.M, ALCOA, CLINET TINK,
VALCO FURNITURE, E.C.T, The NORTH COUNTRY HAS
LOST A LOT OF JOBS, MONEY, + BENEFITS,
The people OF Chateaugay Will STAND TO gain
FROM The Building OF The Jericho RISE project.
Revenue FOR, schools, Highway Dept, FIRE dept,
LOCAL Technicians working on Turbines, AND TAXES

in Today's Tough Times The income FROM
Building This project Will help Everybody, in The Towns
involved in one way or another



Gilbert + Connie MERRILL

497-6465

228 - Jericho Rd Chateaugay NY

January 4, 2016

**Comments on the proposed Jericho Rise Wind Farm in Franklin County, NY
in regard to possible impacts on television reception:**

I use an onsite antenna for all of my television reception. Of the channels listed in Appendix T, I receive CBOT, CBMT, CJOH, CFCF, CKMI and WCFE. Three of these channels – CBMT, CFCF, and CKMI - are ones that might be impacted by the windmills, based on my location.

If antenna adjustments or upgrades and cable service are not able to correct any impacted service, will satellite service be available for the channels that would likely be impacted?

While most people in this area do not rely on antennas for TV reception, I am aware of others beside myself that have this same concern. Understandably, they like myself, want any reception problems corrected in a timely manner.

Wayne Rogers

988 County Route 24

Malone, NY 12953

January 5, 2016

received
1-7-2016 US MAIL HBR

To: H. Bruce Russell

Bellmont Town Supervisor

Dear Mr. Russell,

Our comments were not ready at the meeting on 12/30/15.

Our interests are for Jericho Rise Wind Farm to continue with the construction of the wind farm. We are in favor of the height of the wind turbines in this project being increased to 492 ft. 2.1 megawatts.

We are also in favor of the extended work hours 5:30 a.m. to 10:00 p.m. 6 days a week. Our reason being that once a project is started & can't possibly be finished in an average work day it only makes sense that the working hours are extended.

We are hopeful that Jericho Rise Wind Farm will go ahead until all turbines are installed & producing energy.

It will not only be an asset to the landowners but all residents of the towns.

It our wish that these comments be forwarded to all the board members of the town of Belmont & Chateaugay & EDP Renewables .

Thank you,

Richard L (Dick) & Joyce M . King

Richard L King
Joyce M. King

From: H. Bruce Russell [<mailto:llessur39@gmail.com>]

Sent: Thursday, December 31, 2015 5:12 PM

To: Branam, Aron <Aron.Branam@edpr.com>

Cc: Donald Bilow <dbilow1@gmail.com>; Robert Adams <radams@craworld.com>; Carl J. Madonna <cmadonna@schluter.com>

Subject: Photo views of various sites

Aron,

As Wayne Rogers mentioned to you on Dec. 30th and several times to me prior to that date "there are only two Bellmont photo views presented" (page 1 of 9, Figure 12: Viewpoint 3) in the SEIS. His thought is that there are much better sites such as at County Route 24 and SnowSchoolHouse Road looking north, or at Titus Road and County Route 24 looking north westerly, third would be from the Chase Road (near the hill crest) looking north and westerly. These views encompass much of the properties that his families' homes will be overlooking so I can understand his concern however in the original public hearings in 2007 (there about) the viewscape he now mentions was not an issue that was expressed by the family.

I don't know how you address this issue but I do think the request is much too late at this point.

Happy New Year,

Bruce

--

H. Bruce Russell

Town of Bellmont Supervisor

PO Box 39

Owls Head, NY 12969-0039

Phone: 518-483-3613

Fax: 518-483-2677

Cell: 716-474-1512

Office: 518-425-3461

received
1-7-2016 FAX

HAB

1763 County Route 24
Chateaugay, NY 12920
January 3, 2016

Chateaugay Town Board
191 East Main Street
Chateaugay, NY 12920

Town of Bellmont Town Board
P.O. Box 35
Brainardsville, NY 12915

It is without hesitation that we approach the joint boards of Chateaugay and Bellmont with our written comments on the proposed Jericho Rise/EDP Renewable Windfarm project. There are numerous questions we have concerning this project and the process the town boards have followed throughout the course of the planning process. We acknowledge that many of the answers to our concerns may be found in the SEIS, however, we are not subscribers to the local newspaper and have never received any announcements of meetings prior to the December 18th, 2015 letter from Jericho Rise advising us of the December 30th, 2015 public meeting. Therefore we were not aware of the completion or location of the SEIS and have not had adequate time to review it. Based on the extremely low attendance at the aforementioned meeting, it is assumed that our limited notification of pertinent meetings and milestones in the process may be the norm among residents throughout the 2 townships. The mere fact that the New York State Department of Environmental Conservation dutifully posted, as required, on March 5, 2008 the approval by the co-lead agencies of the Draft EIS and made notification of the thirty (30) day public comment period that would close on April 25, 2008 and yet through the month of December 2015, there are no other notifications or bulletins concerning this project intensifies our concern. With a supplement to this 8 year old document, apparently being filed in December, it is quite evasive that there is no public notification of pertinent dates on the same New York State Department of Environmental Conservation Website as of January 3, 2016. Therefore there is no online resource indicating when the comment period actually commenced and when it will conclude, limiting the ease of information for Bellmont or Chateaugay landowners that may reside out of State or simply outside of this immediate region of New York State.

With the January 6th, 2016 deadline rapidly approaching, we have determined it is in our best interest: from a personal and legal standpoint, to put forth our questions, concerns, and comments within the established 30 day public comment period.

As the boards know, based on the roster of attendees at the public comment meeting, one of us was in attendance. From our understanding and according to the letter received from Jericho Rise, previously mentioned above, *"2015 is drawing to a close and we wanted to share with you important progress made on the Jericho Rise project as well as what to expect in the upcoming months"* and in the closing of the same notification/invitation: *"We have been working very closely with our civil engineer to finalize a design that balances local laws, environmental constraints and landowner feedback."* Much to our surprise and dismay, this meeting did not deliver or address any of the above. Residents were asked to comment, yet it is difficult to do so from an intelligent perspective when no viable or pertinent information or updates were provided as expected based on the notice and the basic premise of what a public hearing typically entails. On the contrary, when one individual did speak up and ask if consideration had been given to the larger rotors, specifically in regard to larger setbacks, he was not adequately answered. He was simply referred to a specific section of the SEIS. This action was not answering the question as one should and would expect at a public hearing with the proposed purpose of exchanging comments and answering questions. Furthermore, when Thomas Smith inquired about the waiver on operating time constraints the board transferred the question to Aron Branam, Project Manager. Mr. Branam diverted the question when he stated that he was opting to address this through written comment. What are the time constraints on his response and where will it be available to the member of the public that directly sought the answer and other community residents as well? This information should have been provided at the public hearing once Mr. Branam announced the alternative format in which he would answer the direct question.

