



## Agriculture and Markets

ANDREW M. CUOMO  
Governor

RICHARD A. BALL  
Commissioner

June 15, 2017

### Via E-Mail

Hon. Kathleen H. Burgess, Secretary  
New York State Board on Electric Generation Siting and the Environment  
Three Empire Plaza  
Albany, NY 12223-1350

Jenny L. Briot  
Two Radnor Corp. Center  
Suite 200  
00 Mastsonford Road  
Radnor, PA 19087

Re: CASE 16-F-0267 - Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 For Construction of the Deer River Wind Energy Project in Lewis and Jefferson Counties.

Dear Secretary Burgess and Ms. Briot:

Outlined below please find New York State Department of Agriculture and Markets' comments on the Applicant's Preliminary Scoping Statement.

- Under Section 2.4.8 in the third paragraph regarding agriculture lands, it states “[t]he Applicant will consult with NYSDAM personnel and, to **the extent practicable**, will comply with Guidelines for Agricultural Mitigation for Wind Power Projects (NYSDAM 2013).”(emphasis added) The Applicant needs to specify which provisions they do not propose to comply with and provide an explanation as to why they do not propose to comply.
- Under section 2.5.9.1, the first paragraph on page 25 states “[e]vents involving the replacement of a major component such as a gearbox or rotor are not typical. If they do occur, the use of large equipment, sometimes as large as that used to install the turbines, may be required.” Please be advised that the Department has witnessed on a number of

occasions, the replacement of larger components, such as blades, on wind energy projects. This activity has often resulted in damage to the agricultural resources. The applicant needs to explain how agricultural resources will be protected in the event that the replacement of major components is necessary.

- Under Section 2.22.17 Agricultural Impacts, the last sentence in the first paragraph of the section states “[f]or mitigation, the NYSDAM guidelines will **generally** be followed.” (emphasis added) The Applicant needs to specify which provisions they do not propose to comply with and provide a detailed explanation as to why they do not proposed to comply.
- Under Section 2.29.2 Decommissioning and Restoration Plan, Paragraph d under the Decommissioning sub-section states “[f]oundations and buried Project components, other than buried collection lines, must be removed to a depth of 36 inches.” Please be advised that all foundations should be removed to a depth of 48 inches below the soil surface in agricultural areas.

Sincerely,



Tara B. Wells  
Senior Attorney