STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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April 19, 2013

Mr. Richard Chandler
Director, Business Development
BP Wind Energy North America, Inc.
700 Louisiana Street, 33rd Floor
Houston, Texas 77002
info@capevincentwindfarm.com

RE: Case 12-F-0410 - Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

Dear Mr. Chandler,

Please find attached hereto the comments of Staff of the Department of Public Service relating to the Preliminary Scoping Statement filed by Cape Vincent Wind Power, LLC on March 29, 2013.

Very truly yours,

ASHLEY MORENO
Assistant Counsel

Enclosure
cc: Secretary
Party List

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Case 12-F-0410
Cape Vincent Wind Farm
Preliminary Scoping Statement
Staff of the New York State Department of Public Service

General Comments

1. Some of the responses to comments received in the PIP outreach period do not address the interest or content of the comments. Cape Vincent Wind Power, LLC (CVWP, or the applicant) should review its responses to all comments and be prepared to address specific changes to the Preliminary Scoping Statement (PSS) in consideration of the issues and interests expressed, regarding project design, potential impacts and benefits. Likewise, STAFF encourages CVWP to take serious consideration of comments on the PSS submitted by reviewing agencies, municipalities and other interested parties.

2. The description of the scope of studies anticipated for many of the topic areas identified are general rather than specific as to methodologies to be employed, the study area parameters, and other details appropriate for indicating the methodology, intended extent and duration of studies proposed. CVWP should be prepared to work diligently to identify interests of and cooperate with other parties to develop specific protocols for developing a final scope of studies that applies the general information requirements of the application regulations to the specifics of the project proposal and the study area.

3. There will be overlapping information and integrated analysis needed for several of the separate topic areas – the scope of studies should acknowledge those potential areas of overlap and identify analysis that integrates information appropriately.

4. CVWP should immediately provide Staff (and other interested commenters) with GIS shapefiles for the project component layouts, property line and tax map reference information, to enable further evaluation of the PSS.

5. Staff would like to discuss with the applicant, the appropriate scale and size of figures, plans, maps and photographic exhibits where such scales or sizes are not specified by the applicable regulations.

6. Wolfe Island wind farm is located to the west of the proposed project and the Horse Creek wind farm is proposed to the north of the proposed project. Staff would like to discuss with the applicant and other interested parties in what exhibits it may be appropriate to review cumulative impacts.

Section 1.0 Introduction

Section 1.1: Description of the Applicant and Their Property Rights and Interests (p.4)

1. 16 NYCRR 1000.5(l)(6) requires a description of CVWP owner, BP Renewables. Staff advises that the Application should provide an explanation of BP Renewables interests in further development and future ownership of the proposed project given the corporate owners' recent public announcement that it is divesting its interests in wind energy projects in the United States.

Section 1.2: Proposed Facility (pp.4-5)

2. The applicant should provide a pictorial, engineering drawing of both the overhead and underground connectors for the wind turbines. Drawings should be to scale and include a description of the overhead and underground facilities.

3. The description of the proposed facility as being 124 turbine sites with a total size range of 200-285 MW, and individual turbines sizes in a range of 1.7 to 3.0 MW is problematic, in that several of the exhibits required by the Rules specify that data and information for specific turbines or turbine sizes is needed to complete the application. Furthermore, some impacts are related to turbine dimensions (e.g., viewshed and shadow flicker extent are a function of facility height; laydown area size is potentially a function of turbine installation technology, and of rotor and blade diameter; etc.). Staff acknowledges that turbine size and design are evolving to increase efficiency and adapt to site conditions in the North American market, and that changes in technology are important to keep under consideration. To that end, and in the interests of orderly administration of this

project in the Article 10 proceeding, the scope for topics that are potentially dependent on turbine-specific or class-size information must acknowledge the range of the various project size and turbine models that are under consideration. Specific comments in this regard will be included below, as appropriate.

4. The PSS indicates that the proposed Cape Vincent Wind Farm (CVWF) will consist of 124 turbines, with an output of 200-285 MW. It is also noted that the specific turbine model has not yet been chosen. The applicant, however, is reviewing turbine models with individual outputs of 1.7 to 3 MW. If the chosen model has a capacity of 3 MW, for the 124 turbine project the total output capacity would be 372 MW. If the maximum proposed project size is limited to 285 MW, then the project mapping and analysis should reflect the layout that would support that total output (i.e., which of the 124 turbine locations would be used for the 285 MW project using 95 turbines rated at 3.0 MW.)

(a) Staff requests that CVWP clarify the maximum project output level that has been identified in reports filed with the NYISO.

(b) Staff advises that the application must clearly reflect the range of alternative project sizes and associated layouts reflected in the project description.

5. The project mapping indicates that the Proposed Switching Station is located approximately 3,200 feet west of the Point of Interconnection Substation. This is an unusually long interconnection line separating the switching and interconnection stations, as compared to other generating facilities and wind farms in New York State. An explanation of the proposed ownership of the transmission facilities between the Switching Station and the POI Substation should be provided so that the appropriate attention to this proposal can be given in consideration of the project scope of studies: explain whether these facilities will be owned by CVWP or by the interconnecting utility, Niagara Mohawk Power Corporation (NMPC) d/b/a National Grid.

6. In response to the requirements of 16 NYCRR 1000.5 (l)(2)(ix) the PSS acknowledges certain components are proposed to be located within the designated Coastal Zone area boundary. Staff recommends that project location mapping in the Application indicate the location of the entire project and all project components in relation to the Coastal Area boundary.

Section 2.2 Overview & Public Involvement (pp.14-16)

Table 2.2-1 Comments and Responses on Proposed Facility (pp.14-16)

1. The information in this (and subsequent) tables is not well-organized or easy to understand.

2. The table should clarify how each comment was presented – e.g. via letter, at board meeting, etc.

3. It is unclear whether the response was provided at the time the comment was made or whether the response is being made as part of the PSS.

4. The table should include information on any actions or changes to the project that may have resulted from the comment.

5. The table does not include feedback/comments received from consultation meetings with stakeholders and the Company's response.

Section 2.2.3 Public Involvement (p.16)

6. The information in this section should be updated to include a summary of the applicant's public involvement program as outlined in the Public Involvement Plan (PIP). While the intent is not to duplicate the PIP, this section should provide basic information about public involvement program to someone unfamiliar with the PIP. The PIP can be referenced as a source of more specific information however, the PSS should include, at a minimum:

(a) a *brief* description of the program elements detailed in the PIP such as:

(1) identification of stakeholders (including methods to keep the list current);

(2) consultation with stakeholders;

(3) outreach materials and activities to be used to engage the public in the process (factsheets, newsletters, workshops, community meetings, project website, development of CVWF office); and,

(4) how the public can access paper and electronic copies of project documents (i.e. repositories);

(b) a reference to public involvement carried out for the previous projects and prior to submission (i.e. Exhibit C). The report states that Exhibit C includes a summary of changes to the PSS as a result of the public involvement program. However, Staff suggests that the applicant highlight these changes because it is not clear from the table what changes were made and how they impacted the PSS;

(c) a list of stakeholders including those that may have been identified or that the Company has been in contact with since the development of the PIP (e.g. local municipalities like Frontenac Islands, farm bureaus, local emergency personnel, environmental groups, local historic societies, operators or airports/heliports, federal aviation agencies, etc.). This list should be updated to include the Town and Village of Clayton and the Town of Brownville as they are municipalities located within the project study area;

(d) a summary (either a description or chart similar to the one on p. 25 of the PIP) that outlines the outreach activities that will occur for key milestones in the upcoming phases of the project. The on-going monthly tracking report should be referenced here, with an indication of how the applicant will address/incorporate comments received as a result of the involvement activities conducted throughout the course of the project. The tracking report should also include a revised stakeholder list so statements like, “notifications to all stakeholders” can be put into context; and,

(e) information on Intervenor Funding and it relation to the public involvement program.

Section 2.2.4 Other Material Issues Raised by the Public and Affected Agencies (pp.16-22)

7. Table 2.2-2 – Comments and Responses on Public Involvement Program: See Staff's comments on Table 2.2-1 regarding the format of the table as they are applicable to this table as well. In addition, Staff found that the applicant's responses provide no new information and failed to adequately address the issue/comment. CVWP stated that it included a summary of changes to the PSS as a result of the public involvement program. Staff suggests that the company highlight these changes because it is not clear what they are from the information provided in the PSS.

Section 2.3 Location of Facilities (1001.3 Exhibit 3: Location of Facilities) (pp.22-24)

1. The mapping required by subpart (a) should generally reflect current conditions. The mapping included in the PSS is seriously out-of-date United States Geological Survey (USGS) topographic quadrangles published circa 1958. As noted in PIP comments by the Town of Cape Vincent, the preliminary project mapping does not adequately show the relation of the proposed project components to existing developed areas. Staff recommends that the recent-edition, circa 2012, USGS topographic quadrangles based on aerial photography and published at 1:24,000 scale as required by the regulations, should be used as appropriate base mapping for project layout, resource evaluation and for satisfying the mapping requirements in 16 NYCRR Part 1001.3(a) for demonstrating the project location and layout of facilities.

2. The mapping of project location included in the PSS does not distinguish among the several locations indicated as "Facility Areas: batch, laydown, storage, O&M building" on the legend for Exhibit A. An explanation of the proposed facilities to be sited at each of the indicated locations would enable preliminary review and proper focus on the relevant scope of

studies that will be appropriate at those individual locations. For instance, a temporary laydown yard will have different effect and analysis requirements than the permanent O&M building location.

3. Project mapping for the application requirements at 16 NYCRR 1001.3(a)(1) should indicate the arrangement of facility components, including individual electrical collection circuits among turbines and the collection substation.

4. Any offsite improvements, upgrades or modifications of the existing transmission system which must be made to accommodate the interconnection of the proposed project, such as additional transmission or substation facilities located "downstream" of the NMPC interconnection should be identified as project-related offsite facilities and assessed accordingly. See 16 NYCRR 1001.3(a)(3). Description and location mapping of those improvements should be indicated in Exhibit 3 of the application and detailed in other exhibits as appropriate to address the regulations.

5. The PSS Study Area indicated in Exhibit B is limited to 5 miles from facility components, with the exception of the area within 5 miles excluded, i.e., those lands and waters within 5 miles but outside of New York State. Staff asserts that there is no rational basis to not include the areas within Ontario, Canada in the Study Area for demonstrating analysis of potential impacts such as visual impacts (viewshed study), or of consideration of known information including avian impacts due to wind farm operation at Frontenac (Wolfe Island). The five-mile study area cited at 16 NYCRR 1000.2(ar) and 1001.3(a)(5) is a minimum, not maximum limit. Staff asserts that the 5-mile Study Area should be extended as appropriate to address viewshed resources that may be adversely affected by project siting and operation.

Section 2.4 Land Use (1001.4 Exhibit 4: Land Use) (pp. 24 – 31)

1. The PSS scope does not propose a land use classification scheme or methodology for the land use mapping within the study area required by 16 NYCRR 1001.4(a). Staff would like the

opportunity to review and comment on the classification methods that are to be proposed by the applicant, as well as the base mapping that will be used, and the data that will be reviewed and provide the basis for the land use classifications. Staff advises that "Land Cover" data, often used as a surrogate for land use classifications, is not necessarily representative of land use. Land use distinctions are important for assessing both direct and indirect impacts on lands occupied by or in proximity to proposed facilities. The PSS uses the term "vacant land" (pg. 31, Section 2.4.3) which is a generalized term typically referring to parcels without developed buildings, but does not indicate any of the uses that such land may currently or potentially support.