Rather than provide pertinent information and address what safeguards, research, and studies have been conducted to protect the residents and land owners of both townships, along with the community as a whole, this public hearing had the opposite effect. It caused a sharp escalation in our concerns, instilled an increased motivation to thoroughly examine this project, and the exchange of limited information that ranged from appearing evasive, censored, and uninformed to sounding like propaganda has in part, influenced the direction of our intentions.

Our concerns are numerous. Suddenly, this project seems to be progressing quite quickly, after what appeared to be an 8 year moratorium, and we feel the need to voice within the written comment period, our dissatisfaction at this point in time:

We perceive a lack of solid, informative communication with the residents that will be affected by this project as touched upon in preceding pages.

There seems to be a disregard concerning the impacts it will have on the overall quality of life on individual homeowners.

It is questionable whether the ramifications of the "rift" it will place between neighbors, friends, family or the community at large has been considered.

It does not appear as though the financial effects it will cause on property values has been fully evaluated. (As a side note: Has a PILOT been approved? If so, do residents fully understand this request or is the vague belief of the "benefit to schools, fire departments, and towns" just taken at face value?)

It is apparent that extensive research and disclosure of EDP and other business transactions and projects they have undertaken has not been completed. Specifically, does the Board know if there are any pending lawsuits or allegations of breaches in legal, ethical and/or moral protocol against EDP?

Potential health effects of a physical, emotional, developmental, or psychological nature have not been fully addressed.

The adverse effects this project may have on safety has not been considered nor have

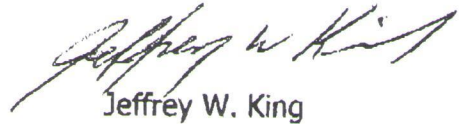
The effects the development and completed project will have on our natural habitats, environment, and infrastructure.

A lack of consideration for the destruction of a way of life that is difficult to attain: waking to the sounds of nature, looking at a dark sky illuminated only by stars.

And, whether or not all that has transpired thus far falls within constraints and regulations established not only by local law, but state law as well.

This list of concerns is not all inclusive but it is a start. Over the course of the next few weeks, we will review the SEIS and any supporting documents to determine if any of this has been adequately and independently researched and addressed. In the meantime, we would ask the town boards to please proceed carefully and with the entire community you represent in the forefront of your minds as the decisions you make today will effect generations to follow. As summarized in a Native American Proverb: *"We have not inherited the land from our fathers, we are borrowing it from our children."*

Sincerely:



Jeffrey W. King

Glenda J. King

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits & Pollution Prevention

625 Broadway, 4th Floor, Albany, New York 12233-1750

P: (518) 402-9167 | F: (518) 402-9168 | deppermitting@dec.ny.gov

www.dec.ny.gov

January 11, 2016

Jericho Rise Windfarm, LLC
Mr. Aron Branam
808 Travis Street, Suite 700
Houston, Texas 77002

Re: Jericho Rise_Wind Project, DEC Comments on Supplemental Environmental Impact Statement (SEIS)

Dear Mr. Branam,

The New York State Department of Environmental Conservation (DEC or Department) appreciates the opportunity to submit comments on the November 10, 2015 Supplemental Environmental Impact Statement (SEIS) for Jericho Rise Windfarm (Project), a proposed 77.7 MW, up to 37 turbine, wind powered electric generating facility located in the Towns Chateaugay and Bellmont, Franklin County, New York. In order to satisfy the requirements of the State Environmental Quality Review Act (SEQR), the Final EIS needs to contain sufficient information and analysis to allow the agency to produce a Findings Statement that supports the DEC's final permit decisions. As an involved agency in this process, DEC is submitting these comments related primarily to the agency's permitting authority with an emphasis on wetland, stream, invasive species, listed species and stormwater impacts.

The comments are provided with headers referring to the section of the SEIS referencing the matter under discussion.

Section 1.7 Operations and Maintenance Plan

The Operations and Maintenance (O&M) Plan for the project should include an environmental management component incorporating environmental considerations for the maintenance of the facility. The plan should also describe procedures to assess and minimize environmental impacts during major repairs, emergencies, and decommissioning. DEC recommends that opportunities to create additional environmental enhancements during the life of the project, beyond those required for restoration and mitigation, should be explored through cooperative partnerships with landowners, local governments, educational and conservation organizations.

Section 2.2 Water Resources

With respect to both streams and wetlands, this project is not anticipated to require either DEC Article 15 Stream Disturbance or Article 24 Wetland Impact permits.



Department of
Environmental
Conservation

However, unregulated stream and wetland impacts should still be avoided and minimized to the greatest extent possible. And the revised project does reduce both wetland and stream impacts.

2.2.2.1 Construction

Based on review of the project boundary and proposed layout, DEC regulated streams will be avoided due to use of directional drilling. However, some unregulated Class C and D streams will temporarily be impacted. With respect to stream crossings, the applicant should abide by the Department's document "Stream Crossings: Guidelines and Best Management Practices" found at <http://www.dec.ny.gov/permits/49066.html>. Stream crossings should be designed with the goal of protecting stream continuity.

Trenching of non-permanent streams shall be done in the dry, either when the stream has no flow, or by pumping the stream flow around the work site. No discharge of turbidity from such streams is allowed.

With respect to streams and wetlands crossed via horizontal boring, the following procedures and disposal of waste guidelines should be followed:

Horizontal drilling procedures

- a. Biodegradable drilling solution shall be used, to minimize harm to aquatic species in the event of a drilling fracture, which could release the solution to the surrounding areas.
- b. Stream and wetland crossings shall be subject to the following:
 - i. Exit and entry points shall be distanced from the stream bank so as to minimize disturbance, to the extent practicable.
 - ii. Prior to boring, all sediment stabilization measures shall be in place to prevent unnecessary erosion and associated turbidity and sedimentation.
 - iii. No increase in downstream turbidity or sedimentation is permitted.
 - iv. Any water accumulated in the isolated work area shall be managed in a manner that prevents a visible contrast in the stream below the work area.
 - v. Equipment and provisions of the Frac-Out Contingency Plan shall be readily accessible, for locations where streams are crossed using horizontal directional drilling technology.

