

Village of Sackets Harbor Planning Board
April 18, 2018
Regular Meeting Agenda
112 N. Broad St.
Sackets Harbor, NY 13685

The meeting was called to order by Chair Quinn at 7:03 pm with the Pledge of Allegiance. Members present were Merle Tousant, Dick Stephens and Frank Reynolds and Janet Quinn. Absent was Tom Dyckes. A quorum was established.

Dick Stephens made the motion to accept the April 3, 2018 Special Meeting Minutes as presented, seconded by Merle Tousant. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays.

Report to Village Board

Chair Quinn presented the report from the March 21, 2018 regular meeting and the April 3, 2018 special meeting to the Village Board at their April 10, 2018 meeting.

Old Business

17-20 Lawler Realty, 85 Worth Road, Madison Barracks. Site Plan Approval was previously granted in the fall of 2017 with the condition that the board receive notice from The Army Corp of Engineers that the project meets all requirements of approval before being reinstated in the spring of 2018. Mike Campbell, Lawler Realty representative, presented Chair Quinn with a copy of the notice from The Army Corp of Engineers that no permit is required from them. This notice will be attached to original application. A motion was made by Chair Quinn that the conditions to the previously granted permit have been met for reinstalling the fuel distribution and storage tank in the spring, seconded by Merle Tousant. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays.

17-32 Lawler Realty, 85 Worth Road, Madison Barracks. Applicant requests Site Plan Review to construct and install a boat launch. The project is in the Madison Barracks PDD, the Historic Overlay and National Register Districts. As of the April 18, 2018 meeting the board has received application materials, sent letters for the coordinated SEQR review to Department of State, Army Corp. DEC Office of Parks & Recreation as involved agencies. The SEQR review has not been completed due to the applicant's request to table the application until they had worked through the permit process, especially Army Corp. Mike Campbell, representative for Lawler Realty, described the project. Chair Quinn asked if the project would have any connection with the Galloo Island Wind Project, Mike Campbell replied that it could be or might be, if it is a suitable ramp. Chair Quinn remarked that in the Fall she asked if this project was related to the Galloo project and Mike Campbell said it was not.

Chair Quinn stated there was a letter to the editor in the WDT that it would be a launch for the workers at Galloo. She wanted clarification regarding the intent of this project. Mike Campbell replied that the intent was because of the high water, that there was no place to launch a boat. If the Galloo people want to launch from Madison Barracks they can do it at the marina & not necessarily at the boat ramp.

Mike Campbell inquired if the Galloo Island Wind project was approved; Chair Quinn replied she didn't think so. Mike Campbell stated it is immaterial to this application. Chair Quinn said she doesn't think it is immaterial because it looks like the boat launch application that is before this board, is clearly identified in the Article 10 documentation with other facilities associated with the Galloo application. In terms of local planning review and SEQR, associated issues are the large parking area, large vehicles, a large number of people, a staging area and construction trailer all as part of this project. If this is the boat launch for it, then it seems like it should be reviewed as an entity, certainly in terms of SEQR. Reynolds remarked he understands what Mike Campbell is proposing, but the paperwork that Galloo Island has submitted indicates discussions back & forth regarding the use of the launch and they have it in their plan as an offsite facility not included in their development. Reynolds asked whether the launch would be something they would be applying to develop.

Mike Campbell responded that in the fall you asked what the intent of the boat launch was, was it for Galloo and I said no. It is for the purpose I described.

Mike Campbell feels the application should be reviewed on its merit. Chair Quinn replied, if it is the boat ramp associated with the wind project it should be reviewed as an entire entity in terms of the community resources, and impact on the community, infrastructure, roadways, vehicle traffic, and noise. Mike Campbell replied that if he was doing a site for staffing employees commuting back & forth, he would ask for a permit for that purpose. Until it becomes reality he is building a boat ramp for his boaters and the public. Chair Quinn stated that it appears there is a significant discrepancy in the documentation for the Article 10 process, and that there is a very clear link to what is being described as a simple site plan review rather than something that is much bigger. The first step for the planning board is the SEQR process, Part 2, and recognize that there is this other greater aspect to it.

Mike Campbell stated he wants to build a boat ramp and feels that if the Galloo project wants to use it that is a separate discussion. Right now he is asking to build a boat ramp. He feels it should not be taken to a broader sense than what the applicant is asking. However, Chair Quinn replied, with the documentation associated with the Article 10, Mike Campbell replies he has no idea what it says. Chair Quinn replied that there are a couple of things, quite a few things, in 2016 the preliminary scoping statement that talks about this project. At this point Mr. Neal Habig, developer for Galloo, introduced himself and stated that any questions they have for him, he would be glad to answer. Chair Quinn thanked him and stated that could be very helpful. Chair Quinn continued with reading statements from the Galloo Island preliminary scoping statement of 2016, June 6. Offsite ancillary features on the mainland (i.e., contractor parking, docking improvements), these are offsite are generally minor and/or consist of using existing features, and will not be part of the Article 10 Application. Any off-site ancillary features will be subject to applicable state and local laws and regulations.

Chair Quinn continued to read statements found in the preliminary scoping statement and documents that list Sackets Harbor in Galloo Island Wind Farm Ancillary Facility. These documents are attached as part of the April 18, 2018 meeting minutes. Chair Quinn stated that if the board reviews Part 2 of SEQR they would not be able to check no or insignificant impact on items such as, traffic, noise, lighting, and infrastructure. She said it would raise red flags for significant impact if they proceeded. Tousant posed the question if the boat ramp wasn't there would they use the public launch? Mr. Habig explained that they originally approached Madison Barracks to allow them to park construction worker vehicles and embark from the marina. He said that the statements that Chair Quinn read predated the application. Chair Quinn replied not outdated, in fact one of our document is dated April 2018. Things that would be covered under the Article 10 would be exempt from local approval and be covered under Article 10. They took the position that it would be an Ancillary facility that would not fall under the Article 10. He continued to say that the Department of Public Services disagreed and said that the parking area is part of the project and should be covered under the Article 10. If the Article 10 is approved the parking area only is covered in the Article 10. He also said that if Madison Barracks had a boat ramp they would like to use it, but there would not be a staging area. It would be parking and walking to a dock to get on to a crew boat then going to the island. He feels that Madison Barracks would like to build a boat ramp regardless whether the Article 10 is approved or not, which will not happen for at least a year. Dick Stephens remarked that the Appendix J drawing indicates a boat ramp; Mr. Habig asked if drawing is from the application, Chair Quinn replies that it is. He stated that is not described as part of the project; Chair Quinn replied that the note says it will be built by others. Dick Stephens asked what the load requirements are for a ramp that would be for people to go out on a crew boat, as compared to what Mike Campbell needs for every day citizens? Are they going to be carrying a lot more weight, larger trailers, and larger boats. The question was posed to Mike Campbell about the longest allowed vehicle & trailer to be able to get in and turn? Frank Reynolds stated the application says 24' plus. Frank Reynolds wanted to know if the parking is covered under Article 10, the large parking lot for 200, then that's not something that comes before this board. Chair Quinn replies correct. If not, then the board has the option to review when the time comes. If it is under the Article 10 it is not something that the board can review. If Galloo wants to launch people they can use the existing marina to do the same thing, Frank Reynolds stated. Merle Tousant questioned how they would be transporting the larger material; Mr. Habig replied that the larger items used in the construction would be loaded on barges in Oswego.

The thing that Chair Quinn is most concerned about is the traffic and noise that the parking lot will create. Mike Campbell stated that this is not relevant to the application. Chair Quinn stated it is. Mr. Habig remarked that even if the board says they are not going to let the boat ramp be built, they are still going to do the parking and the board will not have control over that, if the Article 10 goes through

Mike Campbell stated that if the board declines this application, by tying this into something that has nothing to do with it, then the board would have taken away the right for them to do what they want to do with their property in its own merit. Mr. Habig stated that if the boat launch was built and it was suitable for "a water truck" to drive on a barge to go out to Galloo Island it would be convenient for them to use.

Chair Quinn asked about the roadway to the boat launch and stated that there is a difference between a boat trailer and a water truck and that things like that are items the board should look at. She stated that the board should table the application and wait to see how the Article 10 process proceeds. Dick Stephens asked if they had any time table for the Article 10. Mr. Habis replied that they submitted the paperwork last September and it is still not complete, possibly in a month or two, but could take up to a year. Chair Quinn remarked that with the discrepancy in what she sees as links to the wind project with this boat launch, the board should do SEQR review recognize the potential link to this, as is very clearly identified, and the board should send it out to the involved agencies again for SEQR. Then wait to see the response since this is not an isolated boat launch but tied to the wind project, and then conduct the Part 2 review, taking a close hard look at the historic resources, vehicle noise, and infrastructure. Merle Tousant wanted to know if it would make a difference if the board tabled this application. From what Frank Reynolds understands is that the parking is going to be irrelevant if it's included in the Article 10. If they are going to be launching people from Sackets and it gets approved in the Article 10, then the traffic is going to be here anyway and it would be only one season and going from approximately 200 people to 6.

A motion was made by Reynolds to review the SEQR, seconded by Stephens. Vote 3 ayes (Reynolds, Tousant, Stephens), 1 nay (Chair Quinn).

Upon review of the SEQR Part 1 provided, as was amended by the applicant, it was determined to be incomplete. The applicant also amended the application to add a floating dock which was not listed on the SEQR form. There were also several pages that were not complete. Mike Campbell will update the SEQR form and will bring to next meeting for the SEQR review and the public hearing at the next meeting which is May 16, 2018. A motion by Frank Reynolds was made to table the SEQR review to coincide with the public hearing at the next scheduled meeting May 16, 2018, seconded by Tousant. Vote 4 ayes (Reynolds, Tousant, Stephens, Chair Quinn), 0 nays.

New Business

#18-07 Brian and Christine Grimes Topping, 201 West Main Street. Applicant requests Site Plan approval for a craft business, signage and wine/beer license. The property is in the Village Center Zoning District, the Historic Overlay and National Register Districts. A public hearing was scheduled. The applicants were in attendance at the Special Meeting held April 3, 2018, to inquire on what was needed to file an application. After reviewing the application materials, Chair Quinn asked the applicants if they had anything new to add. Chair Quinn made a motion to accept the application materials as provided, seconded by Dick Stephens. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays. The applicant provided part 1 of the SEQR, the Board reviewed part 2. Chair Quinn made the motion there is no significant adverse impact on environment, seconded by Frank Reynolds. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays. The public hearing was opened at 8:11 pm with no comments made. The public hearing was closed at 8:11 pm. Merle Tousant made a motion that the application was complete, seconded by Dick Stephens. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays. Frank Reynolds made a motion to accept the application as presented, seconded by Dick Stephens. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays.

#18-10 Sackets Harbor Historic Society/ Sackets Harbor Arts Center, West Main Street. Applicant requests Site Plan Review approval for a sculpture to be placed on the property. The project is located in the Village Center Zoning District, the Historic Overlay and National Register Districts. A public hearing was scheduled. After Chair Quinn reviewed the applications contents, the applicants were asked to explain the project and if they decided how they were going to display it. They decided to secure the sculpture to a concrete pad and landscaping around it for safety purposes. Chair Quinn made the motion to accept the application materials, seconded by Dick Stephens. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays. The applicant provided part 1 of the SEQR, the Board reviewed part 2. Chair Quinn made the motion there is no significant adverse impact on environment, seconded by Merle Tousant. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays. A motion was made by Frank Reynolds that the application is complete, seconded by Merle Tousant. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays. The public hearing was opened at 8:18 pm, one comment was made by Christine Eggleston that they would like the public to see it. The public hearing was closed at 8:19 pm. Chair Quinn asked Christine Eggleston, representative for the Historical Society, if the Historical Society had approved the application, she said they did. Dick Stephens made a motion to approve the application, seconded by Frank Reynolds. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays.

Other Items for Discussion:

Chair Quinn had signed the Mylar and paper copies for Liberty Sackets subdivision they are at Conboy, McKay, Backman and Kendell's office being held in escrow until other issues are resolved.

Chair Quinn had an inquiry about outside renovations to a house on General Smith Drive, but the applicant has not turned in an application yet.

A motion at 8:15 pm was made by Frank Reynolds to adjourn, seconded by Dick Stephens. Vote 4 ayes (Stephens, Reynolds, Tousant, Quinn), 0 nays.