2. The regulations require land use mapping for the (5-mile radius) study area: see 16 NYCRR 1001.4(a), (b), (d), (f), (g), (h), (m) and (n). The description of studies in Section 2.4 does not distinguish the general land use mapping requirements for those sub-parts from the detailed mapping and assessment requirements at 1001.4 (c), (i), (j), (k). This distinction is important in finalizing the scope of studies and the application.

3. The conclusory statement at Section 2.4.4, pg. 31, "(u)navoidable indirect impacts to properties adjacent to Project facilities will be visual," does not provide the proper context for consideration of potential land use impacts or mitigation measures that may be appropriate. Staff would like to discuss this and other related land use analysis and impact mitigation considerations with the applicant and interested parties in refining the proposed land use scope of studies. Noise and infrasound, shadow flicker, shadows, land value impacts should be considered as potentially having impacts on existing or potential future land uses.

4. Staff would like to review and discuss with the applicant and interested parties the applicant's draft listing of recreational resources and land uses that will be analyzed in the land use exhibit. The conclusory statements at PSS pp. 26-27, section 2.4.1, "(d)irect impacts to recreational resources are expected to be limited because Project facilities are not

currently proposed to be located within the boundaries of any recreational resources, other than potentially being located close to some snowmobile trails," indicates that the applicant is likely not aware of other recreational uses in the project area, including for example, designated bicycle touring routes or proposed recreational trails.

5. The land use and Coastal Zone Policy Consistency evaluations should address the potential mitigation effects of underground placement of all or portions of the proposed 115 kV electric transmission line and switchyard-to-substation Interconnection line. (See also: Alternatives, Exhibit 9).

6. Despite the statement in Table 2.4.1 in the PSS, Staff recommends that the Coastal Zone Consistency evaluation should address in detail the transmission interconnection crossing location(s) at the Chaumont River, in terms of land use, visibility, noise (corona potential), in assessing impacts on recreational use of the river and adjoining uplands, and assess the location's potential for providing recreational access to the riverfront.

7. The applicant should propose a study methodology to address the stated conclusion regarding future residential development at p. 27, "(i)f future land use in the Project area consists of additional residential development, it is anticipated that the wind farm would not significantly impact future plans to develop the land."

8. For the consideration of project component locations in relation to parcels enrolled in the Agricultural District program, Staff recommends that the applicant consult with appropriate agencies and records to document the latest available information. Staff notes that mapping published by Jefferson County Department of Planning that "includes 2012 Individual Inclusions" indicates several changes from the mapping of enrolled parcels as mapped and published by the NYS Department of Agriculture and Markets on the "Agricultural Districts 2012" mapping based on 2008 certifications.

9. The PSS does not acknowledge the location of the Breezy Meadows heliport facility (29 NY) located near Route 12E in an area near several proposed turbine locations. The Land Use analysis should provide a report that addresses potential impacts to the continued use of this facility.

10. At section 2.4.2, the PSS mentions "community character" but does not specifically identify a proposed methodology for identifying the specific studies that will be performed or methodology that will be used to assess this requirement of the Land Use exhibit regulations at 16 NYCRR 1001.4(p). Staff notes that the PSS mentions "community character" in response to comments in Table 2.20-5, referencing visual impact assessment, but does not specify the proposed method that CVWP will use to perform this assessment. Staff advises that additional consultation and discussion of this matter among CVWP, Staff and interested parties is appropriate.

11. The PSS does not acknowledge the location of a private airfield in the project study area listed with the Federal Aviation Administration as John Gonzales Field Airport (NY69) located at Favrett Road in a location near several proposed turbine sites. Staff advises that the Application should provide a report that addresses potential impacts to the continued use of this airfield that at a minimum includes:

(a) analysis of clearances of proposed facility components from the Gonzales airstrip;

(b) analysis of flight direction and approach/takeoff zones sufficient to demonstrate that there will be no impact on the safe and efficient use of the airstrip (recommend demonstration as per analysis pursuant to New York State Law on Approval of Privately-Owned Airports - Title 17, Chapter III, part 75); and,

(c) results of consultation with airport owners/operators regarding the results of the analysis listed in a. and b. above.

12. Recreation resources to be considered pursuant to 16 NYCRR 1001.4(i) should specifically include analysis of the following recreational resources, as well as any other such recreational

uses known to the applicant, or identified through outreach or by the comments of other parties or interested groups or individuals.

12. (a) The New York State Statewide Trails Plan dated 2010 has identified that the abandoned railroad grade from the vicinity of Watertown to the Village of Cape Vincent is a "Proposed Greenway Trail" at Map #3 (see attachment, below).

The 2009-2013 New York Statewide Comprehensive Outdoor Recreation Plan[1] (SCORP) includes as a program policy objective under the heading "Creating Connections beyond the Parks" the statement, "develop comprehensive, interconnected recreationway, greenway, blueway and heritage trail systems;" and identifies as an 'Action Strategy' the statement, "Encourage trail uses of highway, abandoned rail, and utility corridors" (SCORP, 2009, Chapter 2 - Visions and Policies, p. 17). Staff notes that part of this corridor has been developed into the "DANC Hiking" trail as mapped by New York State Department of Environmental Conservation (NYS DEC).

Staff advises that the analysis of impacts to address the regulations at 16 NYCRR 1001.4(f) should address this existing and proposed recreational land use. The analysis should address:

(1) turbines located near the old rail grade in the Town of Cape Vincent; and,

(2) the proposed overhead electric transmission line proposed to be located for approximately 10,000 feet along the old rail grade in the Town of Lyme. Analysis of transmission line impact should provide:

(i) an evaluation of impacts and compatibility of the proposed overhead facility design on the planned development of a greenway trail along the old railroad grade; and,

(ii) an evaluation of impacts of an alternative underground transmission facility location on the planned development of a greenway trail along the old railroad grade.

[1] Statewide Comprehensive Outdoor Recreation Plan – 2009-2013, New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and New York State Department of Environmental Conservation.

(b) The analysis of recreational land uses should address potential impacts on Snowmobile Trails as identified by the NYS OPRHP in the 2012 NYS Snowmobile Trail System Map (See map segment in Map #4, below.).

(1) Trails through the project land use study area should be mapped and representative setbacks from turbine sites and other project facilities indicated. Participating property parcels should be indicated on these maps.

(2) Any potential impacts related to turbine locations and safety requirements or recommendations of turbine manufacturers, applicable codes or standards in regard to recreational uses near large wind turbine facilities should be reported.

(3) Any potential restrictions on recreational access to lands that would result from implementation of easements or land use agreements between landowners and CVWP or subsequent owners of the CVWF should be reported and analyzed to reflect the terms of these land use agreements.

(c) The analysis of recreational land uses should address potential project construction and operation on recreational bicycle use and quality of recreational experience for the following resources:

(1) the designated shared use roadway Bicycle Route on NYS Route 12E – Great Lakes Seaway Trail as indicated in attached Map #5;

(2) the Seaway Trail-Cape Vincent Bicycle Loop as indicated in the attached map figure #1.

(d) The analysis of recreational land uses should address potential project construction and operation on recreational uses of the French Creek and Ashland Wildlife Management Areas, as these resources are identified as recreation resources by NYS DEC. The Ashland Trail cross-country ski trail traversing easterly from Burnt Rock Road, and DANC Hiking Trail should also be specifically identified and addressed in this analysis. (See map of trail locations in attached Map #6.)

(e) The analysis of recreational land uses should include analysis of project construction and operation on recreational

use of the Chaumont River, listed by NYS DEC as a "Recommended River for Fishing."

Section 2.4.2 Extent and Quality of Information Required (p. 30)

13. The statement as to consistency with municipal plans required by 16 NYCRR 1001.4(e) should provide a detailed and assessment of specific plan components and recommendations. This analysis should identify whether any of the municipal Comprehensive Plans are specifically referenced and incorporated into municipal laws or land use regulations.

Section 2.5 Electric System Effects (1001.5 Exhibit 5: Electric System Effects) (pp. 31- 37)

1. The Application should reference the NYISO website instead of the FERC website as it may be easier for interested parties to negotiate.

2. The Application should include a complete copy of the SRIS study for the two originally-proposed projects and the currently proposed, combined project. Explain any differences between the projects and studies conducted.

3. Provide the NMPC facility studies and system upgrade facilities to interconnect the project. Explain why the upgrades are needed.

4. Provide a copy of the short circuit study and all supporting documentation.

5. Provide the power factor study conducted and all supporting documentation.

6. Provide the Low Voltage Ride Through (LVRT) study and all supporting documentation.

7. The applicant states that the interconnection switching station Rockledge will strengthen the transmission system in the vicinity of the project and enable National Grid to expand its

transmission system. Provide the studies and analysis that support this statement.

8. The applicant should provide a transmission interface study showing the impacts to the system.

9. The applicant must provide type certification of the wind turbine to be installed by the certifying organization and all supporting documents by the certifier. If several models are being considered, the type certification and supporting information should be provided for each model under consideration.

10. The applicant must prove the function test program for the wind turbines chosen and how it will assure that the entire wind turbine has been thoroughly tested and all safety system work. If several models are being considered, the applicant should provide this information for each model under consideration.

11. The applicant should review the order of energization of the project listed.

12. The applicant should include a copy of its maintenance plan.

13. The applicant should provide the expected time table when the substation will transfer to NMPC.

14. The applicant must meet all of NMPC's design standards for the substation to be turned over to NMPC.

15. The applicant should provide the operational and maintenance responsibilities for the substation and how they will be met.

16. Provide the layout, vertical configuration and design of the collector substation including the fence design and the height.

17. The applicant should submit a bar chart of major construction activities and deliveries of components for the facility.

18. Explain why the applicant believes provision regarding blackstart capabilities is not applicable to this facility.

19. Describe all of the NERC, NPCC, NYSRC and NMPC standards the facility must be in compliance with and the applicant's plan to meet those standards.

Section 2.6 Wind Power Facilities (1001.6 Exhibit 6: Wind Power Facilities) (pp. 37-41)

1. The PSS at Section 2.6.1 (a) does not address New York State Public Service Commission (NYS PSC) requirements for wind turbine setback from electric transmission facilities. The project layout as depicted in PSS at Exhibit A indicates turbine facilities are proposed for sites relatively close to the proposed 115 kV electric transmission line and the associated collection substation. Staff advises that the NYS PSC policy for wind turbine facilities in proximity to electric transmission facilities should be addressed in developing facility layout and identifying relevant setback criteria. The PSC has established a setback baseline of 1.5 times maximum turbine blade tip height from the edge of the right of way of any electric transmission (or substation facility) designed to operate at 115 kV or more.[2] Staff advises that the project layout in the application should reflect this siting setback limitation, and that the application state the design setback distance proposed for turbine(s) near the proposed substation or transmission facility.