Disposal of Drilling Waste

Uncontaminated drill cuttings and drilling muds from drilling processes which utilize only air, water, or water-based drilling fluids are considered to be construction and demolition debris under 6 NYCRR Part 360 (Solid Waste) and can be disposed of at either construction and demolition (C&D) debris landfills or at municipal solid waste (MSW) landfills. Drill cuttings from drilling processes which utilize any oil-based mud or polymer-based mud containing mineral oil lubricant are considered to be contaminated and can only be disposed of at MSW landfills. Dewatered drilling muds including any oil-based mud or polymer-based mud containing mineral oil lubricant can only be disposed of at MSW landfills.

Inadvertent Drilling Fluid Returns

Permittee shall submit an approvable "Contingency Plan for Drilling Fluid Release and Mitigation" that describes the procedures for containing inadvertent drilling fluid returns for each trenchless crossing method. "Contingency Plan for Drilling Fluid Release and Mitigation" shall include protocols to contain and clean up any spills and prevent any additional drilling fluids from entering waters of the state. If the amount of surface return exceeds that which can be collected using small pumps, drilling operations shall be suspended until surface volumes can be brought under control. Permittee must minimize impacts in environmentally sensitive areas, including wetlands and waterbodies. No trenchless crossings can be started until the DEC approves such plan.

Notification Inadvertent Returns of Drilling Fluid

If inadvertent drilling fluid surface returns occur in an environmentally sensitive area (i.e., wetlands and water bodies) the DEC shall be notified immediately and a written monitoring report summarizing the location of surface returns, estimated quantity of fluid, and summary of cleanup efforts shall be submitted within 24 hours of the occurrence.

2.2.1.2 Wetlands

No DEC jurisdictional wetlands are anticipated to be impacted by this project. However, Army Corps regulated wetlands will and include crossings by constructing access roads, trenching collection lines, and creating temporary workspaces around turbine locations. Many of these are forested wetlands. Any wetland impact should be first avoided and then minimized to the greatest extent possible.

The conditions described above with respect to horizontal drilling and streams would apply to horizontal drilling under wetlands as well.

2.3 Biological, Terrestrial and Aquatic Ecology

2.3.2 Potential Impacts.

As more energy-related projects such as wind energy facilities, oil and gas pipelines, gas drilling pads, and transmission lines are proposed and built across the state, DEC has been more thoroughly evaluating impacts to interior forest habitat and the protected species that depend on these forests. The project sponsor should consider layout design and actions to minimize impacts to forest interior breeding birds and bats, and to mitigate for unavoidable forest clearing. These may include but are not limited to: placing turbines as close as possible to forest/field edges, to reduce impact to both habitat types; conducting all tree clearing outside of the primary bird nesting season (April 1-August 31) and bat roosting and swarming period (April 1-October 31); and communicating with DEC and USFWS about options to mitigate for direct and indirect loss of forest interior habitat.

Direct impact encompasses all acres of forest cleared. Indirect impacts to interior forests are difficult to quantify, though many studies have shown that measureable impacts are found at least 300 feet, and up to 2000 feet, into the forest from the boundary of a disturbance. Such impacts include increased presence of nest parasites, predators, invasive species and human disturbance. These, as well as changes in temperature, light penetration, humidity, soil moisture, plant composition, noise levels, prey availability, and other factors may cause birds to avoid forest edges during nesting, feeding, and migration periods. This can lead to increased intra- and inter-species competition for preferred interior forest habitat, changes in food availability, decreased fledging rates, and increased energy expenditure during foraging and territory defense in sub-par habitat. Each project that impacts interior forest habitat across the landscape puts cumulative stress on bird and bat populations in New York and across the northeast, potentially contributing to a gradual decline in the overall number and diversity of interior forest-dependent species.

Further comments on the avian and bat impact study plans and proposals will be submitted in a separate letter by 15 January 2016.

Cumulative Impacts

Cumulative impacts from other proposed and developed wind projects in the area, such as "Alabama Ledge" should be discussed. The section should elaborate on the issues raised in above sections with respect to both bird and bat impacts – and cumulative loss of habitat and habitat fragmentation – due to roads and collection lines.

Appendix F Spill Control and Countermeasure Plan

Based on DEC's experience with similar wind energy projects, spills of petroleum and other chemicals may occur during the construction and operational phases of the project. As such, the applicant should develop a spills management plan that is consistent the Department's regulations regarding petroleum bulk storage, chemical bulk storage and spill response and remediation. As guidance, the applicant can refer to the Department's guidance document entitled "Leaks, Spills and Accidents Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State," found at the following link: www.dec.ny.gov/docs/water_pdf/leaksspillsbmp.pdf.

The applicant has cited and provided the Marble River Wind Project SPCC as an example. Please work with regional spill response staff to ensure that the plan developed will be adequate for this particular wind project. Provide staff with a draft document at the earliest point practical.

Appendix H Stormwater Pollution Prevention Plan

Before commencing construction activity, the owner or operator of a construction project that will involve soil disturbance of one or more acres must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The SWPPP subject to the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) shall include Erosion and Sediment Controls designed, installed and maintained in accordance with the most current version of the "New York Standards and Specifications for Erosion and Sediment Control." Additionally, for projects that include the construction of permanent gravel access roads, the SWPPP shall include post-construction stormwater management practices designed in accordance with the most current version of the "New York State Stormwater Management Design Manual (Manual)" (see Table 2, Appendix B of GP-0-15-002). Chapter 4 of the Design Manual should be used to determine the *minimum* sizing criteria for these post-construction controls.

The applicant has provided the Marble River Wind Project's SWPPP as an example on which their SWPPP will be based. While this is a reasonable example, please work with the regional water engineer, Kirk Bassarab to ensure that the plan developed will be adequate for this particular wind project. Provide him with a draft document at the earliest point practical.