NEXT MEETING: Wednesday, May 16, 2018

Minutes submitted by

Kelli Ritz
Planning Board Secretary
(Attachments)

Village of Sackets Harbor Planning Board
Regular Meeting
April 18, 2018
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Documents list – Sackets Harbor – Galloo Island Wind Farm Ancillary Facilities

1. June 6, 2016 Preliminary Scoping Statement
 - a. Pages 12, 126
2. June 24, 2016 Response by Dennis Whelpley
3. June 28, 2016 ALJ ruling on PSS
 - a. Pages 9, 10, 35
4. September 14, 2017 Stipulations
 - a. Pages 5-8
5. September 25, 2017 Application (revised April 2, 2018)
 - a. Pages 5, 17, 18, 50, 51
 - b. Exhibit 4, pages 3, 4
 - c. Appendix J
6. November 24, 2017 ALJ preliminary review of application
 - a. Pages 2, 4, 7, 18

PSS June 6, 2016

(6) Type of Business

Galloo Island Wind, LLC ("Galloo"), is a limited liability company incorporated under the laws of the State of Delaware and is an indirect subsidiary of Apex.

(7) Documents of Formation

The facility will be owned by Galloo Island Wind, LLC. The certification of formation for Galloo Island Wind, LLC is included as Appendix C to this PSS.

2.2 OVERVIEW AND PUBLIC INVOLVEMENT

(a) Brief Description of the Proposed Facility

The proposed Facility is a utility scale wind facility located on Galloo Island, Lake Ontario in the Town of Hounsfield Jefferson County, New York. Galloo Island consists of approximately 1,966 acres of private and public land, and the general landscape is a mix of grass land and forest land. Stony Island is the nearest land mass, located approximately 2.5 miles east of Galloo Island, and the nearest location of the mainland is Stony Point in the Town of Henderson located approximately 6 miles to the east.

The Facility will consist of up to 32 utility scale wind turbines, with a generating capacity of 110.4 MW. Other proposed island components will include: access roads, above and underground collection lines, collection substation (including the main power transformers), two permanent met towers, one O&M building along with potable and waste water treatment, a barge landing site, a permanent structure for proposed overnight accommodations, a helicopter landing site, a borrow area, a temporary batch plant, and a temporary construction staging/laydown area. With regard to the permanent structure for proposed overnight accommodations, in addition to living quarters integrated into the O&M building the Applicant intends to utilize existing functional buildings that are already located on the Facility Site to be used as housing in times of inclement weather and/or extended stays at the Facility. All of these components collectively constitute the "Major Electric Generating Facility" as defined in 16 NYCRR 1000.2(v).

~~There are off-site ancillary features anticipated on the mainland (i.e. contractor parking, docking improvements), these are generally minor and/or will consist of using existing features. However, these off-site ancillary features are not considered to be a part of the "Major Electric Generating Facility" and will not be part of the Article 10 Application. Any off-site ancillary features will be subject to applicable state and local laws and regulations.~~

2.25 EFFECT ON TRANSPORTATION

(a) Conceptual Site Plan

The island setting of the Facility creates unique transportation circumstances. All personnel, equipment, materials, supplies and turbine components must be delivered to site by water from various ports of embarkation. Additionally, all construction activity, separate from delivery or work crew transport, will take place on private property on the island where there are no public roads or public access. Consequently, these components are not expected to traverse public roads. However, on-site access roads and driveways will be shown on a conceptual plan included in the Article 10 Application.

(b) Description of the Pre-construction Characteristics of Roads in the Area

As indicated above, the island setting of the Facility generally precludes the use of roads in the area. Notably, the oversized/overweight ("OS/OW") turbine components – blades, towers, and nacelles are anticipated to be delivered to the port of Oswego by rail or ship then transferred to a barge at the port for delivery to Galloo Island. A summary of expected points of embarkation with description of use is provided below:

Point of Embarkation	Anticipated use
Port of Oswego, City of Oswego	Receiving, by ship or rail, and loading out turbine components to barge, loading out of bulk materials – cement, aggregate.
Madison Barracks Marina, Sackets Harbor	Transfer of work force, arriving by car/pickup, to crew boats for transit to Galloo Island.
Henderson Harbor	Transfer of equipment and material, arriving by truck, to barge
Point Peninsula	Transfer of equipment and material, arriving by truck, to barge

- Port of Oswego – The Port of Oswego is served by rail and truck routes as well as a deep water pier facility. No modifications to facilities are anticipated in support of the Facility.
- Madison Barracks Marina – The Madison Barracks Marina has docking facilities suitable for crew boats to embark and disembark construction workers traveling to and from Galloo Island. The parking area at the Madison Barracks Marina may require limited improvements to accommodate the construction crews. However, these minor impacts are not considered part of the Facility and are considered to be off-site ancillary features not subject to the Board's jurisdiction under PSL Article 10.

Response to PSS June 24, 2016

CONBOY, MCKAY, BACHMAN & KENDALL, LLP

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Watertown Office

June 24, 2016

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Via email: info@gallooislandwind.com

Cat Mosley

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RE: Galloo Island Wind Farm (the "Project")
Preliminary Scoping Statement dated June 2016 (the "PSS")
PSC Case Number 15-F-0327
CMBK File No; 38854.0104

Dear Ms. Mosley:

We are the attorneys for the Village of Sackets Harbor and its Planning Board (collectively the "Village") and offer on their collective behalves the following comments concerning the recently filed PSS referenced above.

The Village's major areas of concern regarding the Project and the PSS are the potential impacts the Project will have on the Village as follows:

1. Transportation and parking;
2. Invasive species;
3. Emergency services; and
4. Cultural, Coastal and Historic resources

The Village strongly feels that to minimize potential negative impacts on the Village, its inhabitants, guests and resources, that not only should these areas be addressed in the PSS and Application, but also in forming conditions imposed by the Siting Board in approving the Application. Therefore, the Village strongly disagrees with the first paragraph on Page 2 and Section 2.2 of the PSS, regarding the adverse potential impacts of off-site ancillary features on the mainland, as they cannot adequately be addressed under current state and local laws and regulations.

The Village is a small community of about 1,500 residences and the major economic forces in the Village are tourism and hospitality. The Village is situated on the shores of Lake Ontario, and has two protected harbors and municipal and private facilities for embarking from the mainland into the navigable waters of Lake Ontario. Its streets are not designated for heavy traffic flows, repetitive heavy loads or oversized and overweight loads. There are no traffic control devices in the Village other than stop signs at intersections. The Village owns and maintains waterfront parks with deep water dockage and two boat launches, which are actively used by residents and guests

to the Village. The parking that supports these facilities is located in the heart of the downtown area, which borders the harbor. It and the Village's historic resources are the major reasons tourists are drawn to the Village. The use of the Village's core as an "ancillary feature" to this Project would be absolutely unacceptable, even though it is open and free to the public. The Village would want a condition to the Article 10 permit that this area of the Village may not be used in support of the Project. The current proposed points of embarkation and disembarkation are acceptable and should be part of the Application and a condition of any Article 10 permit granted. As part of the Application, the Project sponsor should set forth a Village's approved detailed site plan for parking on Madison Barracks with predicted traffic flows, timing based upon projected work sequences and frequency schedules. Compliance with the detailed plans and a restriction that no street in the Village may be used as a haul route should be made a condition of any Article 10 permit issued by the Siting Board.

One potential ancillary concern using the Village as the point of departure and arrival by boat of the workers is the spread of pale swallow-wart to the Village. Galloo Island is infested with this invasive species. Therefore, part of the Application should include an invasive species control plan and be a condition of the Article 10 permit. The control plan should also set protocols for insuring workers and equipment to not carry any portion or seeds of pale swallow-wart to the Village inadvertently.

As your local representatives are aware, the Village provides Fire Protection, Emergency Medical Services and Ambulance Services to the Town of Hounsfield through the Village's Fire Department. Due to the Project's location on Galloo Island and the fact that the Village's Fire Department does not possess any boats or aircraft, providing fire, emergencies, medical and ambulance services to the Project site presents unique challenges. The Village believes that as part of the Application and conditions to any Article 10 Permit issued, there must be plans for fire protection, safety, security and emergency services that have been approved by and coordinated with the Village Board of Trustees and the Fire Council of the Village's Fire Department. These should include a division of responsibilities with appropriate covenants between the owners of the Project and the Village's Fire Department and Village. In addition, the Plan should provide for the transportation of sick and injured persons from the Project site to the appropriate medical facilities on the mainland.

The Village believes the PSS to be deficient in addressing the proposed projects potential impacts on cultural, historic and coastal resources and the manner or methods to mitigate or offset the adverse visual and practical impacts on those resources of immense value to the Village. The PSS recites that the Applicant will consult with and coordinate with New York State Department of State Office of Parks, Recreation and Historic Preservation for conducting the necessary studies and analysis of visual impacts and offset measures on historic properties and resources. There is no mention of said coordination and consultation with the Village. As mentioned previously, the Village historic and coastal assets are its most important physical resources and assets. Therefore, it only seems appropriate that the Applicant also consult with the Village regarding those studies and analysis. The proposed project differs from the previous Galloo Island Wind Farm proposal in one material respect. The new proposal towers are 164 feet taller than those previously proposed. Therefore, the visual impact on mainland historic resources is greater and more

prevalent. In addition there has been a new site placed in the area on the National Register of Historic Places since the original Galloo Island Wind Farm proposal. The Village desires to be consulted on and coordinated with the proposed visual impact studies prior to the Application being finalized. For reference, please find attached the relevant portions of the NYDEC and Town of Hounsfield SEQR Findings Statements for the much shorter previously proposed wind towers on Galloo Island. Obviously, the Village desires as a condition of the Article 10 permit, the required offset measures pursuant to Section 106 of the National Historic Preservation Act be coordinated with the Village.. The Environmental Impact and Findings Statement for the previous Galloo Island Wind Farm, not only addressed the States Coastal Management policies, but also those of the Village contained in its state approved local Waterfront Revitalization Program. The Village believes the Application needs to address all of the Project's impacts in light of its Local Waterfront Revitalization Program.

Finally, it should be noted that the proposed source of the location of municipal boundaries are inaccurate as listed in Section 2.3(b) of the PSS. The accurate municipal boundaries are set forth in the original legislation creating the townships and referral should be made to the Legislative Acts for accurate boundaries.

Please feel free to contact the undersigned at (315) 778-1645 for coordination in arranging for consultations with the appropriate Village officials and consultants.

Very truly yours,

CONBOY, MCKAY, BACHMAN & KENDALL, LLP


Dennis G. Whelpley

DGW/ljm
Enclosures

CC: Hon. Kathleen H. Burgess, Secretary
Service List
James Muscato II, Esq.
Kris Dimick, P.E.
Vincent Battista, Mayor
Hon. Janet Quinn, Planning Board Chair

DPS comments on PSS

June 28, 2016

Subsection 2.9 (c)(4) - Alternative Turbine Layouts

1. As noted in comments above, setback distances between turbines and the collector substation and O&M or worker residential facilities should be addressed, with alternative arrangements that minimize potential impacts.
2. Consideration of recreational resources should recognize the traditional recreational uses of locations including North Pond, and potential use of the NYS DEC property adjoining the Facility Site, should be evaluated and alternative arrangements that minimize or avoid direct or significant indirect impacts should be considered. Offsite recreational uses such as sightseeing and use of NYS Parks and Historic Sites on mainland areas within the Project viewshed should be considered in evaluating alternative arrangements and alternative designs. Lighting, color and finish options should be identified, including use of RADAR-activated FAA aviation warning lights.
3. Consideration of Cultural Resources impacts and alternative arrangements or designs should recognize the nearby historic resources on Galloo Island as well as sites with views to the Project Area. Measures to minimize impacts on Galloo Island Lighthouse, Sacketts Harbor State Historic Site, and other cultural resources, should be considered in alternative analysis.

Section 2.10 – Consistency with Energy Planning

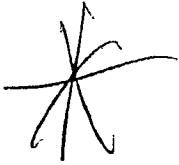
Subsection 2.10 (g) - Impact on Energy Policy

1. DPS advises that the application should include a review of project consistency with the relevant goals, objectives and strategies of the current NYS PSC Clean Energy Standard policy and relevant program standards as adopted at the time the Application is submitted.

Section 2.11- Preliminary Design Drawings

Subsection 2.11 (a) - Site Plan

1. DPS advises that the list of Facility components is not exhaustive of all relevant features and improvements that should be indicated on Site Plans, either at the major Facility site or off of Galloo Island.