[2] Case 07-E-0213 – Petition of Sheldon Energy LLC for an Original Certificate of Public Convenience and Necessity on Regulatory Regime Pursuant to Public Service Law Section 68; Order Granting Certificate Of Public Convenience And Necessity, And Providing For Lightened Regulation, (Issued and Effective January 17, 2008); footnote page 12.

Sec. 2.6.1 Setback Requirements and/or Recommendations-Applicant Specifications

2. Noise studies should be conducted pursuant to Town of Cape Vincent Zoning Law Section 6.7 and any noise mitigation plans must be submitted along with the application.

3. The PSS states that the "setbacks for the combined project meet or exceed the setbacks held by the previously proposed SLWF and CVWEP." The application should include a table of the setbacks (include an explanation of the rationale for the setback distances) for all turbines from roads, public places, occupied and non occupied structures, electric and gas transmission lines for the previously proposed and the newly proposed wind project, as required or recommended by the manufacturer's specifications, the applicant, and any local ordinance or law. If any manufacturer's recommended setbacks cannot be achieved, the reasons should be stated in the application.

4. Provide any reports and studies regarding noise level, infrasound, and shadow flicker to nearby dwellings.

5. For any turbine model being considered by the applicant, provide a copy of the manufacturer's standards document that provides recommended setback distances.

Section 2.6.2 Accommodation Setbacks Requirements and/or Recommendations

6. Applicant should report results of consultation with turbine manufacturer(s), indicating manufacturer recommendations for turbine setbacks from roads, residences, structures, places of public assembly, and other criteria locations. Written confirmation of manufacturer recommendations should be submitted along with the application.

7. Five full size maps showing the location of the wind turbines with respect to Town of Cape Vincent zoning Law Sec. 10 (from property lines, dwelling places, structures, transmission

lines, gas lines, roads, etc.) must be submitted with the application.

Section 2.6.3 Status and Results of Third-party Review and Certification

8. The applicant should provide the turbine make and model at the time of the application. If more than one model is under consideration, the applicant should provide the make and model of each under consideration.

9. A list of sites where similar turbines are used should be furnished along with the application, including their performance.

10. For the turbine make and model chosen or each under consideration, provide all the testing and supporting documents that the third party has reviewed the wind turbine design, material used, control system and that they are in conformance with all applicable American National Standards. Provide the credentials of the third party and how they qualify along with all supporting documentation.

11. The applicant should provide a complete copy of the turbine manufacturer's manuals for construction, maintenance, and operation of the wind turbine.

Section 2.6.4 Wind Metrological Analyses

12. Existing meteorological towers are described, throughout the PSS, however, it is not clear if all notes are in reference to the existing towers or to proposed towers. If new meteorological towers are planned, provide the details (height, location, etc.) of these installations.

13. Provide a copy of the wind meteorological analysis with the application

Section 2.8 Electric System Production Modeling (1001.8 Exhibit 8: Electric System Production Modeling) (pp. 41-42)

1. The production modeling analysis identified in 16 NYCRR 1001.8(a) must be completed prior to the submission of the application.

2. The applicant should plan to conduct a production modeling analysis for an out-year scenario, five years beyond the in-service date of the facility.

Section 2.9 Alternatives (1001.9 Exhibit 9: Alternatives) (pp. 42-51)

1. One aspect of "alternative location" (16 NYCRR Part 1001.9) that should be evaluated is one or more alternative layouts with a reduced project footprint within the project area.

2. Staff recommends that the application address alternative facility arrangements, including:

(a) Alternative arrangements for the various project sizes that may result from use of different size turbines, (e.g., indicating which of the 124 turbine locations would be used for the 285 MW project using 95 turbines rated at 3.0 MW);

(b) An alternative arrangement that avoids locating wind turbines in exclusion zones specifically identified in the Cape Vincent Zoning Regulations;

(c) An alternative arrangement that would not require Siting Board approval (e.g., a 24.9MW project to be reviewed by the Town of Cape Vincent per applicable regulations);

(d) Alternative location for the Operations and Maintenance building, that would locate that facility near the collection substation;

(e) An alternative underground arrangement for the proposed 115 kV transmission and switchyard-to-substation interconnection line, including associated cost information; and,

(f) An alternative underground arrangement for the proposed 115 kV transmission interconnection line at the crossing of the Chaumont River corridor.

2.9.6 Other Material Issues Raised by the Public and Affected Agencies (pp. 47-51)

3. Table 2.9-1 – Comments and Responses on Potential Alternative Locations: Project stakeholders have asked for copies of large-scale maps. The Company offers that maps are available at the local CVWF office and project website. They should be included with document repositories developed under the PIP, including, but not limited to, the repository placed in the environmental justice area.

Section 2.10 – Consistency with Energy Plan Objectives (1001.10 Exhibit 10: Consistency with Energy Planning Objectives) (pp. 51-53)

1. **T**he applicant must describe how the wind project will impact the reliability of the state and direct the reader to where the applicant has documented those impacts and explained them.

2. The applicant should provide documentation and explain how it will be in compliance with NERC, NPCC, NYSRC and NMPC Reliability criteria.

3. The applicant should describe and provide an analysis of the impact of the project on regional requirements for capacity and direct the reader to where the applicant has documented that analysis.

4. The applicant must describe and provide analysis of the impact of the facility on electric transmission constraints and direct the reader to where the applicant has documented that analysis.

5. The applicant must provide a description and analysis of the project on potential impacts during normal operating conditions and outages with supporting documentation and analysis.

Section 2.11 - Preliminary Design Drawings (1001.11 Exhibit 11: Preliminary Design Drawings) (pp. 53-54)

1. The application should include both hard copies and AutoCAD files of the preliminary design drawings.

2. If temporary easements, etc. are to be obtained for extra work space during construction, show these work space locations on the preliminary drawings.

3. Include any preliminary engineering assessments for determining the types of foundations to be installed for the wind turbines.
Provide a typical wind turbine detail and a typical wind turbine foundation detail. If a turbine model has not been selected, provide the typical details for the turbines and foundations of each model under consideration.

4. Include the following on the 'Grading and Erosion Control' plans: surrounding soil types, depth to bedrock, general areas of cut and fill, retaining walls, contours (existing and proposed), and permanent storm water retention areas (see 16 NYCRR 1001.11(c)).

5. Provide 'Lighting Plans' (including any FAA required lighting) for the O&M building, wind farm facility, substation, lay down areas, and all other facilities requiring lighting (see 16 NYCRR 1001.11(e)).

6. Provide a typical layout showing all components to be utilized on the proposed batch plants.

7. Show construction entrance ways on the laydown yard location plans.

8. Regarding the architectural drawings of building and structure arrangements, include exterior elevations, and indicate the length, height, material to be used for construction, color, and finish of all structures, and foundation drawings (see 16 NYCRR 1001.11(f)).

9. The applicant should provide a full set of to scale drawing of all the items referenced on pages 53 and 54 of the PSS.

Section 2.12 Construction (1001.12 Exhibit 12: Construction) (pp.54-55)

1. Early consultation with utility owners is encouraged. Provide updates of any correspondence with existing utility owners regarding protection, separation, or relocations.

2. Provide a plan exhibiting existing utilities, as marked out by a utility locating service.

3. The applicant should provide the additional detail to the outline provided in the PSS at p.54.

Section 2.13 Real Property (1001.13 Exhibit 13: Real Property) (p. 55)

1. For all parcels on which project facilities are proposed to be located, indicate:

(a) Tax Parcel ID;

(b) Method of proposed occupancy (i.e. easement, fee-ownership, other); and,

(c) Current land use and zoning and any land use restrictions that apply to all or any portion of the parcel.

2. Staff would like to discuss with the applicant for consideration in advancing the project scope and application the following:

(a) The matter of property for the switchyard and ROW for the interconnection line, and whether proposed occupancy will be by easement, fee-ownership, or other terms; and,

(b) Criteria for transmission line and interconnection line property and ROW configuration, facility design, property and

legal terms that transmission owner (NMPC) requires for assuming ownership in the future.

Section 2.14 Cost of Facilities (1001.14 Exhibit 14: Cost of Facilities) (p.56)

1. Cost estimates should be supplied for each of the alternative wind turbine sizes being considered for the project.

2. A detailed cost estimated of the project and all elements shall be provided with the application including all supporting documents and workpapers relied upon for determining the estimate and describing how the costs were developed. An order of magnitude cost estimate will not be adequate.

Section 2.15 Health and Public Safety (1001.15 Exhibit 15: Public Health and Safety)(pp.57-63)

1. Applicant must include maps showing the relation of the facility and interconnection to: flood hazard zones, areas of geologic, geomorphic, or hydrologic hazards, etc. as identified in 16 NYCRR 1001.15(f).

2. Applicant should conduct an evaluation of the health and safety impacts regarding a tower collapse beyond a manufacturer's evaluation of turbine collapse based on site specific loads.

3. For the wind turbine(s) proposed for installation, provide information regarding turbine blades associated with the turbines selected, including:

(a) an analysis of blade throw potential and appropriate setback distances, based on design characteristics and performance history. Include all work papers supporting the calculations; and,

(b) manufacturer or other reports regarding any investigations into blade failures, citing causes of failures and remedial measures undertaken.

4. Provide an analysis of icing and accumulation of ice on the wind turbine. Include a calculation and all supporting documentation of ice throw by the blades.

5. Provide an analysis of the effect the grounding grid will have on other underground facilities when a turbine receives a direct lighting strike hit. Provide copies of all supporting documentations.

6. Provide an analysis of how a direct strike to the blades is dissipated and what the impact is to the blade. Provide copies of all supporting documentation.

7. The PSS states that a model will be developed pertaining to ice shedding/throwing based on literature from operating North American wind farms. Focus should be placed on similarly situation wind farms.

8. Hourly time data from meteorological databases should be prepared. The location of available data should be specified.

9. The blade throw analysis the applicant proposes to use will use calculations from the California Energy Commission's Permitting Setback Requirements for Wind Turbines in California. This report was produced using only California counties with operating wind farms. The applicant should consult with Staff and other interested parties to discuss whether other reports should be considered.

10. The PSS states that throw distances of fractional breakages of 20% – 80% as well as entire blade will be calculated. The applicant should describe how these percentages were determined and why they may be appropriate.

11. According to the California report rotor fragmentation occurs at a rate of 1% per year, the applicant should consult with Staff and other interested parties to determine whether rotor fragmentation should be addressed.

12. Provide all documentation relied upon for the ice and blade throw presentation in the application, and back up work papers for the calculations that support the presentation.

13. Provide an analysis for the wind turbine tower collapse due to wind and for the loss of part of a blade and a full blade.

14. The PSS states that the Spill Prevention Control and Containment plan (SPCC) will endeavor to provide specifications as to when secondary containment will be necessary. The SPCC provided with the application should provide the specifications.

15. The PSS states that the results of ice and blade throw analysis will be used to inform the wind turbine layout however no specifics are included regarding how this information will be used. This description should be provided.

16. The PSS does not address specific components of the regulations at 16 NYCRR 1001.15 (a), (b), and (d) for solid wastes such as forest clearing debris (stumps, etc.), stone and fractured bedrock wastes. While these are not expected to pose issues in terms of public health and safety (1001.5(g)), the basic estimates of volumes should be reported to comply with the application requirements.