Appendix L Invasive Species and Noxious Weed Control Plan

An acceptable invasive species plan must detail survey methods to identify existing invasive species, listed in DEC regulations found at 6 NYCRR Part 575, in the project area to ensure that these areas can be avoided. At a minimum, the plan must:

- Specify the method used to ensure that imported fill and fill leaving the site will be free of invasive species to the extent practicable, and whether fill within the site will either be free of invasive species or only used within the area infested with the same invasive species;
- Address how site grading and erosion and sediment control will work together to prevent invasive species;
- Detail all cleaning procedures for removing invasive species from equipment, preferably with a power-washer, including personnel, location of designated equipment cleaning stations, location of off-site disposal (if the material is not rendered incapable of growth or reproduction) which must be either a landfill, incinerator or State-approved disposal facility. The procedures must ensure that the equipment will arrive and leave the site clean and all equipment and clothing-cleaning stations must be constructed so that invasive species seeds and other viable plant parts cannot escape in runoff or through other means;
- Describe the Best Management Practices or procedures that will be implemented to ensure that project activities do not result in introduction or spread of invasive species, especially in or near regulated areas of special interest to DEC Natural Resources staff such as areas containing protected species or habitats within the project area;
- Provide measures for educating workers about invasive species and how to prevent their spread, identify work areas which will trigger cleaning activities (such as prior to using mats in streams and wetland and wetland adjacent areas) and identify methods to prevent and control the transport of invasive species as well as how to clean equipment and clothing using acceptable methods;

- List all planting and seeding materials to be used;
- Detail post-construction monitoring and survey approaches, preferably for at least five years, which would ensure that the objective of no net increase in invasive species was accomplished. If areal coverage of invasive species in the ROW project area increases over the baseline survey level, remedial action should be considered in consultation with DEC and USACE. If the goals of the invasive species control plan are not met within five years post-construction, a revised control plan containing additional control actions for an additional monitoring term must be submitted.
- Set Plan goal for no (0%) net increase in invasive species across the project footprint. While our primary jurisdictional areas are wetlands, streams and the adjacent areas, controlling invasive species in upland construction sites is also important. If there were invasive species prior to construction, or immediately adjacent to the construction area, then invasive species controls shall be utilized to control such species so that no more than 5 % of the vegetative coverage of the disturbed/restored area is comprised of those invasive species. In no case shall new or additional invasive species be allowed to be introduced to the project area, or to new portions of the work area. If a new species is found to be present in the project area, or if a species has been introduced to new portions of the project area, the permittee shall be responsible for removal.
- Remove Japanese knotweed in disturbed areas. If Japanese knotweed (*Polygonum cuspidatum*, syn. *Fallopia japonica*, locally called "bamboo") occurs on any portion of the project site, prior to any site work, all areas of Japanese knotweed within the project limits must be identified and flagged. If any of these areas are to be disturbed by the project operations, the entire root systems of the knotweed must first be excavated and placed directly into a container or truck bed for transport off site and not temporarily stockpiled on site. The excavated material containing knotweed must be disposed of at Regulated Waste Facility or treated by a process that destroys all knotweed propagules (roots, rhizomes, etc.) in the excavated material.

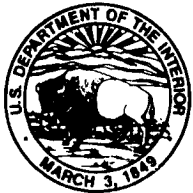
If you have any questions, please contact Rudyard Edick at (518) 402-9150, or by email at Rudyard.edick@dec.ny.gov.

Sincerely,



Rudyard Edick

Cc: P. Heaton,, EDR
A. Davis, NYS DPS
J. Bonafide, OPRHP
M. Connerton, USACE
T. Sullivan, USFWS
Robert Stegemann, DEC Region 5
DEC Review Team



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



January 12, 2016

Mr. Robert Adams
GHD
285 Delaware Avenue, Suite 500
Buffalo, NY 14202

Dear Mr. Adams:

The U.S. Fish and Wildlife Service (Service) has reviewed the Supplemental Environmental Impact Statement (SEIS) for the proposed Jericho Rise Wind Energy Project in the Towns of Bellmont and Chateaugay, Franklin County, New York. The Towns of Bellmont and Chateaugay, as co-lead agencies, are considering what studies are appropriate to prepare an EIS as required under the State Environmental Quality Review Act (SEQRA) Process. Our review and comments are being provided as part of the SEQRA process. Comments are also provided pursuant to the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d), Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and Migratory Bird Treaty Act (MBTA) (40 Stat. 755; 16 U.S.C. 703-712).

We may also provide future comments under the BGEPA, ESA, and MBTA, as well as the Clean Water Act (CWA) of 1972 (33 U.S.C. §1251 *et seq.*), which is administered jointly by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency in coordination with the Service under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), as applicable.

It appears that the Corps may be involved through authorizations under Section 404 of the CWA for discharges of dredged or fill material into waters of the United States, including wetlands. Please be aware that federal agencies, including the Corps, have responsibilities under Section 7(a)(2) of the ESA to consult with the Service regarding projects that may affect federally-listed or proposed species.

Our comments below are in the order as they appear in the SEIS.

Executive Summary

This project involves the construction of 37 wind turbines, each generating 2.1 megawatts (MW) of electricity, if the turbines were to run at maximum output. The total rated capacity of the project is 78 MW. Although 37 turbines will be built, alternate sites for an additional 6 turbines

are being studied. Previously, in 2008, the project was studied and a Draft EIS was prepared for the construction of 53 wind turbines.

The proposed turbines are 95 feet taller than the previous model proposed by the project sponsor. A statement is made that the potential environmental effects of a taller turbine are relatively minor compared to the shorter but more numerous turbines previously proposed in 2008. However, there is no basis in the document to support that statement. With regard to wildlife, studies have shown that the taller the structure, the higher the collision risk to migrating birds (Longcore et al. 2008). Further, the larger the rotor swept area of a turbine, the more likely flying animals (birds and bats) could intercept the path of the turbines blades and be killed or injured.

Section 1.0 Description of Proposed Action

On Page 2 of the document, it is stated that 44 turbine sites are being assessed in the SEIS, but the Executive Summary indicates 43 sites are being considered. Additionally, Figure 3 only shows 6 alternate turbine locations. These discrepancies should be addressed.

Nameplate capacity is the maximum amount of electricity that a project could generate under ideal conditions. The document mentions that the project will generate 32 percent of nameplate capacity. However, past data from the New York Independent System Operator indicates that most New York wind energy projects fail to generate more than 23 percent of their nameplate capacity (NYISO 2011). The claim of electricity produced by the project should be clarified and substantiated.

There is little information in this section regarding the lighting of turbines, buildings, or substations which may be used for the project. The Service recommends a lighting design that uses motion detectors at substations, buildings, and turbine doors to reduce the amount of excess stray lights that may attract night migrating birds during inclement weather. Light leaking from a nacelle during inclement weather at wind turbines in 2011 in West Virginia is believed to have caused mass mortality of songbirds (Service 2012a). We recommend that any lighting within a turbine nacelle should be on a timer or motion activated sensor. Lighting on the outside of the nacelle should follow Federal Aviation Administration standards, using red flashed with minimum intensity and duration and maximum allowable off time as possible to reduce avian attraction.