2. Additional drawings to show the layout of all offsite facilities and ancillary features are needed for this exhibit. While at PSS page 2 the applicant asserts that off-site ancillary features (i.e., contractor parking, docking improvements) are not considered to be part of the "Major Electric Generating Facility" and will not be part of the Article 10 Application. Staff disagrees with this statement, especially in regard to any laydown areas for construction equipment and wind turbine component storage prior to being hoisted by helicopter or transported by barge. Application should provide locational drawings of any designated areas to be used for construction equipment and oversized/overweight turbine components storage at the Port of Oswego, the Madison Barracks Marina, Henderson Harbor, Point Peninsula and any other potential laydown areas. DPS notes that 16 NYCRR §1001.11 (a) requires that "[a]dditional drawings shall be included depicting the layout of offsite facilities and ancillary features." Per this regulation, include drawings of all ancillary features, including but not limited to any laydown/marshalling yards, construction parking, docking improvements, etc. including any that are not located on Galloo Island.

3. Due to the limited extent of areas on Galloo Island that are outside of the Facility Site Parcels, DPS recommends that the entire extent of the Island be represented on Exhibit 11 Site Plans.

Subsection 2.11 (c) - Grading and Erosion Control Plans

1. DPS advises that the PSS, while providing discussion of source of elevation data and derivation of 2-foot contours, and preliminary cut-and-fill calculations, it does not explicitly state that erosion control plans will be presented in the application, as required by 16 NYCRR §1001.11(c).

Subsection 2.11 (f) - Architectural Drawings

1. The PSS does not specify that the Application will provide drawings including building and structure arrangements and exterior elevations for all buildings and structures, indicating the length, width, height, material of construction, color and finish of all buildings, structures, and fixed equipment. Include these drawings for the wind turbines, O&M building and any other structures associated with the Facility.

Subsection 2.24 (b)(8) - Visible Effects Created by the Facility

1. See DPS comments above regarding shadow flicker and the need for assessment and consideration of nearby receptors.

Section 2.25 – Effect on Transportation**Subsection 2.25 (a) - Conceptual Site Plan**

1. DPS advises that for wind turbine access road locations and widths, the application should include characterizations of road location suitability. The proposed access road through the collection and voltage step-up substation should be evaluated for clearances and suitability for co-locating these facility and Related Transmission Facility components, as indicated at PSS Figure 3.

Subsection 2.25 (b) - Description of the Pre-construction Characteristics of Roads in the Area

1. DPS advises that a characterization of the types, dimensions, weight and amount of equipment and material that would be delivered and transferred for delivery to Galloo Island from the Madison Barracks Marina, Henderson Harbor and Point Peninsula locations should be provided for consideration in scoping.
2. DPS advises that roads in the areas of identified points of embarkation should be reviewed for available load bearing and structural rating information for expected facility traffic routes. This should also be performed for structural integrity of points of embarkation (for applicable oversized/overweight road deliveries).

2.27 – Socioeconomic Effects**Subsection 2.27 (l) - Consistency with State Smart Growth Public Infrastructure Criteria**

1. The PSS mistakenly concludes that the Smart Growth Infrastructure Criteria do not apply to the proposed project. The smart growth criteria set forth in ECL § 6-0107 are required to be evaluated as set forth in 16 NYCRR 1001.26. DPS advises that this is a required evaluation of reasonable planning goals, objectives and considerations for major infrastructure projects, in this case a major electric generating facility. The



- use and enjoyment of those areas for the current and planned uses. A review of the most recent New York State Open Space Plan priority objectives will be included in Exhibit 4, and also in the "no action" portion of Exhibit 9.
- j) Above-ground interconnections on the Facility Site will be evaluated in accordance with 1001.4(j). Above ground interconnections associated with the Related Transmission Facility will be evaluated as part of the Art VII Application.
 - k) Underground interconnections on the Facility Site will be evaluated in accordance with 1001.4(i). Below ground interconnections associated with the Related Transmission Facility will be evaluated as part of the Art VII Application.
 - l) The Facility Site is within a designated coastal area. Therefore, conformance with the Coastal Zone Management Policies is applicable and will be analyzed in the Article 10 application, along with a summary of applicable portions of the most recent NYS Open Space Conservation Plan.
 - m) Aerial photographs using USDA's National Agriculture Imagery Program (NAIP) for representing recent and current uses of all land within Galloo Island, within 0.5-mile of Off-site Ancillary Facilities, and within mainland shoreline within the defined New York State Coastal Area and limited by a 15-mile radius of the island (i.e., Visual Study Area). The aerial photograph mapping will be depicted on multiple 8.5 x 11 or 11x17 sheets at a scale of 1:12,000 or greater as to allow for the identification and discrimination of natural and cultural features. Multiple sheet map sets shall include a reference figure.
 - n) Maps of Galloo Island, and the approximate limit of vegetation clearing and approximate limit of soil disturbance based upon impact assumptions, relative to the respective feature, will be overlaid on aerial photographs. These maps will be created using ArcGIS software and will depict centerlines of proposed access roads and electrical collection and transmission lines, point symbols to depict turbine, permanent and temporary meteorological tower, and helicopter landing locations, and polygon symbols to depict the collection substation, operation and maintenance building, construction laydown area, borrow area, temporary batch plant, barge landing site, property lines, and established easements (if any).
 - o) 2015 (0.5 meter resolution) aerial photographs obtained from the USDA National Agriculture Imagery Program (NAIP) shall be used to reflect the current situation. For the purposes of the Application, it is assumed that the USDA NAIP is the photographer.
 - p) The Applicant agrees to provide the information required by 1001.4(p).

Stipulation 5 – 1001.5 Exhibit 5: Electric System Effects

Exhibit 5 shall contain:

- a) The Applicant agrees to provide the information required by 1001.5(a).
- b) An analysis and/or statement of the impact of the proposed Facility on reliability in the state of New York as evaluated in the System Reliability Impact Study (SRIS). The SRIS will be submitted and filed under separate confidential cover pursuant to Section 87(2)(d) of the New York State Public Officers Law and the Commission's regulations and 16 NYCRR 6-1.4.
- c) A discussion of the impacts of the Facility on ancillary services as evaluated in the SRIS.
- d) The final SRIS found no adverse reliability impacts. Therefore, there will be no discussion in the Application of any reasonable alternatives that would mitigate adverse reliability impacts. Details of the SRIS performed by the NYISO will be provided, and the findings of no adverse reliability impacts will be summarized.
- e) An estimate of the increase or decrease in the total transfer capacity across each affected interface based on analysis in the SRIS. If a forecasted reduction in transfer capability across affected interfaces violates reliability

Stipulation 4 – 1001.4 Exhibit 4: Land Use

Exhibit 4 shall contain:

- a) A map of existing land uses on the Facility Site, within a 5-mile radius of the Facility Site, within 0.5 miles of the Off-site Ancillary Facilities and within the area of mainland shoreline as defined as NYS Coastal Area [refer to Stipulation 4(h)] using publicly available data from the Jefferson County Real Property Department. The Application will also include a map or diagram of potential water uses within 5 miles of the Facility Site and a description of potential water uses or travel corridors between the Facility Site and points of embarkation (i.e., Madison Barracks) using publicly available data from NYSDEC, and the National Oceanic Atmospheric Administration's Navigational Charts. Land and water uses will be depicted using the Classification codes of the New York Office of Real Property Services (NYSORPS) and municipal planning documents as available. Exhibit 4 will include a discussion of current and recent land and water uses (readily available through public databases), and future land use restrictions, and the Facility's compatibility with such uses.
- b) Existing overhead and underground major transmission facilities for electric, gas or telecommunications will be mapped within a 5-mile radius of the Facility Site, and within 0.5-mile of Off-site Ancillary Facilities based on publicly available information.
- c) A map of all existing parcels on Galloo Island, and all existing parcels that host and are within 2,000 feet to Off-site Ancillary Facilities showing land use, tax parcel number, and owner of record of each property, using data from the Jefferson County Real Property Department, and any publicly known proposed land use plans for any of these parcels.
- d) A map of existing and proposed zoning districts on Galloo Island and all off-Island ancillary facilities locations will be created by data obtained from local governments including a description of the permitted and prohibited uses within each zone.
- e) For the Facility Site and off-site ancillary facilities, a summary of the relevant portions of the Town of Hounsfield Comprehensive Plan adopted in 2014 (or other applicable municipal Comprehensive Plans), as well as a statement as to whether the proposed land use is consistent with the adopted comprehensive plans. The NYSDEC Lake Ontario Lakewide Action and Management Plan will also be reviewed and a detailed review will be included with the Article 10 Application. At this time, Jefferson County does not have a comprehensive plan.
- f) A map of all publicly known proposed land uses on Galloo Island, within 0.5-mile of Off-site Ancillary Facilities, and along mainland shoreline within the defined New York State Coastal Area and limited by a 15-mile radius of the Island (i.e., Visual Study Area) from discussions with state and local planning officials, from the public involvement process, or from other sources.
- g) The Applicant agrees to provide the information required by 1001.4(g).
- h) The Applicant agrees to provide the information required by 1001.4(h), including an evaluation of land-use along the mainland shoreline within the defined New York State Coastal Area and limited by a 15-mile radius of the island (i.e., Visual Study Area).
- i) Land use impact assessment, including a qualitative assessment of the area within 1-mile of the Facility Site and the area within 0.5 mile from Off-site Ancillary Facilities compatibility with existing and proposed land uses, as well as the Facility's consistency with the NYS Open Space Conservation Plan, New York Comprehensive Economic Development Strategy 2012, the North Country Regional Economic Development Council – Strategic Plan 2012, the North Country Regional Sustainability Plan- Cleaner, Greener Communities, and the North Country Regional Economic Development Council – Upstate Revitalization Initiative. The qualitative assessment shall include an evaluation of the short- and long-term effects of Facility generated noise, odor, traffic and visual impacts on the

- c) The Applicant agrees to provide the information required by 1001.2(c) in addition, specific components of the Public Involvement Plan (PIP) conducted to date will be highlighted, including: opportunities for public involvement, development and use of stakeholder list, consultation with affected agencies and stakeholders, identification of project website URL, factsheets and other outreach materials, identifying specific public access document repository locations for copies of project application papers, and activity logs.
- d) The Applicant agrees to provide the information required by 1001.2(d) such as hearings, notification of construction activities, complaint resolution procedures, etc. The Applicant will also provide an updated stakeholders list that will be included as an appendix to the Application, including host and adjacent landowners. The Applicant will include an indication of how stakeholders have been identified during the scoping and stipulation process and briefly describe how the list will be used for distribution and notification regarding project milestones.
- e) The Applicant agrees to provide the information required by 1001.2(e) which is comprised of a brief, clearly and concisely written analysis in plain language that presents the relevant and material details of the project which the Applicant believes the Siting Board should use as the basis for its decision. This will incorporate information gleaned from studies and outreach conducted by the Applicant, and will include an analytical discussion of findings, determinations and considerations the Siting Board must make in coming to a determination, and why the Applicant believes the requested Certificate should be granted.

Stipulation 3 – 1001.3 Exhibit 3: Location of Facilities

Exhibit 3 shall contain maps, drawings and explanations showing the location of the proposed Facility, including all interconnections, and all ancillary features such as roads, which together comprise the proposed Major Electric Generating Facility, in relation to municipalities (county, city, town and village) and taxing jurisdictions associated with any part of the overall development proposal. Such maps, drawings and explanations shall include:

- a) United States Geological Survey (USGS) 1:24,000 topographic quadrangles (updated in 2013 and depicting topography and 10-foot contour intervals), displayed at a scale of 1:24,000 or greater, showing:
 - 1) The Applicant agrees to provide the information required by 1001.3(a)(1)
 - 2) The Applicant agrees to provide the information required by 1001.3(a)(2)
 - 3) The Applicant agrees to provide the information required by 1001.3(a)(3)
 - 4) The Applicant agrees to provide the information required by 1001.3(a)(4)
 - 5) The Applicant agrees to provide the information required by 1001.3(a)(5), including maps identifying various study area boundaries relative to specific stipulations (i.e., land-use per Stipulation 4, visual per Stipulation 24, etc.) as described herein.
 - 6) The location of the Article VII transmission facility – both upland and in-water locations - within the area represented by PSS Figure 3 - Preliminary Facility Layout will be provided in the Article 10 application as well as the Article VII application. The Article 10 Application will include a general location map, at a scale of 1:250,000, of the entire proposed Article VII transmission line, and any reasonable alternatives.
 - 7) Please note that the study area will vary depending on the resource being studied. Therefore, the narrative portion of Exhibit 3 will describe the various study areas used throughout the Application, with specific reference to study area maps created in support of the analyses and provided in association with subsequent Exhibits. To eliminate potential confusion, the map included in Exhibit 3 (a)(1) will not depict study areas.
- b) The Facility will be located on private land on Galloo Island. The Applicant only owns or has under control parcels on Galloo Island for the development of a wind farm. Therefore, there are no alternative locations proposed or available for the development of the Galloo Island Wind Farm. United States Census Bureau, New York State GIS Clearinghouse and ESRI online data will be used to clearly show the Facility in relation to municipal boundaries, and taxing jurisdictions.
- c) The Applicant agrees to provide the information required by 1001.3(c).