17. The PSS does not address specific components of the regulations at 16 NYCRR 1001.15(f) for various resources, facilities and risk factors that may influence facility siting, design, construction or appropriate mitigation.

18. For the mapping and analysis of public water supply resources (16 NYCRR 1001.15(f)), Staff advises that project mapping should indicate the locations of municipal water supply mains along the abandoned railroad grade and along public roads to be used to access project sites during construction, and those mains in the vicinity of all electrical collection and transmission lines, turbine access roads, laydown and storage areas, transmission interconnection facilities, and other proposed facility components. Analysis should address public health issues potentially due to construction phase damage to water supply infrastructure.

19. The PSS in section 2.15 does not specifically address any intent to study or otherwise address several items listed in the regulations at 16 NYCRR 1001.15(e) including audible frequency noise, low-frequency noise, and shadow flicker. Staff advises that the applicant should propose a scope of studies to demonstrate a responsible approach to analyzing potential health impacts of low-frequency sound and vibration, including a thorough literature review, analysis of background conditions, report on the current known state of scientific analysis ongoing at the time of application, and provide an analysis of potential project effects in the project study area. Original study analyzing reported problems of low-frequency or infrasound and relation of problem locations to operating wind energy projects is recommended, including reporting on potential health effects.

Section 2.16 Pollution Control Facilities (1001.16 Exhibit 16: Pollution Control Facilities) (p. 63)

1. Staff advises that the NYS DEC is not the federally delegated authority for issuance of 401 Water Quality Certifications (WQC) for projects certified under Article 10 of the New York State Public Service Law. Such delegation is assigned to The New York State Board on Electric Generation Siting and the Environment (Siting Board). Staff anticipates that the Siting Board will delegate authority for issuance of the 401 WQC to the Director of the New York State Department of Public Service Office of Energy Efficiency and the Environment.

Section 2.18 Safety and Security (1001.18 Exhibit 18: Safety and Security) (p. 64)

1. The applicant must identify any Department of Commerce, NIST, NERC, and International Organization for Standardization compliance standards the project must comply with regarding cyber security, as well as how the applicant plans to meet those standards, as indicated in 16 NYCRR 1001.18(b)(6).

2. The applicant should provide a description of the methodology used to determine security risks associated with

CVWF both during the construction phase and during post-construction operations.

3. The applicant should provide an original list of anticipated security threats to be mitigated for the project.

4. Safety and Security records should be made available to Staff if and when required.

5. A safety protocol should be established as to who will be in charge of the wind turbines during erection, commissioning and operation of the turbines. Since there are so many entities involved in various phases of the construction and operation, the protocol should clearly establish responsibility of each entity at each stage.

2.18.1 Construction Security and Features (pp.64-65)

6. Provide a copy of the Security Review conducted by the Project Single Point of Accountability (SPA).

7. Provide expected commencement and completion date of the Emergency Response Plan.

8. Provide a comprehensive list of all agencies and stakeholders to be included in the development of the Emergency Response Plan.

2.18.2 Operations Security (pp.65-66)

9. Provide the method of alarm and intrusion detection for wind turbine access doors or any point that could allow access to the tower interior.

10. Provide a detailed plan and discuss how security at each wind turbine will be accomplished.

11. Provide a detailed plan and discussion how the information security strategy will meet NERC's CIP standards that are currently in effect.

2.18.3 Safety Response Plan (p. 66)

12. Provide the comprehensive scope of the capabilities of on-site Medical Provider.

13. Provide medical evacuation plan for serious injury during periods of inclement weather when med-flight is unavailable.

14. The emergency response plan should also contain a procedure as to "Community Notification" in case of emergency.

2.18.4 New York State Division of Homeland Security and Emergency Services Review (p. 66)

15. Provide specific point in lifecycle of the CVWF when the site security plan will be fully implemented and operational.

2.18.5 Local Office of Emergency Management Review (p. 67)

16. Notwithstanding minimum requirements, provide an explanation why a review of emergency plans will not take place with County office of emergency management.

2.18.6 Fire Response plans and Emergency Response plans (p.67)

17. Provide and All Hazards Risk assessment for CVWF.

18. Provide full fire prevention plan.

19. Provide specific points in the lifecycle of the CVWF when the Fire Prevention plan will be implemented and operational.

20. Provide an assessment of Emergency Medical Service (EMS) capabilities that would act in support of the CVWF Emergency Plans, to include the medical treatment facilities that will support treatment of severe trauma cases.

2.18.7 Contingency Plans for Fire Emergency or Hazardous Substance Instance (p.67)

21. Provide a description of exercises that will be used to validate all Contingency Plans.

22. Provide a schedule in the lifecycle of the CVWF of when validation exercises will take place.

23. Provide a detailed assessment of potential hazardous substances that could be utilized in the construction, operation or maintenance of the CVWF facility from Mobilization through Full Operational status.

2.19 Noise and Vibration (1001.19 Exhibit 19: Noise and Vibration) (pp.68-73)

1. The scope of studies should provide details including the criteria to be used for selection of background and ambient noise level measurement locations and identification of proposed sampling or measurement locations.

2. Tonal noise analysis mentioned at 2.19.1 (pg. 68) and 2.19.3 (at 5th bullet) should be performed for the proposed substation as well as for wind turbines. High voltage transformers are likely to exhibit tonal characteristics during operations. The scope should identify the analysis methodology, definitions and terminology, and applicable standards for performing the tonal characteristics analysis.

3. Noise analysis of wind turbines should be based on turbine model(s) selected for installation at the project. The PSS statements about turbine models being selected at some future time is problematic for modeling noise emissions, predicting tonal character, and making findings regarding probable environmental impacts. Staff recommends that CVWP provide additional information regarding its proposal for studying turbine and project impacts of unspecified turbine make or model and provide more complete characterization of the classes of turbines under consideration, the range of turbine make(s) and

model(s) within those classes, and representative data to demonstrate that it's proposal is responsible and will result in credible record information. Staff recommends that follow-up discussions be planned to address this and related topics with interested parties in attendance before the applicant advances to final scoping or application phases.

4. The scope of Noise and Vibration studies should be revised to include:

(a) a glossary of terminology and abbreviations used, so there is no misunderstanding by reviewing agencies or parties; and,

(b) copies of any reference standards that will be relied upon in study methodologies.

5. The position stated in section 2.19.3 at the second bullet that, "there are no plans at this time to carry out a survey of background sound levels during summertime conditions" as per the regulations at 16 NYCRR 1001.19(b), (f)(2) and (f)(5), will require that the applicant request a waiver from the application requirements.

6. The PSS should be supplemented with a description of the scope and methodology that will be used to develop and perform the "evaluation of construction sound levels at potentially impacted and representative noise receptors" (Section 2.19.3, at third bullet). Describe how representative noise receptors will be selected and indicate specific representative receptors that may have already been selected or studied to support the application. This selection of representative noise receptor locations should include consideration of interested parties.

7. The PSS does not specifically address any intent to study or otherwise address low-frequency noise or vibration. Staff advises that the applicant should propose a scope of studies to demonstrate a responsible approach to analyzing potential health impacts of low-frequency sound and vibration, including a thorough literature review, analysis of background conditions, report on the current known state of scientific analysis ongoing

at the time of application, and provide an analysis of potential project effects in the project study area. Original study analyzing reported problems of low-frequency or infrasound and relation of problem locations to operating wind energy projects is recommended, including reporting on potential health effects.

Section 2.20 Cultural Resources (1001.20 Exhibit 20: Cultural Resources) (pp. 73-87)

1. At Section 2.20, the PSS describes background context for prior cultural resource studies conducted based on the previous Cape Vincent and St. Lawrence wind project configurations. The recitation of recent consultations indicates that Staff was involved in the first two of the three meetings CVWP held with OPRHP regarding cultural resource evaluations. Staff was not invited to the third such meeting, reportedly held February 5, 2013. Staff has previously requested that CVWP provide the proposed scope of work prepared by CVWP consultants, but has not received such document(s) to date. Staff advises that additional consultation between CVWP, OPRHP and Staff is needed to determine the information needed to address the application requirements specified by 1001.20(a)(3) and (4).

2. At Section 2.20.1, the PSS notes that the 5-mile Area of Potential Effect (APE) "extends across the US-Canadian border and is not subject to federal and state historic preservation laws" (PSS, page 79). It is not clear from the PSS whether the Canadian portion of the APE/study area will be reviewed for historic resources. Staff recommends that the review of potential project effects including visibility from historic resources should include known historic resources outside of NYS but within the 5-mile APE/study area be undertaken. This approach has been used previously in review of a major wind energy project in Clinton County, NY near the Canadian border.

3. At Section 2.20.1, the PSS quotes previous correspondence and findings by OPRHP that the prior project configuration "forever alters and changes the rural setting, which itself is a significant element in much of the survey area and serves as the backdrop for the architectural, cultural and scenic tourism heritage of these communities" (PSS, pp. 79-80). Staff advises

that the 'scenic tourism heritage' aspect of cultural and visual resource evaluation should specifically be addressed in the scope of studies for the current proposal of the CVWF. Staff would like to consult further with CVWP and interested agencies in regards to an appropriate scope for this evaluation.

4. The PSS at Section 2.20.2 (second paragraph) proposes "that no further subsurface archeological investigation of the northern section of the current Project is necessary" (PSS, p. 80). Staff advises that this and other details, such as the strategy and number of shovel tests that remain to be completed (PSS, p. 81), and the timing of when the technical report on Phase 1B archeological survey work described at PSS (p. 83) would be completed should be further refined in additional consultation among CVWP, OPRHP and Staff. Staff notes that Phase 1B reports, if required, are components of the application requirements at 16 NYCRR 1001.20.

5. At Section 2.20.2.2, the PSS suggests that there may be gaps in coverage in project APE based on previous surveys of Historic Architectural Resources (PSS, page 84). Staff notes that the applicant identified such gaps in the New York State survey area as early as the September 28, 2012 meeting referenced in the PSS at page 75. Staff advises that the small areas involved could readily be surveyed and results provided to OPRHP and Staff in anticipation of additional consultation as recommended in preceding comments above.

6. PSS Section 2.30.3.2, regarding avoidance and minimization measures for Historic Architectural Resources (PSS pg. 85) provides a list of measures that should be amended appropriately to include project arrangement and scale alternatives that could potentially reduce significant visual impacts on architectural, cultural and scenic tourism heritage resources in the project area. Likewise, the proposed measures for mitigation of unavoidable impacts at Part 2.20.4.2 (PSS, page 86) should be based on prior consideration of project arrangement and scale alternatives.

7. Staff advises that the assessment of project visibility from, and visual impacts on historic resources, should include

identification of specific turbines that are visible from and affect the settings of individual historic resources.

8. PSS Section 2.30.3.2 discussion of minimization measures includes an exception to the project decommissioning proposal for the "interconnection facility equipment owned by the interconnection utility (PSS, p. 85)". Staff requests an explanation of the rationale for this stated exception, when the purpose for development of the switching station is the isolation and interconnection of the proposed electric generating facility with the existing transmission infrastructure of NMPC d/b/a National Grid.