Section 2.0 Description of Proposed Action

In Section 2.2, Water Resources, the report indicates that a mitigation plan for unavoidable impacts to wetlands will be developed. Unfortunately, the plan is not available to the reader or the co-lead agencies charged with ensuring that impacts are mitigated. We suggest the wetland mitigation plan be completed for review prior to a project SEQRA determination. Further, we recommend that compensatory mitigation be required for conversion of forest wetlands to other cover types. An estimated 2.6 acres of forested wetland will be converted at turbine locations and another 0.9 acre will be converted due to an overhead collection line. Appropriate mitigation should be provided for the loss of wetland function in these areas. Accordingly, the

Corps should not approve a CWA Section 404 permit for the project until an adequate mitigation plan is received.

Avian surveys were conducted in 2007 and again in 2015. Of particular importance is the migratory raptor surveys conducted in the project area. A statement on Page 48 indicates that bald eagle (*Haliaeetus leucocephalus*) surveys were conducted but the report (and data) has not yet been submitted to the Service. Therefore, we may require additional information, including surveys, depending upon the results obtained in 2015. At this point, we cannot assess the risk to bald eagles due to the project. Bald eagles are no longer federally-listed under the ESA; however, bald eagles, along with their foraging and winter roosting habitat, remain protected pursuant to the BGEPA and MBTA. Any take and/or disturbance of bald and golden eagles (*Aquila chrysaetos*) is strictly prohibited under these Acts. Additional criteria for permit issuance are outlined in the BGEPA (50 CFR 22.26 and 22.27). Please visit our website for additional information on BGEPA regulations <http://www.fws.gov/birds/management/managed-species/eagle-management.php>.

The Service's 2007 National Bald Eagle Management Guidelines (Guidelines), which can be found at <http://www.fws.gov/northeast/ecologicalservices/eagle.html>, were developed to assist with project planning and minimize impacts to bald eagles. We recommend that the project sponsor consult these Guidelines for information regarding bald eagles and information needed to assess risk to this species. Measures to conserve eagles and their habitat associated with wind projects have also been provided in the Eagle Conservation Plan Guidance recently developed by the Service (Service 2013).

To evaluate the potential impacts to nocturnal migrating animals, a review was conducted of other wind project studies in the region. Data from two radar studies at nearby wind energy projects was reviewed and summarized. The case is made in the SEIS that the mean flight altitude of nocturnal migrants in those areas is above the height of the turbine blades and, therefore, risk would be low. However, nocturnal migrants fly at a wide range of heights, and low numbers of high-flying migrants can influence the mean altitude upward and not necessarily reflect if high numbers of migrants are flying within the rotor swept zone. The important metric to report is the density of migrants flying within the area where collisions would occur. The report should be revised to reflect this information.

Migratory birds, such as waterfowl, passerines, and raptors are Federal trust resources and are protected under the Service's jurisdiction pursuant to provisions of the MBTA. The Service is the primary federal agency responsible for administering and enforcing the MBTA. The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests except when specifically authorized by the Service. Neither the MBTA nor its implementing regulations, 50 CFR Part 21, provide for permitting of "incidental take" of migratory birds that may be killed or injured by wind projects. However, we recognize that some birds may be killed at structures such as wind turbines even if all reasonable measures to avoid it are implemented. Depending on the circumstances, the Service's Office of Law Enforcement may exercise enforcement discretion. The Service focuses on those individuals, companies, or agencies that take migratory birds with disregard for their actions and the law, including when conservation measures have been developed but are not properly implemented.

Surveys for bats were conducted using acoustic detectors and mist nets. Probable calls of the federally-listed threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB) were recorded from acoustic detectors at two different sites within the project boundary in 2015. It is important to note that the project sponsor submitted to the Service a document entitled “*Jericho Rise Wind Farm Northern Long-eared Bat Take Avoidance Measures Franklin County, New York*” dated December 10, 2015, which assumes the species is present in the project area. However, this document was not mentioned in the SEIS. It should be appended to the SEIS for reference. This document serves as an important strategy to avoid the killing or injuring of this and other bat species.

We note that the text on Pages 51 and 55 indicates that analysis of acoustic data could not confirm the presence of eastern small-footed bats (*Myotis leibii*). This text should be revised to state that the analysis could not confirm or refute the presence of this species.

We support the statement on Page 58 which indicates that all tree clearing will occur in winter to avoid breeding bird and bat impacts. We recommend the co-lead agencies make this a condition of project approval. To limit construction impacts of the project on migratory birds, we recommend no vegetation clearing during the breeding season, generally April 1 to July 15. In addition, in their December 2015 document, the project sponsor committed to conducting all tree removal between October 1 and March 31 to avoid impacts to the NLEB from tree removal. If vegetation is cleared outside of the breeding season, seeding of disturbed areas with an annual grass, such as winter wheat or annual rye, should be used to limit soil erosion until project construction commences.

We believe the text on Page 59, which states that no impacts to the NLEB and eastern small-footed bat will occur during construction, is not appropriate because the project sponsor has assumed presence of the NLEB in its take avoidance strategy mentioned above. As stated above, the project sponsor specifically committed to removing trees in the winter to avoid direct impacts to the NLEB while in their summer roosts. The statement on Page 59 contradicts their acknowledgement that the NLEB could be present during the summer.

Likewise, the text on Page 66 indicates no impacts to the NLEB from project operation. This statement also contradicts the take avoidance strategy which acknowledges the need to operate the turbines in a way that will avoid NLEB take. We recommend both sections of the SEIS be rewritten to reflect the NLEB take avoidance strategy provided to the Service. Our office will continue to work with the project sponsor to avoid and minimize impacts to bats and other species.

We note that the most recent research summary on this topic was not included in the DEIS. The new report, *A Synthesis of Operational Mitigation Studies to Reduce Bat Fatalities at Wind Energy Facilities in North America* (Arnett et al. 2013) provides valuable information on how to conserve bats at operating wind energy facilities. This research summary shows that modest operational adjustments can reduce bat mortality by at least 50 percent or more with minimal losses of electricity production. We support the report’s recommendation that increasing turbine cut-in speed by 1.5 to 3 meters per second be adopted as a means of conserving bats at wind energy projects. Implementing this strategy to conserve bats would adhere to our agency’s

recent recommendations in the *U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines* (Service 2012b).