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Stipulation

- e) New, material and relevant information obtained independently of the stipulated studies, evaluations, or analyses demonstrates that the conduct of such studies, evaluations or analyses, or their results, will be substantially affected and should be modified or expanded to the extent necessary to meet the requirements of the Article 10 regulations; or
 - f) The Chairman of the Siting Board, the Siting Board, or the Presiding Examiner, whose ruling will be appealable to the Siting Board, or Associate Examiner presiding with respect to any proceedings concerning federally delegated environmental permits to be issued by New York State DEC, whose ruling will be appealable to the Commissioner of the DEC or the Siting Board, as the case may be, requires an additional study, evaluation, or analysis pursuant to 16 N.Y.C.R.R. § 1000.9.
- 5) After the Chairman of the Siting Board determines that the Application complies with Section 164 of the Public Service Law, if the signatories, in any of the circumstances listed above, reach agreement as to the implementation of any additional studies, evaluations, or analyses, such agreement may be set forth in a new stipulation, which may include the agreement of the Applicant to extend the statutory deadline for completion of the certification proceeding, but only if and only to the extent necessary to provide sufficient time to permit any such studies, evaluations, or analyses to be conducted and reviewed. Any of the signatories, in the circumstances listed in paragraph 4 shall not be restricted from pleading that the Applicant must provide additional studies evaluations or analyses related thereto during the Article 10 proceeding regarding the subject matter of these regulations.
 - 6) GIS shapefiles used in development of the Application will be provided to requesting parties, to support the information and analyses in the Application. GIS shapefiles of all Project and resource locational information, analyses and graphic exhibit preparation will be provided directly to DPS Staff on CD-ROM along with paper copies of the Application.
 - 7) The Application will provide a list of acronyms used throughout the Application as an appendix to the Table of Contents.

Stipulation 1 – 1001.1 General Requirements

1. The Applicant agrees to provide the information required by 1001.1.

Stipulation 2 – 1001.2 Exhibit 2: Overview and Public Involvement

- a) A brief description of the major components of the Project, including all proposed turbine locations and the footprint of all other Project components. ~~The Applicant agrees that the major components of the Facility are to be described as follows:~~
 - 1) Facility Site: 32 wind turbines, electric collection lines, access roads, low side of collection substation (including the main power transformers) (i.e., 34.5 kV), two permanent meteorological ("met") towers, one operation and maintenance ("O&M") building along with potable and waste water treatment, a barge landing site, a permanent building for proposed overnight accommodations, a helicopter landing site, a borrow area, a temporary batch plant, and a temporary construction staging/laydown area, all located on parcels under contract by the Applicant on Galloo Island.
 - 2) Off-site Ancillary Facilities: Crew boat launch, construction parking, and material/equipment marine transfer site, all located on the mainland.
 - 3) Related Transmission Facility ("RTF"): high side of collection substation (i.e., 145 kV), approximately 30 mile AC underwater cable, a point of interconnection substation, and associated access roads. These components are considered a "Major Utility Transmission Facility" and as such will be regulated under and subject to Article VII of the Public Service Law.
- b) The Applicant agrees that a detailed Table, which will provide a brief summary of all applicable exhibits required under Part 1001 following the Table of Contents will satisfy this requirement.

Application

Sept. 25, 2017 and

updated April 2, 2018

1.0 INTRODUCTION

1.1 Project Overview and Purpose

Galloo Island Wind, LLC (the Applicant), a wholly owned subsidiary of Apex Clean Energy, is proposing to construct the Galloo Island Wind Project (the Project) and associated necessary Project infrastructure in the Town of Hounsfield and Village of Sackets Harbor, Jefferson County, and the City of Oswego, Oswego County, New York (see Figure 1). The proposed Project will consist of 30 utility scale wind turbines, with a generating capacity of 108.9 megawatts (MW), located on Galloo Island in the Town of Hounsfield. Other proposed components associated with the generation facility on Galloo Island will include underground electric collection lines, access roads, a collection substation, two permanent meteorological (met) towers, one permanent operation and maintenance (O&M) building with floating dock, a floating barge ramp, a helicopter landing site, a borrow area, a temporary concrete batch plant, and a temporary construction staging/laydown area (Figure 2). In addition, the Applicant will utilize the Madison Barracks in the Village of Sackets Harbor as a point from which equipment and construction workers will embark to Galloo Island. The Applicant proposes to construct a temporary parking area within an open lawn portion of Madison Barracks (see Figure 2) to accommodate construction work parking.

The Project also includes the associated transmission facilities to deliver electricity to the New York power grid from the on-island wind-energy generation facility. The transmission facilities will consist of an approximately 33-mile underwater alternating current (AC) transmission cable in Lake Ontario and two substations. The submarine transmission cable will originate at a collection substation on Galloo Island and terminate at a point of interconnection (POI) substation adjacent to the existing National Grid Mitchell Street Substation in the City of Oswego (see Figure 2).

An Application for a Certificate of Environmental Compatibility and Public Need for the on-island wind-energy generation facility was submitted to the New York State Board on Electric Generation Siting and the Environment (the Siting Board) pursuant to Article 10 of the Public Service Law (PSL) (Case No. 15-F-0327). The Applicant has also applied for a Certificate of Environmental Compatibility and Public Need for the transmission facilities from the New York State Board on Electric Generation Siting and the Environment (the Siting Board) pursuant to Article VII of the PSL (Case No. 18-F-0015).

Recent changes to New York's state energy policy have focused on the need to increase competition among energy providers, lower the cost of energy to consumers, increase efficiencies, drive investments in the electric system, and send market signals to support broad state policy preferences for green energy, energy efficiency, equal access to affordable and clean energy, and other goals. To advance these interests, both generally and with respect to specific projects, New York State relies on a suite of public policy planning tools, including the State Energy Plan (SEP) and,

additional mooring lines for the barge ramp and transport barge (Figure 8). The barge landing is a temporary feature, and other than the concrete bulkhead (which will be situated above OHW) will be removed at the completion of construction. While no permanent loss of waters of the U.S. will result from the installation of the floating barge ramp, there will be minor temporary work within Lake Ontario associated with drilling four anchors. However, the anchor bolts will be approximately 2 inches in diameter and will extend 3 feet into the sediment, resulting in a total impact of approximately 1 square foot. Due to the small area that would be affected, the impact can be considered negligible.

3.1.9 Helicopter Landing Area

In order to provide emergency access to the Project, and access during inclement weather when boat travel is not possible, a helicopter landing pad will be constructed. This pad will be more or less at grade, and will not be visible to the public, except from the air. The helicopter landing area will be sited in an upland location, away from any wetlands or streams. As such, this component will not be included in the remainder of this Application.

3.1.10 Borrow Area

A borrow area is proposed to be developed on the Island. This area would provide aggregate fill for Project components such as access roads and crane pads. The material is proposed to be excavated from an approximately 1.5 acre area on the northern portion of Galloo Island (see Figure 2). Development of the borrow area would require the stripping of top soil and then rock-hammering or blasting to remove the underlying stone. The borrow area will be reclaimed and revegetated following completion of construction. The borrow area will be sited in an upland location, away from any wetlands or streams. As such, this component will not be included in the remainder of this Application.

3.1.11 Off-Site Ancillary Facility

~~An Off-site Ancillary Facility is needed at Madison Barracks in Sackets Harbor, New York. This facility will be used as a point of embarkation, providing parking for Project personnel and serving as a launching point for materials, small equipment, and personnel at the existing commercial marina and boat launch. These facilities either already exist, or in the case of the proposed temporary parking lot, will be similar in appearance to the existing facilities. Madison Barracks is an existing developed area and the temporary parking area has been located within uplands. As such, this component will not be included in the remainder of this Application.~~

3.2 Project Construction

Pending the receipt of all required permits, Project construction is anticipated to occur in a single phase, which is expected to begin in spring 2019 and be completed by the end of 2019. As described above, construction and operation of the collection substation, met towers, staging area, O&M Facility building, helicopter landing area, borrow area,

Conflicts with earlier statement and ALS ruling

temporary batch plant, and off-site ancillary facility at Madison Barracks will not impact any jurisdictional features. Therefore, the construction of these components is not discussed below.

3.2.1 Access Road Construction

Wherever feasible, existing island roads will be upgraded for use as Facility access roads in order to minimize impacts to forest and wetland/stream areas. Where an existing island road is unavailable or unsuitable, new gravel surfaced access roads will be constructed. Road construction will involve topsoil stripping and grubbing of stumps, as necessary. Stripped topsoil will be stockpiled (and segregated from subsoil) along the road corridor for use in site restoration. Any grubbed stumps will be removed, chipped, or buried in upland areas of the site. Following removal of topsoil, subsoil will be graded, compacted, and surfaced with gravel or crushed stone. A geotextile fabric or grid will be installed beneath the road surface, if necessary, to provide additional support.

Culverts and waterbars will be installed to maintain natural drainage patterns where necessary. Where access roads must cross wetlands with flowing water, a temporary pump-around or coffer dam will be used to install crossings "in the dry". Appropriate sediment and erosion control measures will be installed and maintained according to the Project-specific NYSDEC-approved stormwater pollution prevention plan (SWPPP) for the Project. During construction, roads with a travel surface of up to 40 feet wide will be required to accommodate large cranes and oversized construction vehicles. At the completion of construction, the travel surface of access roads will not be reduced, except in those areas where access roads will cross wetlands (see Design Drawings, Appendix C). In that case, the travel surface will be reduced to 16 feet.

3.2.2 Foundation Construction

Once the roads are complete for a particular group of turbine sites, turbine foundation construction will commence on that completed access road section. Initial activity at each tower site will typically involve clearing and leveling (as needed) up to a 200-foot radius around each tower location. Topsoil will be stripped from the excavation area, and stockpiled for future site restoration. Following topsoil removal, tracked excavators will be used to excavate the foundation hole. Subsoil and rock will be segregated from topsoil and stockpiled for reuse as backfill. All stockpiled soils will be located outside of wetlands and will be stabilized in accordance with the final SWPPP. If necessary, dewatering of foundation excavations will involve pumping the water to a discharge point, which will include measures/devices to slow water velocities and trap any suspended sediment. Dewatering activities will not result in the direct discharge of water into any streams or wetlands, and will be conducted in accordance with the SWPPP.

Turbine foundations will be reinforced concrete, approximately 10 feet deep, and 50 to 65 feet in diameter. Any excess concrete and concrete wash water at turbine sites will be properly disposed of by pouring it into an excavation (either

conducted Phase 1B archaeological survey (PCI, 2009a), additional archaeological survey is not warranted or necessary for the proposed Galloo Island Wind Project.

8.2 Archeology

As previously noted, NYSOPRHP concurred with the recommendation that no additional archaeological survey was required for the proposed Galloo Island Wind Project in correspondence dated June 27, 2016, stating, in part: "given the reduction in scope of the direct APE, OPRHP concurs that additional Phase 1B archaeological survey is not necessary" (Farry, 2016). The Project has been designed to avoid all impacts to the four previously identified archaeological sites. Therefore, there will be no effect to significant resources and no reason to conduct a Phase 2 archaeological investigation.

Additionally, the archaeological sensitivity of the eastern region of Lake Ontario is considered high for historic contexts due to the high rate of shipwrecks at the eastern end of Lake Ontario (PCI, 2008). Side-scan sonar completed for the submarine transmission cable route identified two discovered shipwrecks both occurring at depths greater than 150 feet. The route of the submarine transmission cable avoids these shipwrecks.

In December 2017, EDR supplied SHPO with an archaeological avoidance plan for the wind energy facility and memos regarding archaeological resources in Lake Ontario, at Madison Barracks, and at the POI substation. A response letter from NYSOPRHP was issued on January 19, 2018 indicating that SHPO has no further concerns regarding archaeological resources on Galloo Island, at the temporary staging area at Madison Barracks, along the submarine transmission cable route, or at the POI substation (Appendix G).