Section 2.21 Geology, Seismology and Soils (1001.21 Exhibit 21: Geology, Seismology and Soils) (pp. 87-103)

1. PSS Section 2.21.3, Page 88, provide specifications for structural fill and crushed stone that will be used as fill to replace unstable subgrades.

2. PSS Section 2.21.3, Page 88, the invasive species plan should describe procedures for identifying the presence of invasive species in spoil materials. A pre-construction invasive species survey should be conducted at the project site to identify areas where invasive species are populated. In order to minimize the introduction and/or spread of invasive species, spoil materials excavated from those areas identified as containing invasive species during the pre-construction survey shall not be transported or used as fill materials in other locations.

3. PSS Section 2.21.4, Page 89, according to the PSS, permanent gravel access roads with 16-foot wide travel lanes will be constructed. However, "additional area will be compacted on each side of the gravel roads to allow for the additional construction traffic and crane movement" during construction.

(a) Provide the design dimensions for both temporary construction access roads and permanent access roads. Additionally, identify any areas where improvements will be made

to public roadways to facilitate the transport of turbine and construction equipment.

(b) Provide detailed descriptions and preliminary calculations of the amount of topsoil that will be brought in to the facility site and interconnections.

(c) Identify the source of all backfill materials, including topsoil, subsoil and gravel that will be imported from an offsite location.

4. PSS Section 2.21.5, Page 89, provide specifications and requirements for excavated soils that may be reused as backfill.

5. PSS Section 2.21.5, Page 89, identify the location(s) where excavated materials that are not reused as backfill will be disposed.

6. PSS Section 2.21.6, Page 90, identify any locations where traditional boring or directional drilling techniques will be used to install the 34.5kV interconnects and the 115kV transmission line. Provide installation feasibility and risk assessment studies for each location where such methods are proposed, based on the results of the geotechnical studies and known geologic conditions of the area.

7. PSS Section 2.21.6, Page 90, where the 34.5kV interconnects or the 115kV transmission line will cross public roadways, indicate the crossing method, the jurisdictional agency (i.e., NYSDOT) and any required permits for occupation of the road right-of-way.

8. PSS Section 2.21.6, Page 90, for any locations where the 34.5 kV interconnects are proposed to be routed aboveground, provide justification based on engineering and/or environmental constraints to underground installation.

9. PSS Section 2.21.8, Page 91, provide the results of all geotechnical investigations conducted for the project area.

10. PSS Section 2.21.9, Page 91, include in the blasting plan estimates of the amount of rock to be blasted, as required by 16 NYCRR 1001.21(i).

11. PSS Section 2.21.11, Page 91, include a plan for securing compensation for damages that may occur due to blasting, as required by 16 NYCRR 1001.21(k).

12. PSS Section 2.21.16, Page 97, the discussion of any dewatering that may be necessary during construction should include the location(s) of dewatering activities, estimated volume of dewatering, location(s) of discharge and methods of filtration.

13. PSS Section 2.21.17, Page 97, provide maps and descriptions of existing permanent natural and manmade surface water drainage features within the project construction area and the existing surface water drainage flow patterns.

14. PSS Section 2.21.17, Page 97, provide maps showing anticipated post-construction drainage flow patterns, indicating any new permanent surface water drainage features.

15. PSS Section 2.21.18, Page 101, in the evaluation to determine suitable building and equipment foundations, include identification of mitigation measures regarding pile driving impacts, if applicable, including a plan for securing compensation for damages that may occur due to pile driving, as required by 16 NYCRR 1001.21(r)(3).

16. PSS Section 2.21.18, Page 101, the foundation evaluations should address the suitability of soil and bedrock conditions in the area, particularly the known karst geology of the region. Provide a geotechnical risk assessment for the turbine foundation integrity and design, citing the results of the geotechnical site investigations and known geologic conditions of the region.

Section 2.22 Terrestrial Ecology and Wetlands (1001.22 Exhibit 22: Terrestrial Ecology and Wetlands) (p. 103-136)

1. The preliminary scoping statement frequently makes note of "consultation" between CVWP and the USFWS and NYSDEC. CVWP should include documentation, summaries, and results of these consultations in the application.

2. Section 2.22.3 General Wildlife Habitat – CVWP should also identify plant communities according to Edinger, G.J., D.J. Evans, S. Gebauer, T.G. Howard, D.M. Hunt, and A.M. Olivero (editors), 2002, *Ecological Communities of New York State. Second Edition. A revised and expanded edition of Carol Reschke's Ecological Communities of New York State*. (Draft for review). New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY.

3. Rarity of plant communities should be evaluated and reported relative to state and global rarity rankings.

4. Avian and Bat Mortality – In addition to annual mortality calculations, CVWP should break down annual mortality rates into seasonal rates (e.g., spring and fall migration mortality rates).

5. Section 2.22.4 Avoidance and Minimization Measures – Alternative methods of washing machinery and equipment should be evaluated in the control of invasive species, especially during winter construction.

6. When evaluating potential impacts to Rare, Threatened and Endangered (RTE) species, CVWP should take into account and provide analysis regarding the height of aerial breeding displays (e.g. upland sandpiper) and foraging heights (e.g., northern harrier and other species).

7. CVWP should include the Golden Eagle in its list of RTE species to be evaluated. Golden Eagles have been documented using the eastern coast of Lake Ontario.

8. The PSS at Section 2.22.4, Avoidance and Minimization Measures, states that "(t)he project has been designed to avoid and minimize wetland impacts to the greatest extent practicable" (PSS, p. 115). The application should address specific details regarding transmission line routing and construction impacts on the Silver Maple-Ash Swamp significant natural community as mapped by NYS DEC, and located northeasterly of Swamp Road in the Town of Lyme. The impact analysis should identify routing and facility design variations to reduce the length of line and area of disturbance in this hardwood swamp. The analysis should identify clearing width(s) needed to accommodate the construction and long-term operation of the proposed 115 kV overhead line.

Section 2.23 Water Resources & Aquatic Ecology (1001.23 Exhibit 23: Water Resources and Aquatic Ecology) (pp.136-146)

1. PSS Section 2.23.3, Page 141 – According to the PSS, "(p)re-construction surveys will be conducted to locate local water supply wells within 500 feet of each turbine where blasting will occur for foundation excavation. For positively identified wells, CVWF will conduct pre- and post construction hydrological studies and monitoring to characterize flow rates and water quality." Staff recommends that CVWF consult with Staff to develop a more comprehensive pre- and post-construction well monitoring program for both public and private water supplies wells within the potentially affected aquifer zone.

2. PSS Section 2.23.3, Page 141, provide maps identifying all classified and field delineated surface water bodies within the project construction area. For all classified streams and water bodies, indicate classification.

3. PSS Section 2.23.3, Page 141, as required by 16 NYCRR 1001.23(b)(3), provide an identification of all downstream surface water drinking-water supply intakes within one mile of the project site (or if none are located within one mile, identify the nearest one that could potentially be affected by the facility or interconnections), and describe each identified intake including characterization of the type, nature and extent of service provided.

4. PSS Section 2.23.3, Page 141, identify existing areas of natural or man-made drainage within and around the project area and design temporary and permanent erosion and sedimentation controls to effectively use such existing drainages.

5. PSS Section 2.23.3, Page 141, provide maps showing the layout of all permanent stormwater management and erosion control measures proposed for the facility site.

6. PSS Section 2.23.4, Page 143, for all streams and surface water bodies proposed to be crossed by access roads, 34.5 kV interconnects or the 115 kV transmission line, identify the proposed crossing method.

Section 2.24 Visual (1001.24 Exhibit 24: Visual Impacts) (pp.146-156)

1. Staff recommends that the landscape similarity zone analysis be based on a comprehensive inventory of relevant physical attributes of the existing landscape.

2. Staff recommends that the scope of the visual impact analysis should include user group interviews as part of background studies to identify important landscape characteristics and values attributed by landowners, residents, visitors/tourists, recreational users, and others as appropriate to the various visual resources and landscape similarity zones.

3. Staff requests that CVWP provide, as soon as possible, a preliminary viewshed analysis showing areas of predicted project visibility and identified "key visual receptors," as well as the "landscape similarity zones" overlay, to support the consultation regarding selection of important or representative viewpoints envisioned by 16 NYCRR 1001.24 (b)(4) and (5).

4. Staff recommends that the minimum 5-mile study area for the viewshed assessment be expanded to address the following areas: the NYS Route 180 – NYS Route 12 corridor from NYS Route 12E to and including the Village of Clayton – designated as part of the "Thousand Islands –Seaway Wine Trail." That section of the

designated touring "trail" traverses along the easterly edge of the proposed CVWF Study Area as mapped at PSS Exhibit B. (A map of the "Wine Trail" is attached to these comments below as Map #2). This minor expansion of the Study Area will provide for an assessment of potential project visibility from a designated tourism route that is likely to have some areas with views of at least some of the proposed wind turbines.

5. Staff advises that the Study Area as proposed (PSS Exhibit B) does not include those areas of Ontario that are within the five-mile minimum radius required for major wind energy generating projects by the regulations at 16 NYCRR 1000.2(ar).[3] Digital Elevation Model information and base mapping of that area is readily available and the project study area should be revised to include that area in the viewshed and visual analysis accordingly.

6. Staff recommends that the viewshed analysis include depiction of the number(s) of turbines predicted to be visible from areas within the viewshed analysis. Furthermore, the visibility analysis should include a table listing those individual turbines visible from key visual receptors identified in the study, with an indication of the extent of visibility (by categories such as: blade tip; blade; nacelle; tower; etc.).

7. Staff advises that a depiction of the areas that will be exposed to shadow flicker and the expected exposure duration be included in the analysis performed in accordance with 16 NYCRR 1001.24(b)(8).

8. For purposes of advancing discussion of the proposed mapping of potential project visibility in Task 1.2 at PSS page 149, Staff requests that CVWP identify the following: (a) the date of National Land Cover Dataset (NLCD) information proposed to be used to characterize vegetation screening effect; and (b) the type of base map proposed to be used for depicting areas of predicted project visibility, since the proposal is to not use a

[3] Staff notes that the DEC Visual Policy paper referenced by CVWF also recommends a minimum 5-mile radius viewshed analysis from the highest point of proposed large scale facilities.

topographical base map such as USGS quad maps. CVWP should provide an example of the type of base maps proposed to be used.

9. Staff recommends that CVWP provide the working lists of the "sensitive visual resources" identified thus far for consideration of the completeness of the inventory performed for Task 1.3 of the visibility analysis, per PSS pages 150-151.

10. Staff requests that CVWP further explain the methodology proposed to be used to develop the "landscape similarity zones" overlay for the viewshed mapping, per Task 1.4 in PSS at pages 151-152.

11. Staff requests specification of appropriate field conditions for completing field photography described in Task 1.6 – Conduct field assessment. Weather conditions, time of day, sun direction and seasonal considerations are important in conducting field photography that is representative for photographic simulation production.