On Page 66, the project sponsor does not commit to conducting post-construction monitoring to determine the level of bird and bat fatalities at the project but indicates they will assess the need. As a conservation measure, we strongly recommend that post-construction monitoring protocols be developed and submitted to the Service and the New York State Department of Environmental Conservation (NYSDEC) for review. In addition, we recommend the co-lead agencies not approve the project until such a plan has been developed and approved.

Prior to the completion and approval of the SEIS, the project sponsor should provide a draft Bat and Bird Conservation Strategy (BBCS) which will outline the specific conservation commitments that will include monitoring turbine sites for wildlife mortality, adaptive management strategies which will reduce the potential for mortality, and compensation for unavoidable impacts. The BBCS document has been used for other wind energy projects in New York and the Service is willing to work with the project sponsor in developing it for this project.

Summary

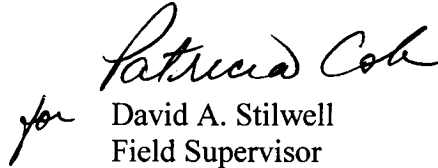
At this time, we continue to encourage existing and proposed wind developments to follow current Service recommendations on wind power siting and construction found in the *U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines* (Service 2012b). The Service hopes to work cooperatively with wind developers to appropriately site wind projects and consider wildlife during the design, construction, and operation of these facilities. We look forward to continuing to work with the project sponsor and reviewing additional information on bald eagles and nocturnal migrants.

In summary, we find that the SEIS does not contain adequate information regarding potential impacts of the project on wildlife, and additional environmental review is necessary. We find that there is insufficient or missing data regarding nocturnal avian migration and information regarding potential risk to breeding bald eagles. It appears that additional information on bats should be added to the document. We also recommend the SEIS text be revised to reflect the NLEB take avoidance strategy provided to the Service.

If the project proceeds, the Service recommends that the site be monitored for impacts to wildlife following construction and during turbine operation. A post-construction bat and bird mortality monitoring plan should be developed and provided for review. Proposals for conducting monitoring should be coordinated with both the Service and the NYSDEC to ensure they are comprehensive, accurate, and correctly timed. Information gained from post-construction monitoring will continue to aid the Service and project sponsors as we learn more about potential impacts, or lack thereof, to wildlife in the project area. Monitoring should also be part of a strong adaptive management program for the project. We recommend that project approval not be given until after the details of the post-construction monitoring plan and adaptive management program have been reviewed and approved by the Service and the NYSDEC.

We look forward to working with the project sponsor and the co-lead agencies on reviewing additional project information so that potential impacts to wildlife can be adequately evaluated. If you have any questions regarding this letter, please contact Tim Sullivan at 607-753-9334.

Sincerely,


David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

References:

Arnett, E. B., G. D. Johnson, W. P. Erickson, and C. D. Hein. 2013. A synthesis of operational mitigation studies to reduce bat fatalities at wind energy facilities in North America. A report submitted to the National Renewable Energy Laboratory. Bat Conservation International. Austin, Texas, USA.

Longcore, T., C. Rich, and S.A. Gauthreaux, Jr. 2008. Height, guy wires, and steady-burning lights increase hazard of communication towers to nocturnal migrants: A review and meta-analysis. *Auk* 125 (2):485-492.

New York Independent System Operator. 2011. Gold Book – 2011 Load and Capacity Data. Available: <http://www.nyiso.com>.

U.S. Fish and Wildlife Service. 2012a. Correspondence from the West Virginia Field Office to AES Corporation dated February 10, 2012.

U.S. Fish and Wildlife Service. 2012b. Final Land-Based Wind Energy Guidelines. Available at: <http://www.fws.gov/windenergy>.

U.S. Fish and Wildlife Service. April 2013. Eagle Conservation Plan Guidance Module 1 – Land-based Wind Energy Version 2. http://www.fws.gov/ecological-services/energy-development/eagle_guidance.html.

cc: NYSDEC, Albany, NY (Attn: B. Gary, C. Herzog)
NYSDEC, Syracuse, NY (Env. Permits)
NYSDEC, Ray Brook, NY (Env. Permits)
BFCOE, Auburn, NY (Attn: M. Crawford)



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www.dps.ny.gov

January 11, 2016

Mr. Robert Adams
GHD
285 Delaware Avenue Suite 500
Buffalo, NY 14202

Re: Comments by Department of Public Service on Supplemental Draft Environmental Impact Statement for Jericho Rise Wind Farm.

Dear Mr. Adams:

These are comments by the Department of Public Service (DPS, or Staff) on the Supplemental Draft Environmental Impact Statement (SDEIS) for the Jericho Rise Wind Farm noticed as complete on December 9, 2015. Jericho Rise Wind Farm LLC (Applicant) is a wholly owned subsidiary of EDP Renewables (EDPR). As currently proposed, the Jericho Rise Wind Farm would have a nameplate capacity of 77 megawatt (MW), below the threshold set in Public Service Law (PSL) §68, and will therefore not require a Certificate of Public Convenience and Necessity from the Public Service Commission. Because no certificate is required, DPS is an Interested Party as defined in the State Environmental Quality Review Act (SEQRA) 6 New York Code of Rules and Regulations (NYCRR) 617.2(t). If the proposed project power capacity increases to over 80 MW, or work is proposed for a rights-of-way (ROW) previously approved under PSL Article VII, DPS would then have authority under existing statute to complete a separate review.

The following comments are arranged by sections found in the SDEIS. The comments include issues related to: electrical safety, items from the scoping documents environmental issues related to energy production facilities and impacts to other utility operators.

Section 1.12 SEQRA

On page 19, the third and fourth paragraphs there are statements regarding the required length of the SEQRA comment period. These statements identified a typical comment period of 30 days or a 30-day comment period. The SEQRA regulations

requires a minimum of a 30-day comment period (6 NYCRR 617.9 (a)(3). When an optional public hearing is held, the hearing has to take place no sooner than 14 following the notice of complete environmental impact statement (EIS) and the comment period must be open for at least ten days following the hearing NYCRR 617.9 (4) (i-iii)). Jericho Rise comment period meets the minimum requirements of 30 days (33 days), however the prior comment on the draft environmental impact statement (DEIS) ran from sometime in February to April 2008 and included two public hearings. The SDEIS comment period includes two major holidays. Due to the large number of changes in the project, need for waivers to increase height, and the length of the prior comment period, a longer comment period for this SDEIS would have been appropriate.