8.3 Historic Resources Visual Effects Analysis

As previously noted, a Cultural Resources Summary and Work Plan memorandum (EDR, 2016) was prepared for the Project and submitted to NYSOPRHP via the online CRIS system. The work plan proposed three tasks to evaluate the Project's potential visual effect on historic properties: 1) consult with NYSOPRHP to confirm the APE for visual impacts to historic properties; 2) digitize (map) previous historic architectural survey results; and, 3) prepare a visual effects analysis of historic resources determined by NYSOPRHP to be S/NRHP-eligible (or that have been previously listed on the S/NRHP) within the APE.

On July 1, 2016, NYSOPRHP provided a response letter (Farry, 2016) indicating concurrence "with the proposed three-step work plan outlined in the submitted Cultural Resources Summary and Work Plan (confirm APE, digitize previous

survey results and prepare visual effects analysis of historic resources)." A copy of this correspondence is included in Appendix G.

The Project will have no physical impacts to historic architectural resources (i.e., no historic structures will be damaged or removed). The APE for visual effects on historic resources includes all areas where the turbines will be visible. Per the *SHPO Wind Guidelines*, the APE for visual impacts on historic properties for wind projects is typically defined as those areas within 5 miles of proposed turbines which are within the potential viewshed (based on topography) of a given project (NYSOPRHP, 2006). However, due to the unique setting of the Project on an island in Lake Ontario, the visual APE for indirect effects for the Hounsfield Wind Farm was recommended to be 10 miles, with a portion extended to 13 miles to include the Village of Sackets Harbor per the recommendation of NYSOPRHP (Bonafide, 2009; PCI, 2009b). The use of this APE for the proposed Project was confirmed in a meeting between the Applicant, EDR and NYSOPRHP staff at their offices in Albany, New York on March 8, 2016, as described in the Cultural Resources Summary and Work Plan Memorandum (EDR, 2016).

The Applicant has prepared an analysis of the potential visual effect of the Project on properties determined by NYSOPRHP to be S/NRHP-eligible as part of the previous historic architectural resources survey (Bonafide, 2009; PCI, 2009b), including consideration of distance and the effect of vegetation and other landscape features that may screen or minimize views of the Project from historic resources. The visual effects analysis specifically addresses impacts from the following S/NRHP-listed key receptors previously identified by NYSOPRHP in the June 23, 2009 letter: Galloo Island Lighthouse Complex, Sackets Harbor Battlefield, Sackets Harbor Village Historic District and Madison Barracks. The Applicant has also reviewed the potential effect that the POI substation may have on sensitive receptors within a 3-mile radius.

Relative to historic architectural resources, the Findings Statement for the previous Hounsfield project noted based on NYSOPRHP's determination that the project would have an adverse effect on historic resources. However, the visual impacts of the proposed Project will be less than those of the earlier Hounsfield Wind Farm for three reasons: 1) the proposed Project includes substantially fewer turbines (30 instead of 84); 2) the extensive overhead transmission infrastructure has been replaced by an entirely underwater/underground interconnect system; and 3) the Applicant has committed to using radar-activated Federal Aviation Administration light systems, which will activate only when aircraft travels within a certain perimeter around the Project, minimizing the visual impact of the Project at night. As a result of these changes, the visual impacts of the Project—and the need for mitigation to address those impacts—have been reduced.

Mitigation options for this Project are limited, given the nature of the Project and its siting criteria (very tall structures located almost exclusively across open water with minimal screening along the shoreline). Mitigation for visual impacts to historic properties therefore typically consist of projects that benefit historic properties and/or the public's appreciation of historic resources to offset potential impacts to historic properties resulting from the introduction of wind turbines into their visual setting. Mitigation projects that have been proposed for other wind energy projects in New York State have included activities such as additional historic resources surveys, S/NRHP nominations, monetary contributions to historic property restoration causes, development of heritage tourism promotional materials, development of educational materials and lesson plans, and development of public history materials, such as roadside markers.

On January 30, 2018, NYSOPRHP indicated that SHPO confirms that the development of the interconnect, including the submerged transmission cable and POI substation, will not visually impact known historic resources (Appendix G). As part of the Article 10/VII review processes, and in parallel with the federal consultation under Section 106, the Applicant will continue to consult with the USACE, local stakeholders, the NYSOPRHP and the DPS to determine the need for and details of potential cultural resources mitigation projects for the wind-energy generating components. This will include review and evaluation of the MOA for the Hounsfield Wind Project to determine if the previously proposed mitigation projects remain viable in terms of mitigating the Project's potential visual effect on the setting associated with historic properties.

9.0 COASTAL CONSISTENCY REVIEW

The proposed Project is located within the designated coastal zone of New York State. In accordance with the Coastal Zone Management Act (CZMA) Federal Consistency provision, projects located within the coastal zone must adhere to the enforceable policies of the approved state coastal management programs. Work that may impact coastal areas also need to be reviewed for consistency with Local Waterfront Revitalization Plans (LWRP). Therefore, work at Madison Barracks was reviewed per the Village of Sackets Harbor Local Waterfront Revitalization Plan (LWRP) and work at the POI substation was reviewed per the City of Oswego LWRP. The Coastal Zone Management Program is based on 44 policies, as determined by the Federal Consistency Form 17 of these policies are applicable to the Project (see Appendix H). As in the Coastal Consistency Matrix in Appendix H, the Project is consistent with these policies. A formal Coastal Zone Consistency Review has been submitted to the New York State Department of State (NYSDOS) and a response will be provided to the USACE upon receipt.

The fourth parcel (0.09 acre), located in the north-central portion of the Island, is owned by the United States Coast Guard and was formerly occupied by a rescue/observation tower, which is no longer present; the parcel is now vacant.

The Applicant reviewed whether there are parcels on Galloo Island enrolled in a NYS Certified Agricultural District, established pursuant to Article 25-AA of the Agriculture & Markets Law (Jefferson County, 2017). Agricultural districts can include land and on-farm buildings that contribute to the production of crops, livestock, and livestock products (e.g., field and row crops, orchards, livestock, poultry, Christmas trees, maple sap, apiary products, timber operation, nursery stock and flowers, commercial horse boarding, aquaculture, fur-bearing animals, and woody biomass). The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production. The program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Although this designation does not wholly restrict substantial changes in land use, it suggests that such changes are unlikely to occur in the near future.

There are no parcels on Galloo Island that are currently enrolled in the NYS Certified Agricultural District Program. Approximately 165 acres of the property has been used for agricultural activity (i.e., growing hay to maintain recreational hunting on the property). Work proposed within this area will consist of an access road, collection lines and a turbine site. However, this work has been generally located to minimize impacts to areas used for agricultural activities. Further, this work is not located within an established agricultural district. In addition, all impacts will occur on land owned by the Applicant.

As stated previously, this Facility is uniquely located on an island, approximately 6 miles from the mainland. Although the existing land uses are classified primarily as residential estate, the island has remained uninhabited and largely undeveloped primarily because of the difficulties associated with accessing the island. The proposed Facility is thus consistent with the existing land uses on this island and is not anticipated to adversely affect potential development on the island. No potential future land use restrictions are anticipated because of the lack of available access to the adjacent parcels and the lack of pending land use applications.

Land Use Within 5-Mile Radius of the Facility Site and Within 0.5 Mile of the Off-site Ancillary Facility

The NYSORPS has classified approximately 3,420 acres within 5 miles of the Facility Site and within 0.5 mile of the Off-site Ancillary Facility as Residential (200), of which the 1,930-acre Facility Site is classified as estate (250), and 1,120 acres are classified as seasonal residences (260) (see Figure 4-1). Approximately 58 acres are classified as agricultural (100), 634 acres are classified as vacant (300), 39 acres are classified as commercial (400), 31 acres are classified as recreation and entertainment (500), 88 acres are classified as community services (600), 1 acre is classified as public services (800), and 5 acres are classified as wild, forested, conservation land, and public parks

(900). No land classified by the NYSORPS as industrial (700) was identified within 5 miles of the Facility Site and within 0.5 mile of the Off-site Ancillary Facility. Approximately 370 acres located completely within 0.5 mile of the Off-site Ancillary Facility are classified as residential, of which 193 acres were classified as one-family year round residences (210), and 168 acres of which were classified as rural residences with acreage (240). Lake Ontario generally comprises the remaining 77,360 acres within 5 miles of the Facility Site and 0.5 mile of the Off-site Ancillary Facility.

The current land uses at Madison Barracks are primarily residential (NYSORPS Code 200) and commercial (NYSORPS Code 400). Madison Barracks contains single family homes, apartments, townhouse rentals, a hotel, retail businesses, restaurants, a marina and a family health care facility. The land uses within a 0.5-mile radius of the Madison Barracks are primarily residential and commercial, with small portions of recreation/entertainment and vacant land.

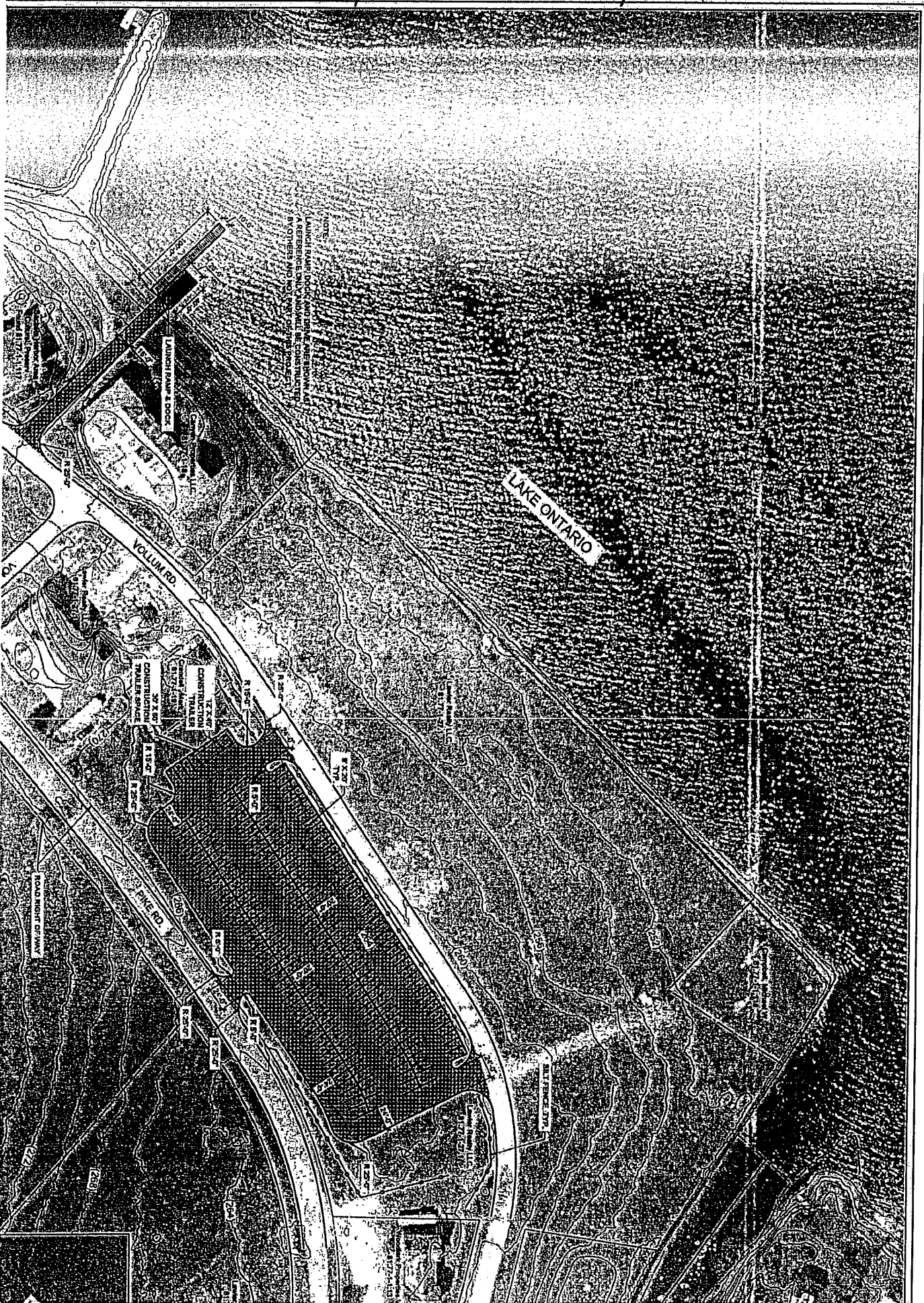
The proposed work at the Madison Barracks Off-site Ancillary Facility will be temporary (see Preliminary Design Drawings Appendix D) and will include a new temporary parking lot for workers and potential improvements to the boat launch or docking facilities to accommodate the anticipated boat trips (see Exhibit 25). These temporary improvements are generally minor and will consist of using existing features within the developed property. These temporary improvements are compatible with existing land use restrictions in the Village of Sackets Harbor (see Exhibit 31) and are generally consistent with the current landscape character at Madison Barracks (i.e., developed property with mixed uses). Regarding future land use restrictions, the Applicant has had numerous conversations with local officials regarding the proposed work at Madison Barracks. Based on these communications, the Village has not indicated any potential changes in zoning or other land development activities that would result in future restrictions on the uses currently proposed.