12. Staff advises that a pre-determined number of simulations should not be specified prior to completing consultation with the appropriate agencies and municipalities. Task 1.7 at PSS page 152 proposes a limit of 20 photo-simulations. As noted in comments above, Staff recommends that CVWP present preliminary viewshed mapping with key visual receptor locations depicted, along with the "landscape similarity zones" analysis and initial field photography for consideration by agencies and municipalities for consultation purposes in completion of

consultation regarding selection of representative viewpoints envisioned by 16 NYCRR 1001.24(b)(4) and (5).[4]

Section 2.25 Effect on Transportation (1001.25 Exhibit 25: Effect on Transportation) (pp.156-163)

1. Since the project will involve many deliveries of equipment and materials to the project site, and there may be limitations on use of highways for oversize loads related to wind turbine components, the proposed study area for transportation impacts should be expanded.

2. The Transportation analysis should include analysis of road capability for deliveries to the project area from:

(a) the Port of Ogdensburg and delivery route(s) from the Port to the project site; and,

(b) Interstate Route I-81 and delivery route(s) to the project site.

3. The Study Area thus expanded should also be reviewed and analyzed for capital improvement projects and planned major roadway construction for the proposed construction period, for purposes of identifying potentially significant constraints that

[4] Staff notes that CVWP reports in the Monthly Tracking Report of Public Involvement Activities on the CVWF website, that its consultation on 7-Nov-12 regarding its proposed Visual Impact Assessment protocol with DEC, OPRHP and STAFF "addresses both the DPS and DEC policies and recommendations will be incorporated into the revised [VIA]". Staff advised at the time of that meeting that it had only received the proposal a short time prior to the meeting and had not reviewed the proposal, but would have additional comments at an appropriate later time. Staff also advised that visual receptors in the area should be identified and that the lists in the prior project [SEQRA EIS] study were only a starting point, and that further study based on the revised layout and increased maximum turbine heights were significant changes to the prior projects. Staff further advised at that meeting that further consultation should be undertaking, including with the attending agencies and municipal officials in the project area; and that the original proposal to not use an impact rating panel would not conform to the regulations.

may affect use of specific routes for delivery of supplies, oversize equipment, or general construction activities. Planned bridge replacements, road closures, etc., should be identified, and transit and delivery plans should identify alternates or mitigation as appropriate. This study should include consultation with appropriate highway jurisdictions.

Section 2.25.1 Project Layout

4. Five copies of full size project lay out drawings (Exhibit A) showing the location of turbines, access roads, collection lines, meteorological towers, lay down area, switching station, project substation, interconnection substation, land ownership, wet lands, riverfronts, etc. should be submitted along with the application.

Section 2.25.5 Impacts on Mass Transit Systems

5. If there is no impact to any of the mass transit systems, it should be clearly stated in the application.

6. Early consultation with the various Highway Departments including State, County, Town, and Village is encouraged.

7. If any road closures or detours will be required during construction, provide all necessary Maintenance and Protection of Traffic (M&PT) Plans.

2.25.6 – Federal Aviation Administration Notice of Proposed Construction - Pages 161-162

8. Provide explanation why an *informal review* is more appropriate for this project considering the proximity of CVWF to the FT. Drum Military Installation. The Clearinghouse's *formal review* process applies to projects filed with the Secretary of Transportation, under section 44718 of title 49, U.S. Code (Federal Aviation Administration obstruction evaluation process), as well as other projects proposed for construction ***within military training routes or special use airspace***, whether on private, state, or Federal property, such as Bureau of Land Management lands.

9. This section details notifications that the applicant plans undertake in regards to air traffic. However, it should be noted that consultation with these entities was required by regulation (16 NYCRR 1000.4(f)) prior to the submission of the PSS. In addition, the PIP called for these consultations in the first quarter of 2013.

Section 2.26 Effect on Communications (1001.26 Exhibit 26: Effect on Communications) (pp.163-171)

1. The applicant must specifically identify all existing underground cable and fiber optic telecommunication lines that are located within a two mile radius of the facility, and identify the proximity of such lines to the proposed turbine locations and interconnection facilities as described in 16 NYCRR 1001.26(b).

2. The applicant should consider communications systems on the US/Canada Border and any Border Patrol systems which could be impacted by the project.

3. For radar communications, explain the 'gap-filler' approach to mitigate unavoidable impacts as described on PSS p. 171, and discuss what further work is needed to determine the efficacy of this approach.

4. The applicant is encouraged to submit their proposed project information to National Telecommunications Information Administration (NTIA) as early as possible so that NTIA can forward it to all interested federal agencies to analyze the impacts of the turbines to their assets.

5. Provide the paths of all microwave system operated by wireless communication facilities and provide an analysis showing how the wind turbines will not interfere with the path.
6. Provide the radar facilities that are in area and surrounding the facility. Provide an analysis that the turbines will not interfere with the operation of the radar unit (this includes NOAA and defense). Discuss what the applicant will do

if the wind turbine analysis suggests the turbines will interfere pre-construction and once the project is operational.

2.26.2 – Federal Government Systems - Exhibit 26 – Pages 165-166.

7. The official response to the notification letter to National Telecommunications and Information Administration ("NTIA") should be provided for review to ensure that all stakeholders, including Department of Defense, Department of Homeland Security and the U.S. Coast Guard, have responded identifying any potential adverse impacts to government systems.

8. Provide specific details on notification and communication channels with Canadian Forces (Canadian Army, Royal Canadian Air Force, and Royal Canadian Navy) and Transport Canada Civil Aviation (TCCA) to ensure potential adverse impacts on their operations are identified.

9. Provide methodology of assessments that will be used to determine potentially significant adverse effects on all wireless system types referenced in Exhibit 26.

10. Identify the location of all emergency services antennas, transmitters, and repeaters. Explain how the applicant will restore the system to normal if it blocks or curtails transmission from any of these sources and provide a remediation plan in the event of degradation of EMS communications capability due to CVWP.

11. At p. 164, the applicant states that the potential for AM broadcast stations that are non-directional will be troublesome. Please explain this statement and provide technical details how the applicant will detune the turbines and towers so as to reduce the interference. Provide a discussion of the maintenance program that will used to maintain the system used and how fast the applicant will respond to complaints.

12. The applicant should perform a pre-assessment of radio and television signals. Provide a description of the complaint system the applicant plans to put into place. The applicant

should address both digital and analog radial and television signals.

13. The applicant should locate local amateur radio operators and discuss how any problems will be resolved and provide a plan in the application.

Section 2.27 Socioeconomic Effects (1001.27 Exhibit 27: Socioeconomic Effects) (pp.171-177)

1. Staff recommends that the applicant provide an analysis of project consistency with the "Comprehensive Economic Development Strategy (CEDS) 2012 'Blueprint' for Economic Development" prepared by the Jefferson County CEDS Committee in partnership with Camoin Associates, Inc.

2. Staff recommends that the applicant analyze the number of jobs created by the proposed project as compared to the jobs displaced at other possible projects that would be built, if not for the proposed project. The applicant should prepare a comparison of the job intensity, as measured in jobs/MWh, of the proposed project versus other possible projects.

3. The PSS indicates that comments were received during the Public Information Plan phase regarding property value impacts, and impacts on tourist assets (PSS, pp. 176-177). In the PSS, CVWP acknowledges receipt of those comments, but does not offer substantive ways of studying potential effects (other than visual impacts) that may be significant in terms of socioeconomic impacts on the community and the region. Staff acknowledges the range of results of various studies on wind project property value impacts, and recommends that further detailed consideration of this matter on the project area communities is warranted. In a region that has a significant reliance on tourism as an economic mainstay, the potential for adverse impacts on tourism, heritage and tourism resources and attractions should be undertaken as part of the application. Staff would like to discuss this matter further with CVWP and the municipal parties to develop recommendations for a focused scope of studies on these socioeconomic issues not specifically listed in the regulations for Exhibit 27.

Section 2.28 Environmental Justice (1001.28 Exhibit 28: Environmental Justice) (pp.177-183)

1. The PSS states that "the first statistical threshold does not relate to the Project" (PSS pg. 180). It is not clear what this statement refers to since there is no citation and the statement appears to be out of context. A reference citation should be provided to clarify this issue.

2. Likewise, the PSS refers to "the statistical EJ threshold (bullet 2 above)" and "these two data sets are below the EJ statistical threshold (bullet 3 above)" (PSS, pg. 180). Staff notes that there are no bullets indicated in the preceding text in this part of the PSS. Further description and a reference citation should be provided to clarify this issue.

Section 2.29 Site Restoration and Decommissioning (1001.29 Exhibit 29: Site Restoration and Decommissioning) (pp.183-186)

1. Include a plan for the decommissioning and restoration of the facility site including how such decommissioning and restoration shall be funded and a schedule for the conduct of decommissioning and site restoration activities (see 16 NYCRR 1001.29(b) and (c)). For wind-powered generation facilities and other facilities to be located on lands owned by another, include a description of all site restoration, decommissioning and guaranty/security agreements between the applicant and landowner, municipality, or other entity, including provisions for turbines, foundations, and electrical collection, transmission, and interconnection facilities.

2. Provide the following: the decommissioning cost in current dollars, the method and schedule for updating the cost of decommissioning and restoration, the method of ensuring that funds will be available for decommissioning and restoration, and the method in which the project will be decommissioned and the site restored.

Section 2.31 Local Laws and Regulations (1001.31 Exhibit 31: Local Laws and Ordinances) (pp.186-206)

1. The applicant has not provided a scope of work it plans to undertake or consultations it plans to make in preparation of the application.

2. This section identifies a list of laws and regulations that have been listed as *possibly* being applicable to the construction, operation or maintenance of the proposed facility. The applicant must consult with the municipalities to determine if the list provided is exhaustive and whether the identified sections are applicable to the construction, operation or maintenance of the proposed facility. Staff also recommends that the applicant consult with it in finalizing a scope.

3. The applicant should review 16 NYCRR 1000.2(t) and (u) to differentiate between procedural and substantive local standards. The application will require that the applicant provide a list of those items it believes to be procedural in nature. The PSS identifies some local provisions that it believes are procedural in nature, but it also states that it may later request a waiver of such standards. The applicant should review the list of local laws it considers to be procedural and consult with the municipalities and Staff to address any questions it may have regarding that status.

4. In preparation of the application, the CVWP should review each local provision to determine if any procedural provisions have substantive elements. Those substantive elements must be identified.

5. The revised PSS should clearly identify what CVWP means when asserting that, "the Public Service Law general preemption of local laws" will relieve the applicant of its obligations to comply with a local standard.

6. The PSS does not address the applicant's ability to comply with the identified sections of applicable law but instead focuses on why the Board should elect not to apply identified sections. The rationales provided should be expounded upon and

should include the basis for the waiver as grounded in existing technology, factors of costs or economics, or the needs of consumers.

7. The PSS describes that CVWP will attempt to comply with the local requirements but may seek a determination from the Siting Board that such requirements are unreasonably restrictive. The applicant should consult with the municipalities and Staff to make a determination on its approach prior to filing the application.

8. The applicant should provide rationales for any argument it asserts that a provision of local law seemingly applicable to the project does not apply.

9. The PSS should identify which local laws, both procedural and substantive, are applicable to the interconnection to or use of water, sewer, telecommunications and steam lines in public rights of way or should identify that there are no such facilities planned to be in public rights of way.

10. The application should include a map of the facility with zoning and flood zones overlaid on it.

11. Staff advises that the Town of Lyme reportedly passed a resolution adopting changes to the town zoning law regarding wind energy facilities on April 10, 2013. The analysis provided in the PSS should be revised accordingly to address any substantive changes that may affect the content of the Application.