Section 1.4.2 Public Need and Benefits to be derived from the Project; and Section 2.4.1.2.1 Conventional Power Plants and Air Pollution

The benefits of wind energy are described in Section 1.4.2 while the information in Section 2.4.1.2.1 provides a generic discussion on national electric power production by fossil fuel combustion with emphasis on coal. In New York State (NYS), the electricity produced by coal combustion is 4% of the power produced and decreasing (NYISO Power Trends 2015 "Gold Book"). The Power Profiler program by the United States Environmental Protection Agency (USEPA) used by the Applicant for the analysis of project benefits estimates coal combustion production of electricity for the project area as under 7%, therefore the relevance of national use of coal for power production is limited. The analysis suggesting that Jericho Rise will displace electricity produced by coal combustion is unrealistic given the location of the wind turbines and the limited number of remaining coal plants operating in NYS. The power grid in upstate New York is supported by the NYPA hydropower projects on the St. Lawrence River, and other hydroelectric plants found in the region.

Section 1.5.6 Interconnection Substation Facilities

SDEIS Section 1.5.6 references DEIS Section 1.5.6 that includes Exhibit 1.5.5. That exhibit identifies National Grid as the owner of the interconnection substation whereas the substation owners are actually New York State Electric and Gas (NYSEG) and New York Power Authority (NYPA) or, collectively, Operating Utilities. The DPS prefers connection at this substation via the 115kV regional transmission system operated by NYSEG rather than on the NYPA 230 kV transmission system side of the substation. All work on the properties owned by either Operating Utility will require approval and acceptance by the respective utility.

Any new lighting in the connection substation should be task lighting that illuminates the work site when possible, and should be activated by a switch. The use of motion detection activated light is not appropriate since it will be frequently tripped by windblown debris or animals. The arrangement of the lighting and switching will be consistent with the practices of the Operating Utility and comply with applicable standards.

Section 1.6 Project Construction

The SDEIS identifies the need for winter clearing of the ROW to avoid impacts to the Indiana bat and Northern long-eared bat. The schedule estimates that mobilization and deployment of environmental/ safety inspectors will occur from 1/10-15/2016, while the SEQRA comment period will close on 1/11/2016. DPS Staff notes that this is insufficient time to issue the Final Environmental Impact Statement (FEIS) and complete the 10-day post-acceptance waiting period when no action may take place (6NYCRR 617.11(a)). The schedule does not include a time for construction drawing review by agencies or the involved Operating Utilities. The Applicant should provide the lead agency and involved agencies with a revised schedule that includes anticipated submittals and review periods of the engineering plans, construction activities, and work period restriction associated with tree clearing or protected stream crossings. The project schedule will need to include pre-construction meetings and notice to the community of the start of construction.

Section 2.2.1.3 Groundwater and 2.2.3 Groundwater Mitigation

Neither the SDEIS nor the DEIS presents a map that illustrates local topography and the locations of home and barns in relation to the proposed access road system. This prevents an evaluation of the proximity of an access road to a home or barn that may have a water well. Construction of an access road has the potential to interrupt a flow path of a spring or a shallow well that is supporting a barn or a homestead. The assessment is correct that separation distance between turbines and dwellings will generally protect home wells; however, there is not a separation requirement between access roads and buildings. To protect drinking water supplies of homes and livestock, the lead agency may require that wells near access roads be inventoried, and evaluated prior to the start of construction.

Section 2.3.2.1 Potential Construction Impacts

The Applicant scoping document and DPS comment letter (DEIS Volume 2 of 2, Appendix A page 8, Section 3.3.2 and DPS comment Appendix 2 of 2, Appendix A September 14, 2007 letter section 3.3) both identified forest fragmentation as an issue, yet there is not a cohesive evaluation on this topic presented in the SDEIS. The SDEIS Table 18 does identify specific impacts to vegetation. Fragmentation related to forest clearing and clearing of successional fields are not evaluated. Northern Harriers are identified in the bird surveys and this bird uses successional fields for both foraging and nesting. The Northern Harrier is listed as a threatened species due in part to habitat loss. (<http://www.dec.ny.gov/animals/7090.html>). The EIS should provide an evaluation of the issue of habitat fragmentation for both forest and shrub lands. The Applicant needs to clearly state reasons for the conclusions reached in its evaluations of the habitat impacts.

This section also identifies temporary construction impacts of 170.8 acres and permanent impacts of 17.5 acres to forested areas. The SDEIS Section 2.3.2.2 identifies 85.5 acres of forest land will be converted to shrub lands. The impacts are

described as clearing and stump grubbing in section 2.3.2.1 of the DEIS. A plan to recover 67.8 acres of forest clearing should be described; otherwise, the permanent impacts of the project warrants revision. To complete the SEQRA review it is necessary to accurately assess the environmental impacts of the project. Clearing of 170.8 acres of forest is not a temporary impact considering the rate of tree growth and the period of habitat loss caused by tree clearing. The EIS should provide a complete analysis of the short term and long-term changes in the vegetation communities and assess those impacts.

Section 2.8 Traffic and Transportation

The SDEIS relies upon the road and bridge evaluation found in Appendix J of the DEIS. The DEIS analysis used the weight of the nacelle for the smaller Vestas V-82 or GE 1.5 MW turbines as the maximum transport weight. The SDEIS did not provide a comparison of the weights of the nacelle for the smaller turbines to the currently proposed larger Gamesa G 114 turbines. In addition, the Appendix J did not identify the weight range for the crawler crane components that may be heavier than the nacelle.

Bridge construction on US Route 11 east of the project area will prevent delivery of oversized or overweight trucks along the routes analyzed in the DEIS. The Applicant has proposed a travel route that delivers the turbine components on the west side of the project using US Route 11, to avoid the bridge construction. Entering the project from the west may involve other communities and roads that have not been fully presented in the SDEIS, or cause a higher volume of traffic on NYS Route 190 and town roads. A revised transportation plan needs to: 1) identify a route that gains access to US Route 11 on the west side of the project, and assess the impacts to the roads identified in that plan; and 2) provide weight information on the Gamesa nacelle, and crawler crane components for cranes that have capacity to lift the nacelle and reach the heights of the hub.

Section 2.13 Land Use

Table 18 identifies Agricultural land impacts as 27.7 acres and Forest impacts as 17.5 acres. Section 2.13.2.2.3 Agricultural Land Impacts identifies 50 acres of impact to agricultural land. Section 2.13.1.1 Regional and Local Land Use identifies 13.7 acres of sugar bush land in the project area. Section 2.13.2.1.3 Anticipate Impacts Agricultural Land Use states that sugar bush impacts have been minimized. The EIS should clarify the extent of agricultural impacts and provide an estimate of the clearing in sugar bush operations and a supporting map so that avoidance and minimization can be evaluated.