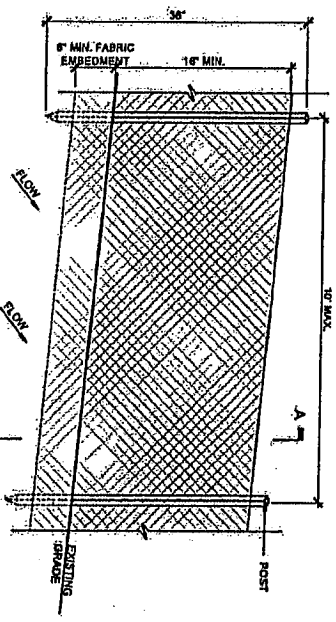
With respect to agricultural land, an approximately 30.6 acre portion of Jefferson County Agricultural District 3 falls within 0.5 mile of the Off-site Ancillary Facility (see Figure 4-7 outlined in section (h) below). However, the work at Madison Barracks will be located completely within a previously developed footprint and will not affect agricultural resources.

Mainland Shoreline as Defined by New York Coastal Area

There are approximately 32,400 acres of mainland shoreline within the defined New York State Coastal Area and limited by a 15-mile radius of the island (i.e., Visual Study Area) (see Figure 4-2). Land use along the mainland shoreline primarily consists of land classified as vacant land (9,690 acres)(NYSORPS Code 300), residential (9,400 acres)(NYSORPS Code 200), and agriculture (7,660 acres)(NYSORPS Code 100). Other land uses consist of land

Appendix J-9 Sept 25, 2017



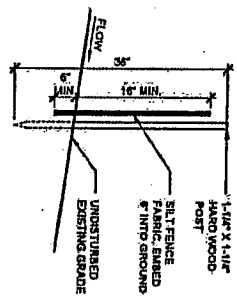


SILT FENCE SPACING AS SHOWN ON PLAN, IF NOT SHOWN ON PLAN, PLACE AS INDICATED BELOW.

2:1	100
3:1	50
4:1	25
5:1 OR FLATTER	100

NOTE:

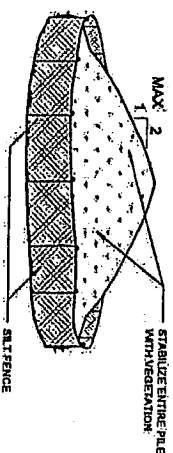
- SILT FENCE SHALL BE PERFORATED UNITS PROVIDED BY THE MANUFACTURER, NOT CONCRETE NETTING, AGE ENVIRONMENTAL, OR BURL.
- WHEN TWO SECTIONS OF FILTER FABRIC ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY A MINIMUM OF 12" AND SECURED BY STAPLES AND SECURED AS NECESSARY TO PREVENT A CONTINUOUS BARRIER.
- ACCUMULATED SEDIMENT SHALL BE REMOVED: THE HEIGHT OF THE FENCE, ON WHICH BUILDERS DEVELOP.
- SILT FENCE SHALL BE INSPECTED REGULARLY AND MAINTAINED IN WORKING ORDER FOR THE DURATION OF CONSTRUCTION.



1 SILT FENCE

C-807 Scale: NTS

TEMPORARY



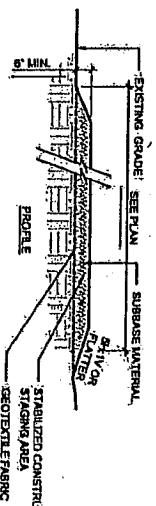
INSTALLATION NOTE:

- AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE SHY AND STABLE.
- MAXIMUM SLOPE OF STOCKPILE SHALL BE 2:1. MAXIMUM HEIGHT SHALL BE 12 FEET.
- EACH PILE SHALL BE SURROUNDED WITH SILT FENCING, INSTALLED PER CORRESPONDING THEN STABILIZED WITH ANNUAL GRASS WITHIN 3 DAYS.

2 STABILIZED SOIL STOCKPILE

C-807 Scale: NTS

TEMP



3 STABILIZED CONSTRUCTION STAGING AREA

C-807 Scale: NTS

Exhibit 2 – Overview and Public Involvement

1. 16 NYCRR §1001.2 (c): Appendix C – Meeting Log: The meeting log should include all significant questions and/or issues raised by Stakeholders and members of the public and the Applicant's response or follow-up action, including a summary of changes made to the proposal in response.

Exhibit 3 – Location of Facilities

1. 16 NYRR §1001.3(a)(4): (and Stipulation 3(a)(4)): Regulation requires mapping of the proposed location of the electric transmission lines that are subject to review under Article VII of the PSL at a scale of 1:24,000. (Application includes map of proposed Article VII line location, and alternatives, at scale of 1:250,000 or greater per Stipulation 3(a)(6)). The map must be filed at the required scale of 1:24,000.
2. 16 NYRR §1001.3(b): Regulation requires mapping of the location of the proposed location of ancillary facilities "at a scale sufficient to determine and demonstrate relation of facilities to those geographical and political features." Application Figure 3-2, at a scale of 1:24,000 does not provide an indication of the municipal boundaries; and Figure 3-4, at a scale of 1:100,000, does not clearly show the specific relation of the ancillary features to municipal boundaries. A map showing facility location in relation to geographic and political boundaries should be provided for Figure 3-2 at 1:24,000 scale.

Exhibit 4 – Land Use

1. The drawing titled "Madison Barracks Temporary Improvement," included in Appendix J of the Application, depicts a single parking area. However, numerous figures included in the Application (e.g., Exhibit 4 Fig. 4-1, Sheet 2 of 2) depict two separate parking/staging areas within Madison Barracks. The discrepancies between the number and locations of ancillary facilities should be clarified and maps, figures, and drawings should be revised, as appropriate.
2. 16 NYCRR §1001.4 (e): Coastal Area Consistency Review (Application Appendix D):
 - a. Several deficiencies in documentation and review of Federal Consistency Assessment Form checklist and discussion at "Coastal Consistency Review Table for the NYS Coastal Management Program" have been identified. Attached below as Attachment A is a listing of policy provisions that warrant additional analysis and documentation.
 - b. Application consideration of the Village of Sackets Harbor Local Waterfront Revitalization Program (LWRP) warrants additional analysis and documentation, as identified in Attachment A below.

Exhibit 11 – Preliminary Design Drawings

1. Stipulation 11(a) notes that the Site Plans shall include turn-around areas to be used during turbine deliveries, an indication of all permanent right-of-way (ROW) for all electric cable installations and proposed grading (temporary grading for construction purposes and approximate final contours). These features are not shown on the Site Plans in Appendix J of the Application. A revised set of site plans should be submitted showing turn-around areas along proposed access roads and all permanent ROWs for the electric cable installations. Additionally, proposed grading for the proposed staging area at Madison Barracks is not included in Appendix J. The site plan for this staging area should include any proposed grading (temporary or permanent) to be done in preparation for the parking area, construction trailer locations and access ways to the staging yard, as required per 16 NYCRR 1001.11(c).

2. The Application includes two entirely different site plan drawings entitled "C-101." One drawing depicts detailed site layout for Wind Turbine Generator WTG-27 on Galloo Island; the other drawing is titled *Madison Barracks Temporary Improvements*, depicting parking, construction trailer, access locations and proposed docking features at Madison Barracks in the Village of Sackets Harbor. The Exhibit also includes a drawing "C-200" titled *Sackets Harbor Staging Area Site Plan*. Drawing C-101 does not indicate parcel boundaries, and neither C-101 nor C-200 indicates location of known easements or rights-of-way such as apparent utility line crossings.¹ Applicant must provide a replacement site plan drawing for the *Madison Barracks Temporary Improvements*, using a distinct drawing number, indicating: utility line easements or facility locations; proposed front and side yard setback distances for the proposed 12' x 40' construction trailer from parcel boundaries; and location of any proposed water, sewer, electric or telecommunications utility interconnections to serve the construction trailer. A note should be included in the updated plan indicating that this sheet replaces the previously submitted site plans regarding the Madison Barracks staging area. Also, insert sheets shall be submitted, replacing the original incorrect Madison Barracks site plans; these insert sheets can be pages containing a note of reference to the updated Madison Barracks staging area site plan. The updated plan showing the Madison Barracks staging area should also include preliminary grading for the parking, construction trailer locations and access ways.

¹ Existing fire hydrant indicates water line is located along Vollum Road; telecommunications upright riser indicates underground telephone and/or cable line(s) along Pike Road; and the area is served by underground electric service lines; all of which are likely located within the site and access driveway crossings. Drawing C-101 does indicate the location of the road right-of-way location for Pike Road, but not for Vollum Road.

Exhibit 13 – Real Property

1. 16 NYCRR §1001.13(a) and Stipulation 13(a): Regulation requires a survey of the facility site; the Stipulation requires that “[d]ata for this map will be obtained from a boundary survey of the properties in addition to the Jefferson County Real Property Department (parcels) along with the United States Census Bureau (TIGER/line files) and the NYS GIS Clearinghouse.” The Exhibit makes no reference to a property boundary survey of any parcel. Property survey(s) must be provided as per the terms of Stipulation 13(a).
2. Mapping of ancillary facilities at Madison Barracks, Village of Sackets Harbor (Figure 4-5: Tax Parcels – Sheet 3 of 5) indicates facilities locations on tax parcels not indicated as ancillary facilities properties at corresponding Exhibit 13-Real Property. The two exhibits must be reviewed and revised as appropriate to demonstrate the proposed ancillary facilities locations, appropriate tax parcels involved, and the nature of rights to be acquired, including for construction worker parking, and access from parking areas to point-of-embarkation. (The mapping should also indicate ownership of any boat marina or docking features to be used for employee transit to the Galloo Island facilities site.)

Exhibit 19 - Noise and Vibration

1. 16 NYCRR §1001.19 (b): L90 ambient noise levels: As required by Stipulation 19 (f)(1), (2), and (3), report the lower tenth percentile (L90) of sound levels measured during the time period of interest (daytime summer, daytime winter, summer nighttime, and winter nighttime), not an average of all 10-minute samples. Since the sound information was also collected in 1-second intervals, it should be reprocessed to calculate the noise levels required by these sections. In addition, as required by Stipulation 19 (b) the pre-construction L90 sound levels should be calculated by following ANSI/ASA S3/SC1.100-2014 Section 5.6 which requires "the arithmetic mean of the daily minimum of the hourly percentile levels for the time period of interest average over the days of measurement, which shall, at a minimum, be a continuous 7-day-long period," not an average of all 10-minute samples. Therefore, collected 1-second information should be reprocessed to calculate the minimum L90 for every hour of each day (daytime or nighttime) so that an arithmetic mean of the lowest L-90 1-hour (for each day and night) can be calculated for the times and season required by the stipulations (winter, summer, year, etc.).²

² Per Stipulation 19 (b) "The pre-construction ambient noise levels at the Facility site and potentially impacted receptors will be evaluated in accordance with the requirements of these stipulations and applicable portions of ANSI Standards S12.100-2014, S12.9 Part 2-1992 R-2013, and S1.13-2005 (R-2010)". However, exhibit 19, page 1, states that "Sound monitoring was done in accordance with ANSI S12.18, as appropriate". In particular, Exhibit 19, Page 4,

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Project is compatible with the activities of the New York National Guard. An analysis and evaluation of the FAA determination and any impacts it or the conditions therein may have is also lacking. Further, although the Application contains a brief statement regarding the DoD informal review, it fails to provide a detailed description of the DoD response. The Application indicates the Proposed Project will only have “minimal impact” on military training, operations and testing in the project area but does not provide any description or analysis of what the minimal impacts could be or whether those impacts can be avoided entirely.

The Applicant should provide all documents between the Applicant and the FAA and the DoD including but not limited to: emails, letters, correspondences etc. and an explanation of the implications for the Proposed Project of any conditions or contingencies contained in those responses.