12. The applicant should identify any use and occupancy permits required by Town(s) or County for facilities crossing or linear occupancy of municipal road rights-of-way.

13. Table 2.31-1 addresses comments raised regarding local laws and regulations. The responses to comments do not always address the concerns raised or how the applicant plans to address those concerns.

Section 2.32 State Laws and Regulations (1001.32 Exhibit 32: State Laws and Regulations) (pp. 206-212)

1. The applicant is encouraged to consult with the agencies to determine whether the list of state laws and regulations applicable to the project is comprehensive.

2. While the PSS indicates that it will be required to obtain permits for construction activity and location of facility access road entrances within New York State (NYS) highway rights-of-way, the document does not report that use and occupancy permits to permanently locate facilities and occupy property within the right-of-way of New York State highways is proposed for several locations within the project layout. Review of the project layout depicted at Exhibit A indicates that there are several proposed crossings and linear occupancy of the right-of-way of NYS Route 12E by electric collection lines (and potentially data communication lines). Staff advises that the applicant should consult further with the New York State Department of Transportation (DOT) to review permitting requirements for use and occupancy of State Highway Right-of-way for the Route 12E corridor.

3. Table 2.32-3 – "State Approvals, Consents, Permits, Certificates, or Other Conditions of a Procedural Nature CVWP anticipates requesting the Siting Board not supplant" (PSS, page 211) lists the New York State Department of State (NYSDOS) Coastal Zone Management Program (CZMP) Federal Consistency Certification. That Certification is considered by NYSDOS pursuant to federal statute, and regulations at 15 CFR Part 930. As such, the Siting Board would have no authority to supplant the determination by NYSDOS even if the applicant requested that it do so.

4. The list of approvals at Table 2.32-3 should be amended to include occupancy permits for facility components installed within NYS DOT rights-of-way, such as electrical collection system wires and conduits. Occupancy permits are for the use of property of the state and involve grants of property rights that the Siting Board cannot issue.

5. The list of approvals at Table 2.32-3 should be amended to include the New York State Office of General Services for use of underwater lands, in the event that the Siting Board requires underground-underwater installation of the proposed electric transmission interconnection line at the Chaumont River.

Section 2.33 Other Applications and Filings (1001.33 Exhibit 33: Other Applications and Filings) (pp.212-215)

1. The listings in Table 2.33-1 should be amended to include consultation with Department of Defense regarding military operations and training flight routes in particular.

2. The entry at Table 2.33-1 for an individual permit pursuant to Section 10 of the Rivers and Harbors Act should be amended to include:

(a) Federal clearance requirements for 115 kV aerial crossing of navigable waters including the Chaumont River are addressed at 33 CFR Section 322.5(i)(2), pursuant to section 10 of the Rivers and Harbors Act of 1899 (33 USC 403); and,

(b) Reference to necessity for permit in the event that the Siting Board requires underground placement of the 115 kV transmission interconnection line at the Chaumont River.

Section 2.34 Electric Interconnection (1001.34 Exhibit 34: Electric Interconnection) (pp. 215-216)

1. Staff advises that as part of the information required by 16 NYCRR Part 1001.34(i) the applicant should provide a single line drawing or 3 line drawing of the collection and interconnection substations (including the interconnecting utility-owned substation) and the interconnection switchyard showing all breakers, current transformers, potential transformers, switches, motor operated switches, lightning arresters, meters, and transformers. Explain the rating of all the components including the voltage, current, short circuit ratings, etc.

2. Staff requests that applicant consult further with interested agencies (e.g., DPS, DANC) regarding preparation of

application details and consideration of co-location of the electric interconnect facilities with other utility infrastructure.

Section 2.35 Electric and Magnetic Fields (1001.35 Exhibit 35: Electric and Magnetic Fields) (pp. 216-219)

1. The applicant should provide a study of both the underground and overhead facilities' electric and magnetic fields and electrostatic fields on the right-of-way, at the edge of the right-of-way, and 1,000 feet from the right-of-way in increments of 5 feet. All supporting work papers and assumptions should be provided.

2. The applicant should include cross-section drawings for each segment including all details outlined in 16 NYCRR 1001.35(b)(1-5).

3. The applicant should include aerial photos/drawings identifying all details outlined in 16 NYCRR 1001.35(c)(1-3).

Section 2.38 Water Interconnection (1001.38 Exhibit 38: Water Interconnection) (pp. 219-220)

1. PSS Section 2.38.1, Page 219, provide results of the hydrology study for the project area, including:

(a) description of methods for minimizing water withdrawal on site during normal, drought, and peak usage conditions; and,

(b) assessment of any known contaminant plumes that may be potentially influenced by well withdrawal on site.

2. PSS Section 2.38.1, Page 219, provide notification procedures for nearby well owners/operators potentially affected by construction activities and/or use of on-site water supply wells and provide contact information for such owners/operators to report any observed impacts to their flow rate or water quality.

3. PSS Section 2.38.1, Page 219, if water will be supplied from an offsite source, identify the source and indicate the method of transport, applicable permitting requirements and onsite storage locations.

4. PSS Section 2.38.2, Page 220, provide water chemistry requirements and water treatment methods for potable water supply wells proposed for use during operation of the facility.

Section 2.39 Wastewater Interconnection (1001.39 Exhibit 39: Wastewater Interconnection) (pp. 220-221)

1. PSS Section 2.39.2, Page 220, identify the offsite disposal location for any wastewater that will be transported offsite.

2. PSS Section 2.39.2, Page 221, provide design details and specifications for the proposed septic system designed specifically for the Operations and Maintenance building, including all discharge pretreatment methods.

3. Identify specific design or code requirements and permitting requirements of local jurisdictions for siting and installation of septic systems. Include site plan information showing proposed location in relation to property lines, any on-site water wells to be installed, soils types and wetlands locations.

Section 2.40 Telecommunications Interconnection (1001.40 Exhibit 40: Telecommunications Interconnection) (pp.222-?)

1. Staff advises that as part of this exhibit the applicant should provide a detailed description of the design capabilities and criteria for system communications with NMPC and NYISO. The applicant should address what types of normal phone communication and emergency communications it proposes during facility testing, commissioning and operation.

2. Provide maps and descriptions of the equipment to be owned by or leased from others by the applicant including any fiber-optic, micro-wave or any other communications medium to be used for project system communications.

3. The applicant must be sure to provide a description of negotiations/agreements with companies providing communications interconnection, including restrictions, conditions, installation, ownership, operation and maintenance, etc. as identified in 16 NYCRR 1001.40.

Exhibit C – Public Involvement Program (PIP), Monthly Tracking Report (C1-C16)

1. As noted in Section 2.2.3, the applicant should include an updated stakeholder list since the monthly tracking identifies agencies/municipalities that have been contacted but were not previously identified as stakeholders (e.g. Frontenac Islands, Jefferson Co Farm Bureau, Onondaga Nation).

2. There is little connection between the comments noted in Tables 2.2-1 and 2.2-2 and the monthly tracking report. For example, the comments received at various stakeholder consultations are listed in the tracking but not in the tables. The same is true for the November 10, 2012 open house – it is listed in Exhibit C but not the tables. There should be some consistency between the two items or some rationale given as to why certain items appear on a given list (e.g. tables only include specific comments provided in writing).

3. The tracking report contains information for activities through March 21, 2013. Staff finds no public involvement activity/consultation in Exhibit C for the following stakeholders: Jefferson County; Development Authority of the North Country; several federal agencies including: Department of Defense Clearinghouse for Energy Development, Federal Aviation Administration, and NOAA; National Grid and NYISO, and state agencies such as NYS Attorney General's Office, NYSOGS, NYS Division of Homeland Security and Emergency Services, and Empire State Development. All consultations and public involvement activities with all affected stakeholders should be clearly stated in the PSS – either in the tracking section if it has already occurred or in the section describing outreach plans for upcoming project phases.

Other

Public Notice Filing

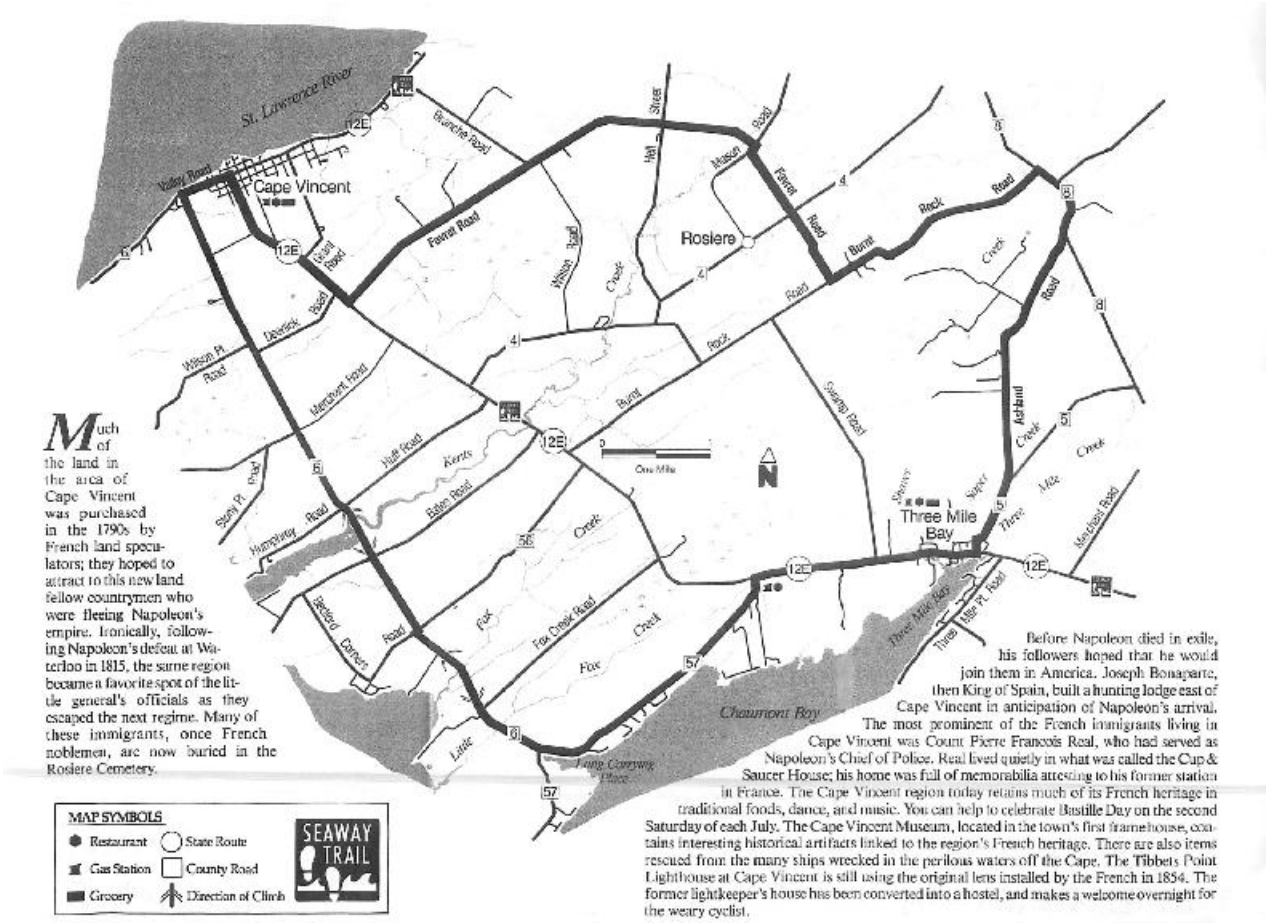
1. Staff found that Company provided proof of publication of required notice in the Water Daily Times, a newspaper of general circulation in the project area. However, 16 NYCRR 1000.5(d) requires a notice to be placed in local community newspaper such as the Thousand Islands Sun as well. The PIP identified local media outlets and the applicant has used them for other activities in the past. The applicant should use those media outlets it has identified.