Section 2.5 Aesthetic and Visual resources and Appendix J Second Supplemental Visual Resource Assessment

The DPS scope letter included a recommendation that a cumulative assessment of the visual impacts of the project in relation to other operating wind farms and that the

historic resource inventory be completed. The visual analysis record is complex and is found in DEIS and in the SDEIS in three separate sections of text and two appendices. This fragmentation may reduce the public's ability to gain complete understanding of the issue.

The cumulative visual impact on the regional visual setting was not covered in Appendix J Supplemental Visual Resource Assessment. The discussion of cumulative visual impacts is found in SDEIS Section 7.8 and it relies upon the analysis found in the DEIS. The DEIS analysis identifies an evaluation of the cumulative visual impacts in the form of memos that are not in the record. That cumulative impact analysis completed in 2007 when all the turbine farms were to be built with turbines that were of similar heights, therefore the applicability of that cumulative visual analysis to the current project may be limited, due to the change in heights. The Military Trail along US Route 11 is a designated scenic byway route that highlights the history of this travel corridor from the French and Indian war to after the War of 1812. Along the Military Trail there are multiple operating wind turbine farms, therefore cumulative visual impacts are an appropriate consideration. The cumulative analysis needs to address both the change in height and the important regional setting found along US Rte.11. The cumulative analysis page 181 states that the overall project visibility and visual impact will be similar to that reported in the original VIA and the cumulative impacts analysis found in DEIS section 7.6 would be largely applicable. This ignores the increase in heights of the turbines that will be the tallest in the region. There are opportunities to evaluate cumulative impacts in the Town of Chateaugay, since already hosts an operating wind turbine farm. Two wind turbines in the Chateaugay project are visible on SDEIS Figure 8 sheet 2 of 3, approximately 3,210 and 4,500 feet from turbine 11. The visual analysis of this view should have identified existing turbine height (approximately 388 feet), the ground elevation of each turbine, and the distance from photograph location to each turbine in the photographic simulation. This information would allow a description of the photograph perspective and the visual impacts associated the expansion of wind generation facilities. The same analysis would be useful for viewpoints near location 30. Without this type of detail, the lead agency may not have insufficient information to reach the required SEQRA conclusions.

SDEIS Appendix J on page 17 states visual impacts to the eligible historic resources had not been completed and would be a part of the future report to the New York State Office of Parks Recreation and Historic Preservation (OPRHP) and those potential impacts are not evaluated in Appendix J. The OPRHP has made a determination that the Project will have adverse effect on cultural resources due to visual impacts (SDEIS page 97). On page 81 of the SDEIS, there is a reference to Appendix O. Appendix O on page 3 indicates that 90 potentially eligible resources had been identified by prior wind farm projects in the area. Also on page 3 there is a reference to a OPRHP letter to NYSDPS confirming a study approach and the need for more visual analysis in the hamlets of Burke, Chateaugay, Lower Chateaugay Lake and some agricultural properties (also SDEIS section 2.6.2.2 has some of the same information contained in Appendix O). The record of analysis of the 90 site is absent from the SDEIS and it is unclear whether the other locations recommended for visual

analysis has been completed. If there are 90 known eligible sites the Applicant should use the available viewshed mapping to evaluate the potential visual impacts to these locations. The lead agency will have to make its own judgment on the potential impacts to eligible sites as a SEQRA Finding, however with the gaps in the record; and the adverse effect determination by OPRHP, meeting the statutory finding 6 NYCRR 617.11 may prove to be difficult.

The SDEIS relies upon the prior visual analysis prepared for the project that was proposed in 2008 for 57 wind turbines that were 398 feet tall without sufficient discussion of the change in height to justify continued use of this information. On page 78 of the SDEIS, there is an analysis of the increased visibility of the proposed taller wind turbine. This analysis identifies that there would be new areas that will have views of the wind turbines and that there will be a general increase in the number of towers visible from a given location. The land area that will have a potential view of 21 to 53 turbines will double or triple as a result of the revised plan (Table 24). The land area that may allow views of 41 wind turbines increases from 1.6% to 4.0%. Page 81 Section 2.5.2.3 states that the SDEIS concludes that the visual impacts of the new project is similar to the former project described in the DEIS. The statement of similar visual impacts between 2008 and 2015 projects is an over simplification of the visual impacts described on page 78 of the SDEIS. The Applicant needs to provide additional visual analysis to demonstrate that visual impacts have been avoided or minimized. Additional mapping to show the change in visibility because of the increase in turbine height and a description of the settings where new views of turbine will be occurring, may demonstrate that visual impacts have been avoided or minimized.

Appendix O Complaint Resolution

The proposed complaint resolution process needs to be revised to provide rapid resolution of construction issues rather providing for a 60-day period for verification of the problem. Registering a complaint needs to be simple and responsive to the community. During the construction period complaints need to rapidly transfer from verbal notice to a written record and not end up in a voice mail of a supervisor or on a supervisor third cell phone. During construction work, hours complaints need to reach a person that is working on the project and at the job site, with the capability to accurately prepare the written notice and circulate the notice to the appropriate individuals.

Appendix G Stormwater Pollution Prevention Plan

Appendix G contains a Stormwater Pollution Prevention Plan that was prepared for Marble River by URS Corporation in 2008 and amended in 2012. This plan is not current since the general stormwater permit changed in 2015 (GP-0-15-002). The SWPPP only identifies that a stormwater inspector would be employed, however the SDEIS identifies the need for qualified environmental and agricultural monitors. The lead agency will need to make findings and establish a plan that provides for sufficient number of construction, stormwater, environmental, and agricultural monitors are employed to ensure that all applicable rules or laws and permit conditions are followed.

Appendix Q Communication Studies

The microwave communication links operated by NYPA and Hydro-Quebec are essential data transmission pathways that support the New York State, New England, and Canadian electric power grid. The DPS requests that lead agency require the Applicant obtain confirmation that the both NYPA and Hydro-Quebec have reviewed and accepted the Comsearch report prior to the start of construction. The lead agency should require the Applicant verify in writing that microwave communication operated NYPA and Hydro-Quebec are intact following construction. The lead agency should state in findings that interference with microwave pathways will be sufficient cause to require a turbine to be shutdown.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean R. Long", with a long, sweeping horizontal stroke extending to the right.

Dean Long
Utility Analyst 2
Environmental Certification and Compliance