Exhibit 27 – Socioeconomic Effects

1. Stipulation 27(a): The information provided in the Application insufficiently addresses what is required per the stipulation. Provide an estimate of the peak construction employment level.
2. Stipulation 27(c): The information provided in the Application insufficiently addresses what is required per the stipulation. Provide an explanation of the basis of any economic multiplier factor or other assumption used.

Exhibit 31 – Local Laws and Ordinances

1. 16 NYCRR 1001.31(a) and (d): the Application is silent regarding applicability of Village of Sackets Harbor Zoning and Subdivision Code Article III §3-9 Mobile Home and Construction Trailer Regulations, part C - *Construction Trailers*. Application Appendix J, Preliminary Site Plans Figure C-101, *Madison Barracks Temporary Improvements*, indicates a “12’ X 40’ Construction Trailer” is proposed at the southwesterly end of the construction worker parking area improvements. The Applicant must provide additional information as required by 16 NYCRR 1001.31(a) and (d) regarding the proposed location, use and occupancy, including duration of construction period use, for this Project ancillary facility.
2. Application is silent regarding applicability of Village of Sackets Harbor Zoning and Subdivision Code Article III §3-5 DRIVEWAYS. Additional information must be provided regarding the access and egress driveways associated with the proposed Project Madison Barracks temporary worker parking ancillary facility.

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DATED MARCH 3, 2010

Beach, Southwick Beach, and Sackets Harbor Battlefield) all have one or more features where the visual environment is an important element of the visitors' experience. Westcott Beach (12.4 miles) and Southwick Beach (13.3 miles) provide for visual overlook and interpretation (though it should be noted that at Southwick Beach, the overlook already provides a direct view to the Nine Mile Point Nuclear Power Plant). Robert Wehle Park includes two overlook locations with a relatively close mainland view (5.6 miles) to Galloo Island. Sackets Harbor Battlefield State Historic Site includes a view to Galloo Island, although from a far background distance of more than 12 miles. In addition to the resources identified by OPRHP, the SHPO, the Town of Hounsfield and the Village of Sackets Harbor also identified the historic Madison Barracks complex as an inventoried visual resource with a direct, albeit distant, view to Galloo Island (13.4 miles).

DEC concurs that, at the inventoried resources identified above with visibility to the project, the change in the visual setting created by the project may detract from public enjoyment of those features where the view to the horizon on Lake Ontario is an important component (overlooks and historic settings). This impact is most pronounced at the Sackets Harbor Battlefield Historic Site and Madison Barracks. These sites use the existing vista looking out to Galloo Island as part of their historic museum programs. The visible turbine field will be an additional modern visual element in the background of this existing vista. Although this feature will alter the landscape on the horizon, it is not the first, and would not be the only, modern alteration that has occurred at these historic settings. The view from these locations includes other modern elements such as modern watercraft on the lake, residential development across Black River Bay in the Town of Brownfield, with both daytime and nighttime visibility, new residential development contiguous to the battlefield site including nighttime street lighting and modern transportation features within the battlefield.

DEC also recognizes that the proposed wind power project development differs from other development activity in that the turbines are required to be removed, and the resulting views to Galloo Island will revert to its prior condition, if and when the project is decommissioned. In this sense, the change in visual setting may be considered long-term – possibly twenty to forty years, but temporary when considered against the full sweep of time that this historical viewshed has existed.

The Galloo Island Lighthouse was also identified as a listed historic resource which will experience a direct foreground view to the project. While it is clear that the viewshed at the lighthouse site will be dramatically altered, the site is currently in private ownership, does not have approved public access, and is not located on any designated scenic transportation routes, other than recreational boat traffic on the lake. Therefore, although the magnitude of the change in visual setting is large at this location, the impact to the public is very small, especially when compared to the number of visitors to mainland resources such as the Sackets Harbor Battlefield and the Madison Barracks sites.

2) Impacts to historic resources are closely related to the visual impact assessment, since properties listed or eligible for listing in the State and National Registers of Historic Places are included on the list of "inventoried" visual resources in the DEC visual policy. The June 23, 2009 SHPO letter (FEIS Appendix Q) determined that approximately 238 resources listed or eligible for listing on the State or National Registers of Historic Places are located within the area surveyed in accordance

with that agency's guidelines.¹¹ Within the survey area, SHPO identified several key receptors where visual impacts should be carefully assessed. These include the Galloo Island Lighthouse Complex, the Sackets Harbor Battlefield, the Madison Barracks Complex, and the Sackets Harbor Village Historic District. The SHPO indicated that the visual assessment provided in the DEIS sufficiently assessed these resources. The SHPO's assessment concluded that, although the full extent of potential impacts for the proposed undertaking cannot be assessed absent the as of yet unsubmitted survey data for the transmission line portion of the project, sufficient information does exist to determine that under 36CFR Part 800.5(v) the undertaking will have an adverse effect on cultural resources.

3) A Phase IB Cultural Resources Investigation involved surface inspection and shovel testing in selected portions of the project area designed to meet the requirements of the SHPO for surveys of archeological resources. No prehistoric artifacts were found on Galloo Island. Four historic sites were identified and all were associated with the discovery of partial structures or foundations. The proposed project layout avoids three of these sites. One of the sites is at the site of the proposed permanent boat slip; therefore this site cannot be avoided by project re-design.

b. Discussion and Findings.

1) The Project Sponsor has explored means to minimize visual impacts including assessing potential options for camouflage or disguise including a review of different colors for the WTGs, and minimizing FAA-required lighting. However, direct mitigation of visual impacts from the project is difficult, particularly at this project site which, as the SHPO has pointed out, is unlike previously evaluated wind farm projects, being sited on an island in the midst of open water, with a much higher visibility potential than previously reviewed mainland based projects. DEC's Visual Policy states that after all traditional mitigation strategies have been employed staff should pursue offsets and decommissioning to help achieve the balancing required by SEQR. Correction of an existing aesthetic problem identified within the viewshed of a proposed project or enhancing the setting may qualify as an offset or compensation for residual project impacts, after traditional mitigation measures have been applied. The notion here is to improve the experience of visitors at these sites by enhancing their visual and interpretive elements.

Since practicable means to further mitigate these distant views have not been identified, DEC has evaluated potential visual offset mitigation proposals provided by OPRHP and the Town of Hounsfield/Village of Sackets Harbor. These are included in Appendix Q of the FEIS. DEC has determined that the following proposed offset measures will create a net visual improvement, will add to the visitors' experience and appreciation of the resources, and are therefore the preferred mitigation offsets.

- Sackets Harbor Battlefield State Historic Site. OPRHP recently acquired 40 waterfront acres of the original War of 1812 Battle of Sackets Harbor battlefield site. Plans are underway to open the new property to visitors and to provide improved access and interpretation. A new interpretive plan to incorporate the new acquisition into the existing Battlefield storyline and define appropriate interpretive media will be developed. New walking trails, with design and fabrication of new directional and interpretive signage, will be required. A new, permanent

¹¹ New York State Historic Preservation Office, *New York State Historic Preservation Office Guidelines for Wind Farm Development Cultural Resources Survey Work*, March 8, 2006. <http://www.nysparks.com/shpo/environmental-review/documents/CulturalResourceSurveyGuideWindProjects.pdf>.

archaeology exhibit will be developed in the Historic Site's farmhouse to chronicle the archaeology work that has been conducted at this archaeologically rich property over the past decades. Visitors to the Sackets Harbor Battlefield State Historic Site will be able to enjoy an improved experience at the battlefield notwithstanding the far distant view of the turbine field on Galloo Island.

- Pickering Beach Museum. Located adjacent to the Sackets Harbor State Historic Site near Lake Ontario, the Museum is in the Village Core National Register Historic District, Sackets Harbor Heritage Area and Sackets Harbor Local Waterfront Revitalization Program area. With the assistance of New York State and the Sackets Harbor Historical Society, the Village completed a major restoration of the house. However, there was not sufficient funding to complete renovation of the cottage and much needed work on the extensive collection. Completion of this project would improve the visual setting at the Battlefield site by restoring a deteriorated historic structure and enhance the interpretive experience for visitors.
- Robert G. Wehle State Park. Project work would include improvements to picnic areas and amenities along the scenic bluffs on Lake Ontario, trail improvements, attention to ADA requirements, and directional and interpretive signage. New interpretive themes to be addressed and interpreted include the extensive military history of the park, geology, natural history, and resource management (in particular invasive species such as swallow-wort). Here again, visitors to Robert G. Wehle State Park will be able to enjoy an improved visitor experience along the shoreline of the park notwithstanding the far distant view of the turbine field on Galloo Island.
- Stone Hospital at Madison Barracks. Located overlooking Lake Ontario (with a direct line-of-sight to Galloo Island), the Stone Hospital is in the Madison Barracks National Register Historic District, Sackets Harbor Heritage Area and Sackets Harbor Local Waterfront Revitalization Program area. With funding from New York State and private foundations, significant progress has been made to restore the exterior masonry structure and the imminent threat of collapse of this historic building has been averted. But substantial work still remains, including replacement of the roof and complete renovation of the interior. When completed, the Stone Hospital will house a Military Heritage Center which will provide an enhanced interpretive experience at this historic structure within the viewshed.
- Westcott Beach State Park. The park's scenic overlook provides a commanding and sweeping view of Lake Ontario. The existing panoramic interpretive signage that interprets this view is proposed to be re-done to include the Hounsfield Wind Farm as a new feature in this viewscape. Upgrades to the landscape and hardscape at this site, plus continuing maintenance such as tree trimming, will improve and preserve public access to this scenic overlook, thereby improving the net visual and interpretive experience at the site.

DEC will require, as a condition of permits issued for construction of the wind generation project, that the Project Sponsor develop a visual impact offset mitigation plan that includes the offset mitigation activities identified above, or an alternative of greater or equal significance that meets DEC Visual Policy qualifications for visual offsets.

2) Because the project requires permits from the U.S. Army Corps of Engineers (USACE), the project is subject to review under Section 106 of the National Historic Preservation Act. As stated

above, the June 23, 2009 SHPO letter (FEIS Appendix Q) determined the undertaking will have an adverse effect on cultural resources. Based on SHPO's determination that the project may result in an adverse effect, the Project Sponsor will enter into a Memorandum of Agreement ("MOA") with SHPO and the USACE as part of the Section 106 process. With respect to visual impacts to historic structures/properties, as stated in the SHPO letter, direct impact mitigation of impacts to these resources is not feasible. Therefore, alternative offset mitigation is proposed. The Project Sponsor is proposing to provide funding for one or more of the following projects suggested by the Town (Included in Appendix Q of the FEIS) to be included in the MOA prepared pursuant to the Section 106 process:

- Renovation and restoration of National Register of Historic Places Listed ("NRL") District Schoolhouse #19 located in the Sulphur Springs Cemetery, Hounsfield, New York.
- Repair and restoration of the NRL Sulphur Springs Cemetery, Hounsfield, New York.
- Repair and restoration of the Lakeside Cemetery, Hounsfield, New York.
- Repair and restoration of the Military Cemetery, Village of Sackets Harbor, New York.
- Upgrades to historic exhibits at the East Hounsfield Library, Hounsfield, New York.
- Production and installation of historic markers at historic locations in the Village of Sackets Harbor and Town of Hounsfield, New York.
- Renovation and preservation of the Pickering Beach Cottage Museum, Hounsfield, New York.
- Restoration and preservation of historically significant exhibits for the Pickering Beach Cottage Museum, Hounsfield, New York.
- Repair of the Sackets Harbor Bank Building, Sackets Harbor, New York.
- Rehabilitation and restoration of Stone Hospital, Sackets Harbor, New York.

DEC notes that this discussion of mitigation related to Section 106 above is appropriate under SEQR only for the limited portion of the project subject to SEQR review, and does not result from a full analysis of impacts associated with the entire undertaking, i.e., the transmission line. Any further discussion of avoidance or reduction of adverse effects can only be undertaken after the full survey information for the proposed transmission portion of the undertaking is submitted to the parties involved in the Section 106 process and the full scope of the affects on historic/cultural resources is assessed for the entire undertaking.

3) A letter from SHPO, dated April 8, 2009 (FEIS Appendix Q), recommended that each of four identified archeological sites be avoided, as they may contribute to the ability to interpret the history of the island, but if at any of these sites avoidance is not feasible, the SHPO recommended that a Phase II investigation be conducted. Three of the four sites have been avoided. DEC will require a Phase II investigation be conducted at the proposed boat slip location prior to construction as a condition in DEC permits for the project. In addition to providing the basis for historical off-set

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example, motorboats can be seen in the photos of current conditions prepared for the Project application in addition to roads and roadside steel guard rails among others, thereby minimizing the potential impact to the Battlefield. More importantly, as detailed in Section 5.14 of this Findings Statement, the off-set projects proposed by the Project Sponsor will minimize the impact to historic structures and will ensure that the historic character of the Village remains intact. Thus, the Planning Board finds that the benefits of the Project (including the other local tax and economic benefits and contribution to the State energy policies) outweigh the potential visual impact.