2. The PIP indicated that the applicant would notify all stakeholders of significant project milestones such as the filing of a PSS. The PIP states that the applicant will notify stakeholders through list serves, letters, media outlets (e.g. Fox News Watertown and North Country Public Radio and public notices in the Watertown Daily Times, the Thousand Island Sun, Fox News Online Event Calendar and YNN News Online Event calendar). The applicant should provide a description of how it provided notice using those media sources to stakeholders.

All tables under the "Other Issues Raised by the Public"

1. Formatting of the tables regarding public comments must be reworked – it is unclear how and where particular comments were received and whether the Company's response dates back to the receipt of the comment or is part of the PSS. In addition, in many cases, the Company response does not address the issue and provides little to no insight as to how the Company will address it in the future.

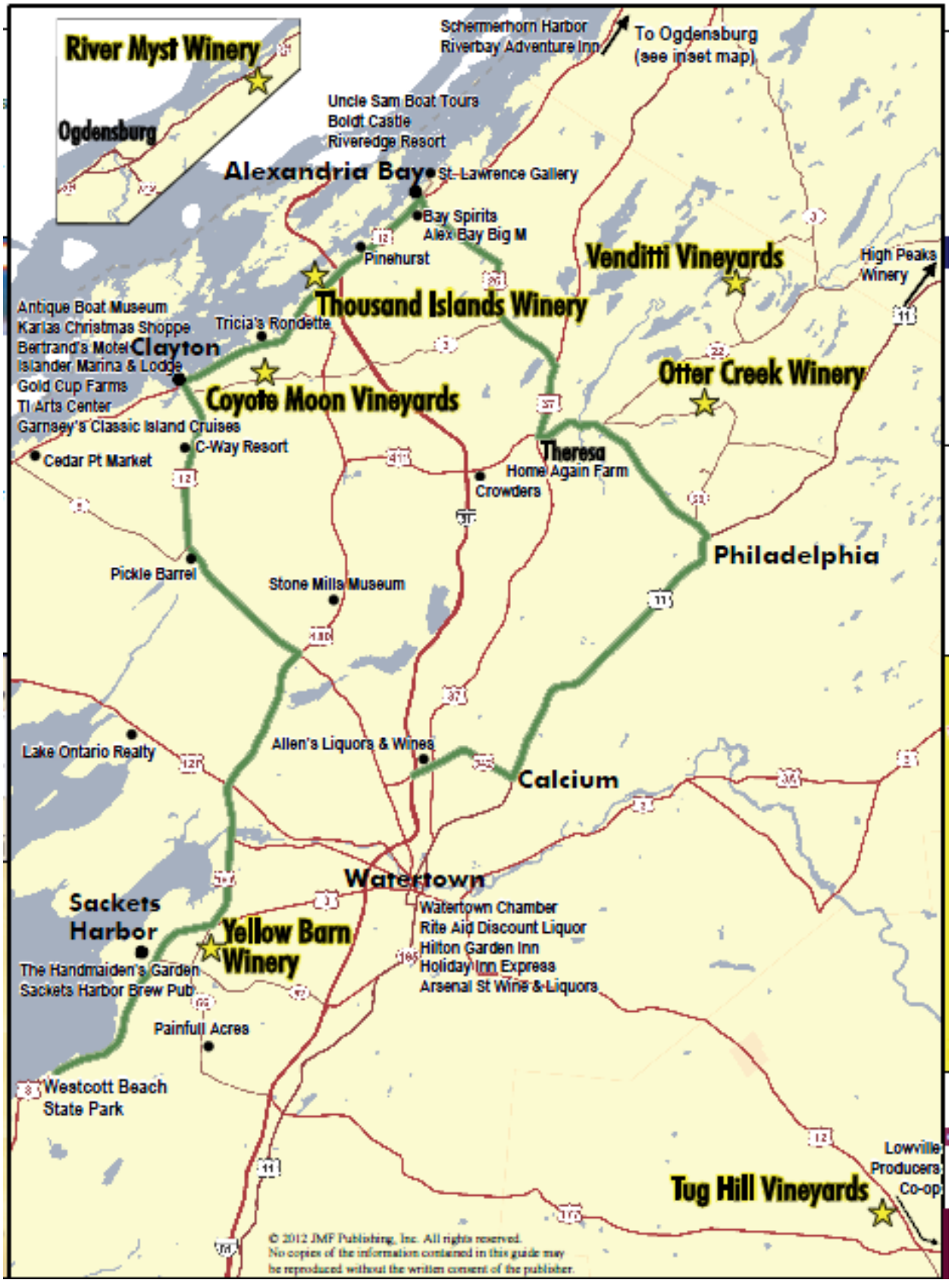
Map# 1: Seaway Trail-Cape Vincent Bicycle Loop



Much of the land in the area of Cape Vincent was purchased in the 1790s by French land speculators; they hoped to attract to this new land fellow countrymen who were fleeing Napoleon's empire. Ironically, following Napoleon's defeat at Waterloo in 1815, the same region became a favorite spot of the little general's officials as they escaped the next regime. Many of these immigrants, once French noblemen, are now buried in the Rosiere Cemetery.

Before Napoleon died in exile, his followers hoped that he would join them in America. Joseph Bonaparte, then King of Spain, built a hunting lodge east of Cape Vincent in anticipation of Napoleon's arrival. The most prominent of the French immigrants living in Cape Vincent was Count Pierre Francois Real, who had served as Napoleon's Chief of Police. Real lived quietly in what was called the Cup & Saucer House; his home was full of memorabilia attesting to his former station in France. The Cape Vincent region today retains much of its French heritage in traditional foods, dance, and music. You can help to celebrate Bastille Day on the second Saturday of each July. The Cape Vincent Museum, located in the town's first frame house, contains interesting historical artifacts linked to the region's French heritage. There are also items rescued from the many ships wrecked in the perilous waters off the Cape. The Tibbets Point Lighthouse at Cape Vincent is still using the original lens installed by the French in 1854. The former lightkeeper's house has been converted into a hostel, and makes a welcome overnight for the weary cyclist.

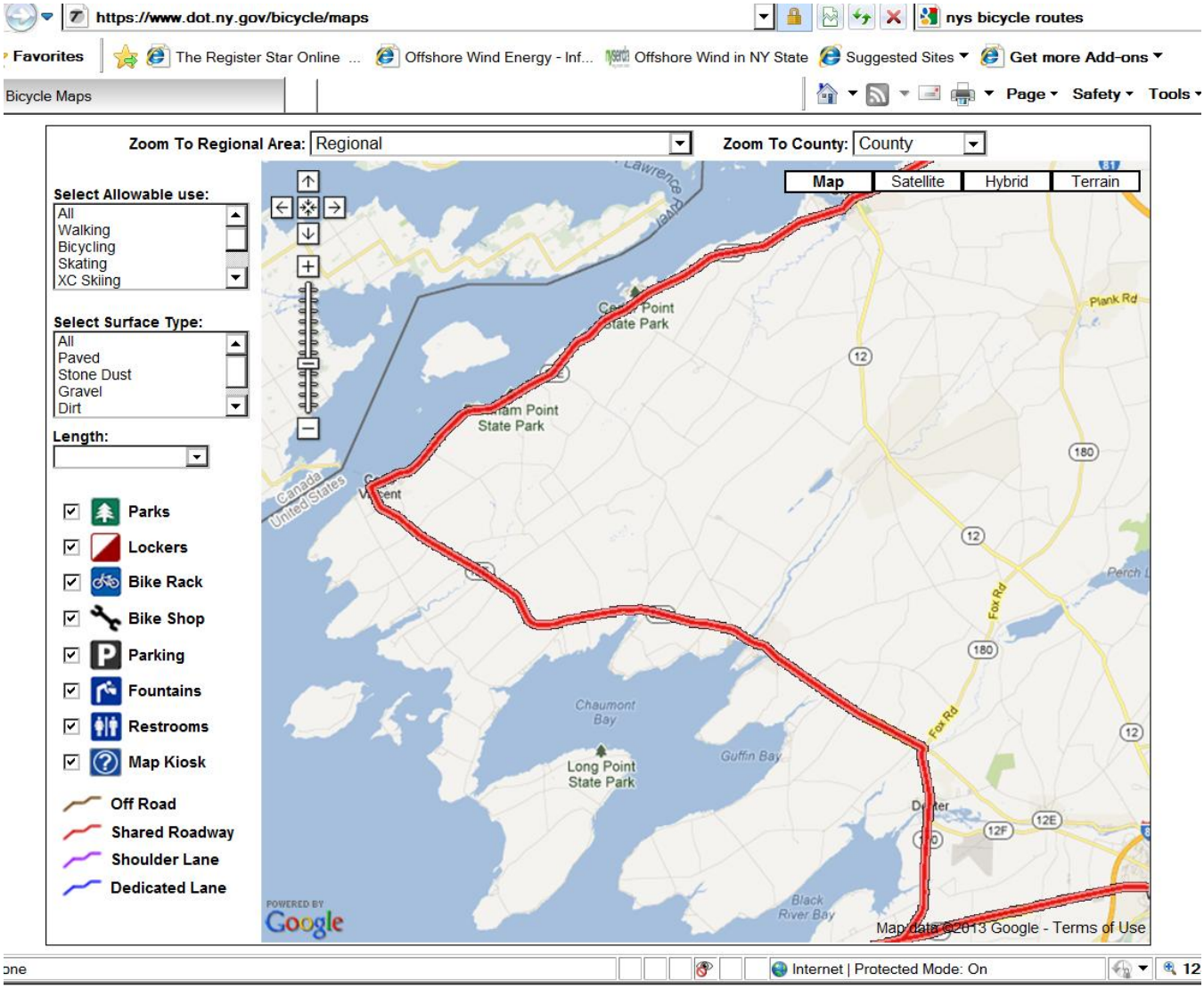
Map #2: Thousand Islands – St. Lawrence Wine Trail Map



Map #3: Statewide Trails Plan, Figure 1 – Greenway Trails Network; OPRHP, 2010

Map #4: Excerpt from "2012 New York State Snowmobile Trail System; NYS OPRHP

Map #5: DOT Shared Roadway Bicycle Route - NYS Route 12E, Towns of Lyme, Cape Vincent & Clayton in Project Study Area



Map #6: Ashland Flats WMA, DANC Hiking and Ashland X-C Ski Trails, Town of Cape Vincent and Town of Lyme, Jefferson County.