5.14 Archeological and Historic Resources

5.14.1 Potential Impacts

The Project Sponsor undertook a number of studies to assess the historic and archeological resources of Galloo Island and the potential impact on culturally significant resources in the surrounding area. In particular a Phase 1A Cultural Resources Investigation (Appendix I of DEIS), a Phase 1B Historic Building Survey of the Ten-Mile Area of Potential Effect ("APE") for the Proposed Wind Farm Galloo Island (Appendix K of FEIS), and a Phase 1B Cultural Resources Investigation (Appendix K of FEIS) were conducted by Panamerican Consultants Inc. The methodology of each study was reviewed and approved by the New York State Office of Historic Preservation, (SHPO) and were designed to comply with the SHPO Guidelines for Wind Farm Development Cultural Resources Survey Work (2006).

The purpose of the Phase 1A Cultural Resources Investigation was to identify previously recorded cultural resources (i.e., archaeological or historic sites) and to evaluate the potential for previously unrecorded cultural resources to occur within the Project Site. The Phase 1A contained a preliminary architectural reconnaissance survey which identified the potential for impacts on cultural resources. Based on the results of the Phase 1A, it was determined that a Phase 1B be conducted for the Project's potential impact on archeological sites. The Phase 1B Cultural Resources Investigation (archeological) involved surface inspection of 370 acres of Galloo Island and 5,939 shovel tests in the most sensitive historic locations. The investigation was conducted in compliance with SHPO guidelines as well as according to the New York Archaeological Council's Standards for Archaeological Investigations. No prehistoric artifacts were found on Galloo Island. However, four historic sites were identified based on the discovery of partial structures or foundations.

On April 8, 2009, the State Historic Preservation Office ("SHPO") recommended that each of four identified archeological sites be avoided, as they may contribute to the ability to interpret the history of the island. (SHPO's letter is in Appendix K of the FEIS). SHPO further recommended that if avoidance was not feasible that each site have a Phase II investigation. The Project Sponsor agreed to avoid three of the sites. The one site that cannot be avoided by the Project Sponsor is at the location of the proposed slip. To meet the requirements of SHPO, the Project Sponsor will be undertaking a Phase II investigation at the one location that cannot be avoided. The scope of the Phase II investigation has been approved by SHPO and is included in Appendix K of the FEIS.

Generally, the Phase II will consist of the removal and cataloging of any artifacts prior to installation of the Project components.

In order to assess the potential impact to culturally significant resources on the island and the mainland, the Project Sponsor conducted a Historic Structure Survey for the 10-mile Area of Potential Effect. For many wind farm Projects in New York, a 5 mile APE is standard. However, because of the unique location of the Project, the Project Sponsor agreed to a more conservative 10 mile APE for the Survey. The Survey included sections of the Towns of Hounsfield, Henderson, Brownville, Lyme and Cape Vincent in Jefferson County, New York. The survey methodology was developed in consultation with SHPO.

Approximately 238 resources listed or eligible for listing on the State or National Registers of Historic Places were identified within the survey area (including the former coast guard station and lighthouse on Galloo Island). In a letter dated June 23, 2009, SHPO specifically identified several historically significant resources they may be impacted by the Project: the Galloo Island Lighthouse Complex, the Sackets Harbor Battlefield, the Madison Barracks Complex, and the Sackets Harbor Village Historic District. SHPO indicated that the visual assessment provided in the DEIS sufficiently assessed these resources. However, SHPO concluded under the standard established pursuant to Section 14.09 of the New York State Parks and Recreation Law and Section 106 of the National Historic Preservation Act (not SEQRA) that the Project would have an "Adverse Impact" within the APE surveyed due to the visual impact of the turbines on the recreational shoreline vistas and historic resources, albeit at a distance of 10-13 miles. This determination by the SHPO is a jurisdictional trigger under the Federal Law for further study, which the Project Sponsor conducted and included in the SEQRA analysis as well as its report to the SHPO under Section 106 of the National Historic Preservation Act. In addition, the FEIS states that "The visible turbine field will forever (or until any decommissioning may occur) alter what has been a largely intact historic vista for more than two centuries." SHPO concluded that "Given the unique circumstances associated with this portion of the Project (turbine field development) we see no reasonable way in which the affects associated with the construction of these units on Galloo Island can be avoided or minimized through layout alteration or unit number reduction."

No historic structures will be demolished or physically altered in connection with construction or operation of the Project. However, the viewshed maps prepared as part of the Project's Visual Impact Assessment (maps reflecting the viewshed of the final Project layout are included in the Appendix to the DEIS and Appendix of the FEIS) clearly indicated that the Project will be visible from the Sackets Harbor Battlefield and Madison Barracks. Due to the presence of these sites within the viewshed, it is possible that the Project will result in an adverse visual impact to of these sites.

5.14.2 Mitigation

As previously stated, the Project may result in temporary or permanent impacts to archaeological resources. However, the potential for impact has been minimized to the greatest extent practicable. Based on the determination regarding archeological resources on the island, the Project Sponsor relocated WTG 3 to avoid one of the identified

archeological sites. The laydown areas associated with the temporary dock was also relocated to avoid the edge of an area near another identified archeological site. One archeological site cannot be avoided and will be subject to a Phase II investigation prior to construction. The methodology for this Phase II investigation is included in Appendix K of the FEIS. In addition, based on SHPO's determination that the Project may result in an adverse effect, the Project Sponsor will be entering into a Memorandum of Agreement ("MOA") with SHPO and the USACE as part of the Section 106 process. In addition to providing the basis for historical off-set projects, the Memorandum of Agreement will contain an Avoidance Plan which will include a number of measures to ensure protection of archeologically sensitive resources such as:

- Temporary fencing will be installed demarking a 50-foot buffer from the archeological sites and marked with signs indicating "Sensitive Area/No Access".
- Final construction plans will include a notation regarding the avoidance measures for the archeological areas.
- The preconstruction meeting will include a discussion regarding the avoidance measures for the archeological areas.
- The SHPO Human Remains Discovery Protocol will be included in the construction plans for the Engineer-in-Charged in the unlikely event that human remains are encountered during construction.
- The SHPO Plan for Unanticipated Discoveries will be included in the construction plans for the Engineer-in-Charge.

With respect to visual impacts to Historic structures/properties, as stated in the SHPO letter dated June 23, 2009 direct impact mitigation of impacts to these resources is not feasible. Therefore, alternative offset mitigation is proposed. The Project Sponsor is proposing to provide funding for the following projects suggested by the Town (Included in Appendix Q of the FEIS:

- Renovation and restoration of Nation Register of Historic Places Listed ("NRL") District Schoolhouse #19 located in the Sulphur Springs Cemetery, Hounsfield, NY
- Repair and restoration of the NRL Sulphur Springs Cemetery, Hounsfield, NY
- Repair and restoration of the Lakeside Cemetery, Hounsfield, NY
- Repair and restoration of Military Cemetery, Village of Sackets Harbor, NY
- Upgrades to historic exhibits at the East Hounsfield Library, Hounsfield, NY
- Production and installation of historic markers at historic locations in the Village of Sackets Harbor and Town of Hounsfield, NY
- Renovation and preservation of the Pickering Beach Cottage Museum, Hounsfield NY
- Restoration and preservation of historically significant exhibits for the Pickering Beach Cottage Museum, Hounsfield, NY
- Repair of the Sackets Harbor Bank Building, Sackets Harbor, NY
- Rehabilitation and restoration of Stone Hospital, Sackets Harbor, NY.

Based on the typical MOA for wind farms in New York, it is proposed that the Project Sponsor would contribute to a Historical Resources Fund in an amount consistent with

other wind farm Projects reviewed by SHPO. The Town would control expenditures of the Historic Resources Funds and prioritize needs from the list of projects included in the MOA with the advice and recommendations of the Town Historian and SHPO. The establishment of the Historic Resources Fund would provide the Town flexibility to seek matching funds or contributions from other sources and stretch their restoration dollars. The Town could also invest these funds and expand the value of the Historic Resources Fund over time.

5.14.3 Conditions

The Project shall comply with all mitigation measures and offsets identified above. The Project Sponsor must undertake the Phase II investigation at the location of the historic resource site that will be disturbed for construction of the slip. The Project Sponsor will also enter into a Memorandum of Agreement for the establishment of an Historical Resources Fund for the historical off-set mitigation projects.

5.14.4 Findings

With regard to archeological impacts, the Project has avoided potentially sensitive archeological sites to the extent practical. For the one identified location where potentially sensitive archeological resources may exist, the Project Sponsor has agreed to perform a Phase II assessment. Additionally, the Project Sponsor has agreed to an Avoidance and Discovery protocol to ensure that any archeological resources are preserved.

The Project will result in potential, unavoidable visual impacts to certain historic and architectural resources because of the height of the towers. The Planning Board finds that there will be an impact to the historic viewshed from the Madison Barracks, Sackets Harbor Battlefield and to a lesser extent to the Sackets Harbor Historic District. However, the Planning Board finds that the Madison Barracks, Sackets Harbor Battlefield and the Historic District are not surrounded by a pristine historical environment but rather is situated in the midst of community with many modern features. To the east of the Battlefield is a housing subdivision. There are other modern encroachments as well including fences, roads, lighting and cars either in or adjacent to the Battlefield. In this context the introduction of distant views of this wind farm are not inconsistent with the existing landscape surrounding the Battlefield Park and the Historic District. As such the Project does not impair or detract from the essential functions of these resources.

Moreover, the Project Sponsor has minimized potential impacts to the maximum extent practicable with the implementation of the identified mitigation measures and proposed offsets set forth above. The off-set projects proposed by the Project Sponsor will significantly benefit the historic character of the Village of Sackets Harbor and the Town of Hounsfield and outweigh the potential impact associated with the far distant background views from the mainland to the wind farm. In addition, the identified potential impacts to historic properties are outweighed by the socioeconomic and environmental benefits of providing a source of clean, renewable energy, as well as adding to the local tax and economic base. In light of these considerations, the Project

avoids and/or minimizes potential significant adverse impacts to historical, cultural and archaeological resources to the maximum extent practicable by incorporating, as conditions to this Findings Statement, the mitigation measures identified herein.

Finally, with regard to historic resources on Galloo Island (the coast guard station and lighthouse), there will be clear views from these resources to the wind farm. However, these locations are in a state of disrepair and provide little historic value to the Town of Hounsfield due to their limited accessibility to the public and remote location on Galloo Island. The Planning Board finds that the off-set projects proposed by the Project Sponsor to improve and enhance historic locations within the Town are clearly more beneficial than rehabilitation of sparsely used and distant historic resources on Galloo Island.

5.15 Socioeconomics

5.15.1 Potential Impacts

The Project Sponsor evaluated socioeconomic impacts as a result of the Project, and provided specific information regarding population, economy and employment, and tax revenues.

The Project will have both direct and indirect positive impacts on the town, county and school district. Positive impacts to the local economy are anticipated from employment of approximately 200 workers required during construction, and up to 24 full time employees. The DEIS estimates that the anticipated labor for on-site construction and installation cost is approximately \$64 million during the construction period and based on certain multipliers can be expected to generate approximately \$106 million for the local economy. Additionally, a positive impact will result from \$2.14 million in annual payments in lieu of tax (PILOT) revenue anticipated to be split between local taxing jurisdictions.

The construction and operation of the wind farm is not likely to generate a significant increase in the population of the town or county. The addition of 24 full-time workers is not likely to add a significant number of students to the local school districts. This is a minor positive impact from the construction of the Project. There will not be negative impacts to local demographics or local business.

During construction there will be an increase in the boat traffic utilizing this portion of Lake Ontario. This increase in traffic will not preclude the recreation use of the lake. Impacts to the boating public will not be significant and the United States Coast Guard may, at their discretion, issue a warning to mariners notifying them of the construction related activity in the vicinity of the island. Because most components will be shipped directly between the Port of Oswego and Galloo Island no impacts to local roads from the construction of the Project will occur. There will be no significant adverse impacts to emergency services because the Project will provide its own fire and emergency evacuation services on the island while local ambulance services may be required to transport injured persons on the mainland to a hospital. Additionally, there are no impacts to town services, open space or the local tax base.